

BILL 18-1

ORDINANCE 2018-1

AN ORDINANCE TO ABATE NUISANCES IN THE CITY OF GALENA, MISSOURI

NOW THEREFORE, be it ordained by the Board of Aldermen of the City of Galena, as follows:

SECTION 1: REPEALED ORDINANCES. The following ordinances are hereby repealed: 2012-10 and 152.

SECTION 2: DEBRIS DEFINED. Any condition on any lot or land that has the presence of debris of any kind is hereby declared to be a public nuisance, subject to abatement. Debris includes weed cuttings, cut and fallen trees and scrubs, overgrown vegetation and noxious weeds which are 7 inches or more in height, rubbish and trash, lumber not piled or stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, and/or any flammable material. The word "debris" also included any other material or condition which is found on any lot or land that is unhealthy or unsafe.

SECTION 3: NOTICE. Enforcement of this ordinance shall be in responsibility of the city personnel. Enforcement shall commence by providing notice to the owner of the property of the nuisance condition existing on his/her/its property. The notice may be delivered by personal service, by certified mail, by ordinary mail, or by posting notice on the subject property if the owner's address is unknown.

The notice shall generally describe the nature of the nuisance, the location of the property (using the mailing or popular address rather than a legal description, when reasonably possible to do so), and ordering the property owner to, within a period of seven days from the receipt of the notice, abate the nuisance.

SECTION 4: HEARING REQUEST. Any owner who wishes to challenge the order of abatement may do so, provided that within the seven day period he/she/it requests a hearing on the validity of the order. If no such request is made within that time period, the order becomes final and is not subject to challenge elsewhere. If such request is made, the hearing shall be conducted by the Board of Aldermen. The request for a hearing must be in writing, but otherwise no particular formality is required. Notice to the property owner of his right to request such hearing shall be given by including a copy of this ordinance with any notice sent under authority of this section.

SECTION 5: ABATEMENT OF NUISANCE. If the nuisance is present on the property seven days after receipt of the notice by the property owner, the city personnel shall cause the same to be

abated.

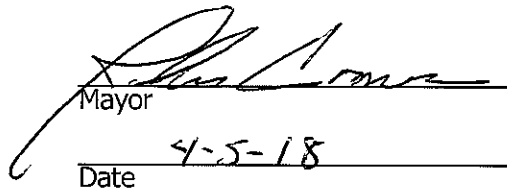
SECTION 6: COSTS OF ABATEMENT. The costs of abatement may include a fee for the city's costs in administering this ordinance. The costs shall be the actual expense if the city uses outside sources to abate the nuisance. The fee for city employees shall be \$75.00 for the first man hour and \$50.00 for each additional man hour.

The enforcement official shall verify the cost of such abatement to the city clerk or the officer in charge of finance who 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 opinion, and shall be collected in the same manner and procedure as for collecting real estate taxes.

Section 7: EACH DAY IS A SEPARATE VIOLATION- Each day the nuisance is not abated after the seven days from being notified of the nuisance as set forth above shall be a separate violation.

Section 8: PENALTY. An owner who fails to remove a nuisance within seven days of being notified as to do so as set forth in the notice/abatement order described herein shall be guilty of an offense and may (at the option of the city) be charged in municipal court with the offense of "failure to abate a nuisance." The penalty shall be a fine of up to \$200.00 for each violation and for each day the nuisance is not abated.

Section 9: EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of passage and signing by the mayor.



Mayor
Date 4-5-18

4-5-18

1st Reading

4-5-18

2nd Reading

Final Passage

ATTEST: 

City Clerk

4-5-18

Date