

BILL NO. 1210

ORDINANCE NO. 20137

AN ORDINANCE TO AMEND ORDINANCE NO. 379 DECLARING ABANDONED, WRECKED, OR INOPERABLE MOTOR VEHICLES TO BE A NUISANCE; PROVIDING FOR ENFORCEMENT OF VIOLATIONS; PRESCRIBING THE ABATEMENT OF SAID NUISANCES AND THE PUNISHMENT FOR VIOLATIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI:

Section 1. All abandoned, wrecked, unlicensed vehicles, or inoperable motor vehicles, or parts thereof, as defined by the Ordinance, located, stored, or maintained in any area of the City, other than in an approved salvage yard, whether the same be upon residential lots, streets, alleys, avenues, highways, or upon private property are hereby by this Ordinance declared to be a public nuisance.

Section 2. It shall be unlawful for any person to cause, create, maintain or permit a nuisance, as defined in this Ordinance, within the city limits of the City of Wood Heights.

Section 3. Abandoned, wrecked, unlicensed vehicles or inoperable motor vehicles defined.

- a) Abandoned vehicles shall mean any vehicle which is left at any place for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. Inoperable motor vehicle shall mean any vehicle which for a period of at least the last 30 days, the engine, wheels or other parts have been altered, damaged or otherwise segregated and the vehicle is incapable of being driven under its own motor power.
- b) The term inoperable motor vehicle shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary services or repair operations, nor any motor vehicles that are kept within a building when not in use, or to any vehicle inside an enclosed building.
- c) A wrecked vehicle shall mean a vehicle that is so damaged that it is incapable of being operated.
- d) An unlicensed vehicle applies to any motor vehicle that is parked or located on any real property inside the city limits of Wood Heights, that is not displaying or exhibiting a current registration sticker or 30 day temporary license from the Department of Revenue from the vehicle's registered state.
- e) Vehicle, as used in this Ordinance, shall mean any machine propelled by power other than by man power designed to travel along or over the ground by use of wheels, treads, runners, slides and including but not limited to automobiles, trucks, motor vehicles, tractors, motorcycles, wagons and buggies or any part or portion thereof.

Section 4. Notice to abate or remove nuisances.

- a) Whenever the Chief of Police shall ascertain or have knowledge that a nuisance exists in or upon any premises in the City, he shall by written notice, which notice shall be served in the same manner as personal service or process in civil actions, notify the person occupying or having possession or the right to the possession of the premises to abate or removed the nuisance within ten days of the notice. If the owner or tenant, lessee, agent, manager or other person named in the notice cannot be found in the City, then the Chief of Police shall cause such notice to be mailed by registered mail to the last known address of the owner, tenant, lessee, or occupant and by attaching a copy of such notice to the property.
- b) Any person receiving the notice provided for in this section shall comply with the provisions of the notice within the time specified in the notice. Failure to comply with this provision is unlawful. For every day thereafter that the person shall fail, neglect or refuse to abate or remove the nuisance, he shall be deemed guilty of a separate offense and shall be proceeded against as in the first instance.

Section 5. City may abate nuisances when owner fails to do so; recovery of cost by city.

In the event the person receiving notice to abate the nuisance fails or refuses to abate the nuisance within the time prescribed in the notice, then the Chief of Police shall issue a summons to said person commanding the person named to appear on a date certain before the Municipal Court there to answer for violations of this Ordinance. If, upon a trial for the violation of this Ordinance, the judge of the Municipal Court shall find that a violation exists and that the defendant has had proper notice, as provided in this ordinance, and that the defendant has failed to abate the nuisance, the judge of the Municipal Court shall, in addition to the penalty for violating this article, make an order directing the Chief of Police or his duly authorized representatives to abate such nuisance forthwith, and immediately report the expense thereof to the judge of the Municipal Court, who shall, as a part of the costs of such prosecution, render judgment against the defendant for the amount of such expense, which shall be collected as other fines and costs. In the event the person who shall violate, neglect, fail or refuse to comply with any provision, regulation or requirement of this Ordinance is a non-resident, and if the Chief of Police is unable to summons said non-resident to appear before the Municipal Court, the Chief of Police, after notification as hereinbefore provided, shall abate and remove the nuisance and cause the same to be stored in some suitable place for a period of five (5) days and if same is not claimed, to dispose of same and turn the proceeds of sale, if any, of any such disposal into the City Treasurer's Office for deposit in the general funds of the City.

Section 6. Penalty

Any person violating any of the provisions of this Ordinance shall upon conviction thereof, be fined in an amount not to exceed \$500.00 or by imprisonment for not more than ninety days or both such fine and imprisonment. Each day such violation is committed shall constitute a separate offense and shall be punishable as such hereunder.

Section 7. Authority of police, etc., to enter upon premises, etc., for purpose of removing or abating nuisances.

Police officers and other employees of the City authorized by the Chief of Police are hereby authorized and required to go, in the daytime, upon any lot or premises, whether public or private, for the purpose of removing or abating any nuisance, when abatement of a nuisance is ordered under the provisions of this Ordinance. If any person refuses to allow entry onto his private property, the Chief of Police may obtain a warrant from the proper official and proceed in accordance therewith.

Section 8. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

THIS ORDINANCE READ TWO TIMES, PASSED BY THE BOARD OF ALDERMAN AND APPROVED BY THE MAYOR OF THE CITY OF WOOD HEIGHTS, MISSOURI, this 24th day of July, 2013.



Mayor, John D. Allen

ATTEST:



City Clerk, Sondra A. Kasserman

SEAL