

AN ORDINANCE AMENDING CHAPTER 225 AND 520 OF THE MUNICIPAL CODE OF THE CITY OF WRIGHT CITY TO CLARIFY NUISANCE AND DANGEROUS STRUCTURE DEFINITIONS AND PROCEDURES

WHEREAS, the Board of Aldermen recently reviewed the provisions of Chapter 520 and Chapter 225 when reviewing the City’s Building Codes and in accordance with their desire to encourage uniformity of regulations, the Board of Aldermen finds it in the best interest of the City to amend Chapter 225 and Chapter 520 to correspond with the provisions of Chapter 502;

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

Section 1. Section 225.010, “Definitions and Remedies,” of Chapter 225 of the Municipal Code of the City of Wright City (“Code”) is hereby amended by replacing Section 225.010 with the following new Section 225.010:

SECTION 225.010: DEFINITIONS AND REMEDIES

The following words shall have their prescribed meanings in this Chapter:

CITY SUPERINTENDENT: shall mean the “Code Official, “Building Official,” Building Commissioner,” “Building Official,” “City Engineer” or “City Superintendent” of the CITY OF WRIGHT CITY, Missouri.

PUBLIC NUISANCE: Any condition detrimental to the public health and in violation of this Section is declared to be a public nuisance. Nuisances shall include, but are not limited to:

ANIMAL OR VEGETABLE MATTER: Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which are or may be dangerous or prejudicial to the public health.

DAMAGED SEWER LATERAL: Perforated, punctured, ruptured, broken, cracked or leaking sanitary sewer lateral lines.

DISPOSITION OF CARCASSES: Failure to dispose as follows of the body of an animal that has died from any cause other than rabies or suspected rabies within twenty-four (24) hours after knowledge of such death.

Every person owning or caring for any animal that has died from any cause other than rabies or suspected rabies shall dispose of the body of such animal within twenty-four (24) hours after knowledge of such death, either to a person licensed under Chapter 269 of the Revised Statutes of Missouri to dispose of or transport it, or by the owner or person entitled to such body causing the same to be buried within that time upon his own or any other available premises, and any such animal body shall be buried to such a depth that no part thereof shall be nearer than four (4) feet to the natural surface of the ground and every part such body shall be covered with at least four (4) feet of earth in addition to

any other materials that may be used for that purpose; provided however, that any person so owning or controlling any dead animal that has not died of a contagious disease shall have the right to remove the hide or skin thereof on his own premises before burying such body as herein prescribed, but such skinning must be done and the disposition of such hide or skin and body must be made in a manner that will avoid the creation of public nuisance.

GRASS, WEEDS, TRASH, ETC.: It shall be unlawful for any person, including the owner or occupant of such premises, to maintain or permit to be maintained any premises, including vacant lots or land, upon which grass, weeds, undergrowth, trash, garbage, building materials, glass, wood or miscellaneous refuse is permitted or caused to accumulate in any manner which is a public nuisance, or to place or leave same adjacent to his premises or in any public place unless done pursuant to ordinances providing for its collection.

The uncontrolled growth of noxious weeds or grass to a height in excess of seven (7) inches, causing or threatening to cause a hazard detrimental to the public health or safety,; provided, that areas zoned as and being utilized as agricultural use shall be exempt from this provision.

LANDFILLS: The disposal of garbage, rubbish or other type of refuse by burying it under a shallow layer of ground; provided, that a sanitary landfill as defined herein shall be exempt from this provision upon approval by the Board of Aldermen. A "*sanitary landfill*" for the purposes of this Section is defined as a type of operation in which refuse and earth or other suitable cover material is deposited in alternate layers of specified depth in accordance with a definite plan on a specified portion of open land, with each layer being compacted by force applied by mechanical equipment.

LITTERING: No person on public or private property within the City shall litter by willfully or negligently throwing or dropping any item such as bottles, cans, papers, liquid, ice or trash of any kind, or by unloading or dumping any refuse onto any area not authorized for refuse disposal. The driver of any vehicle, except a public service vehicle, shall be held liable in the event it cannot be determined which vehicle occupant committed any acts or omissions amounting to a violation of this Section.

MOSQUITO BREEDING PLACES: Collections of water in which mosquitoes breed or are likely to breed are those contained in ditches, ponds, pools, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, (except horse troughs in frequent use), urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks of flush closets or other water containers, unless such collections of water are treated to effectively prevent such breeding. The natural presence of mosquitoes larvae in standing or running water shall be evidence that mosquitoes are breeding therein. Collections of water in which mosquitoes breed or are likely to breed shall be treated by such one (1) or more of the following methods as shall be approved by the City Superintendent:

1. Screening with wire netting of at least sixteen (16) mesh to the inch each way, or any other material which will effectually prevent the ingress or egress of mosquitoes.
2. Complete emptying every seven (7) days of unscreened containers, together with their thorough drying or cleansing.

3. Using a larvicide approved and applied under the direction of the City Superintendent or his designee.
4. Covering completely the surface of the water with kerosene, petroleum or paraffin oil once every seven (7) days.
5. Cleaning and keeping sufficiently free of vegetable growth and other obstructions, and stocking with mosquito-destroying fish.
6. Filling or draining to the satisfaction of the City Superintendent or his designee.
7. Proper disposal, by removal or destruction, of tin cans, tin boxes, broken or empty bottles and other articles likely to hold water.

RODENT HARBORAGE: Paper, lumber, rocks, boxes, barrels, bottles, cans or other trash or debris, or other material allowed to accumulate or remain on any premises, whether improved or unimproved, occupied or vacant, or on any open lot or alley within the City, in such a manner as to create a condition which provides shelter, food or protection for rodents, or a breeding place for such rodents.

RUBBISH, TRASH OR JUNK: Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin of any kind which are or may be dangerous or prejudicial to the public health.

MISCELLANEOUS: And all articles, substances or things whatsoever caused, kept, maintained or permitted by any person to the injury, inconvenience, danger, detriment or annoyance of the public health, safety or welfare.

SECTION 2. Chapter 225 of the Code is further amended by replacing Section 225.030 with the following new Section 225.030:

SECTION 225.030: NOTIFICATION OF PROPERTY OWNER -- FAILURE OR REFUSAL TO ABATE -- ABATEMENT BY CITY

A The City Superintendent shall serve notice, conduct a hearing, and issue and order and assessment of costs and fees in accordance with the procedures set forth in Section 502.040 of the Municipal Code of the City of Wright City.

B. The procedure and remedies set forth in this Section shall be in addition to any other remedies that may exist under law for the abatement of public nuisances, and this Section shall not prevent the City from proceeding in a criminal action against any person violating the provisions of this Chapter.

SECTION 3. Chapter 520 of the Code is hereby amended by adding a new Section to read as follows:

SECTION 520.000: TERMS

Whenever the term “Building Inspector” appears, it shall mean the “Code Official, “Building Official,” Building Commissioner” or “City Engineer” of the CITY OF WRIGHT CITY, Missouri.

SECTION 3. Section 520.050 of the Code, “Duties of Building Inspector,” is hereby amended by replacing every reference to “Board of Aldermen” with “Board of Adjustment.”

SECTION 4. Section 520.060 of the Code, “Appeal from Classification of Dangerous Building” is hereby amended by replacing it with the following new Section 520.060:

SECTION 520.060: APPEAL FROM CLASSIFICATION OF DANGEROUS BUILDING

Any person aggrieved by a finding that a structure is a “*dangerous building*” within the meaning of [Section 520.010](#), shall have ten (10) days in which to appeal in writing to the Board of Adjustment, which shall schedule a hearing, upon written notice or waiver thereof, which said notice and hearing shall be conducted in accordance with the procedures of Section 500.040 of the Municipal Code of the City of Wright City.

SECTION 5. This Ordinance shall take effect and be in full force from and after the passage and approval thereof.

SECTION 6. Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in manner connected with the subject matter hereof.

SECTION 7. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

READ TWO TIMES AND PASSED by the Board of Aldermen of the City of Wright City, Missouri, this 24th day of May, 2012.

President of the Board of Aldermen

ATTEST:

Christine Martin, City Clerk

APPROVED BY THE MAYOR of the City of Wright City, Missouri, this 24th day of May, 2012.

David Heiliger, Mayor

ATTEST:

Christine Martin, City Clerk