

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF CRESTWOOD, MISSOURI, TO ADD A NEW SECTION REGARDING DERELICT VEHICLES, AND AMENDING SECTION 16-56 OF CHAPTER 16 OF THE MUNICIPAL CODE OF THE CITY OF CRESTWOOD, MISSOURI, RELATING TO PUBLIC NUISANCES WITHIN THE CITY OF CRESTWOOD

WHEREAS, the Charter of the City of Crestwood (the “City”) provides that the City “shall have all powers the General Assembly of the State of Missouri has authority to confer upon any city,” except as limited by the U.S. and Missouri Constitutions, Missouri statutes and any limitations within the Charter itself; and

WHEREAS, §§ 67.398 and 71.285, RSMo permit the City to prohibit public nuisances on properties within the City and to abate same; and

WHEREAS, §§ 304.157.2 and 304.159, RSMo permits the City to prohibit, by ordinance, the storage of inoperable vehicles or derelict, junk, scrapped, disassembled vehicles deemed by such city, town or village to constitute a public safety hazard, and to provide for the removal of same; and

WHEREAS, the City is taking steps to ensure that property values within the City are protected and that the City remains a safe and attractive place in which to live and do business; and

WHEREAS, the Board of Aldermen finds and determines that it would be in the best interest of the City to update its regulations regarding abatement of nuisances and the storage of inoperable vehicles within the City; and

WHEREAS, the Board of Aldermen finds that the proposed amendments to Article II of Chapter 7 and to Section 16-56 of the Code would be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CRESTWOOD, MISSOURI, AS FOLLOWS:

SECTION 1: Article II of Chapter 7 of the Municipal Code of the City of Crestwood, Missouri, pertaining to property maintenance, is hereby amended by adding a new section, to be numbered Section 7-38, which reads as follows:

Sec. 7-38 Open storage of inoperable vehicles or public safety hazards, prohibited.

- (a) The open storage of inoperable vehicles, or vehicles which are derelict, junk, scrapped, disassembled or otherwise harmful to the public health is hereby deemed by the City to constitute a public safety hazard and a public nuisance, and is prohibited. Nothing in this subsection shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible to adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.
- (b) If a vehicle in violation of subsection (a) of this Section is present on property within the City, the City may give written notice to the property owner(s) and/or occupant(s) to abate or remove the violation. Unless a vehicle presents an immediate, specifically identified risk to the public health or safety, the notice shall provide a reasonable time, not less than ten days, in which to abate or remove the vehicle identified in the notice. Written notice may be given by personal service or by first-class U.S. mail to both the occupant(s) of the property at the property address and the owner(s) at the last known address of the owner(s), if not the same. Upon a failure of the owner(s)/occupant(s) to remove or abate the vehicle within the time provided in the notice, the City may cause the vehicle to be removed, provided however, that a code enforcement officer or police officer shall obtain an administrative search warrant from the City's municipal judge prior to removing a vehicle in violation of this Section if the owner of the real property where such vehicle is located cannot be located or refuses to consent to removal of the vehicle.
- (c) If abatement of a vehicle in violation of this Section is authorized pursuant to subsection (b) of this Section, the City's code enforcement officers may authorize such vehicle to be towed in the manner provided by Sections 304.155 through 304.159, RSMo. If the police department authorizes a tow of a vehicle, an officer shall complete a crime inquiry and inspection report pursuant to Section 304.155.3, RSMo. Any agency of the City authorizing a tow of a vehicle, other than the police department, shall report the tow to the police department within two hours of the tow, along with a crime inquiry and inspection report pursuant to Section 304.155, RSMo.

SECTION 2: Section 16-56 of Chapter 16 of the Municipal Code of the City of Crestwood, Missouri, pertaining to public nuisances, is hereby amended by the addition of the language in red, and repeal of language struck through, to read as follows:

Sec. 16-56 Public Nuisances, Generally.

- (a) Public nuisances within the City are hereby designated as follows:
 - (1) Any act done or committed or suffered to be done or committed by any person, or any substance or thing kept or maintained, placed or thrown on or upon any public or private premises which is injurious to the public health, safety or welfare.
 - (2) All pursuits followed or acts done by any person to the hurt, injury, inconvenience or danger of the public.
- (b) The above definitions shall include, but not by way of limitation, the following:
 - (1) Any pool of stagnant water standing on any premises.
 - (2) Repetitive emission of noise, odors, or fumes beyond the property owned or occupied by the party creating such condition.
 - (3) The accumulation of **rubbish**, litter, ~~or~~ waste materials, **or debris of any kind** on property.
 - (4) The growth of weeds or grass of any type to a height **in excess of seven** ~~of eight~~ inches or more on any property.
 - (5) Leaking sanitary sewer laterals.
 - (6) Encroachments in any street, alley, sidewalk, parkway or other public place.
 - (7) Firewood that is not stacked five inches or more off the ground at all times and/or not located behind the front of the building line of the property.
 - (8) **Weed cuttings, cut, fallen, or hazardous trees and shrubs.**
 - (9) **Rocks, bricks, tin, steel, parts of derelict cars or trucks, broken furniture, and any flammable material which may endanger public safety.**
- (c) **Weeds and Trash.**
 - (1) **Whenever weeds or trash are allowed to grow or accumulate on any part of any lot within the City, the owner(s) and/or the occupant(s) shall be liable. The Director of Public Services Works or his designee shall hold a hearing on the existence of a nuisance, with at least four calendar days' notice given to the owner or occupant of the premises. Notice may be given either personally or by first class U.S. Mail to the owner or owners, or the owner's agents, or by posting such notice on the premises. The Public Services Works Director or his designee may order at said hearing the abatement of such nuisance within five business days following such hearing.**
 - (2) **If weeds are allowed to grow in excess of seven inches or more on a property more than once during the same growing season, or if trash is allowed to accumulate on the same property more than once during a calendar year, the Director of Public Services may order that the weeds or trash be abated within five business days after notice is sent to or posted on the property. In case the weeds or trash are not removed within the five business days, the**

Director of Public Services may have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection (e) of this section.

- (d) *All other Acts, Conditions Deemed Public Nuisances Herein.* If one or more violations of subsections (a) or (b) exist on a property within the City, the owner(s) and/or the occupant(s) shall be liable. The Director of Public Services or his designee shall provide the owner(s) and/or the occupant(s) a written notice specifically describing each condition of the lot declared to be a public nuisance, and which notice shall identify what action will remedy the public nuisance. Unless a condition presents an immediate, specifically identified risk to the public health or safety, the notice shall provide a reasonable time, not less than ten calendar days, in which to abate or commence removal of each condition identified in the notice. Written notice may be given by personal service or by first-class U.S. mail to both the occupant(s) of the property at the property address and the owner(s) at the last known address of the owner(s), if not the same. Upon a failure of the owner to pursue the removal or abatement of such nuisance without unnecessary delay, the Director of Public Services or designated officer may cause the condition which constitutes the nuisance to be removed or abated as provided in subsection (e) of this Section.
- (e) If the nuisance is not abated within the time provided by subsection (c) for weeds or trash, or the time provided in subsection (d) for all other nuisances, ~~such five days~~, the Director of Public ~~Services Works~~ or his designee shall have the nuisance abated and shall certify the costs of same to the City Clerk. The City Clerk shall issue a special tax bill therefor against the property, which shall be a first lien on the property from the date of issuance until paid and shall be prima facie evidence of the recitals therein and of its validity. No clerical error or informality in such tax bill, or in the proceedings leading to its issuance, shall be a defense. Any such tax bill, if not paid when due, shall bear interest at the rate of 8% per annum. A special tax bill issued hereunder shall be enforced in the manner provided by law for the enforcement of special tax bills. ~~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. If the City files a lawsuit to enforce a special tax bill, the City may charge its costs of collecting the tax bill, including attorney fees, incurred in enforcing a special tax bill.~~
- (f) In addition to the procedures herein authorized, any person violating the terms hereof shall, upon conviction, be subject to the penalties provided for violation of City ordinances.
- (g) If a property is owned by a limited liability company, the notices required by this Section may be served by, in addition to posting notice on the property, U.S. Mail upon the limited liability company's registered agent, or, for foreign limited liability companies with no registered agent in this state, or if such company's agent cannot be found or served with the exercise of reasonable diligence, by U.S. Mail to the Missouri Secretary of State in accordance with Section 347.153, RSMo.

SECTION 3: The remaining provisions of Article II of Chapter 7 and of Chapter 16 of the City's Code shall remain in full force and effect.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED AND SIGNED this ____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

APPROVED this ____ day of _____, 2019.

Mayor