

**AN ORDINANCE AMENDING SECTION 215.110 OF THE CITY OF PEVELY MUNICIPAL CODE PERTAINING TO ENTRY ONTO PRIVATE PROPERTY**

WHEREAS, the Mayor and Board of Aldermen of the City of Pevely, Missouri wish to amend the language describing the process by which identified City personnel may enter onto private property to identify junk and disabled motor vehicles; and

WHEREAS, the most appropriate way to amend such language is to repeal and replace in its entirety Section 215.110 of the City of Pevely Municipal Code which describes this process and additional details regarding the removal of any identified junk and disabled motor vehicles.

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

Section 1. Section 215.110 of the City of Pevely, Missouri Municipal Code is hereby repealed in its entirety and replaced by the following language:

Section 215.110 Entry Onto Private Property.

The Chief of Police or his/her duly authorized representative may upon observation of a violation or breach of this Article enter upon private property for inspection of any vehicle or junk and prior to towing or removal shall issue a notice of violation for any breach of this Article. Said notice shall be in writing, shall state the date of said notice, the time of said notice, shall describe the offending vehicle or junk with reasonable specificity and particularity, shall be served upon the person in charge or control of the property by delivering a copy of same to said person or, if none be found, shall be served by posting same conspicuously on or about the property and mailing by certified mail. Unless the vehicle or junk constitutes a public nuisance and presents an immediate hazard or threat to the health, safety and well-being of other persons in accordance with Section 215.040 of this Article, the person in charge or control of the property shall have seventy-two (72) hours from the date and time of the notice to remove the vehicle from the property or make the necessary repairs to same. In the event the vehicle is not removed, or the necessary repairs are not made within seventy-two (72) hours after issuance of the notice of violation, the Chief of Police or his/her duly authorized representative may enter upon the private property for the purpose of impounding and removing any vehicle or junk in accordance with the provisions of this Article.

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent

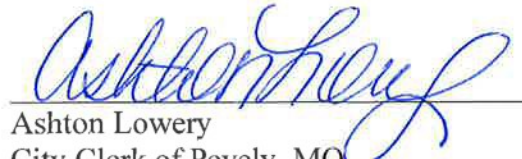
jurisdiction, such portion shall be deemed a separate, distinctive, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

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

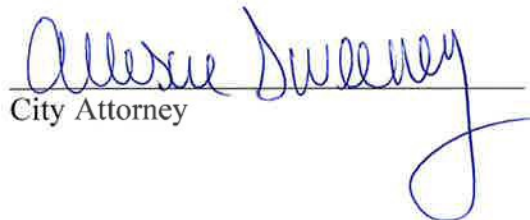
Read twice and passed this 21 day of September, 2020.

  
Stephanie M. Haas  
Mayor of Pevely, MO

ATTEST:

  
Ashton Lowery  
City Clerk of Pevely, MO

APPROVED AS TO FORM:

  
Allene Sweeney  
City Attorney

**To Put Bill #1524 on its 1st Reading  
by Caption:**

Motioned: Larry Coulson  
Seconded: Tyler Leeder

	<u>Aye</u>	<u>Nay</u>
Yount	✓	—
Menkhus	✓	—
Hahn	—	—
Markus	—	—
Coulson	✓	—
Tucker	✓	—
Leeder	✓	—
Brooks	✓	—

Absent: Markus, Hahn

**To Accept Bill #1524 on its 1st Reading  
by Caption:**

Motioned: Rick Yount  
Seconded: Don Menkhus

	<u>Aye</u>	<u>Nay</u>
Yount	✓	—
Menkhus	✓	—
Hahn	—	—
Markus	—	—
Coulson	✓	—
Tucker	✓	—
Leeder	✓	—
Brooks	✓	—

Absent: Markus, Hahn

**To Put Bill #1524 on its 2nd Reading  
by Caption:**

Motioned: Don Menkhus  
Seconded: Tyler Leeder

	<u>Aye</u>	<u>Nay</u>
Yount	✓	—
Menkhus	✓	—
Hahn	—	—
Markus	✓	—
Coulson	✓	—
Tucker	✓	—
Leeder	✓	—
Brooks	✓	—

Absent: Hahn

**To Approve Bill #1524:**

Motioned: Rick Yount  
Seconded: Ryan Tucker

	<u>Aye</u>	<u>Nay</u>
Yount	✓	—
Menkhus	✓	—
Hahn	—	—
Markus	✓	—
Coulson	✓	—
Tucker	✓	—
Leeder	✓	—
Brooks	✓	—

Absent: Hahn