

BILL NO. B-1

ORDINANCE NO. B-1

AN ORDINANCE OF THE CITY OF LINNEUS,
MISSOURI, RELATING TO THE PUBLIC HEALTH
OF THE INHABITANTS OF SAID CITY, DEFINING
CERTAIN NUISANCES, PROVIDING FOR THE
ABATEMENT OF NUISANCES, AND
PROVIDING FOR PUNISHMENT FOR VIOLATION

Be It Ordained By the Board of Aldermen of the City of Linneus, Missouri, as follows:

Section 1. Unlawful to Permit Nuisance. It shall be unlawful for any person, firm or corporation to commit, cause, keep, maintain, permit or do any nuisance within the corporate limits of the City of Linneus and within one-half (1/2) mile of said corporate limits.

Section 2. What Declared a Nuisance. The following which are or may be injurious, obnoxious, dangerous or detrimental to the health and welfare of the inhabitants of the City of Linneus are deemed and declared to be nuisances:

1. All substances which emit or cause any foul, noxious, unhealthy or disagreeable odor or effluvia in the neighborhood where they exist.
2. All carcasses of animals remaining exposed one (1) hour after death.
3. All green or salted hides left or deposited in any open place.
4. Every soap factory, tallow candlery, grocery, cellar, shop, meat shop, sausage factory, beef or pork packing house, stable or barn which emits or causes an offensive, disagreeable or noxious smell or odor.

5. All slop, foul or dirty water, liquor or beer washings, all filth, refuse or offal discharge through drains or spouts or otherwise thrown or deposited in or upon any street, sidewalk, alley, lot, park or public enclosure.

6. All vegetables or other articles that emit or cause any offensive or disagreeable smell or odor.

7. All signs projecting from any house, building or other structure over or upon any sidewalk or alley.

8. All hanging signs, ropes, net-work or other advertising device stretches over or across any street, avenue, alley or sidewalk.

9. All ashes, cinders, slops, filth, excrement, sawdust, stones, dirt, straw, soot, sticks, shavings, oyster shells or cans, dust, paper, trash, rubbish, manure, refuse, offal, waste water, chamber lye, fish, putrid meat, entrails, decayed fruit and vegetables, broken ware, rags, old iron or other metal, old wearing apparel, all animal or vegetable matter, all dead animals or any other offensive or disagreeable substance or thing thrown, left or deposited or caused to be thrown, left or deposited by anyone in or upon any street, avenue, alley, sidewalk, park, public enclosure or lot, vacant or occupied.

10. All boxes, barrels, kegs, crates, boards, or wood, wagons or buggies, engine, machinery or parts thereof, tombstones, marble or granite stones or piles of dirt, stone or brick left or deposited by anyone in or upon any sidewalk, curbstone, gutter, or any street or alley, or in front or along the side of any building.

11. The burning upon any street, avenue, alley, public enclosure, park, sidewalk or other place in the City, of any animal, vegetable or other substances, the burning of which creates any disagreeable, noxious or unwholesome smell or odor.

12. Any stable, hog pen or privy which is kept or permitted to be kept in such a condition to be offensive, annoying or disagreeable to anyone.

13. Any house kept for the purpose of prostitution or promiscuous sexual intercourse, all bawdy houses of ill fame and disorderly houses.

14. All boxes, barrels, goods, merchandise, or things whatsoever placed or allowed to remain upon any sidewalk, in front of or extending along the building adjoining same, except while engaged in loading or unloading or unpacking goods, wares, and merchandise.

15. Snow or ice permitted to remain on any sidewalk in front of any building, lot or block or part thereof by any owner or occupant of such premises to a depth greater than one (1) inch for more than ten (10) hours after same has fallen or frozen thereon.

16. All growth of weeds to a height of over one (1) foot on any lot or block of ground or any part thereof. The word "weeds" as used herein is defined to mean and include any vegetable growth which emits unpleasant or noxious odors.

17. Any unoccupied shed, house, building or structure which is in a dilapidated state and which is a habitat or nesting place for mice, rats, other rodents or other pests.

"Dilapidated" as used herein is defined as in a state of

disuse or disrepair and referred to as being not maintained.

Section 3. Penalty. Any person, firm or corporation who or which shall violate, neglect, fail or refuse to comply with any of the provisions of this ordinance shall, upon conviction thereof, be deemed to be guilty of causing, committing, maintaining or doing or permitting to be caused, committed, maintained or done, a nuisance, and shall be punished by a fine of not to exceed \$100.00 and imprisonment for a period of time not to exceed three (3) months or both such fine and imprisonment.

Section 4. Separate Offense. Any person, firm or corporation who or which shall cause, commit, maintain or do, or permit to be caused, committed, maintained or done, any nuisance as defined in this ordinance shall be deemed guilty of a separate offense for each twenty-four (24) hours that the said nuisance is continued.

Section 5. Nuisances, abatement thereof. The Board of Aldermen may, through its City Marshal, abate or suppress any and all nuisances so declared in this ordinance in a summary manner at the cost of the City of Linneus.

Section 6. Cost Against Owner, Occupant or Property. Whenever any nuisance shall be suppressed or abated within the corporate limits of the City of Linneus, the City Marshal shall cause to be kept a strict account of the costs of such abatement and immediately file such account with the City Clerk and report such abatement to the Board of Aldermen. The Board of Aldermen shall, by its order entered of record, direct the City Marshal to serve a written notice upon the

owner or occupant of the property upon which a nuisance has been abated to appear before said Board of Aldermen at its next regular session to show cause why such costs and expenses of suppressing or abating said nuisances so incurred by the City should not be levied and assessed as a special lien against said property. If the owner or occupant of the property fails to appear, in the judgment of the Board of Aldermen, the Board of Aldermen shall, by ordinance, levy and assess the amount of said costs and expenses against the property.

The notice referred to herein may be served on the owner or occupant of said property or by leaving a copy of said notice at his usual place of abode with some member of the family over the age of fifteen (15) years. Said notice shall be served at least ten (10) days prior to the regular session of the Board of Aldermen.

Section 7. Smoke. Declared a Nuisance; Penalty. The emission or discharge into the open air of dense smoke within the corporate limits of the City of Linneus is hereby declared to be a public nuisance. The owners, lessees, occupants, manager or agents of any building, establishment or premises from which dense smoke is so emitted or discharged shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than \$25.00 nor more than \$100.00.

Section 8. Separate Offense. Each and every day whereon such smoke as mentioned in Section 7. shall be emitted or discharged shall constitute a separate offense.

Section 9. This ordinance shall be in full force and

effect from and after its third reading, passage and publication.

Passed this 12th day of July, 1971.

David D. Bradley
Mayor.

ATTEST: Warren W. Dray
City Clerk.



BILL NO. 5

ORDINANCE NO. 5

AN ORDINANCE OF THE CITY OF LINNEUS,
MISSOURI, PERTAINING TO "MISDEMEANORS",
DECLARING CERTAIN ACTS TO BE MISDEMEANORS,
AND PROVIDING FOR PUNISHMENT
FOR VIOLATION THEREOF.

Be It Ordained by the Board of Aldermen of the City of Linneus, Missouri, as follows:

Section 1. Misdemeanors. This ordinance, upon and after its adoption and passage, shall be referred to as "Misdemeanors."

Section 2. Disturbing the peace. No person shall wilfully disturb the peace of any person, family or neighborhood by loud and unusual noise or by offensive or indecent conversation or by threatening, quarreling, challenging or fighting.

No person shall assault, strike or beat another person.

No person shall use unseemly, profane, obscene, indecent or violent language upon the public streets or in any public place or public meeting.

Section 3. Disturbing religious or other assembly.

No person shall wilfully, maliciously or contemptuously disturb any camp meeting, congregation or other assembly met for religious worship, or when meeting at a place of worship or disbursing therefrom, or any school or other meeting or

assembly of people met together for any lawful purpose by making a noise or by rude or indecent behavior or profane discourse within the place of assembly or so near the same as to interrupt or disturb the order thereof, or menace, threaten or assault any person there being.

Section 4. Drunkenness. No person shall be drunk or in a state of intoxication on any street or other public ground or place, or in any public building or business house.

No person shall be drunk or in a state of intoxication in any private house or on private premises to the annoyance or disturbance of the peace of any person.

Section 5. Damage to Cemetery. No person shall cut, mark, write upon, deface, or otherwise injure any tombstone, monument, or other structure in any cemetery in this city or any fence, wall, hedge, or other structure erected to enclose any cemetery, or any lot within the same, or, without lawful authority, pluck, gather, or destroy any plant, flower, shrub, or tree within any cemetery, or climb upon any tree or fence within any cemetery.

Section 6. Loitering. No person shall loiter, loaf, or lounge at the corner of streets or in the vicinity of any place of amusement, public school, church, hotel, restaurant, eating house, saloon or in or upon any square or street, within this city, and refuse to disperse or vacate such place when requested to do so by the City Marshal or other authorized officer, or at the request of the person in charge of such church, school, or place of amusement.

Section 7. Vagrancy. Every person who may be found loitering around places where liquors are sold and drunk, without any visible means of support, or shall attend or operate any gambling device or apparatus, or be engaged in practicing any trick or device to procure money or other thing of value, or shall be engaged in any unlawful calling whatever, and every able-bodied married man who shall neglect or refuse to provide for the support of his family, and every person found wandering or tramping around from place to place without any visible means of support, or any able-bodied person spending his time in idleness and not having any visible means of support, shall be deemed a vagrant.

Section 8. Discharge of firearms. No person shall discharge or fire off any gun, pistol or other firearm or any air gun, target gun or spring gun of any type and no person shall either throw or propel any rock, pebble or other hard substance by sling, crossbow, bow or any other means.

Nothing in this section shall be considered as applying to any peace officer in the discharge of his duties or military funerals.

Section 9. Fireworks, storing or selling. No person, firm or corporation shall either store or house or sell or offer for sale any firecrackers, torpedoes, Roman candles, sky rockets, blank cartridges or any other type of fireworks.

Section 10. Discharging fireworks. No person, firm or corporation shall explode, shoot, fire, discharge or set off any firecracker, torpedo, Roman candle, sky rocket,

blank cartridge or any other type of fireworks or explosive, except as hereinafter excepted.

Section 11. Fireworks display, permitted when. Displays of fireworks shall be permitted by American Legion, Veterans of Foreign Wars, or other similar associations or any other groups providing that the prior written consent of the Board of Aldermen has been obtained wherein the time and place of such display shall be specified.

Section 12. Excavations, unlawful. No person, firm or corporation shall have, keep or maintain any well, cistern, vault, cellar door or any other excavation open or exposed whereby same may endanger other persons unless such well, cistern, vault, cellar door or other excavation is covered sufficiently to prevent someone from falling into same, or properly fenced to prevent a person's access thereto.

Section 13. Trespass. No person shall trespass upon either public or private property by going upon or into any enclosure, house, garage or building or upon any lot or premises without the consent of the owner or occupant thereof.

Section 14. Climbing telephone poles, unlawful. No person, other than one duly authorized by the owner, shall climb upon any telephone, telegraph or electric light poles now or hereafter located in the City of Linneus or, in any way, injure, molest or interfere with such poles or the wires thereon or connected therewith.

Section 15. Placement of poles, consent. No person, firm or corporation shall set or place any telephone, telegraph, electric light or other poles, piers, abutments or

wires on, along, across or under any public street without their first having the prior written consent of the Board of Aldermen.

Section 16. Junk yards, unlawful. No person, firm or corporation shall establish, maintain or operate any automobile wrecking yard or junk yard within 25 feet of any street in the City of Linneus unless such automobile wrecking yard or junk yard and the wrecked or disabled automobiles and junk has been screened from view of those using the public street, either by foot or automobile. The said screen shall be erected to a height of ten (10) feet or to such a height to obstruct the view of those using the public street as mentioned above, and shall be of board construction or such other construction to carry out the intention of this section.

Section 17. Abandoned refrigerators, etc. No person, firm or corporation shall abandon or discard or have upon their premises outside of their home or place of business where same may be accessible to children, any ice box, refrigerator or freezer or any other type of unit comparable thereto, without having the door or doors removed from same.

Section 18. Dumping waste or garbage. No person, firm or corporation shall dump or deposit any garbage, waste or trash upon any public street or any lot within the City of Linneus.

Section 19. Penalty. Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not to exceed \$100.00, or imprisonment not to exceed

3 months, or both such fine and imprisonment, together with the costs of prosecution.

Section 20. This ordinance shall be in full force and effect from and after its third reading, passage and publication.

Passed this 12th day of July, 1971.

David D. Bradley
Mayor.

ATTEST: Warren W. Dray
City Clerk.

CITY OF LINNEUS, MISSOURI

BILL NO. 74

ORDINANCE NO. B-74

**AN ORDINANCE REGULATING THE KEEPING OF LIVESTOCK, WITH
PENALTY PROVISIONS.**

BE IT ORDAINED, By the Board of Aldermen of the City of Linneus, Missouri as follows:

§ 1. Definitions. As used herein, the term "livestock" shall mean cattle, hogs, goats, sheep, horses, mules and poultry.

§ 2. No person shall keep or harbor, or permit to be kept or harbored within the city limits any livestock except as provided for herein.

A. A person may keep three head of livestock per acre upon any lot or contiguous tract or tracts of property owned or leased by such person. No portion of such lot or tract shall be located closer than 200 feet to any structure used as a residence or business.

B. Any person keeping livestock at the time of the adoption of this ordinance which would otherwise be in violation hereof, may continue to keep such livestock, provided that the number of livestock kept may not be increased. ^{above 3 per acre. (PB by order of City Council)} In the event that livestock cease to be kept on such property at any future time, livestock may thereafter be kept only in accordance with the terms of this ordinance.

§ 1. Any person found in violation hereof may be fined an amount not to exceed the sum of \$ 100.00, together with costs. Each day or portion of a day that a violation continues shall be deemed a separate offense.

§ 2. This ordinance shall be in full force and effect from and after its passage.

PASSED THIS 24 DAY OF Nov., 1995.

Barford Wilson
Mayor Rao Sen

ATTEST:

Kathy Spencer Councilman
City Clerk

Call Casey

1st of next month
Sept 94

ORDINANCE
NO-B99

AN ORDINANCE PROVIDING FOR FIRE SAFETY AND PUBLIC HEALTH STANDARDS FOR THE PLACEMENT OF MOBILE HOMES, MANUFACTURED HOMES, AND MODULAR HOMES WITHIN THE CORPORATE LIMITS OF LINNEUS, MISSOURI.

WHEREAS, The City of Linneus recognizes a need for affordable housing for low and moderate income families; and

WHEREAS, The City of Linneus would like to provide a mechanism whereby such housing could be provided in a manner that will remain consistent with the City's goals of fire protection, maintaining a safe and clean drinking water supply, and maintaining the general health and safety for the residents of the City, as well as preventing public nuisances and unsafe maintenance of mobile homes, manufactured homes, and modular homes.

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

Section 1: definitions

As used in this Ordinance, the following terms shall have the meanings indicated, unless the content requires otherwise:

A. Manufactured Home: A factory-built structure or structures which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, contains three hundred twenty or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit, or units with or without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the manufactured home placed thereon may be moved from time to time at the convenience of the owner.

B. Modular Unit: A transportable building unit designed to be used by itself or to be incorporated with similar units at a point-of-use into a modular structure to be used for residential, commercial, educational or industrial purposes. This definition shall not apply to structures under six hundred fifty square feet used temporarily and exclusively for construction site office purposes.

C. Park Trailer: A modular type unit built on a single chassis mounted on wheels, designed primarily as temporary living quarters for seasonal or destination camping, and having a gross trailer area not exceeding four hundred square feet and not less than two hundred forty square feet in setup mode.

D. Person: An individual, partnership, corporation or other legal entity.

E. Recreational Vehicle: A vehicular-type unit primarily designed to provide temporary living quarters for recreational, camping or travel use, that either has its own motive power, or is mounted on or towed by another vehicle.

F. A device, label or insignia issued by The Missouri Public Service Commission, U.S. Department of Housing and Urban Development, or its agent, to be displayed on the exterior of the manufactured home, recreational vehicle, or modular unit to evidence compliance with the code.

G. Setup: The operations performed at the occupancy site which renders a manufactured home or modular unit fit for habitation, which operations include, but are not limited to, moving, blocking, leveling, supporting, and assembling multiple or expandable units.

H. Mobile Home: A transportable, factory-built home designed to be used as a residential dwelling and built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Section 2: Temporary Dwellings

No person may use or occupy a recreational vehicle or park trailer in the corporate limits of the City of Linneus as a temporary living quarters for a period exceeding 30 days in any given calendar year.

Section 3: Construction Standards

A. All manufactured homes and modular units must be constructed according to the standards established by the United States Department of Housing and Urban Development for constructing such structures and shall bear a seal issued by the U.S. Department of Housing and Urban Development as required by the Revised Statutes of Missouri, Chapter 700 prior to any such structure being setup in the corporate limits of the City of Linneus.

B. All Mobile homes must be constructed according to the standards established by the United States Department of Housing and Urban Development for constructing manufactured homes and modular units and shall have a seal of approval by the Missouri Public Service Commission indicating that repairs and construction to said mobile home have been completed to make it comply with said standards.

C. All manufactured homes, modular units, and mobile homes must have entryways built in a stable and safe manner. All entryways and decks must be a minimum of four feet by six feet wide, with safety railings.

D. All manufactured homes, modular units, and mobile homes must comply with the following:

1. Have a pitched roof of no less than three inches of vertical rise to each twelve inches of horizontal run;
2. Have roofing materials consisting of composition asphalt shingles, fiberglass shingle, wood shake, baked tile, crushed rock, or metal.
3. Have siding material consisting of wood or wood products, stucco, brick, horizontal lap steel or aluminum, horizontal lap vinyl or rock;

Section 4: Foundation Requirements

All manufactured homes, modular units, and mobile homes setup in the corporate limits of the City of Linneus shall be set on a permanent foundation. The permanent foundation must meet the following requirements.

[a] All exterior walls must be securely attached to a concrete foundation, or pillars, ^{and} anchored and tied down in accordance with the standards promulgated by the Public Service Commission pursuant to the provisions of RSMo sections 700.010 to 700.115.

this Section
Amended in
Regular
Session
commencing
dated
11/18/04

CITY OF LINNEUS SPECIFICATIONS

Anchors no less than 3 feet in length, and spaced no less than 10 feet apart on each side of Mobile Home.

Section 5: Spacing and Access

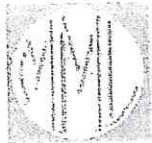
No manufactured home, modular unit, or mobile home shall be setup within the corporate limits of the City of Linneus unless it is placed upon a city lot a minimum of 55 feet in width, and unless it is set up and maintained a minimum of 15 feet from any other structure which is not attached to the manufactured home, modular unit, or mobile home.

Section 6:

All manufactured homes, modular units, or mobile homes must be setup and maintained in accordance with the provisions of RSMO. Chapter 700 which are not in direct conflict with the provisions of this ordinance.

Section 7: Utilities

A. No manufactured home, modular unit or mobile home shall be hooked up to City utilities until it has been inspected by and received approval from the Mayor as being in compliance with this ordinance and RSMo. Chapter 700. The Mayor may designate or appoint a special building inspector to act in his absence.



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Unsafe Building Ordinance

MODEL UNSAFE BUILDING ORDINANCE

MD. B-102

September 1994

AN ORDINANCE OF THE (CITY/VILLAGE) OF
Linn, MISSOURI, REGARDING
DANGEROUS BUILDINGS AS NUISANCES AND THEIR REMOVAL OR
RECONDITIONING, PROVIDING FOR THEIR DEMOLITION OR REPAIR BY
THE (CITY/VILLAGE) AND PERTAINING TO INSURANCE PROCEEDS FROM
DAMAGE OR LOSS TO BUILDINGS OR STRUCTURES.

BE IT ENACTED BY THE COUNCIL OF THE (CITY/VILLAGE) OF
Linn, MISSOURI, AS FOLLOWS:

Section 1. Purpose and scope.

It is the purpose of this ordinance to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or the general public, and this ordinance shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the (city/village) of Linn, Missouri.

Section 2. Dangerous buildings defined.

All buildings that are detrimental to the health, safety or welfare of the residents of the (city/village) and that have any or all of the following defects shall be deemed "dangerous buildings":

- 1) Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- 2) Those that, exclusive of the foundation, show thirty-three (33) percent or more damage or deterioration of the supporting member or members, or fifty (50) percent damage or deterioration of the nonsupporting enclosing or outside walls or covering.
- 3) Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used.
- 4) Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the city.

5) Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.

6) Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.

7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.

8) Those that have parts thereof that are so attached that they may fall and injure members of the public or property.

9) Those that because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this city.

Section 3. Dangerous buildings declared nuisance.

All dangerous buildings, as defined by Section 2, are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as provided herein.

Section 4. Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the building inspector and the building commissioner in ordering repair, vacation or demolition of any dangerous building.

1) If the dangerous building reasonably can be repaired so that it no longer will exist in violation of the terms of this ordinance, it shall be ordered repaired.

2) If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.

3) In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this ordinance, it shall be demolished.

4) In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of this (city/village) or statute of the State of Missouri, it shall be repaired or demolished.

Section 5. Building inspector.

All city police officers and all other (city/village) employees so designated by the (mayor, city manager/administrator) shall be building inspectors within the meaning of this ordinance.

Section 6. Duties of building inspector; procedure and notice.

The building inspector shall have the duty under this ordinance to:

- 1) Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such places a dangerous building when he has reasonable grounds to believe that any such building is dangerous.
- 2) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this ordinance, and the building inspector determines that there are reasonable grounds to believe that such building is dangerous.
- 3) Inspect any building, wall or structure reported by the fire or police departments of this (city/village) as probably existing in violation of this ordinance.
- 4) Notify in writing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) successive weeks, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Linn County, of any building found by him to be a dangerous building within the standards set forth in Section 2.

The notice required shall state that:

- a) The owner must vacate, vacate and repair or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this ordinance;
- b) The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession;
- c) The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the county wherein the land is located, may, at his own risk, repair, vacate, or demolish the building and clean up the property or have such work done, provided that any person notified under this subsection to repair, vacate or demolish any building, or clean up the property shall be given such reasonable time not exceeding thirty (30) days to commence the required work;
- 5) The notice provided for in this section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building and an order requiring the designated work to be commenced within the time provided for in the above subsection;
- 6) Report in writing to the city building commissioner the noncompliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay;
- 7) Appear at all hearings conducted by the building commissioner and testify as to the condition of dangerous buildings.

8) Immediately report to the building commissioner concerning any building found by him to be inherently dangerous and that he determined to be a nuisance per se. The building commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Linn County. It is unlawful to remove this notice until such notice is complied with."

Provided, however, that the order by the building commissioner and the posting of said notice, shall not be construed to deprive all persons entitled thereto by this ordinance to the notice and hearing prescribed herein.

Section 7. Building Commissioner.

The (mayor, city manager/administrator, city council/board of aldermen, board of trustees or other designated officer or officers) shall act as building commissioner under this ordinance.

Section 8. Duties of the building commissioner.

The building commissioner shall have the power pursuant to this ordinance to:

1) Supervise all inspections required by this ordinance, and cause the building inspector to make inspections and perform all the duties required of him by this ordinance. Upon receiving a complaint or report from any source, that a dangerous building exists in the city, the building commissioner shall cause an inspection to be made forthwith. If the building commissioner deems it necessary to the performance of his duties and responsibilities imposed herein, the building commissioner may request an inspection and report be made by any other city department or retain services of an expert whenever the building commissioner deems such service necessary.

2) Upon receipt of a report from the building inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other person(s) having interest in said building to commence work of reconditioning or demolition within the time specified by this ordinance or upon failure to proceed continuously with work without unnecessary delay, the building commissioner shall hold a hearing giving the affected parties full and adequate hearing on the matter.

Written notice, either by personal service or by certified mail, return receipt requested, or by publication for two (2) successive weeks, in a newspaper qualified to publish legal notices, at least ten (10) days in advance of a hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the recorder of deeds of the county wherein the land is located, to appear before the building commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the building inspector's notice as provided herein.

Any party may be represented by counsel and all parties shall have an opportunity to be heard.

3) Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 2.

4) If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the building commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other person(s) having an interest in said building as shown by the land records of the county wherein the land is located, to repair, vacate or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified, shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this (city/village) or the owner or any person having an interest in said building as shown by the land records of the county wherein the land is located, may vacate and demolish said dangerous building at his own risk to prevent the acquiring by the (city/village) of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, no order shall be issued.

5) If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the building commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant; and the building commissioner shall certify the cost of the work borne by the (city/village) for such repair, vacation or demolition or cleaned up to the (city/village) clerk as a special assessment represented by a special tax bill against the real property affected; said tax bill shall be a lien upon said property and shall be deemed a personal debt against the property owner(s) unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the (city/village) and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360 Revised Statutes of Missouri. Except as provided in subsection 6 of this section, at the request of the taxpayer this special tax bill may be paid in installments over a period of not more than ten (10) years; said assessment shall bear interest at the rate of 18 1/2% percent per annum until paid.

6) As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if an order is issued by the building commissioner as provided in subsection 5 of this section, and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five (25) percent of the insurance proceeds, as set forth in subdivisions a and b of this subsection. This subsection shall apply only to a covered claim payment that is in excess of fifty (50) percent of the face value of the policy covering a building or other structure:

a) The insurer shall withhold from the covered claim payment up to twenty-five (25) percent of the covered claim payment, and shall pay such moneys to the city to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under the ordinance.

b) The (city/village) shall release the proceeds and any interest that has accrued on such proceeds received under subdivision a of this subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after the receipt of such insurance moneys, unless the (city/village) has instituted legal proceedings under the provisions of subsection 5 of this section. If the (city/village) has proceeded under the provisions of subsection 5 of this section, all moneys in excess of that necessary to comply with the provisions of subsection 5 of this section for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.

7) If there are no proceeds of any insurance policy as set forth in subsection 6 of this section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.

8) Subsection 6 of this section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.

9) Subsection 6 of this section does not make the (city/village) a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

10) The building commissioner may certify in lieu of payment of all or part of the covered claim under subsection 6 that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the building commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to subsection 6 of this section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided from this subsection.

Section 9. Appeal.

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the recorder of deeds of the county wherein the land is located, may, within thirty (30) days from the receipt of the order of the building commissioner, appeal such decision to the circuit court of the county wherein the land is located, pursuant to the procedure established in Chapter 536 of the Revised Statutes of Missouri.

Section 10. Emergencies.

In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished and the property is cleaned up, the building inspector shall report such facts to the building commissioner and the building commissioner may cause the immediate repair, vacation or demolition of such dangerous building and clean up of the property. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Section 7(5).

Section 11. Violations; disregarding notices or orders.

a) The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the building commissioner shall be guilty of a misdemeanor and upon conviction shall be punishable as set forth in Section 12.

b) Any person removing any notices provided for in this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with Section 12.

Section 12. Penalties.

Any person violating the provisions of this ordinance is guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred dollars (\$500). Each day that a person fails to comply with an order of the building commissioner may be deemed a separate offense.

passed December 18, 2003

James E. Anderson
Mayor

Sabrina Brondos
City Clerk



DEBRIS/WEED ORDINANCE

Bill NO. 132

Ordinance NO. B-132

WHEREAS, Section 67.398 Missouri Revised Statutes authorizes municipalities to abate public nuisances that are caused by debris, vegetation and/or weeds located on private property and

WHEREAS, the community needs to take advantage of the provisions of that law, and to provide for a simplified and easy way to deal with debris, trees and shrubs, and vegetation that grows to create a nuisance,

NOW THEREFOR, be it ordained by the Board of Aldermen of the City of Linneus of

Linneus, Missouri as follows:

SECTION ONE: Ordinance Repealed. The following ordinances and parts of ordinances previously enacted are hereby repealed: Ordinance NO. B-1 Section 16.

SECTION TWO: Debris Defined. Any condition on any lot or land that has the presence of debris of any kind is hereby declared to be a public nuisance, subject to abatement. Debris includes weed cuttings, cut and fallen trees and shrubs, overgrown vegetation and noxious weeds which are seven inches or more in height, rubbish and trash, lumber not piled or stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, and/or any flammable material. The word "debris" also includes any other material which is found on any lot or land that is unhealthy or safe, provided (1) that it is described in detail in the notice that is required in Section Three below, and (2) that the definition is not challenged by requesting a formal hearing as provided in Section Three below.

SECTION THREE: Notice. Enforcement of this ordinance shall be the responsibility of the Mayor. Enforcement shall commence by providing notice to the owner of the property of the nuisance condition existing on his/her/its property. The notice may be delivered by personal service, by certified mail, or by ordinary mail. (If sent by ordinary mail, there will be a rebuttable presumption that the letter was delivered 5 days after the date it was sent.)

A. The notice shall generally describe the nature of the nuisance, the location of the property (using the mailing or popular address rather than a legal description, when reasonably possible to do so), and ordering the property owner to, within a period of seven days from the receipt of the notice, abate the nuisance.

B. Any owner who wishes to challenge the order of abatement may do so, provided that within the seven day period he/she/it requests a hearing on the validity of the order under the state Administrative Procedure Act, RSMo. Chapter 536. If no such request is made within that time period, the order becomes final and is not subject to challenge elsewhere. If such request is made, the hearing shall be conducted by the Linneus City Council. The request for a hearing must be in writing, but otherwise no particular formality is required. Notice to the property owner of his right to request such hearing shall be given by including a copy of this ordinance with any notice sent under authority of this section. Once a request for a hearing is received, the hearing shall be conducted in accordance with the "contested case" provisions of the state Administrative Procedure Act. The city attorney may present the city at such a hearing.

SECTION FOUR. Abatement of Nuisance. If the nuisance is present on the property seven days after receipt of the notice by the property owner, the enforcement officer shall cause the same to be abated. (The costs of abatement may include a fee for the city's costs in administering this ordinance, which fee shall not exceed \$100.00.) The enforcement official shall verify the cost of such abatement to the city clerk or other 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, and shall be collected in the same manner and procedure as for collecting real estate taxes.

SECTION FIVE. Violation is an Offense. An owner who fails to remove a nuisance within 7 days of being notified to do so by the notice/abatement order described in Section Two above shall be guilty of an offense and may (at the option of the city) be charged in municipal court with the offense of "failure to abate a nuisance."

THIS ORDINANCE READ TWO TIMES AND ADOPTED ON THE 16th DAY OF September, 2010.

James E. Andersson
Mayor

ATTEST:

Sabrina Branden
City Clerk