

BILL NO. 17

ORDINANCE NO. 17-2024

AN ORDINANCE AMENDING CHAPTER 42, ARTICLE 2, SECTION 37-55  
AS AMENDED OF THE MONROE CITY CODE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF MONROE CITY, MISSOURI, AS FOLLOWS:

Section 1. Section 37-55 of Chapter 42, Article 2, are hereby revoked and replaced and amended to read as follows:

**Chapter 42 Sections 37-42 Grass and Weeds**

*Sec. 42-37 Cutting and Removal of Grass, Weeds and Poisonous or Harmful Vegetation.* It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee, or occupant having control of any occupied lot or land or any part thereof in the City of Monroe City, Missouri to permit or maintain on any such lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property line, and the curb, any growth of weeds, grass, or poisonous or harmful vegetation to a greater height than ten (10) inches on the average, or any accumulation of dead weeds, grass or brush, and it shall also be unlawful for any such person or persons to cause, suffer or allow poison ivy, ragweed or other poisonous plants, or plants detrimental to health to grow on any such lot or land in such manner that any part of such ivy, ragweed or other poisonous or harmful weed shall extend upon, overhang or border any public place or allow seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place, and the growth of such weeds, grass and poisonous or harmful vegetation of a height of more than ten (10) inches is hereby declared to be a nuisance.

*Sec. 42-38 Duty of Owner, Lessee or Occupant.* It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all such weeds, grass, poisonous or harmful vegetation as often as may be necessary to comply with provisions of Section 42-37.

*Sec. 42-39 When City To Do Work.* If the provisions of the foregoing Sections are not complied with, the Chief of Police, or other official designated by the Mayor, shall give a hearing after ten days (10) notice thereof, either personally or by United States mail to the owner or owners, or his or their agents, or by posting such notice on the premises. Following the hearing, the Chief of Police or other designated official may declare the weeds to be a nuisance and order the same to be abated within five (5) days, the Chief of Police or other designated official shall have the weeds cut down and removed and shall certify cost of the same to the City Clerk. The City Clerk shall cause a special tax bill therefor against the property to be prepared and to be collected by the County Collector, with other taxes assessed against the property. The tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity and no more clerical error informality in the same, or in proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the City Clerk and delivered to the County Collector on or

before the first day of August of each year. Such bills if not paid when due shall bear interest of eight percent (8%) per annum.

*Sec. 42-40      **Violation in Same Growing Season.*** If weeds, grass or poisonous or harmful vegetation is allowed to accumulate on the same property in violation of this Chapter more than once during the same growing season, the Chief of Police, or other official designated by the Mayor may, without further notification, have the same removed, and the removal cost shall be billed in the manner described in Sec. 42-39.

*Sec. 42-41      **Penalty.*** Any person who shall neglect to cut and remove weeds, grass or other vegetation as directed in this Chapter, or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided, or who shall vote any of the provisions of this Chapter or who shall resist or obstruct the Chief of Police or other representative of the City of Monroe City, Missouri, in cutting and removal of weeds, grass and other vegetation, shall, be subject to a fine of not less than one dollar (\$1.00) per day not to exceed five hundred dollars (\$500.00).

*Sec. 42-42      **Weeds Defined.***

*Growing season.* From March 1 to November 1 of the same calendar year.

*Person.* Shall mean and include one (1) or more persons of either sex, natural person corporations, partnerships, associations, joint stock companies, societies and all other entities of any kind capable of being sued.

#### **Chapter 42 Sections 45-55 - Disabled Vehicles and other junk; when and where a Nuisance**

*Sec. 42-45      **Damaged or Disabled Vehicles – Nuisance.*** Any damaged or disabled vehicle, part thereof, or junk, located on any property, street, or highway which presents a hazard to children, or harbors tall grass, weeds, or other vegetation, or creates a fire hazard, or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats or other vermin; or any vehicle, part thereof, or junk, allowed to remain unmoved on any street or highway for forty-eight (48) hours, is a public nuisance.

*Sec. 42-46      **Nuisance Defined.***

*Damaged or Disabled Vehicle.* Any vehicle which is not registered or improperly registered with the State of Missouri; has been inoperable for more than seventy-two (72) hours or is in such a state of repair as to be inoperable, except those on the premises of a duly licensed automobile sales business, or in a duly licensed automobile junking yard, or further excepting vehicles on the premises of a duly licensed automobile repair business unless such vehicles have been inoperable or in such a state of repair as to be inoperable for a period exceeding ninety (90) consecutive days.

*Junk.* Any metal, glass, paper, rags, wood, machinery parts, cloth, or other waste or discarded material of any nature or substance whatsoever, or scrap or salvage materials.

*Person.* Any person, firm, partnership, association, corporation, or other organization of any kind.

*Property.* Any land owned by the City or located within the City limits, not including streets and highways.

*Street or Highway.* The entire area between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel.

*Vehicles.* Any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, including but not limited to automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons, or any part thereof.

*Sec. 42-47 Unlawful to Maintain Such Nuisance.* It shall be unlawful for any person to create or maintain a nuisance as defined in Section 42-46.

*Sec. 42-48 Notice.* Whenever the Chief of Police or his duly authorized representative determines that any vehicle or junk is a nuisance as defined herein, he shall cause written notice to be served upon the owner of the vehicle or junk, if he can be located, or the person in custody of such vehicle or junk, by registered mail or by personal service. The notice shall state that the vehicle or junk is deemed to be a nuisance within the provisions of Section 42-45 hereof, and shall briefly state facts deemed to constitute such vehicle or junk a nuisance within the terms of this Chapter, and state that the nuisance shall be abated within seven (7) days from receipt of such notice, or, if the vehicle is on public property, within two (2) days from receipt of such notice.

*Sec. 42-49 Proceedings When Owner or Custodian Cannot Be Located.* When the owner or custodian of any nuisance as defined in Section 42-46 cannot be located by reasonable search, the notice shall be attached to the property, briefly stating facts deemed to constitute the property a nuisance and stating that the nuisance shall be abated within seven (7) days of the date the notice was posted, or if vehicle is on public property, within two (2) days of the date notice was posted.

*Sec. 42-50 Duty of the Owner or Custodian.* Any person receiving the notice provided for above shall comply with the provisions of the notice requiring abatement. Failure to comply with this provision is unlawful.

*Sec. 42-51 Disposition.* If not removed within the times specified in the notice, the vehicle or junk shall be transported to a storage area by or at the discretion of the Chief of Police

or his duly authorized representative at the expense of the owner or person in custody thereof. It shall then be stored for a period of at least thirty (30) days, and the person entitled to possession thereof may redeem the property by payment to the City of the actual cost of its removal and a reasonable storage fee. If the vehicle or junk is unredeemed after the expiration of the thirty (30) day period, the Chief of Police may sell it to the highest bidder or, if it has no sale value, may otherwise dispose of it. Any money received from disposal of any vehicle or junk shall be applied to the expenses charged to the owner or person in charge thereof.

*Sec. 42-52 Notice of Sale.* Prior to the sale of any such property, the Chief of Police shall cause to be posted in the City Hall, place of storage and at least one (1) other public place in the City, a notice of sale stating:

- a. That the City is selling abandoned property;
- b. The color, make, year, motor number, and serial number, if available, and any other information necessary for an accurate identification of the property;
- c. The terms of the sale;
- d. The date, time, and place of the sale. This notice shall be published not less than ten (10) or more than thirty (30) days prior to the date of the sale.

*Sec. 42-53 Entry Onto Private Property.* The Chief of Police or his duly authorized representative may enter upon private property for inspection or for the purpose of removing any vehicle or junk in accordance with this Chapter. If any person refuses to allow entry onto his private property, the Chief of Police may obtain a warrant from the proper official and proceed in accordance therewith.


*Sec. 42-54 Alternative Disposition.* In lieu of the disposition provided for in Section 42-51 and Section 42-52 of the Code of Ordinances for the City of Monroe City, if the vehicle or junk is not removed within the time specified in the notice provided in Section 42-48, the vehicle or junk may be towed or transported to a storage area upon written request of the Chief of Police or his duly authorized representative at the expense of the owner or person in custody thereof, as provided in Section 430.082 RSMo. The written request of the Chief of Police or his duly authorized representative shall state the maximum amount to be charged for towing or transportation services and shall state the maximum daily charge for storage as provided in Section 430.082, RSMo. Thereafter, disposition of said vehicle or junk shall be as provided in Chapter 430, RSMo.

*Sec. 42-55 Penalty.* Any person violating the provisions of this Chapter shall be subject to a fine of not less than five dollars (\$5.00) per day not to exceed five hundred dollars (\$500.00).

Section 2. This Ordinance shall be in full force and effect from and after its passage.

  
MAYOR


ATTEST:

  
CITY CLERK

Approved by the Mayor on this 5 day of December, 2024.

  
MAYOR

ATTEST:

  
CITY CLERK

FIRST READING 12-5-24

SECOND READING 12-5-24