

Chapter 215

NUISANCES

Cross References — As to dangerous buildings as a nuisance, ch. 505; as to prostitution houses deemed a nuisance, §210.465.

ARTICLE I Generally

Section 215.010. Nuisances Affecting Health.

- A. The following are declared to be nuisances affecting health:
1. All decayed or unwholesome food offered for sale to the public or offered to the public at no charge.
 2. All diseased animals running at large.
 3. All ponds or pools of stagnant water.
 4. Carcasses of dead animals not buried or destroyed within twenty-four (24) hours after death.
 5. Accumulations, wheresoever they may occur, of manure, rubbish, garbage, refuse and human and industrial, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
 6. Garbage cans which are not fly-tight, that is, garbage cans which do not prevent the entry of flies, insects and rodents.
 7. The pollution of any well, cistern, spring, underground water, stream, lake, canal or body of water by sewage or industrial wastes, or other substances harmful to human beings.
 8. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities, or the presence of any gas, vapor, fume, smoke, dust or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant or to any other person.
 9. Common drinking cups, roller towels, combs, brushes or eating utensils in public or semi-public places where not properly sanitized after use.
 10. Any vehicle used for septic tank cleaning which does not meet the requirements of this Chapter of the Code of Ordinances of the City of Puxico.
 11. Any vehicle used for garbage or rubbish disposal which is not equipped with a

water-tight metal body and provided with a tight metal cover or covers and so constructed as to prevent any of the contents from leaking, spilling, falling or blowing out of such vehicle at any time, except while being loaded, or not completely secured and covered so as to prevent offensive odors from escaping therefrom or exposing any part of the contents at any time.

12. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae.
 13. The keeping of animals and fowls in any area within the City not zoned for agricultural uses except pet cats and dogs, animals in public or licensed zoos, and farm animals in laboratories.
 14. Unlicensed dumps and licensed dumps not operated or maintained in compliance with the ordinances of the City of Puxico and the Statutes of the State of Missouri.
 15. No person shall discharge or cause to be discharged into a storm water system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfere with the proper operation of the system or which will pollute the natural creeks or waterways.
 16. All other acts, practices, conduct, business, occupation callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the City of Puxico.
- B. *Unlawful To Cause, Maintain Within City Or One-Half Mile Thereof.* It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied lot or land or any part thereof in the City of Puxico or within one-half (½) mile of the corporate limits of the City of Puxico, Missouri, to cause, permit or maintain a nuisance on any such lot or land. Additionally, it is unlawful for any person or his/her agent, servant, representative or employee to cause or maintain a nuisance on the land or property of another with or without permission. Each day that a nuisance shall be maintained is a separate offense.
- C. *Abatement Generally.*
1. *Abatement of nuisance — Abatement Officer.* Whenever the Abatement Officer for the City shall ascertain or have knowledge that a nuisance exists on any premises in the City, he/she shall, by written notice, notify the persons occupying or having possession of said premises to abate or remove such nuisance within the time to be specified in such notice, not less than fifteen (15) days. Failure to abate such nuisance within the time specified within the notice or failure to pursue the removal or abatement of such nuisance without unnecessary delay shall be deemed an ordinance violation.
 2. *Notice.* The Abatement Officer shall determine all individuals, firms or corporations who, from the records in the Recorder of Deeds office, appear to be the titled owners of the aforesaid property and immediately cause a written notice to be served on each

such individual, firm or corporation by one (1) of the following methods:

- a. The delivery of a true copy of the notice to the person(s) intended to be notified, or the leaving of a copy at his/her usual place of abode with some member of his or her family over the age of fifteen (15) years.
 - b. Mailing a copy to such person at such place or address by United States certified mail return receipt.
 - c. If service of such written notice is unable to be perfected by any of the methods described above, the Abatement Officer shall direct the City Clerk to cause a copy of the aforesaid notice to be published in a newspaper of general circulation in the County where the City is located, once a week for two (2) consecutive weeks and shall further cause a copy of the aforesaid notice to be left with the individual, if any, in possession of such property on which it is alleged such public nuisance exists, or if there is no individual in possession thereof, the Abatement Officer shall cause a copy of the notice to be posted at such structure, location or premises. The Abatement Officer may also determine from the Recorder of Deeds' office who the lienholder of the property, if any, as documented therein, is and cause a written notice to be served on such lienholder by United States mail return receipt.
 - d. The aforesaid notice to the owners and lienholder, if any, of the property shall state clearly and concisely:
 - (1) The street address or legal description of the property;
 - (2) A description of the condition or conditions alleged to constitute a public nuisance.
3. *Summary abatement.* Whenever it becomes necessary to abate a nuisance immediately in order to secure the general health, welfare or safety of the City or any of its inhabitants, the City is authorized to abate such nuisance without notice and may use any suitable means or assistance for that purpose, whether by employees of the City or laborers especially employed for that purpose or any other help or assistance necessary therefor.
4. *Municipal Court may order abatement — cost of abatement by the City, how paid.* If, upon a trial for the failure to abate such nuisance within the time specified within the notice or failure to pursue the removal or abatement of such nuisance without unnecessary delay, the judge of the Municipal Court shall find that a violation exists and that the defendant has had proper notice as provided in this Section and that the defendant has failed to abate the nuisance, the judge of the Municipal Court shall, in addition to the penalty for violating this Section, make an order directing the Abatement Officer to abate such nuisance forthwith and immediately report the expenses thereof to the City Clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the City Collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax

bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

5. *Right of entry.* Any person or contractor employed by or under contract with the City for the abatement of a nuisance and any agent or employee of such contractor shall have the right of entry for that purpose into and upon any premises and it shall be unlawful to interfere with any Police Officer, Abatement Officer or any officer, agent or employee of the City or with any representative of the City engaged in the abatement of any nuisance pursuant to an order of the Municipal Judge or any summary abatement as described above.
6. *Remand and hearing.* In case the Municipal Judge shall determine that abatement of any alleged nuisance is not immediately necessary for the protection of the health of the inhabitants of the City, he/she may instead of entering a finding remand the matter to the Board of Aldermen and the City shall hold a hearing before declaring the same to be a nuisance and ordering its abatement. At least fifteen (15) days' notice of such hearing shall be given to the owner or occupant of the premises upon which such alleged nuisance exists or to his/her agent or to the person causing or maintaining such alleged nuisance, which notice shall state the time and place of such hearing. All interested parties may appear at such hearing either in person or by attorney and present evidence concerning the matters at issue. If, upon such hearing, the Board of Aldermen finds that a nuisance exists, it shall order the owner, occupant or agent of such property, or the person causing or maintaining such nuisance, to abate the same and if the same be not abated within the time prescribed by the City Board of Aldermen in such order, the matter may again be presented for prosecution before the Municipal Court for determination.
7. *Court suit authorized.* Nothing in this Section shall be construed as abandoning or limiting the City's right to bring suit for all expenses attending the abatement of a nuisance, when performed by the City, in any court of competent jurisdiction in the name of the City against the person maintaining, keeping, creating or refusing to abate the nuisance so abated.

ARTICLE II

Weeds, High Grass or Other Vegetation

Section 215.020. Debris on Property — Effect of Failure to Remove Nuisance — Penalties.

- A. Any lot or land shall be a public nuisance if it has the presence of debris of any kind, including, but not limited to, weed cuttings, cut and fallen trees and shrubs, overgrown vegetation and noxious weeds which are seven (7) inches or more in height, rubbish and trash, lumber that is not piled or is stacked twelve (12) inches off the ground, rocks or bricks, tin, steel, derelict vehicles, parts of derelict cars or trucks, appliances, such as refrigerators, stoves, and hot water heaters, broken furniture, any flammable material which may endanger public safety or any material which is unhealthy or unsafe and declared to be a public nuisance. [Ord. No. 14-05, 7-17-2014]

- B. When a public nuisance as described above exists, the Mayor shall so declare and give written notice to the owner of the property by personal service, certified mail, if otherwise unsuccessful, by publication. Such notice shall, at a minimum:
1. Declare that a public nuisance exists;
 2. Describe the condition which constitute such nuisance;
 3. Order the removal or abatement of such condition within seven (7) days from the date of service of such notice;
 4. Inform the owner that he or she may file a written request for a hearing before the Mayor on the question of whether a nuisance exists upon such property; and
 5. State that if the owner fails to begin removing the nuisance within time allowed, or upon failure to pursue the removal of such nuisance without unnecessary delay, the Mayor shall cause the condition which constitutes the nuisance to be removed or abated and that the cost of such removal or abatement may be included in a special tax bill or added to the annual real estate tax bill for the property and collected in the same manner and procedure for collecting real estate taxes.
- C. If the owner of such property fails to begin removing the nuisance within the time allowed, or upon failure to pursue the removal of such nuisance without unnecessary delay, the Mayor shall cause the condition which constitutes the nuisance to be removed. If the Mayor causes such condition to be removed or abated, the cost of such removal shall be certified to the City Clerk who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the City Collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

ARTICLE III Noise

Section 215.030. Noise — Prohibited if Unreasonably Loud, Disturbing or Unnecessary. [R.O. 2011 §215.025; CC 1979 §74.140]

The creating of any unreasonably loud, disturbing and unnecessary noise within the City is hereby prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is prohibited.

Section 215.040. Noise — Enumeration of Prohibited Noises. [R.O. 2011 §215.060; CC 1979 §74.150]

- A. The following acts, among others, are declared to be loud, disturbing and unnecessary noises and constitute violations of the preceding Section, but this enumeration shall not be deemed to be exclusive:

1. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle for a prolonged, unnecessary and unreasonable period of time.
2. The playing of any radio, phonograph, jukebox, musical instrument or any sound reproduction device in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling, hotel or other type of residence of any persons in the vicinity.
3. Yelling, shouting, hooting, whistling or singing on the public streets at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity, both in residential and commercial districts.
4. The keeping of any animal, bird or fowl which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity.
5. The use of any automobile, motorcycle, or other vehicle so out of repair, or so loaded in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
6. The unreasonable and unnecessary and prolonged blowing of any steam whistle.
7. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
8. The erection (including excavation), demolition, alteration or repair of any building in any residential district and the excavation of streets and highways in any residential district other than between the hours of 6:00 A.M. and 10:00 P.M. on weekdays except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed thirty (30) days.
9. The creation of any excessive noise within one thousand (1,000) feet of any school, institution of learning, church, or court while the same are in session, which unreasonably interferes with the workings or sessions thereof, or the creation of excessive noise within one thousand (1,000) feet of any hospital, sanitarium, nursing or convalescent facility.
10. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
11. The use of any musical instrument, loud-speaker or other noise-making device for the purpose of attracting attention to any performance, show or sale or display of merchandise or for any other purpose between the hours of 9:00 P.M. and 8:00 A.M.
12. The use of loud-speakers or amplifiers on either moving or standing vehicles for advertising, singing or public speaking, or other purposes.

Section 215.050. Noise — Exceptions. [R.O. 2011 §215.070; CC 1979 §74.160]

A. There shall be excepted from the terms of Sections 215.030 and 215.040 and the

prohibitions therein contained shall not apply to or be enforced against:

1. Any ambulance, any officer of the law while engaged in necessary public business or any vehicle of the City while engaged in necessary public business.
2. Sounds created by fire alarms and other safety and protective devices where noise suppression would defeat the safety intent of the device.
3. Sounds created by emergency equipment and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community.
4. Excavations or repairs of bridges, streets or highways by or on behalf of the City, the County or the State during the nighttime when the public welfare and inconvenience renders it impracticable to perform such work during the day.
5. The reasonable use of amplifiers in the course of public addresses which are non-commercial in character.

Section 215.060. Noise — Playing Musical Instruments at Night. [R.O. 2011 §215.080; CC 1979 §74.170]

No person shall play or cause to be played any musical instrument or device producing musical sound between the hours of 12:01 A.M. and 6:00 A.M.; provided that this Section shall not apply to musical instruments being played in churches or as part of regular church entertainment, social entertainment in private homes, entertainments in public buildings where an admission fee is charged therefore or in any enclosed structure located at a greater distance than two hundred (200) feet from any dwelling, hotel, hospital, nursing home or sanitarium.