

1st Reading: September 28, 2023  
2nd Reading: September 28, 2023

SPONSOR: CLAUSS

**ORDINANCE NO. 4374**

**BILL NO. 23-86**

**AN ORDINANCE REPEALING ORDINANCE 4364 AND ENACTING A NEW CHAPTER 215, NUISANCES, OF THE MUNICIPAL CODE.**

**WHEREAS**, Staff made a recommendation to the Board of Aldermen to enact minor amendments to certain sections of Chapter 215, Nuisances, of the Municipal Code to mirror state statute and clarify a few sections; and

**WHEREAS**, at the August 10, 2023, Committee Meeting, the Health and Safety Committee discussed staff's recommendation to amend Chapter 215, Nuisances, of the Municipal Code and recommended that the Board consider such amendments; and

**WHEREAS**, after consideration, the Board of Aldermen agreed with staff's recommendation and found it in the best interest of the City to approve such amendments; and

**WHEREAS**, at the August 27, 2023, Board of Aldermen Meeting, the Board approved Ordinance 4364 amending Chapter 215, Nuisances, of the Municipal Code; and

**WHEREAS**, after adoption of Ordinance 4364, it was discovered that not all intended amendments were contained in Exhibit 1 of Ordinance 4364; and

**WHEREAS**, the Board desires to repeal Ordinance 4364 and enact a new Ordinance containing the intended amendments.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FENTON, MISSOURI, AS FOLLOWS:**

**Section 1.** Chapter 215, Nuisances, as adopted under Ordinance 4364, is hereby repealed in its entirety and a new Chapter 215, Nuisances, is hereby enacted in lieu thereof as set forth in substantially the form of Exhibit 1 attached hereto and incorporated herein.

**Section 2.** If any clause, word, paragraph, section, or other part or portion of this ordinance is held to be invalid, illegal, or unconstitutional for any reason, the Board of Aldermen hereby declares

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it would nevertheless have enacted the remaining portions thereof and such remaining portions shall remain in full force and effect.

**Section 3.** This ordinance shall be in full force and effect after the date of its passage and approval.

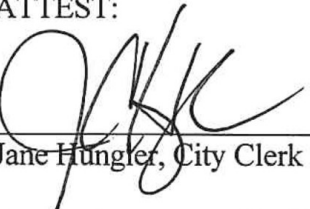
PASSED this 28<sup>th</sup> day of September, 2023.

  
JOE MAURATH, MAYOR

APPROVED 28<sup>th</sup> day of September, 2023.

  
JOE MAURATH, MAYOR

ATTEST:

  
Jane Hungler, City Clerk

Motion to approve. Roll Call vote:  
Ayes: Bereitschaft, Harrell, Clauss, Huels, Maserang  
Abstain: 0  
Nays: 0  
Absent: Wisbrock, Cruts, Jokerst

## **EXHIBIT 1**

### **Chapter 215**

#### **Nuisances**

##### **Section 215.010 Public Nuisance, Defined.**

A public nuisance shall be defined as non-transitory, persistent, ongoing, or continued acts or things done or made, permitted or allowed, or continued where the unreasonable, unlawful use of one's property causes obstruction or injury to the public, or produces material annoyance, inconvenience, discomfort, or interferes with others' use and enjoyment of their property, or which is injurious to the public health, safety, or general welfare of the City or its residents, or any act or condition so designated by Statute or ordinance to be a public nuisance. A public nuisance may exist or be maintained not only by the doing of an act but also by the omission of a duty. The acts in this Chapter, among others, are declared to be public nuisances in violation of this Chapter, but such enumeration shall not be exclusive.

##### **Section 215.020 Nuisances Prohibited.**

No person shall cause, permit, engage in, keep, or maintain any nuisance, as defined by the laws of the State of Missouri or provisions of this Code nor shall any person contribute to the causing, committing, keeping, or maintaining of any such nuisance within the City or within one-half (1/2) mile thereof as prescribed by Section 71.780, RSMo. No person shall fail or refuse to abate, terminate, or remove a nuisance within the time required by the City as specified in this Chapter.

##### **Section 215.030 Nuisances — Generally.**

- A. In addition to any other act declared by State Statute, ordinance of the City, or the regulations and policies of the City to be a nuisance, the following are hereby declared to be, but shall not be limited to, public nuisances affecting, in the discretion of the Code Enforcement Officer, or his/her designee, the health, safety, and general welfare of the City:
1. All decayed or unwholesome food offered for sale to the public; or offered to the public at no charge.
  2. All diseased animals not properly cared for by the owner(s) of such animal or allowed to run at large.
  3. All ponds or pools of stagnant water, and/or all foul water or liquid when discharged through any drainpipe, spout, or otherwise upon any street, alley, thoroughfare, or directed upon a private lot.
  4. Carcasses of dead animals not properly disposed of within twenty-four (24) hours after death.
  5. Accumulations, wheresoever they may occur, of debris of any kind, including, but not limited to, weeds, weed cuttings, cut and fallen trees, tree limbs, or shrubs; lumber not

piled or stacked twelve (12) inches off the ground; rocks or bricks, tin, steel, derelict cars, trucks, other motor vehicles, or motor boats, parts of derelict cars, trucks, other motor vehicles, or motor boats; broken furniture, appliances, manure, rubbish, garbage, refuse; any flammable material which may endanger public safety; human and industrial noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes; or any material or condition which is unhealthy or unsafe.

6. Privy vaults or garbage cans which are not fly-tight, that is, privy vaults or garbage cans which do not prevent the entry of flies, insects, and rodents.
7. The pollution of any well, cistern, spring, underground water stream, lake, canal, or body of water by sewage or industrial wastes, or other substances harmful to human beings or animals.
8. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities, or the presence of any gas, vapor, fume, smoke, dust, or any other toxic substance on, in, or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful, or injurious to the health of any person or to any premises.
9. Any vehicle used for garbage or rubbish disposal which is not equipped with a water-tight metal body and provided with a tight metal cover or covers and so constructed as to prevent any of the contents from leaking, spilling, falling, or blowing out of such vehicle at any time, except while being loaded, or not completely secured and covered so as to prevent offensive odors from escaping therefrom, or exposing any part of the contents at any time.
10. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae, and hookworm larvae.
11. The keeping, possession, display, or offer for sale of any animal or fowl within the City not zoned for such purpose, except and only to the extent as permitted in Chapter 210 of this Code.
12. Unlicensed dumps, and licensed dumps not operated or maintained in compliance with the regulations and policies of the City, the laws and regulations of St. Louis County, or of the Statutes of the State of Missouri.
13. The discharge into a stormwater system of any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage, or any other substance which is capable of causing an obstruction to the flow of a storm system or interfere with the proper operation of the system, or which will pollute the natural creeks or waterways.
14. Perforated, punctured, ruptured, broken, cracked, or leaking sanitary sewer lateral lines.

15. The burning of garbage, refuse, waste, leaves, straw, or other combustible materials in any ash pit, stove, or incinerator, or in any street, alley, or any private property, except and only to the extent when the burning of garbage, refuse, waste, leaves, straw, or other combustible materials is allowed by an authorized representative of the City under applicable City ordinance, and is consistent with State and local laws and fire regulations.
16. The keeping or storage of any dirt gathered in the cleaning of yards, waste from industrial or business establishments, or any damaged merchandise, wet, broken, or leaking barrels, casks, or boxes, or any materials which are offensive, or tend by decay to become putrid, or to render the atmosphere impure or unwholesome.
17. All substances which emit or cause foul, obnoxious, unhealthy, or disagreeable odors or effluvia in the neighborhood where they exist, or where any such odors are not properly controlled or maintained in violation of the regulations and policies of the City, or State laws and regulations relating to odor mitigation.
18. Abandoned, discarded, or unused objects or equipment, including, but not limited to, automobiles, motorboats, other motor vehicles, furniture, and household appliances.
19. The drainage of water from downspouts, sump pumps, etc., not discharged to daylight (i.e., to the surface) at a minimum of ten (10) feet inside the property line of the subject lot.
20. The production, maintenance, or allowance of unnecessary or unreasonable loud noise.
21. All other acts, practices, conduct, businesses, occupations, callings, trades, uses of property, and all other things detrimental or which could be detrimental to the health, safety, and general welfare of the inhabitants of the City and surrounding areas.
22. Any ongoing, non-transient condition in violation of the regulations and policies of the City pertaining to the maintenance and condition of real property.

**Section 215.040 Authority To Abate — Generally.**

The City is authorized to provide for the abatement of a condition of any lot or land that has the presence of a nuisance as provided in this Chapter, including, but not limited to any nuisance which may endanger or negatively impact the public health, safety, or general welfare of the inhabitants of the City, or which is unhealthy or unsafe and declared to be a public nuisance.

**Section 215.050 Authority To Abate — Emergency Cases.**

In cases where it reasonably appears there is an immediate danger to the health, safety, or general welfare of the public due to the existence of a nuisance, the City Administrator or his/her designee shall have the authority to order the immediate abatement of the nuisance in an appropriate manner

or the immediate vacation of the vicinity in which the nuisance causing the emergency is ongoing.

**Section 215.060 Nuisance Abatement Procedure — Generally, Public Nuisance Declaration, Notice, Nuisance Abatement Hearing, City May Abate, City To Recoup Associated Costs.**

- A. Declaration Of Public Nuisance And Notice. If the Community Development Director, or his/her designee, or Code Enforcement Officer, or his/her designee, has reason to believe that a nuisance is being caused, permitted, engaged in, kept, or maintained upon a property within the limits of the City or within one-half (1/2) mile thereof, the City may declare such property to be a public nuisance, and if so declared, the City shall notify the owner(s), and if the property is not owner-occupied, any occupant of the property to forthwith remove, terminate, or abate such nuisance. Such notices shall be given either personally, by First Class United States Mail, or by United States Certified Mail return-receipt requested to the owner or owners at the last known address of the owner(s) and to the occupant of the property at the property address, if different from the owner. Such notice may also be posted on the premises. Any such notice of public nuisance shall include a statement of the condition constituting a public nuisance and those actions necessary to remove, terminate, or abate the nuisance. Such notice shall also include a reasonable time within which the City demands such owner(s) or person(s) in care and control of the property to abate the nuisance condition, which shall be at least ten (10) days, but may be more in the sole discretion of the City, absent an emergency which may be abated by the City as described in Section 215.050. Such notice shall also state that upon failure to abate the condition causing the nuisance within the given time, the City may, in addition to any other available legal remedies, call a nuisance abatement hearing where all parties may be heard and present evidence to the Hearing Officer of the City as to whether the condition on the property constitutes a nuisance, and, if so, how same shall be abated.
- B. Nuisance Abatement Hearing. If the owner(s) of a property or occupant of the property, if different, which has been declared a public nuisance, fails to abate the nuisance cited in the notice described in Section 215.060(A) herein within the time provided by such notice, the City will call a nuisance abatement hearing where all parties may be heard by and present evidence to the Hearing Officer of the City as to whether the condition on the property constitutes a nuisance pursuant to this Code and, if so, how such nuisance shall be abated.
1. The City shall provide notice of such nuisance abatement hearing to the owner(s) at the last known address of the owner(s) and the occupant of the property at the property address, if different from the owner(s), by First Class United States Mail, or by United States Certified Mail return-receipt requested or delivered personally. Such notice may also be posted upon the premises.
  2. The notice shall include a date, time, and place of the scheduled hearing, no sooner than ten (10) days after such notice except where the sole nuisance existent at the property is a nuisance under Section 215.090, in which case the hearing shall be at least four (4) days after such notice.

3. The hearing may be canceled, at the sole discretion of the City, if the property owner abates the conditions described in the notice and provides satisfactory proof of such abatement to the Community Development Director, or his/her designee, or the Code Enforcement Officer, or his/her designee, prior to the scheduled date of the hearing.
  4. The nuisance abatement hearing shall take place before the City's Hearing Officer, who, for purposes of this Chapter shall be the City Administrator for the City or his/her designee (hereinafter "Hearing Officer"), be under oath, with such oath being given by the Hearing Officer, or court reporter should one be present. Such hearing shall be recorded either by a court reporter or an audio recording device capable of recording all testimony and preserving same in the event of an appeal.
  5. The City and all parties to the nuisance abatement hearing shall have an opportunity to be heard and present evidence as to whether the procedures of this Chapter were substantially complied with, whether the condition maintained on the property constitutes a nuisance, and whether an order should be entered directing the owner and/or occupant of the property to abate the nuisance.
  6. Any party to a nuisance abatement hearing may be represented by counsel at such hearing.
  7. If, after hearing all of the evidence of the City and the interested parties, the Hearing Officer finds a nuisance is being maintained in violation of this Chapter, he/she may issue a nuisance abatement order directing the nuisance be abated within a reasonable time based upon the facts and circumstances of the particular case, but which time shall be at least ten (10) days from the nuisance abatement order, except where the sole nuisance existent at the property is a nuisance under Section 215.090, in which case the abatement time given shall be at least five (5) business days. The Hearing Officer may further order any legal remedy, which in his/her determination would abate the public nuisance including, but not limited to establishing terms and conditions which must be followed by the nuisance property owner(s). The nuisance abatement order, if one (1) shall be issued, shall be in writing, specifying the grounds for the order, the time by which the nuisance must be abated by the owner(s) and/or the person(s) in care and control of the property, and the means by which they shall be abated. The nuisance abatement order shall be delivered to the owner(s) and occupant of the property, if different, either personally, by First Class United States Mail, or by United States Certified Mail return-receipt requested. Such order may also be posted on the property.
- C. City Abatement. For any public nuisance in this Chapter, upon failure of the owner(s) or person(s) in care and control of the property to comply with the Hearing Officer's nuisance abatement order to abate the nuisance within the time given by such order, the City Administrator, or his/her designee, or Code Enforcement Officer, or his/her designee, may cause the same to be promptly removed, terminated, or abated by the City or a contractor hired by the City for such purpose, either of whom, with appropriate legal authority, may come onto the

property for purposes of removing, terminating, or abating the nuisance, and thereafter certify the cost of such corrective action and proof of notice to the owner of the property to the City Clerk who shall cause a special tax bill to be issued in the amount herein described against the property from which the nuisance was removed, terminated, or abated, the same to be collected with and in the same manner as other taxes assessed against the property. The special tax bill from the date of its issuance shall be deemed a personal debt against the owner(s) and shall be a first lien against the property until paid and shall be prima facie evidence of the recitals thereof and of its validity. No mere clerical error or informality in such lien or in the proceedings leading to its issuance shall be a defense thereto. The certified costs associated with the removal, termination, or abatement of such nuisance shall include all expenses incurred by the City in the removal of the nuisance, including, but not limited to, the actual cost of inspecting the land or lot, the actual cost of service of notice as provided herein, and the actual cost of the issuing and recording the tax bill. Such certified costs shall also include the actual cost of abatement of the nuisance condition, and attorneys' fees pursuant to Section 100.150 of this Code. Each special tax bill shall be issued by the City Clerk and delivered to the St. Louis County Collector to be collected in the manner provided by law. Such tax bill, if not paid when due, shall bear interest at the rate of eight percent (8%) per annum or the Statutory rate, whichever is higher.

- D. **Right To Appeal Decision Of Hearing Officer.** Any person(s) alleged to be aggrieved by the decision and ensuing nuisance abatement order of the Hearing Officer may appeal such order in the manner provided in Chapter 160, the Administrative Procedure for Review of Certain Actions, of this Code. No appeal to the Board of Administrative Review, or the Circuit Court shall stay the abatement by the City and/or any contractor hired on their behalf for such purpose and the issuance of a special tax bill hereunder, absent a court order staying such actions and the posting of an appropriate bond by the appellant as required by the Circuit Court, in which case the City and/or any contractor hired on their behalf shall honor the stay issued by the Circuit Court pursuant to such an appeal upon receipt of actual notice of such stay from the Court.

**Section 215.070 Civil Cause Of Action Authorized.**

In addition to any other remedies or penalties established and authorized by law, the City Attorney or Prosecuting Attorney may, on behalf of the City and after approval by the Board of Aldermen, apply to a court of competent jurisdiction for such legal or equitable relief as may be necessary to require the abatement of any nuisance defined by this Chapter. In such action the court may grant such legal or equitable relief, including, but not limited to, mandatory or prohibitory injunctive relief, as the facts may warrant. Upon the successful prosecution of any such action, the City may be awarded by the court reasonable attorneys' fees in accordance with Section 79.383, RSMo, and Section 100.150 of this Code.

**Section 215.080 Dangerous Structures Deemed A Public Nuisance.**

All "Dangerous Structures" within the City, as defined by Section 505.010 of this Code are hereby declared to be public nuisances detrimental to the health, safety, or welfare of the residents of the City, and shall be ordered to be repaired, vacated, or demolished within a reasonable time as provided in Chapter 505 of this Code and as allowed by Section 67.400, RSMo. The provisions and procedures



provided by Chapter 505 of this Code shall govern all proceedings related to "Dangerous Structure" public nuisances. Nothing in Chapter 505, nor this Chapter 215, shall prevent the City from combining actions provided for in said respective Chapters where conditions deemed to be public nuisances upon the same property arise out of both such Chapters.

**Section 215.090 Grass, Weeds, Rank Vegetation, And Accumulated Trash Deemed A Public Nuisance, When.**

- A. Accumulated Trash, Overgrown Grass, Weeds, Rank Vegetation Declared A Public Nuisance. It shall be unlawful and is hereby declared to be a public nuisance for any person to cause or permit accumulated trash, or permit any grass, weeds, or rank vegetation growth to attain a height in excess of nine (9) inches upon any property located within the City. Any property upon which any owner(s) or person(s) in care and control of such property, who shall cause or permit accumulated trash, or permit any grass, weeds, or rank vegetation growth to attain a height in excess of nine (9) inches shall be deemed a public nuisance. Whenever private property abuts a public right-of-way or easement belonging to the City, or any public entity, and there exists in such right-of-way or easement a tree lawn or grassy area between the private property line and the midline of said right-of-way or easement, then such tree lawn or grassy area shall be considered, for purposes of this Section requiring cutting of grass, weeds, or rank vegetation, to be a part of the private lot which abuts the right-of-way or easement, and it shall be the duty of those responsible under this Section for the maintenance of the private lot to equally maintain the tree lawn or grassy area within the abutting right-of-way or easement, and all of the provisions of this Section shall apply with equal force and effect to said tree lawn or grassy area. "Grass, weeds, or rank vegetation" shall not be deemed to include any genuine agricultural product or crop that is grown for agricultural purposes.
- B. Notice, Hearing, City May Abate, City To Recoup Associated Costs.
1. Should the City deem any property within the City to be in violation of this Section, and therefore to be a public nuisance, the City shall give a hearing after at least four (4) days' notice, such notice being delivered either personally or by United States Mail to the owner or owners, or the owner's agent, or by posting on the premises.
  2. Such hearing shall be conducted in accordance with, governed by, and follow the same procedures described in Section 215.060(B).
  3. If such grass, weeds, or rank vegetation are not cut down and removed or such trash not removed within the time allowed in the nuisance abatement order, the Community Development Director, or his/her designee, or Code Enforcement Officer, or his/her designee, may have such trash removed or such grass, weeds, or rank vegetation growth cut down and removed immediately thereafter by having a City employee or someone contracted on behalf of the City for such purpose come onto the property, cut down and remove same, and certify the costs of such cutting and removal to the City Clerk, who shall cause a special tax bill to be issued for such costs against the property, which shall

be collected in the same manner as described in Section 215.060(C) and as authorized by law.

- C. Appeal. Any person(s), alleged to be aggrieved by the decision and ensuing nuisance abatement order of the Hearing Officer may appeal such order in the same manner as described in Section 215.060(D).
- D. Exceptions.
  - 1. With respect to any undeveloped property in excess of three (3) acres, the provisions of this Section relating to grass, weeds, and rank vegetation in excess of nine (9) inches shall apply only to the portions of such property which are located within one hundred (100) feet of any street right-of-way or within one hundred (100) feet of any adjoining property.
  - 2. Industrial Park Zoning District. Undeveloped and unused portions of property in the Industrial Park Zoning District may be exempted in whole or in part from such portions of this Chapter relating to grass, weeds, and rank vegetation by the Board of Aldermen upon written petition if the Board of Aldermen determines that the maintenance of grass, weeds, and rank vegetation in excess of nine (9) inches on such portions of the property would not be a hazard to public safety, cause a harm to nearby property owners, or contribute to the decline of property values. The visibility from the rights-of-way and proximity to residences shall be a factor considered in reviewing an exemption request. This exemption shall not apply to any property within five (5) feet of any sidewalk or other public improvement and shall be personal to the property owner(s) receiving it and shall not run with the land.
- E. Repeat Violations. If grass, weeds, or rank vegetation are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of this Section more than once during the same growing season in the case of grass, weeds, or rank vegetation, or more than once during a calendar year in the case of trash, the Community Development Director, or his/her designee, or the Code Enforcement Officer, or his/her designee, may, without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described in Section 215.060(C) and as authorized by law, including Section 71.285, RSMo.

**Section 215.100 Dead And Decaying Trees Deemed A Public Nuisance.**

- A. Declared Public Nuisance. All dead or decaying trees, and all trees infected by a disease that are not promptly pruned, removed, or treated or that are not remediable, and which, the Public Works Director, or his/her designee, or the Code Enforcement Officer, or his/her designee, reasonably believe, due to their proximity to any public sidewalk, street, right-of-way, alley, or public or private structure, constitute a danger to the safety, health, and general welfare of the public, or which constitute an immediate threat to a public or private structure within the fall zone of said trees, or which otherwise constitute a danger to the health, safety, or welfare of the general public are hereby declared to be a public nuisance and shall be promptly pruned, treated,

or taken down and removed from the premises as dictated by the facts of the specific situation by the owner(s) of any tract of land on which the same is situated. The stump shall also be removed down to ground level if being taken down and removed.

- B. Notice And Hearing. Notice of such public nuisance along with demand to abate same by pruning, treating, or removing such tree(s) within a reasonable time, not to be less than ten (10) days, shall be given by the Community Development Director, or his/her designee, or the Code Enforcement Officer, or his/her designee, in the same manner as provided in Section 215.060(A). The City shall perform the same duties, have the same powers and rights, and give the same notices and conduct the same hearings as are provided for in Sections 215.060(A) and 215.060(B), respectively, absent an emergency which may be abated by the City as described in Section 215.050. Should the City be forced to abate the nuisance, it shall proceed as provided in Section 215.060(C).
- C. Appeal. Any person(s), alleged to be aggrieved by the decision and ensuing nuisance abatement order of the Hearing Officer may appeal such order in the same manner as described in Section 215.060(D).

**Section 215.110 Smoke Deemed A Public Nuisance, When.**

- A. Declared Public Nuisance. The emission or discharge into the open air of dense smoke within the limits of the City is hereby declared to be a public nuisance. The owners, lessees, occupants, managers, or agents of any building, establishment, or premises from which dense smoke is so emitted or discharged shall be deemed guilty of an ordinance violation, and upon conviction thereof, in any court of competent jurisdiction, shall pay a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Each and every day such smoke shall be emitted or discharged shall constitute a separate offense; provided, however, that in any suit or proceeding under this Section, it shall be a good defense if the person charged with a violation thereof shall show to the satisfaction of the court trying the facts that there is no known practicable device, appliance, means, or method by application of which to his or her building, establishment or premises the emission or discharge of the dense smoke complained of in that proceeding could have been prevented.
- B. Notice And Hearing. Notice of such public nuisance along with demand to abate same by reducing or eliminating the emission or discharge into the open air of such dense smoke within a reasonable time, not to be less than ten (10) days, shall be given by the Community Development Director, or his/her designee, or the Code Enforcement Officer, or his/her designee, in the same manner as provided in Section 215.060(A). The City shall perform the same duties, have the same powers and rights, and give the same notices and conduct the same hearings as are provided for in Sections 215.060(A) and 215.060(B), respectively, absent an emergency which may be abated by the City as described in Section 215.050. Should the City be forced to abate the nuisance, it shall proceed as provided in Section 215.060(C).

- C. Appeal. Any person(s), alleged to be aggrieved by the decision and ensuing nuisance abatement order of the Hearing Officer may appeal such order in the same manner as described in Section 215.060(D).

**Section 215.120 Obstructing View Of Vehicular Traffic Deemed A Public Nuisance.**

- A. Corner Lot Obstruction Declared Public Nuisance. It shall be unlawful, and is hereby declared to be a public nuisance, to maintain any tree, shrub, other vegetation growth, or structure of any kind upon any corner lot in the City in which the lot lines of the property adjoining two (2) intersecting streets in such a manner that the view of vehicular traffic in either direction at said intersection is obstructed. Any tree, shrub, other vegetation growth, or structure of any kind so situated, located, or maintained on any such lot so as to obstruct the view of a motor vehicle on either intersecting street for a distance of forty (40) feet in each direction from the point of intersection of the curblines of such intersecting streets shall be, and is hereby deemed to be detrimental to the public health, safety, and general welfare of the residents of and visitors to the City and as such is hereby declared to be a public nuisance.
- B. Notice And Hearing. Notice of such public nuisance along with demand to abate same by pruning, trimming, or removing such tree, shrub, other vegetation growth, or structure within a reasonable time, not to be less than ten (10) days, shall be given by the Community Development Director, or his/her designee, or the Code Enforcement Officer, or his/her designee, in the same manner as provided in Section 215.060(A). The City shall perform the same duties, have the same powers and rights, and give the same notices and conduct the same hearings as are provided for in Sections 215.060(A) and 215.060(B), respectively, absent an emergency which may be abated by the City as described in Section 215.050. Should the City be forced to abate the nuisance, it shall proceed as provided in Section 215.060(C).
- C. Appeal. Any person(s), alleged to be aggrieved by the decision and ensuing nuisance abatement order of the Hearing Officer may appeal such order in the same manner as described in Section 215.060(D).

**Section 215.130 Violations.**

- A. Penalty. Any person, firm, or other legal entity violating any provision(s) of this Chapter shall, upon conviction, be punished in the manner and to the degree as provided in Section 100.120(E) of this Code.
- B. Each Day An Offense. Each day any violation of this Chapter continues unabated after notice has been given and the reasonable time to abate given has elapsed shall constitute a separate offense as described in Section 100.120(B) of this Code.
- C. Charge Of Failure To Abate A Nuisance. The City, or other law enforcement authority on the City's behalf, may issue a summons for the owner and/or any person, firm, or other legal entity in care and control of a property who fails to remove, terminate, or abate a public nuisance after

such notice to abate has been provided and the reasonable time to abate given has elapsed with the nuisance unabated and such failure shall be a separate offense in violation of this Code. Jurisdiction of the case shall proceed in all respects as in other cases of ordinance violations.

- D. Charge Of Engaging In A Nuisance. The City, or other law enforcement authority on the City's behalf, may issue a summons to any owner-occupant, tenant, or person who engages in, encourages, permits, or otherwise impedes abatement of a nuisance after notice of a public nuisance has been provided and the reasonable time to abate given has elapsed and such action shall be a separate offense in violation of this Code. Jurisdiction of the case shall proceed in all respects as in other cases of ordinance violations.

**Section 215.140 All Legal Remedies Available.**

Nothing in this Chapter shall limit the right of the City to seek any other remedy in the Municipal Court of the City of Fenton, the Circuit Court of St. Louis County, Missouri, or any other remedy available or allowed by law in addition to or in lieu of any remedy specified in this Chapter.