
**AN ORDINANCE PROHIBITING NUISANCES, DEFINING AND
PRESCRIBING PENALTIES FOR MAINTAINING SUCH**

WHEREAS, Section 67.398 Missouri Revised Statutes authorizes municipalities to abate public nuisances that are caused by debris, vegetation and/or weeds located on private property and

WHEREAS, the community needs to take advantage of the provisions of that law, and to provide for a simplified and easy way to deal with debris, trees and shrubs, and vegetation that grows to create a nuisance.

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF
OSBORN, MISSOURI, AS FOLLOWS:**

SECTION 1: NUISANCES PROHIBITED

- A. No person, firm or corporation shall permit, cause or keep, maintain or do any nuisances defined by the laws of the State of Missouri or the Ordinances of the City of Osborn, Missouri, or cause or permit to be committed, caused or kept, maintained or done any such nuisances within the corporate limits of the City of Osborn, Missouri or within one-half mile of the corporate limits thereof.
- B. No owner, occupant, or person in charge of any house, building, lot or premises in the City shall cause or allow any nuisance to be or remain in or upon such house, building, lot or premises.

SECTION 2. NUISANCES DEFINED

The following are hereby defined, deemed and declared to be nuisances for the purpose and enforcement of this Article:

- A. Any act done or committed or suffered to be done or committed by any person, or any substance, or thing kept, maintained, placed or found in or upon any public or private place which is injurious or dangerous to the public health.

SECTION 2. NUISANCES DEFINED (CONTINUED)

- B. All pursuits followed or acts done by any person to the hurt, injury, annoyance, inconvenience, or damage to the public.
 - C. All buildings, bridges, or other structures of whatever character kept or maintained, or which are permitted by any person owning or having control of the same to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious, or annoying to the public.
 - D. All ponds or pools of stagnant water, and all foul or dirty water or liquid when discharged through any drain, pipe, or spout or thrown into or upon any street, alley, thoroughfare, or lot to the injury and annoyance of the public.
 - E. All obstructions caused or permitted to any street or sidewalk to the danger or annoyance of the public, and all stones, dirt, filth, slop, vegetable matter or other articles thrown or placed by any person on or in any street, alley, sidewalk, or other public place which in any way may cause, or is liable to cause injury or annoyance to the public.
 - F. All sidewalks, gutters, or curbstones permitted to remain in any unsafe condition or out of repair by any person or persons required by the ordinances of this City to keep the same in good condition and repair.
 - G. No person shall permit or allow to be placed on any streets, alleys, sidewalks, or other public place, or upon private property which is not secured by a fence and locked gate, any refrigerator, freezer, or other chest type appliance which may be harmful or dangerous to any person by means of possible suffocation.
1. No person shall throw or cause to be thrown into any street, alley, sidewalk, or other public place, or upon any private property belonging to or in the possession of another within the City, any animal, vegetable, or other substances whatever which is or may become putrid, offensive, or unhealthy.
 2. No person within this City shall conduct, cast or throw or suffer to escape into or upon any sidewalk, street, alley or other public place, or upon any private property belonging to or in possession of another, from any kitchen, house, tenement or other place, any filth, garbage, foul or unclean water; or suffer any unclean water or liquid substance to escape into or upon any private property so as to become putrid, offensive or unhealthy.

SECTION 2. NUISANCES DEFINED (CONTINUED)

3. The owner or possessor of any dumb animal or fowl which may die within this City shall within twenty-four hours after the death of such dumb animal or fowl, remove or cause to be removed the same beyond the corporate city limits of this City, and if such dead animal or fowl be not in the possession of any person at the time of its death, and the same not be removed from the City within twenty-four hours after as aforesaid, then it shall be the duty of any officer of this City to cause the same to be removed at the cost of the City.
4. No person or persons shall, in this City, own keep or use any stockyard, pen or place or premises in or upon which any number of cattle, swine, or sheep shall be so kept as to be offensive to those residing in the vicinity thereof or any annoyance to the public.
5. No person owning or in possession of any lot, house, building, or enclosure within this City shall suffer to exist in or upon the same any stagnant water, animal or vegetable matter, or other substances liable to become putrid or offensive or unhealthy.
6. Abandoned, discarded, or unused objects or equipment such as: Vehicles, furniture, stoves, refrigerators, freezers, toilets, water heaters, air conditioners, sinks, all ashes, cinders, slops, filth, excrement, boards, lumber scraps, sawdust, wood or metal shavings, rubber, plastic containers, bags, wrappers, stones, rocks, sand, oil, coal, gasoline, paint, dirt, straw, soot, sticks, boxes, barrels, buckets, kegs, crates, pallets, cans, bottles, cartons, paper, trash, leavings, rubbish ("rubbish" shall mean solid waste consisting of combustible and non-combustible waste materials from residential apartments, commercial, industrial, institutional establishments, including yard waste and items commonly referred to as "trash"), manure, broken ware, iron or other metal, rags, old wearing apparel, sweepings, refuse, debris, vehicle parts, broken concrete, slag, garbage, offal, putrid, fish, meat entrails, decaying fruits or vegetables, waste water, animal or vegetable products or matter, broken glass, bones, tacks, nails, wire, grass, dead limbs, leaves, brush, logs, weeds, foliage or shrub cuttings or clippings, or any other offensive or disagreeable substance or thing thrown, cast, dropped, blown, spilled, poured, discharged or swept, left or deposited by anyone in or upon any premises.
7. Malfunctioning private sewage disposal systems, which allow polluted, raw or partially treated wastewater or affluent to be deposited or stand upon any premises. When any private sewage disposal system has been determined to be malfunctioning in such condition as to emit any offensive, noxious or disagreeable odor or polluting ditches, streets or streams, the owner of the subject premises will be ordered to repair or make connection to the public sewer.

SECTION 2. NUISANCES DEFINED (CONTINUED)

7. (continued) “*Private Sewer Disposal*” shall mean any arrangement or devices and structures used for receiving, transporting, treating, and disposing of sewage, including private and community sewer lines.
8. Tree limbs and branches which overhang any public sidewalk or public street of such height above the sidewalk or street shall impede or interfere with the use of said sidewalk by any person or impede or interfere with the use of said street by a pedestrian or the operator of a motor vehicle, or shall endanger the safety of any person using such public sidewalk or endangered the safety of any pedestrian or occupant or any motor vehicle traveling upon any public street.
9. No person within this City shall suffer or permit the sidewalk adjacent to any premises owned or occupied by him or her, or of which he or she may have charge or control, to be or remain in an unsafe condition for travel by the ordinary mode, or go out of repair as to be dangerous to pedestrians traveling thereon, and it shall be the duty of every person within the City of Osborn owning or occupying premises, or having control thereof, to keep the sidewalks adjacent thereto in good condition or repair at all times.
10. No person shall place or cause to be placed building materials abandoned or stored in an area where construction is not in progress; however, such storage shall be permitted in an area where construction is in progress. Such permitted storage shall not extend more than thirty (30) days beyond the completion of construction. Usable building materials for use on the premises may be temporarily stored in the open, and stacked neatly for thirty (30) days.
11. No person shall encumber any square, street, or alley or sidewalk within the City by placing or causing to be placed thereon, wood, barrels, boxes, crates, lumber, brick, stone, or any other article, but this section shall not apply to persons receiving or discharging any articles in the way of regular business unless such articles are permitted to remain more than two hours upon any square, street, alley, or sidewalk.
12. Every act or thing done or made, permitted, or allowed or continued on any property, public or private by any person or corporation, their agents or servants, to the damage or injury or annoyance of any of the inhabitants of this City, and not hereinbefore specified shall be deemed a nuisance.
13. The Mayor, or his delegate, of this City are hereby authorized to enter into or upon any premises within this City where there is reason to suspect the existence of any nuisance.

SECTION 3. NOTICE TO ABATE NUISANCE

Whenever the Mayor or any Aldermen of the City of Osborn shall ascertain or have knowledge that a nuisance dangerous to the public health exists, in or upon any house, premises or other land in this City, they shall, in writing notify the person occupying or having possession of such house or premises or such land to abate or remove such nuisance and the owner of such land if the owner is a different person. Such notice to abate or remove the nuisance issued hereunder shall contain the following information:

1. An order to abate the nuisance within ten (10) days of the date of the notice.
2. The location of the nuisance, if the same is stationary.
3. A description of what constitutes the nuisance.
4. A statement of the acts necessary to abate the nuisance.

The notice to abate any such nuisance shall be served as any other legal process may be served pursuant to law. The City of Osborn, after giving the aforesaid notice, may through its agents, servants, or employees cause said nuisance to be abated, and shall certify the cost to the City Collector, who shall cause a special tax bill therefore against the property involved to be prepared and to be collected with other taxes assessed against the said property; and the city tax bill from the date of its issuance shall be a lien on the city property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no more clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Such tax bills of not paid when the regular city tax on real estate is due shall bear interest.

SECTION 4. FINES

Any person or persons being in violation of any section of this Ordinance shall, upon conviction of said violation be fined:

First Offense - \$ 250.00

Second Offense - \$ 500.00

Third Offense – Must appear in court

All fines shall be in addition to court costs.

SECTION 5. Ordinance 2010-14 replaces Ordinance 2006-257 and all other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby revoked and repealed.

Read three times, passed and adopted by the Board of Aldermen of the City of Osborn,
Missouri, this 10th day of November, 2010.

Scott McKay, Mayor

ATTEST:

Christie Smith, City Clerk

CERTIFICATE

I, the undersigned, Christie Smith, Clerk of the City of Osborn of DeKalb County, Missouri, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2010-14 of said City of Osborn as the same appears of record in my office, and is as it was passed and approved by the Board of Aldermen of said City of Osborn. Ordinance No. 2010-14 has not been altered, amended or repealed as of this 10th day of November, 2010.

Christie Smith, City Clerk

(Seal)