

AN ORDINANCE OF THE CITY OF MALDEN, MISSOURI TO ADD SECTION 225.150 RELATING TO NUISANCE ABATEMENT TO THE MALDEN CITY CODE.

WHEREAS, the City of Malden desires to protect the peace, safety and welfare of persons inside the City Limits by providing for the administrative abatement of nuisances;

IT IS NOW ORDAINED BY THE CITY COUNCIL OF THE CITY OF MALDEN, MISSOURI, TO-WIT:

**Section 1.** There is hereby added a new Section 225.150 of the Malden City to read as follows:

**SECTION 225.150: Administrative Abatement of Certain Nuisances**

- A. In addition to other provisions, powers and procedures authorized by law, the City of Malden may administratively cause the abatement upon any lot or land that has the presence of a nuisance including, but not limited to:
- 1) Debris of any kind,
  - 2) Weed cuttings,
  - 3) Cut, fallen, or hazardous trees and shrubs,
  - 4) Overgrown vegetation and/or noxious weeds which are seven inches or more in height,
  - 5) Rubbish and trash,
  - 6) Lumber not piled or stacked twelve inches off the ground,
  - 7) Rocks or bricks,
  - 8) Tin or steel,
  - 9) Parts of derelict cars or trucks,
  - 10) Broken furniture,
  - 11) Any flammable material which may endanger public safety, or
  - 12) Any material or condition which is unhealthy or unsafe and declared to be a public nuisance
- B. Upon discovery of any nuisance listed in Subsection A, above, the Code Enforcement Officer shall notify the Building Commissioner or other designated official and cause written Notice to be given to the owner and occupant of the property. Said Notice shall be delivered by personal service or first-class mail and shall specifically describe each condition of the lot or land declared to be a public nuisance and identify what actions are necessary to abate the nuisance.
- C. Unless the condition presents an immediate, specifically identified risk to the public health or safety, the Notice shall specify a reasonable time, not less than ten days from the date of service, in which to abate the nuisance.
- D. Upon a failure of the owner or occupant to pursue the removal or abatement of such nuisance without unnecessary delay, the building commissioner or designated officer may cause the condition which constitutes the nuisance to be removed or abated by the appropriate city official or department.
- E. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal or abatement and the proof of notice to the owner of the property shall be certified to the city clerk or 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 option, for the property and the certified cost shall be collected by the city collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. 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

- F. For purposes of this Section, the "Building Commission or Designated Officer" shall be a building commissioner of designated officer acting under the authority of Chapter 505 of this Code.
- G. Nothing in this Section shall limit the authority of the Code Enforcement Officer or any law enforcement official to issue a citation for any nuisance which constitutes a violation of any provision of this Code.

**Section 2.** This Ordinance shall be effective and in full force as set out herein after the date of passage and all ordinances or parts of ordinances previously enacted, which are in conflict herewith, are hereby repealed.

Read the first time and passed and approved by the City Council of the City of Malden, Missouri on the 15 day of October, 2018.

<u>COUNCIL MEMBER</u>	<u>Yea</u>	<u>Nay</u>
LYNNETTE JENKINS	✓	_____
KEVIN MOORE	✓	_____
DIANNA ROGERS	✓	_____
NICKOLAS HOUSE	✓	_____
HAROLD JONES	✓	_____
KAREN HALEY	✓	_____
DEBRA WILKERSON	✓	_____
CASEN COLEMAN	✓	_____

Read the second time, passed approved and finally adopted by the City Council of the City of Malden, Missouri on the 15 day of October, 2018.

<u>COUNCIL MEMBER</u>	<u>Yea</u>	<u>Nay</u>
LYNNETTE JENKINS	✓	_____
KEVIN MOORE	✓	_____
DIANNA ROGERS	✓	_____
NICKOLAS HOUSE	✓	_____
HAROLD JONES	✓	_____
KAREN HALEY	✓	_____
DEBRA WILKERSON	✓	_____
CASEN COLEMAN	✓	_____

Attest:

  
Denton Kooyman – Mayor

  
Ivone Smith - City Clerk