

**AN ORDINANCE PROVIDING FOR PUBLIC NUISANCE  
REGULATION AND ABATEMENT**

**WHEREAS**, Section 67.398, RSMo authorizes any village to enact an ordinance to provide for the regulation and abatement of public nuisances; and

**WHEREAS**, the Village of Loch Lloyd desires to enact such an ordinance to better provide for the health, safety and welfare of its residents.

**NOW, THEREFORE**, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LOCH LLOYD, MISSOURI, AS FOLLOWS:

**Section 1. Public Nuisances Prohibited.**

No person shall permit or maintain any public nuisance, as defined herein, nor shall any person contribute to the permitting or maintaining of any such nuisance within the Village of Loch Lloyd. No person shall fail or refuse to abate or remove a public nuisance within the time required by the Village as specified herein.

**Section 2. Public Nuisances.**

- A. The definition of public nuisance shall include, but not be limited to, the following:
1. All diseased animals running at large.
  2. All ponds or pools of stagnant water.
  3. Carcasses of dead animals not buried or destroyed within twelve (12) hours after death.
  4. Accumulations, wheresoever they may occur, of debris of any kind, including, but not limited to, weed cuttings, cut, fallen, or hazardous trees and shrubs, lumber not piled or stacked twelve (12) inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, appliances, manure, rubbish, garbage, refuse, any flammable material which may endanger public safety or any material or condition which is unhealthy or unsafe.
  5. The pollution of any well, cistern, spring, underground water stream, lake, canal, or body of water by sewage or industrial wastes, siltation or other substances harmful to human beings or other property.
  6. Perforated, punctured, ruptured, broken, cracked or leaking sanitary sewer or water lateral lines.

7. Perforated, punctured, ruptured, broken, cracked, downed or leaking private or public utility lines, including, but not limited to electricity, sewage, water and natural gas.
8. All substances which emit or cause foul, obnoxious, unhealthy or disagreeable odors or effluvia in the neighborhood where they exist.
9. Abandoned, discarded, or unused objects or equipment, including, but not limited to, automobiles, furniture, and household appliances.
10. Open basement foundation and its excavation upon which no substantial construction work shall have been performed for forty-five (45) days immediately prior to the time that a notice shall issue under this ordinance.

**Section 3. Authority to Abate.**

The Village Board of Trustees, or its designee, is authorized to provide for the abatement of a condition on any lot or land on which a public nuisance exists as provided in this ordinance.

**Section 4. Authority to Abate Emergency Cases.**

In cases where it reasonably appears that there is an immediate danger to the health, safety or welfare of the public due to the existence of a public nuisance, the Chairman of the Board of Trustees shall have the authority to order the immediate abatement of the public nuisance in an appropriate manner.

**Section 5. Abatement Procedure; Notice, Hearing.**

A. *Notice.* If the Village has reason to believe that a public nuisance is being maintained within its jurisdiction, the Village shall:

1. Notify the person permitting or maintaining the public nuisance and provide a reasonable time depending on the circumstances to remove or abate the public nuisance, but in no instance, other than an emergency, less than ten (10) days of receiving such notice. This notice shall be given in writing either personally by hand-delivery or by first (1st) class United States mail to the owner of the property and, if the property is not owner-occupied, to any occupant of the property. The notice shall specifically describe each condition of the property declared to be a public nuisance and what action will remedy the public nuisance. For owner-occupied property, notice may be given to the owner or owners at their last known address, or the owner's agents. An affected person may, within ten (10) days of receiving the notice, request a hearing to contest the declaration of public nuisance, and all parties shall be given an opportunity to be heard and present evidence as to whether the condition maintained on the property constitutes a public nuisance. If a hearing is requested, it shall be before the Chairman, or his designee. If the Chairman finds a public nuisance pursuant to this ordinance, the person(s) found to have caused the public nuisance shall be ordered to abate the public nuisance and given a reasonable period of time to do

so. The order to abate the public nuisance shall be in writing specifying the grounds for the order and the date by which the public nuisance must be abated. Such order shall either be provided at the hearing or shall be served to the affected persons either personally or by First Class United States Mail as soon thereafter as practicable.

**B. *Failure To Abate.*** In the event that the public nuisance is not removed prior to the expiration of the time allotted in the order to abate, the Village may cause the public nuisance to be removed. If the Village abates the public nuisance it shall certify the costs of the public nuisance removal to the Village Clerk.

**C. *Recovery of Costs.***

1. If the Village causes such condition to be removed or abated and has sent notice and a removal order to the owner in accordance herewith, the cost of such removal or abatement and the proof of notice to the owner of the property shall be certified to the Village Clerk.
2. The certified costs associated with the removal, termination or abatement of such public nuisance shall include all expenses incurred by the Village in the removal of the public nuisance including, but not limited to, the actual cost of inspecting the land or lot, the actual cost of service of notice as provided herein, and the actual cost of abatement.
3. The Village Clerk 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.
4. 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.

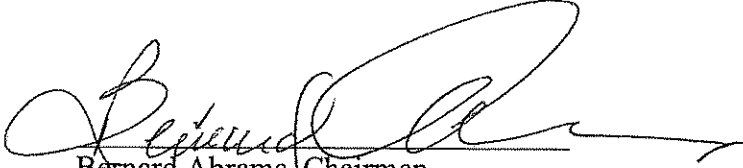
**Section 6.     *Separate Offense for Failure to Abate.***

The Village may issue a summons for any person who fails to remove or abate a public nuisance after such notice to abate and such failure shall be a separate offense in violation of this ordinance. Each day that the conditions causing the public nuisance shall continue shall be a separate offense. Jurisdiction of the case shall proceed in all respects as in other cases of ordinance violations.

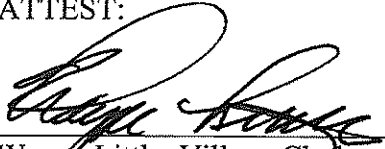
**Section 7.     *Civil Action to Abate Nuisance.***

Nothing in this ordinance shall limit the right of the Village to seek any other remedy or enforcement process available in law or equity in addition to or in lieu of the remedy specified herein, and the Board of Trustees may petition a court of competent jurisdiction for such legal or equitable relief as may be necessary to require the abatement of any public nuisance defined by this ordinance.

PASSED by the Board of Trustees of the Village of Loch Lloyd, Missouri, this 18 day of April, 2017.

  
Bernard Abrams, Chairman

ATTEST:

  
Wayne Little, Village Clerk