

STURGEON CITY CODE

CHAPTER 10: NUISANCES

Article I: Nuisances in General

Section 10.100 General Prohibition of Nuisances.

1. It shall be unlawful for any person, partnership, corporation or other entity to maintain a nuisance within the City.

2. In addition to any specific nuisances prohibited by other provisions of these codes, the term nuisance shall be deemed to include any conditional activity, which unreasonably threatens the peace, health or safety of persons and property including animals and pets including, but not limited to loud obnoxious noise, unsanitary conditions, accumulations of sewage or trash, exposed sewage treatment plants, dangerous instrumentalities, explosives, poisons, refuse, rubbish, offal, hazardous wastes, hazardous chemicals, holes in the ground, discarded household appliances and machinery, and vegetation interfering with the safe passage of persons or vehicles.

3. Violation of this code shall constitute a misdemeanor. In addition to prosecuting violation hereof in Municipal Court, City officials may seek, abatement of any such nuisance by following procedures set forth elsewhere in these codes with respect to hazardous or dangerous buildings and recover associated costs and expenses as provided therein.

(Ord. 549, Effective December 23, 1996, New)

Article II: Motor Vehicles

Section 10.200 Vehicle Noise, Mufflers Required.

A discharge into the open air of the exhaust of any internal combustion engine or motor vehicle except through a muffler device which will effectively prevent loud or excessive noises thereof, is hereby declared unlawful.

(Ord. 262, Sec. 1, Approved and Effective May 25, 1964.)

Section 10.205 Motors Out of Repair.

The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded, or in such manner as to create loud or unnecessary grating, grinding, rattling, or other noise, is hereby declared unlawful.

(Ord. 262, Sec. 2, Approved and Effective May 25, 1964.)

Section 10.210 Violation/Penalty

Any person violating any of the provisions of sections 10.200 or 10.205 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.380.)

(Ord. 262, Sec. 3, Approved and Effective May 25, 1964.)

Section 10.215 Abandoning Vehicles, Parking for Longer Than Seventy-Two Hours.

No person, being the owner thereof or having in his care or custody any vehicle, shall abandon the same on any street, alley or public place, nor shall he leave the same standing thereon for a longer period of time than

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seventy-two hours.

(Ord. 322, Sec. 1, Approved and Effective April 24, 1972.)

Section 10.220 Non-Operating Vehicle Defined.

The term **non-operating vehicle** shall mean any vehicle which is not licensed and insured according to state law for operation on public highways, and also any vehicle which cannot be immediately and safely driven on public highways by reason of a flat tire, or the lack of a tire, or a defective or run-down battery, or any other defective part or parts necessary to the safe operation of the vehicle.

A vehicle shall be presumed to be non-operating if, upon request of the Chief of Police, or his or her delegate, the owner or possessor thereof shall fail to demonstrate to such officer or delegate within twenty-four hours that the vehicle is operational.

(Ord. 606, Sec. 1, Approved and Effective August 26, 2002; Ord. 464 Sec. 1 and Sec. 2, Approved and Effective July 25, 1988, Repealed.)

Section 10.225 Leaving Wrecked or Non-Operating Vehicle on Street.

No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street, alley or public place within the City.

(Ord. 322, Sec. 2, Approved and Effective April 24, 1972.)

Section 10.230 Allowing Non-Operating Vehicles to Remain on Private Property.

No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, shall keep or allow any other person to keep any partially dismantled, non-operating, wrecked, junked or discarded vehicle on such property longer than thirty days, and no person shall leave any such vehicle on any property within the City longer than thirty days, EXCEPT and PROVIDED, that this code shall not apply with regard to:

1. A vehicle in any enclosed building,
2. A vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary in the operation of such business enterprise, or City.
3. A vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City.

(Ord. 322, Sec. 3, Approved and Effective April 24, 1972.)

Section 10.235 Owner to Demonstrate Vehicle.

The owner of any vehicle within the City of Sturgeon which otherwise appears to be in violation of Section 10.225, shall, upon request of the Chief of Police or his designated agent, demonstrate to him that the vehicle is in operating condition, by starting the engine and, if requested, engaging the gears to show that it can be driven in the normal manner; provided, however that such owner shall not be required to demonstrate such operability with respect to any single vehicle more often than once every six months. If any such owner shall fail to comply with this provision, or, if he shall fail to demonstrate that the vehicle is operable when attempting to do so demonstrate its operability, his said vehicle shall be conclusively presumed to be inoperable under Section 10.225.

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(Ord. 414, Sec. 1, Approved and Effective March 23, 1981.)

Section 10.240 Application for Permit to Keep and Maintain Inoperative Vehicle.

Notwithstanding the provisions of Section 10.225 through Section 10.230 the owner of any non-operating vehicle may make application to the City Clerk for a permit to keep and maintain such non-operating vehicle for a grace period of thirty days during which the owner may endeavor to bring the vehicle into conformity with the requirements of said code. Said permit shall be issued to the owner upon request and shall be renewable two times for a total maximum grace period allowed of ninety consecutive days. Once a permit has been issued with respect to any vehicle, whether renewed or not, no other permit shall be issued with respect to that vehicle within twelve months of the date said original permit was issued.

(Ord. 414, Sec. 2, Approved and Effective March 23, 1981.)

Section 10.245 Illegal Parking on Off-Street Facilities.

It shall be unlawful for any person to park or leave standing any motor vehicle upon any privately owned land, parking lot, or driveway, after notice has been posted as hereinafter provided by the owner, occupant, lessee or licensee, prohibiting, restricting, limiting such parking, without the express or implied consent of such owner, occupant, lessee or licensee of such land. A suitable sign or signs not less than eighteen inches by twenty-four inches in dimension, and bearing the words "No Parking", together with any qualifications or restrictions on such parking, if any, shall be conspicuously displayed on such land, parking lot or driveway by the owner, occupant, lessee or licensee thereof, where this code is to be effective. Defacing, tampering with or damaging such sign or signs shall constitute a violation of this code. Upon the complaint being made in writing by any such owner, occupant, lessee or licensee, that any such motor vehicle is parked or has been left standing in violation of this code, it shall be the duty of the Chief of Police or any Police Officer of this City to remove or cause to be removed such illegally parked vehicle, and to impound the same as hereinafter provided.

(Ord. 322, Sec. 4, Approved and Effective April 24, 1972.)

Section 10.250 Impoundment and Disposal of Impounded Vehicles.

The Chief of Police or any Police Officer designated by him, is hereby authorized to remove or have removed any vehicle left at any place within the City which reasonably appears to be in violation of this code, and take same to a suitable place or to a public garage. In not less than thirty and in not more than ninety days after such impoundment, the Chief of Police shall post notices in five places in the City describing the vehicle as accurately and briefly as possible and notifying the public that on a certain day and hour named therein, which shall be at least ten days subsequent to such notice, he will sell the vehicle described at public auction to the highest bidder for cash at a public place. In case no bidders appear at such sale, the Chief of Police may sell the vehicle at private sale, securing the best possible price. From the proceeds of any sale held hereunder, the Chief of Police shall first deduct and pay his expenses and pay the balance into the City Treasury and such sum shall become a part of the general revenue fund. If at any time prior to the sale, the owner of such vehicle shall exhibit satisfactory proof of his ownership, the proceeds paid into the City Treasury from such sale shall be refunded to him.

(Ord. 322, Sec. 5, Approved and Effective April 24, 1972.)

Section 10.255 Violation/Penalty.

Any person who violates any provision of sections 10.215, 10.220, 10.225, 10.230, 10.235, 10.240, 10.245, or 10.250 shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.390.) for each and every offense or imprisoned in

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the county jail for a term not to exceed ninety days or by both such fine and imprisonment.

(Ord. 322, Sec. 6, Approved and Effective April 24, 1972.)

Article III: Weeds

Section 10.305 Grass and Weeds Over One Foot in Height.

It shall be unlawful for any owner of land within the City of Sturgeon to permit the grasses or weeds on said land to grow to a height in excess of twelve inches, except grasses or other plants grown for agricultural purposes.

(Ord. 487, Sec. 1, Approved and Effective July 17, 1990.)

Section 10.310 Inspection of Premises.

The general superintendent, or any agent or employee of the City, or the Chief of Police or any Police Officer, is hereby authorized to enter and inspect any premises for the purpose of examining the sanitary condition thereof and for the discovery and abatement of the nuisance described in this code.

(Ord. 371, Sec. 2, Approved and Effective July 28, 1976.)

Section 10.315 Officials Authorized to Cause Grasses and Weeds to be Mowed.

Whenever grasses or weeds shall be allowed to grow beyond the height permitted by this code, the Mayor, Chief of Police or City Engineer shall have the authority to cause such grasses or weeds to be mowed to a reasonable height.

(Ord. 487, Sec. 2, Approved and Effective July 17, 1990.)

Section 10.320 Procedure and Hearing.

The general superintendent, or any agent or employee of the City or the Chief of Police or any Police Officer shall, after having determined that violation of the City codes as described in Section 1, exists on any lot, tract or any part of any lot or parcel of ground, the general superintendent shall hold a public hearing before declaring the same to constitute a nuisance. The general superintendent shall give five days notice of such hearing to the owner or occupant of the premises upon which such said nuisance exists, or to his agent or to the person causing or maintaining such alleged nuisance. Such notice shall state the time and place of such hearing. In the event that the whereabouts of the owner or the occupants of the premises where such alleged nuisance exists, or his agent, or of the person causing or maintaining such alleged nuisance are unknown, a notice cannot be served upon them, then such notice shall be posted on the premises where such alleged nuisance exists for five days before such hearing. All interested persons may appear at such hearing either in person or by attorney and present evidence concerning the matters at issue. If, upon such hearing the general superintendent finds that a nuisance exists, he shall order the owner, occupant or agent of such property, or the person causing or maintaining such nuisance, to abate the same and if the same is not abated within the time prescribed by the general superintendent in such order, the general superintendent shall abate the same, and the cost thereof may be levied as a special tax bill against the property on which such nuisance was located, which tax shall be collected like other special tax bills and shall be a first lien on the property until paid. Such tax bill not paid when due shall bear interest at the rate of ten percent per annum.

(Ord. 371, Sec. 3, Approved and Effective July 28, 1976.)

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Section 10.325 Responsible Parties.

The owner of any premises, or his agent in charge thereof, as well as the tenant or occupants of such premises are hereby charged with the duty of observing all of the requirements and provisions of this code, and any or all of such persons together with the person causing or contributing to cause or bring about such nuisance may be charged with the violation thereof and shall be equally liable.

(Ord. 371, Sec. 4, Approved and Effective July 28, 1976.)

Section 10.330 Cost of Mowing Recoverable by City.

The owners and occupiers of land on which grasses or weed shall be allowed to grow beyond the limits of this code shall be jointly and severally liable to the City for the reasonable cost incurred or value of work and labor provided by the City in mowing such grasses or weeds as authorized by this code. This will be done at an hourly rate (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.400.)

(Ord. 487, Sec. 3, Approved and Effective July 17, 1990.)

Section 10.335 Procedures When Responsible Party Will Not Abate Nuisance.

Whenever the owner or occupant of the premises, or his agent in charge, or the tenant or occupants of such premises, shall not abate such nuisance within the time prescribed by the general superintendent, then such owner, his agent or such tenant or occupant of such premises shall be guilty of a misdemeanor and shall be punished in accordance with penalty provisions governing violations with the codes of the City of Sturgeon.

(Ord. 371, Sec. 5, Approved and Effective July 28, 1976.)

Article IV: Junk

Section 10.400 Junkyards Regulated.

It is hereby declared a nuisance and shall be unlawful for any person, other than a licensed junk dealer in the operation of a lawful junkyard, to keep and maintain junk on private property exposed to public view within the City of Sturgeon, Missouri.

(Ord. 514, Sec. 1, Approved and Effective September 27, 1993.)

Section 10.405 Definitions.

For the purposes of this code the following words and/or phrases will have the meaning indicated below.

The term **junk** shall mean old building materials, iron, steel, brass, copper, tin, lead or other base metals; old lumber, cordage, ropes, rags, fibers or fabrics; old rubber; old bottles or other glass; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and any accumulation of wrecked, abandoned or dismantled motor vehicles no longer used as such, however obtained or accumulated, to be used for scrap metal or stripping of parts. **Junk** shall not include any objects accumulated by a person as by-products, waste or scraps from the operation of his own business, except for wrecked or dismantled motor vehicles, or any materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes, or material collected to be utilized by charitable institutions.

(Ord. 514, Sec. 2, Approved and Effective September 27, 1993.)

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Section 10.410 Chief of Police to Demand Removal of Unlicensed Junk, Notice Required, Action Allowed.

Whenever it shall appear to the Chief of Police that junk is being maintained on private property within the City in violation of this code, he shall forthwith notify the person or persons in possession of said property, and the owner or owners thereof, if a different person or persons, of the existence of said junk and demanding its removal within thirty days of the date of such notice.

If, following the expiration of thirty days after such notice, such junk shall not be removed as required in such notice, then the owners and any other persons in possession of such real property shall be deemed guilty of a misdemeanor, subject to fine and incarceration as otherwise provided by these codes for violation thereof. In addition, the Board of Aldermen may authorize commencement and maintenance of an action in the Circuit Court for the abatement of such nuisance, in which case the court may award the City reimbursement for all legal expenses incurred in the prosecution of such civil action.

(Ord. 514, Sec. 3 and Sec. 4, Approved and Effective September 27, 1993.)

Article V: Hazardous Buildings

Section 10.500 Buildings and Structures Which Constitute Nuisances..

The following conditions detrimental to the health, safety or welfare of the residents of the City shall constitute a nuisance:

1. Those buildings or structures whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passed through the center of gravity of any such wall or vertical structural member falls outside the middle third of its base,
2. Those buildings or structures which, exclusive of the foundation, show thirty-three percent or more of damage or deterioration of the supporting member or members or fifty percent of damage or deterioration of the non-supporting enclosing or outside walls or covering,
3. Those buildings or structures which have improperly distributed loads upon the floors or roofs or in which the floors or roofs are overloaded, or those having floors or roofs of insufficient strength to be reasonably safe for the purpose for which they are being used or intended to be used,
4. Those buildings or structures which have been substantially damaged by fire, wind or other causes,
5. Those buildings or structures which are uninhabited and are open at the door, window, wall or roof; and also those which are inhabited and are open at the door, window, wall or roof, except where such opening in the inhabited building or structure is an intended part of the design and construction,
6. Those buildings or structures under construction upon which no substantial work shall have been performed for ninety days immediately preceding the time that a notice shall issue hereunder,
7. Those buildings or structures in the process of demolition upon which no substantial work shall have been performed for a period of fourteen days immediately preceding the time a notice shall issue to complete the demolition thereof hereunder,
8. Those buildings or structures containing therein substantial accumulations of trash, garbage or other

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materials susceptible to fire, or constituting or providing a harboring place for vermin or other obnoxious animals or insects or in any way threatening the health of the occupants thereof or the health of persons in the vicinity thereof,

9. Those buildings or structures condemned as unfit for human habitation under general codes of the City and upon which no substantial work has been performed to remedy the conditions causing the condemnation thereof for a period of ninety days immediately preceding the time a notice shall issue hereunder for the demolition or repair of the building,

10. Those buildings or structures having inadequate facilities for egress in case of fire or panic,

11. Those buildings or structures which have parts which are so attached or deteriorated that they may fall upon public ways or upon the property of others or may injure members of the public or the occupants thereof,

12. Those buildings or structures built in violation of any codes of the City or used in violation thereof, and

13. Those buildings or structures that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.

(Ord. 656, Sec. 1, Approved and Effective September 25, 2006.)

Section 10.505 Inspection; Declaration of Nuisance; Posting Notice.

1. Mayor to Appoint Inspectors. Whenever any person reports to a City official that a building or structure within the City contains any of the conditions described herein as a nuisance, or the Mayor independently has reason to believe that a building or structure contains any such conditions, the Mayor shall appoint an inspector or inspectors, as needed, to inspect such building or structure. Whenever the Mayor deems it advisable, he or she may request inspections by persons who might have specialized knowledge useful in the determination of whether a nuisance exists or how it might be abated. The Mayor shall supervise all inspectors of buildings and structures hereunder, declare nuisances, post notices, hold hearings and issue orders of abatement, as provided herein, regarding such buildings and structures.

2. Entry Upon Private Property; Inspections; Reports. Inspectors shall have the right to enter upon private property to the extent necessary to conduct an inspection authorized by the Mayor, whenever such property shall be abandoned or vacant and in cases of emergency. When there is no emergency, prior to entering upon private property which has not been abandoned or is not vacant, City inspectors shall first seek the consent of the owners and occupants of the premises; and if such consent shall be denied, obtain a warrant for inspection from a court of law before entering upon such property. Following each inspection, the inspector shall prepare and submit a written report to the Mayor, stating the results of such inspection and whether an emergency exists.

3. Declaration of Nuisance and Time to Commence Work. Where inspection reveals that a building or structure constitutes a nuisance as defined in this code, the Mayor shall issue a declaration of nuisance, describing any conditions which constitute a nuisance and stating a reasonable time within which the work of reconditioning or demolition must commence and proceed continuously without unreasonable delay.

4. Immediate Danger -- Posted Notice; Emergency Measures. Whenever a building inspector shall report that a building or structure constitutes a nuisance, he or she shall also determine whether such nuisance poses an immediate danger to the health, safety or welfare of any person therein or thereabout. If the inspection reveals an immediate danger, the inspector shall immediately notify the Mayor. In the event the Mayor concurs that there is an immediate danger, the City shall post on the building or structure a notice reading as follows:

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“This building has been found to be a public nuisance by the Mayor of Sturgeon, and an imminent danger to the health, safety or welfare of persons herein or hereabout. This notice is to remain on this building or structure, until said nuisance has been eliminated. It is unlawful for any person, other than authorized City personnel, to remove this notice.”

Furthermore, in cases where it appears to the Mayor that there is an immediate danger to the health, safety or welfare of any person, the Mayor, in his or her sole discretion, may take such emergency measures as he or she deems reasonable and necessary to vacate, repair or demolish the dangerous building or structure.

(Ord. 656, Sec. 2, Approved and Effective September 25, 2006.)

Section 10.510 City Clerk to Notify Interested Parties.

Whenever the Mayor shall issue a declaration of nuisance hereunder, the Mayor will deliver the inspector’s written report and the Mayor’s declaration concerning such nuisance to the City Clerk. Thereupon, the City Clerk shall issue a notice, which shall direct that the property is to be vacated, reconditioned or removed, as the case may be, specify a reasonable time for commencement of work and require that work proceed continuously without unreasonable delay. Such notice, together with a copy of the inspector’s report and the Mayor’s declaration of nuisance, shall be served upon all interested parties either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of those modes of service, the service may be had by publication. Interested parties shall include the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the building or structure as shown by the land records of the recorder of deeds of Boone County, Missouri.

(Ord. 656, Sec. 3, Approved and Effective September 25, 2006.)

Section 10.515 Failure to Commence Work; Mayor’s Hearing; Notice; Appeal.

1. Hearing and Notice. Upon failure by persons interested in a building or structure declared to be a nuisance hereunder to commence the work of reconditioning or demolition within the time specified or upon failure by them to proceed continuously with the work without unnecessary delay, the Mayor shall call and have a full and adequate hearing upon the matter, giving the affected parties at least ten days’ written notice of the hearing.

2. Hearing Procedure; Issue; Order to Abate. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. All testimony shall be under oath, to be administered by the Mayor or the City Clerk. A record of the hearing shall be made by a reporter to be employed by the City, or, at the discretion of the Mayor, by a cassette tape recorder or other similar recording device. Any necessary costs of recording and transcribing such proceeding shall be paid by the City should the proceeding be eventually held against the City, and by the objecting party or parties if it should not. In the latter case, the cost of such reporting shall be a lien upon the lot, tract or parcel of land upon which the building or structure stands, and shall be added to the costs of performance for demolition or repair in the event the City shall be required to do so, and payable as provided for such costs. Any record of the proceeding made by cassette tape or other similar recording device, shall be preserved as needed for possible appeal, and if needed, subsequently transcribed, which record then shall be admissible and used for all purposes the same as a transcript reported by a reporter.

After the hearings, if the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of the City, the Mayor shall issue an order to abate such nuisance, making specific findings of fact, based upon competent and substantial evidence, which shows the building or structure to be a nuisance and detrimental to the health, safety or welfare of the residents of the City, and shall order the building or structure to be demolished and removed, or repaired. The abatement order shall provide a date that work shall commence and require that the work proceed continuously without unreasonable delay. The order to abate shall

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inform any party aggrieved by an order issued under this paragraph of his or her right to appeal. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health safety, or welfare of the residents of the City, no abatement order shall be issued, and the declaration of nuisance previously issued shall be rescinded.

3. Appeal. Pursuant to section 67.430, RSMo., any party aggrieved by an order to abate issued under the previous paragraph shall have the right to appeal to the Circuit Court, as established in sections 536.100 to 536.140 RSMo, if a proper record as defined in section 536.130, RSMo is maintained of the hearing provided by this paragraph; otherwise, the appeal shall be made pursuant to the procedures provided by section 536.150, RSMo. Except in cases of emergency, if a timely appeal is filed, then the City will refrain from abating the nuisance pending the outcome of the appeal.

(Ord. 656, Sec. 4, Approved and Effective September 25, 2006.)

Section 10.520 Special Tax Bill to Issue for Costs Incurred by the City.

If the Mayor shall issue an abatement order by virtue of which a building or structure is required to be demolished, secured or repaired by the owner, occupant or other person having an interest in the property, and if such owner, occupant or other person shall fail or refuse to commence the work of reconditioning or demolition within the time specified or fail to proceed continuously with the work without unnecessary delay, and all appeal rights have expired, the City may proceed to eliminate said nuisance, and in such case, the cost of performance shall be certified to the City Clerk, who shall cause a special tax bill or assessment therefore against the property to be prepared and collected by the City Collector or other official collecting taxes on behalf of the City, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building is located. At the request of the taxpayer, the tax bill may be paid in equal installments over a period of not more than ten years. The tax bill from date of issuance shall be deemed a personal debt against the property owners and shall also be a lien on the property until paid.

(Ord. 656, Sec. 5, Approved and Effective September 25, 2006.)

Section 10.525 Insurance Proceeds.

If there are insurance proceeds of any insurance policy based upon a covered claim for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, the insurer shall pay the costs of demolition or repair incurred by the City, by reimbursing the City in an amount not to exceed twenty-five percent of the applicable insurance proceeds, as set forth herein. Such payment shall apply only to a covered claim payment which is in excess of fifty percent of the face value of the policy covering such building or other structure.

The insurer shall withhold from the covered claim payment up to twenty-five percent of the covered claim payment, and shall pay such funds to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this code.

The City shall release the proceeds and any interest which has accrued on such proceeds received under subparagraph (a) to the insured, or as the terms of the policy and endorsements thereto provide, within thirty days after receipt of such insurance proceeds, unless the City has issued a tax bill pursuant to this code. If the City has issued such a tax bill, all funds in excess of that necessary to satisfy such tax bill for the removal, securing, repair and cleanup of the building or structure, and the lot on which it is located, less salvage value, shall be paid to the insured.

If there are no proceeds of any insurance policy as set forth in this subsection, at the request of the taxpayer,

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the tax bill may be paid in installments or a period of not more than ten years. The tax bill from date of its issuance shall be a lien on the property until paid.

(Ord. 656, Sec. 6, Approved and Effective September 25, 2006.)

Section 10.530 Notification of this Code to be Provided to the Director of Insurance.

Upon adoption of this code, the City Clerk shall notify the Director of Insurance of the State of Missouri of such adoption, so that the Director may notify affected insurance companies, as required by section 67.412 RSMo.

(Ord. 656, Sec. 7, Approved and Effective September 25, 2006.)

Section 10.535 Penalty for Failure or Refusal to Abate a Nuisance.

It shall be unlawful for any owner or occupant of a building or structure within the City, having been duly notified of a declaration of nuisance under this code, to fail or refuse to obey any subsequent order of abatement issued on account of such nuisance, or vacate the premises pursuant to such declaration and order, or to commence work and proceed continuously to abate such nuisance within the time specified in the declaration of nuisance and order of abatement. Violation of this provision shall be punishable by fine or incarceration, as provided by the general sentencing provisions of the codes of the City.

(Ord. 656, Sec. 8, Approved and Effective September 25, 2006.)

Article VI: Animal Nuisances

Section 10.600 Animal Nuisances Prohibited.

No person shall own, keep or harbor any animal which, by loud, continual or frequent barking, screeching, howling or yelping, shall annoy or disturb any neighborhood or any person, or which habitually barks at or chases pedestrians, or vehicles to the annoyance of such pedestrian or drivers of such vehicles. Nor shall any person maintain any animals in conditions so unsanitary as to expose such person's neighbor to foul and obnoxious odors or to hazards to the health and safety of such neighbor; provided, however, that this section shall not apply to the City dog pound, veterinary offices and hospitals, or licensed kennels or pet shops.

(Ord. 550, Effective December 23, 1996, New)

Article VII: Abandoned Airtight or Semi Airtight Containers

Section 10.700 Abandoned Property

No person shall abandon, discard, or knowingly permit to remain on premises under his control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semi-airtight container which has a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.

(Ord. 695, Sec. 1, Approved and Effective June 22, 2009, New)

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Section 10.705 Violation/Penalty

Any person convicted of abandoning, discarding, or knowingly permitting to remain on premises under his control any airtight or semi-airtight container shall, upon conviction, be guilty of an offense and penalized as provided by law.

(Ord. 695, Sec. 2, Approved and Effective June 22, 2009, New)

Article VIII: Enforcement

Section 10.800 Suits in Equity Authorized

The City Attorney is authorized to bring lawsuits in the equity court to enforce City codes relating to the City's zoning and nuisances codes, particularly as they relate to the use or misuse of real property, instead of pursuing those actions through Municipal Court.

(Ord. 697, Sec. 1, Approved and Effective June 22, 2009, New)

Section 10.805 Attorney's Fees to be Awarded

The City's Attorney's fees and other expenses of litigation in pursuing a claim against someone for violating the City zoning and nuisance codes shall be paid by the defendant, upon the City's successful prosecution of its action or upon settlement of its lawsuit. These expenses shall be subject to the supervision of the Circuit Court in determining the reasonableness of the amount and shall be entered as a judgment against the defendant(s) in the enforcement litigation.

(Ord. 697, Sec. 2, Approved and Effective June 22, 2009, New)

Section 10.810 Severability Clause

Should any section or provision of this code be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the code as a whole or any part thereof, other than the part so declared to be invalid.

(Ord. 697, Sec. 4, Approved and Effective June 22, 2009, New)