

ORDINANCE NO. 8

An Ordinance entitled "AN ORDINANCE PROVIDING FOR THE PUNISHMENT AND ABATEMENT OF NUISANCES IN THE CITY OF PORTAGE DES SIOUX AND DEFINING NUISANCES" was, upon motion, duly seconded, read for the third time. It was thereupon moved and seconded that said Ordinance shall be offered for final passage and thereupon said Ordinance was duly passed, receiving the unanimous vote of all Aldermen who voted in favor of the passage of said Ordinance, the said Ordinance being set forth in words and figures, as set forth herein, to-wit:

AN ORDINANCE PROVIDING FOR THE PUNISHMENT AND
ABATEMENT OF NUISANCES IN THE CITY OF PORTAGE
DES SIOUX AND DEFINING NUISANCES.

Be it ordained by the Board of Aldermen of the City of Portage des Sioux, St. Charles County, State of Missouri, as follows:

ORDINANCE NO. 8

SECTION I

Nuisances prohibited. No person shall cause or maintain any nuisance, as defined by the laws of this State or Ordinances of the City of Portage des Sioux, or cause or maintain any such nuisance within the City of Portage des Sioux.

SECTION II

Acts, etc. Any act done or committed or suffered to be done or committed by any person, or any substance or things kept, maintained, placed or found in or upon any public or private place within this City which is injurious or dangerous to the public health, is hereby declared a nuisance.

SECTION III.

Business, etc. nuisance, when. The carrying on of a business in this City which may be dangerous or detrimental to

the public health, or the manufacturing or vending of articles obnoxious to the health of the inhabitants of said City is hereby declared a nuisance.

SECTION IV.

Buildings, etc. Any building of whatever character, kept or maintained, or which is permitted by any person owning or having control of the same to be kept or maintained in a condition unsafe, dangerous, unhealthy or injurious to the public within this City is hereby declared a nuisance.

SECTION V.

Slaughter house. Any slaughter house in this City, permitted by the person owning or having charge of the same, to be in such condition as to become offensive, annoying or injurious to the public health is hereby declared to be a nuisance.

SECTION VI.

Stock yards, nuisance, when. All stock yards, sheep and cow pens, sheds or other places used for keeping any cattle, horses, sheep or other animals within this City which shall be kept in such an unclean condition as to become injurious to the health of those residing in the vicinity thereof which shall be kept in such a manner as to be annoying or offensive to those residing in the vicinity thereof, are hereby declared a nuisance.

SECTION VII.

Privies, cesspools, etc. Every privy, privy vault, cesspool watercloset or any other receptacle whatever, of or containing human excrement within the limit of this City which is in an overflowing, full, insecure or defective condition, or which emits an offensive, noxious, unhealthful odor to the neighborhood where the same may exist, is hereby declared a nuisance.

SECTION VIII.

Animal and vegetable matter thrown on street. Any animal vegetable matter, or other substance whatever which is or may become putrid, offensive or unhealthy to the public, thrown into or upon any street, alley, sidewalk or other public place, or upon any private property within this City, is hereby declared a nuisance.

SECTION IX.

Filth and unclean water thrown on street or private premises. Any filth, garbage, foul or unclean water, from any kitchen, house, tenement or other place, within this City, conducted, cast thrown, or suffered to escape into or upon any sidewalk, street, alley or other public place, or upon private property of another, is hereby declared a nuisance.

SECTION X.

No filth, garbage, ashes, or unclean water to be thrown on streets, etc. No person shall conduct, cast, throw or permit or suffer to escape, any filth, garbage, ashes, foul, nauseous, or unclean water, liquid or substance, from any kitchen, house, tenement or other place or premises, into or upon any street, sidewalk, alley or other public place, or upon private property of another.

SECTION XI.

Cattle, cows and other animals, and fowls not to be kept in unclean pens. No person shall confine or keep within this City any cattle, sheep, cow, horse, mule or any other dumb animal or any fowl, in any unclean or filthy pen, shed or other enclosure so as to be a nuisance.

SECTION XII.

No person shall deposit any filthy substance on any ground

in this City or permit the same to exist upon his premises. No person shall deposit or cause to be deposited any dead animal or excrement or filth from privies or any nuisance whatever, upon any ground in this City, nor shall any person permit any such nuisance of any kind to be or exist upon the premises occupied by him or them.

SECTION XIII

The owner of dead animal to have the carcass removed; when where. Every owner or possessor of a dumb animal which may die within the City, whether upon his own premises or the premises of another, shall within twenty hours after the death of said animal cause the carcass of said animal to be removed beyond the limits of the City.

SECTION XIV.

Cellars, Stagnant water, etc. Any cellar, vault, private drain, pool, sewer or sink, suffered or permitted to become nauseous, foul, offensive, or injurious or detrimental to the public health, and any stagnant water, animal or vegetable matter or other substance liable to become putrid, offensive and unhealthy, suffered or permitted to exist in or upon any lot, house, building, or enclosure within this City, is hereby declared a nuisance.

SECTION XV.

City Marshal to give notice, when. It shall be the duty of the City Marshal, whenever he is notified by the Board of Aldermen, or otherwise has knowledge, or where he is informed, of the existence of any nuisance prohibited by the Ordinances of the City, forthwith to give written notice to the person or persons causing or maintaining such nuisance to abate the same within a reasonable time to be in such notice specified. A copy of such

notice shall be kept by the officer serving the same, who shall make his written return thereon, stating how, when, on whom, and where he served the same and subscribe his name thereto. Such notice may be served by delivering the same to the person or persons to be notified, or a copy thereof left at the usual place of abode of such person with a member of his family over the age of fifteen years, provided no such notice shall be required to be given in the case of any of the nuisances mentioned or referred to in Section XXII of this Ordinance.

SECTION XVI.

Penalty for causing or maintaining nuisance. Every person or every officer or agent, or employee of any corporation, who shall, within this City, cause or maintain any nuisance, as in this chapter, or any other Ordinance of this City defined, and who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice of the City Marshal to abate or remove the same, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00), and every day such nuisance is maintained after such notice, shall constitute a separate and distinct offense, punishable by a like fine.

SECTION XVII.

Removing Nuisances. The City may through any of its officers, prevent, abate, and remove any nuisance on public or private property in a summary manner, at the cost of the occupant or owner of the premises where the nuisance or cause thereof may be, provided that the same was caused by the occupant or owner of the premises or his or their agent, and all costs and expenses

incurred by the City in removing or abating any nuisance or any private property within the City limits may be assessed against the occupant or owner, if caused by them or either of them or their agent, and the same shall be assessed as a special tax bill against such private property in same manner and with the same effect that special tax bills are for paving streets, and shall be a lien against such property; or the cost of removing or abating such nuisance may be made a part of the judgment by the Police Judge, in addition to the fine imposed, in case of conviction in the Police Judge's court of the person causing or maintaining any such nuisance in the City or within one mile thereof

SECTION XVIII.

Order of Police Judge to abate nuisance. If upon trial and conviction for causing or maintaining any nuisance defined and prohibited by the Ordinances of this City, it shall appear that the nuisance complained of continues to exist, the Police Judge may, in addition to the penalty imposed for causing or maintaining such nuisance, make an order directing the Marshal to abate the nuisance forthwith and report the expense thereof to the Police Judge, who may make the same a part of the judgment in addition to the fine imposed, the same to be collected as other fines and penalties.

SECTION XIX.

Marshal or any citizen to make complaint against anyone violating this Ordinance. It shall be the duty of the Marshal to make complaint before the Police Judge against all persons who shall refuse or neglect to remove or abate a nuisance after service of the notice as required in this chapter and any person interested in the removal or abatement of any nuisance, may also

in like manner make complaint before the Police Judge, and in either case, it shall be the duty of the Police Judge to issue his warrant for such owner or occupant or agent in charge and proceed in all respects as in other cases of the violation of any City Ordinances.

SECTION XX.

Certain nuisances, abated, how, by whom and at whose expense. Should any nuisance, as defined by the Ordinances of this City, exist, the abatement or removal of which is not prescribed or provided for in the preceding sections of this Ordinance pertaining to the abatement or removal of nuisances, the same shall be forthwith abated by the Marshal at the expense of the City.

SECTION XXI.

Penalty. Whoever shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, unless punishment is herein otherwise prescribed shall be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00)

SECTION XXII.

Duty of Marshal and Police to make complaint; others may make complaint of violations of certain Sections. It shall be the duty of the Marshal to make complaint before the Police Judge of any violations of Sections X, XI, XII, and XIII, and any citizen may likewise make complaint and the Police Judge shall thereupon issue his warrant against the accused and the case shall be tried as other cases before the Police Judge, and it shall not be necessary in any such case for the Marshal or other person making the complaint to give notice to the person violating any

of said Sections before making the complaint.

SECTION XXIII.

All Ordinances or parts of Ordinances in conflict with this Ordinance, insofar as they are in conflict with this Ordinance, are hereby repealed.

SECTION XXIV.

This Ordinance shall take effect and be in force from and after its passage and approval.

Enacted Nov. 7, 1955.

MAYOR

ATTEST:

CLERK

ALDERMEN