

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF GLADSTONE, MISSOURI, REGARDING THE ABATEMENT OF NUISANCES.

WHEREAS, Section 67.398 of the Revised Statutes of Missouri authorizes the City Council to adopt an ordinance to provide for the abatement of a condition of any lot or land that has the presence of a nuisance; and

WHEREAS, the City currently regulates the abatement of nuisances through a myriad of regulatory systems and various sections of the Gladstone Code of Ordinances; and

WHEREAS, the City desires to simplify and streamline the process regarding the abatement of nuisances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI AS FOLLOWS:

Section 1. That Section 9.1000.000 of the Code of Ordinances of the City of Gladstone, Missouri, is hereby enacted to read as follows:

Sec 9.1000.000. – Public nuisance; purpose; definition

- (a) Any person who shall create, commit, permit, or continue a nuisance of any kind, nature or description in, upon or about any private property in the city, which does or could endanger life or limb, damage or depreciate the value of property, real or personal, or annoy or disturb the owners of property in or about the area where such nuisance exists, shall be deemed guilty of a misdemeanor.
- (b) Secs 9.1000.000 through 9.1000.030 are meant to be regulations applicable to the abatement of nuisances defined in subsection (c) of this section. If the terms of Secs. 9.1000.000 through 9.1000.030 conflict with any other provisions of the Code of Ordinances of the City of Gladstone regarding the abatement of nuisances, Secs. 9.1000.000 through 9.1000.030 shall control.
- (c) Any condition on any lot or land that 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 not piled or stacked seven (7) inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks as more fully described in Section 9.1000.000(a), discarded household furniture or appliances, broken furniture, any flammable material which may endanger public safety or any material which is unhealthy or unsafe, is hereby declared to be a public nuisance.

Section 2. That Section 9.1000.010 of the Code of Ordinances of the City of Gladstone, Missouri, is hereby enacted to read as follows:

Sec. 9.1000.010. – Notice and abatement

(a) *Notice.* When a public nuisance as defined in Section 9.1000.000(c) exists, the Community Development Director and/or their authorized representative shall so declare and shall give written notice to the owner of the property and, if the property is not owner-occupied, to any occupant of the property by personal service or regular first-class mail. If notice cannot be given by either personal service or first-class mail then such notice may be posted on or about the premises described in the notice. Such notice shall, at a minimum:

- (1) Declare that a public nuisance exists;
- (2) Specifically describe each condition declared to be a public nuisance;
- (3) Identify what action will remedy the public nuisance;
- (4) Order the removal or the abatement of such condition within a reasonable amount of time not less than ten days, unless the public nuisance presents an immediate, specifically identified risk to the public health or safety;
- (5) State that if the owner of the 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 Community Development Director 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;
- (6) State that if the owner or occupant of the property fails to begin removing the nuisance within the time allowed, or upon failure to pursue the removal of such nuisance without unnecessary delay, such owner or occupant of the property may be cited in Municipal Court for violating this Article and shall, upon conviction in Municipal Court, be subjected to punishment by a fine pursuant to Section 1.100.140(e)(b) of the Code of Ordinances of the City of Gladstone, Missouri;
- (7) State, in the case of overgrown vegetation and noxious weeds, that if more than once during the same growing season a repeat violation of the same ordinance by the same person on the same property is reported, the City may, without further notification, have the weeds removed and the cost of the same shall be billed to the owner as provided in Section 9.1000.020.

Section 3. That Section 9.1000.020 of the Code of Ordinances of the City of Gladstone, Missouri, is hereby enacted to read as follows:

Sec. 9.1000.020. – Abatement of nuisance

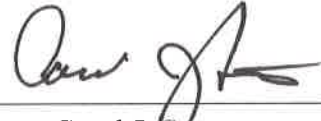
- (a) If the owner of such property fails to begin removing the nuisance within the time allowed, or upon failure to pursue the removal of such nuisance without unnecessary delay, the Community Development Director and/or their authorized representative shall cause the condition which constitutes the nuisance to be removed. If the owner, occupant, or other person with lawful possession of the premises in question refuses to allow the Community Development Director and/or his authorized representative to enter onto such premises to abate the nuisance conditions, the City may request an administrative warrant, if such administrative warrant is required by law.
- (b) If the Community Development Director and/or their authorized representative causes such condition to be removed or abated, the cost of such removal (which may include fees for the City's cost in administering this Article) and the proof of notice to the owner of the property 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 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 from the date the tax bill is delinquent until paid.
- (c) In the case of overgrown vegetation and noxious weeds, if more than once during the same growing season, a repeat violation of the same ordinance by the same person on the same property is reported, the City may, without further notification, have the weeds removed and the cost of the same shall be billed to the owner as provided above.

Section 4. That Section 9.1000.030 of the Code of Ordinances of the City of Gladstone, Missouri, is hereby enacted to read as follows:

Sec. 9.1000.030. – Penalty

If the owner or occupant of property fails to begin removing the nuisance within the time allowed, or upon the failure to pursue the removal of such nuisance without unnecessary delay, such owner or occupant may be cited in Municipal Court for violating this Article and shall, upon conviction in Municipal Court, be subject to punishment by a fine pursuant to Section 1.100.140(e)(b) of the Code of Ordinances of the City of Gladstone, Missouri. An owner or occupant cited in Municipal Court must have first received the written notice described in Section 2.110.020. All penalties are in addition to assessed costs of removal.

**INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY
OF GLADSTONE, MISSOURI, THIS 22nd DAY OF APRIL 2019.**



Mayor Carol J. Sater

ATTEST:



Ruth E. Bocchino, City Clerk

First Reading: April 22, 2019

Second Reading: April 22, 2019