

Chapter 74 -- Nuisances

74.010. Nuisances Enumerated. The following are hereby declared to be nuisances:

1. Any act done or committed or suffered to be done or committed by any person, or any substance or thing kept, maintained, placed or found, in or upon any public or private place within this City which is injurious, dangerous, annoying, unsafe, or offensive to the public.
2. Any pursuit followed or act done or omission failed to be done by any person which is injurious, dangerous, annoying, unsafe, or offensive to the public.
3. Any building, bridge or other structure which is unsafe, dangerous, injurious, unhealthy, offensive, or annoying to the public.
4. Any slaughterhouse, stockyard, or stable, cattle yard, hog, sheep or cow pen, which is offensive, injurious, obnoxious, unsafe or annoying to the public.
5. Any pond or pool of stagnant water or any foul or dirty water or liquid discharged through any drain pipe or spout or thrown into or upon the street, alley, thoroughfare or lot which is injurious, dangerous, offensive, unhealthy, or unsafe to the public.
6. Any obstruction caused or permitted on any street, sidewalk, public or private alley, which is injurious, dangerous, offensive, inconvenient, unsafe, or unhealthy to the public.
7. Any stone, dirt, filth, slops, vegetable matter, animal matter, or other articles thrown or placed in or upon any street, alley, sidewalk or other public place which is injurious, dangerous, obnoxious, unsafe, or offensive to the public.
8. Any animal or vegetable matter, or other substance, liable to become putrid, offensive or unhealthy, which is injurious, dangerous, unhealthy, unsafe, and offensive, to the public.
9. Any cellar, vault, private drain, pool, privy, sewer or sink, or container which may be sufficiently tightly closed to cause suffocation, which is injurious, dangerous, unsafe, or offensive to the public health.
10. Any tenement, boardinghouse or lodging house in the City leased, let, rented or occupied by any person for dwelling which is not sufficiently lighted, ventilated, heated, or provided with water, or kept in a clean and sanitary condition, which is dangerous, injurious, obnoxious, offensive, or unsafe to the public.

11. Any house or building or tank within the City used for the special or exclusive storage of powders or dynamite, with a glycerin, coat oil or other explosive substance, detrimental to the public health, or endangering human life, or any house, building or store, wherein small quantities of such explosives are kept, exposed or insecure, or kept in any manner so as to endanger the public.
12. The accumulation on any lot or parcel of ground in the City of any garbage, rubbish, trash, weed cuttings, cut and/or fallen trees, shrubs, branches, lumber, or overgrown vegetation in such a manner as to be offensive or injurious to the health of a person of ordinary sensibilities, or cause injuries within the neighborhood. (Amended by Ordinance 946, Passed and Effective 8/7/10)
13. Partially dismantled, wrecked, junked or otherwise non-operating motor vehicle or parts thereof remaining on any public or private premises within the City not in an enclosed building or so located upon premises as not to be readily visible from any public place or from any surrounding private property. (Amended by Ordinance 946, Passed and Effective 8/7/10)
14. All furniture, bedding, refrigerators, freezers, heating stoves, kitchen ranges, laundry, dishwashing equipment, air conditioning units, or any other such appliances, articles or equipment designed for use inside a dwelling unit if stored, placed and sit upon the ground, on any open porch, any attached carport, any free standing carport, or in any garage or shed that is without doors to conceal such articles.
15. Any branches kept or maintained by the owner, agent, or occupant of any house, building, lot or parcel of land in the City so that there is a clear height, unobstructed by branches, of less than nine (9) feet above the surface of the sidewalk or a clear height of less than fourteen (14) feet above the surface of the roadway, street, or alley.
16. Any obstruction to a culvert, or growth of weeds, or accumulation of any material or trash in the unimproved City right-of-way; and/or area between the improved roadway, if any; and/or the private property line, including all ditches and water courses; to such a quantity or quality as to render such area dangerous or ineffectual for the transport of stormwater.
17. Any flammable material which may endanger public safety. (Amended by Ordinance 946, Passed and Effective 8/7/10)

18. All electric generators and other loud machinery, not used in conjunction with a construction project authorized by a City of Sarcoxie permit and as provided in the Code for the City of Sarcoxie; or all electric generators used in non-emergency situations as a power source for a structure or home and connected to an existing electrical system; or all electric generators not operated in accordance with all existing electrical codes of the City of Sarcoxie and that pose a risk or danger of inhalation of harmful or noxious fumes and the injury or harm to others by electrocution. (Amended by Ordinance 1048, Passed and Effective 4/3/19)

74.020. Authority to Abate Emergency Cases. In cases where it reasonably appears that there is an immediate danger to the health, safety or welfare of the public, due to the existence of a nuisance, the Mayor and Board of Aldermen shall have the authority to order the Chief of Police or other City official to immediately abate the nuisance in an appropriate manner.

74.030. Abatement; procedure. Whenever the City Council receives notification that a nuisance may exist, it shall proceed as follows:

1. The Board designates the Police Department to investigate violations of this Chapter. The Board designates the Mayor to hear and determine alleged violations of this Chapter and to order the abatement thereof. The Chief of Police may order any person who has caused or is maintaining the nuisance to appear before the Mayor at such time and place as the Mayor may direct to show cause, if any, why that person should not abate the nuisance. Every person required to appear before the Mayor shall have at least ten (10) days notice thereof.

2. Such notice shall be signed by the Chief of Police, and shall be served upon that person by delivering a copy thereof to the person, or by leaving a copy at his residence with some member of the family or household over fifteen (15) years of age, or upon any corporation by delivering the copy thereof to the President or to any other officer at any business office of the corporation within the City. If the notice cannot be given for the reason that the person named in the notice or his agent cannot be found in the City, of which fact the return upon such notice of the officer serving the same shall be conclusive evidence, such notice shall be published in a daily newspaper for three (3) consecutive days, if a daily, or for one if a weekly paper, giving at least ten (10) days notice from the final publication date of the time fixed for the parties to appear before the Mayor.

3. If after hearing all the evidence the Mayor determines that a nuisance exists, he may direct the Chief of Police, or other City official to order the person to abate the nuisance within twenty (20) days or within such other time as the Mayor may deem reasonable. Such order shall be served in the manner provided in this section for service of the order to show cause.

4. If the order has not been obeyed within the time period set by the Mayor, the appropriate City official to abate the nuisance in the manner provided by the order of the Mayor, and the cost of same, if ordered by the Mayor, may be assessed as a special tax against the property so improved or upon which such work was done; and, if so ordered, the City Clerk shall cause a special tax bill therefor against the owner thereof when known, and if not known, then against the unknown persons, and the certified bills of such assessment shall describe therein the property upon which the work was done.

5. The Special Tax bill for the above work shall be recorded and shall be collected by the City Collector and shall be a tax lien on the property, and shall bear interest at the rate of 6% until paid.

74.040. Non-exclusive Remedy. The provisions as contained herein for abatement of nuisances shall not be exclusive, and the City may pursue any additional remedies it may have as provided by law. Upon trial and conviction for causing or maintaining a nuisance, the cost of removing or abating the nuisance may be made a part of the judgment by the police judge, in addition to the fine imposed, provided, however, that the said additional cost shall be in lieu of the issuance of a tax bill as provided in Section 74.030(4) and (5) or Section 74.050(3) and (4).