

An Ordinance Regulating Nuisances

Be it ordained by the Board of Trustees of the Village of Coney Island, as follows:

Section 1. Nuisances prohibited.

No person shall cause, maintain or permit on public property or on premises owned or controlled by such a person a nuisance as defined by the laws of this state or this ordinance. For purposes of this section, a person shall include individuals, private corporations, firms, partnerships, associations, personal representatives, trustees, receivers, or other representative appointed according to law.

Section 2. Illustrative enumeration of nuisances.

The following things are hereby declared to be nuisances; provided that such listing shall not be deemed exclusive.

- a. All substances or things which cause an odor disagreeable to the surrounding neighborhood.
- b. Ashes, slop, filth, excrement, stones, straw, soot, rubbish, manure, offal, stagnant water, decaying animal matter, decaying fruit or vegetable matter, wrecks or parts of worn-out vehicles or machinery, scrap iron or other metals, cans, bottles, broken glass, discarded wearing apparel, dead animals or any other offensive or disagreeable substances or thing, dilapidated buildings or building materials which may be offensive to the sight or smell or a menace to health, safety, peace or comfort, or which may be or become harborers or breeding places for mosquitoes, ants, flies, rats, mice or other vermin, animals or insects, or which may provide shelter, food or protection for rodents, whether left or deposited upon private premises or vacant lots or upon any public property.
- c. All mud, dirt, rocks or debris from construction sites, fields or pastures which fall on village streets from the loads, tires or bodies of vehicles driven from said sites onto village streets.
- d. Any motor vehicle, operable or not, parked off street for more than 24 hours in any front yard that is not on a driveway or other paved or rocked parking surface.
- e. Weeds, brush and other rank vegetation in excess of eighteen (18) inches in height, exclusive of ornamental shrubs or flowers, vegetable crops, fruit trees, berry bushes, grape vines, cover crops, domestic grains or other cultivated crops.
- f. Maintenance of animals or fowl which create an offensive odor to the neighborhood or noise which disturbs the neighborhood.

Section 3. Notice to abate or remove nuisance.

Whenever the Town Marshall shall have knowledge or ascertain that a nuisance exists in the village, he shall notify the person causing, maintaining or permitting the nuisance to abate or remove the nuisance within seven (7) days after delivery or posting of the notice. The notice shall be in writing and may be given by (1) personal delivery to the owner or person in possession or control of the property, (2) depositing in the US Postal System, postage prepaid, to the owner of person in possession or control of the property, or (3) by posting on the property.

Section 4. Extension of time for removal or abatement.

Upon written request to the Town Marshall stating adequate reason for additional time to abate or remove the nuisance, the Town Marshall may grant an additional seven (7) days for removal or abatement.

Section 5. Summons may be issued for failure to remove or abate the nuisance.

The Town Marshall may issue a summons to the Circuit Court of Stone County, small claims court, or any other appropriate legal venue, if the nuisance is not abated or removed within the specified time after notice. Each day from the time specified in the notice or extension thereof that the person shall fail to abate or remove the nuisance shall constitute a separate offense.

Section 6. Procedure for abatement or removal by village.

If the nuisance is not abated or removed within the specified time after notice, the village may proceed to abate the nuisance in accordance with the following procedure:

a. The Chairman of the Village Board of Trustees shall appoint a hearing officer will give notice by certified mail of a hearing to determine if a nuisance continues to exist. Hearing date shall be not less than five business days from the date of the notice mailing.

b. If upon hearing the hearing officer determines that a violation exists, proper notice was given, and there has been a failure to abate the nuisance, the hearing officer shall make an order directing the Town Marshall to have the nuisance abated or removed.

c. All of the cost of such abatement, including but no limited to costs of notices, inspections and abatement proceedings, shall be reported to the hearing officer who shall certify the amount there to the Village Clerk. The person causing, maintaining or permitting the nuisance shall be personally liable to the village for the cost of such abatement and there shall also be from the time of such certification a lien upon the land where such nuisance was abated, the same to run with the land for the full cost to the village for such abatement and in favor of the village, upon which the village may take appropriate action in accordance the law.

d. The decision of the hearing officer that a nuisance exists and is to be abated may me appealed pursuant to the provisions of Chapter 536, Revised Statutes of Missouri, by any person aggrieved, provided such appeal is filed within thirty (30) days after the hearing officer notifies the person of his or her decision by one of the methods provided in Section 3. of this Ordinance.

This ordinance shall be in full force and effect from and after the 27th day of May, 1995.

ATTEST:


CHAIRMAN


VILLAGE CLERK