

ORDINANCE NO. 94-4

BILL NO. 94-4

AN ORDINANCE DEFINING AND ABATING NUISANCES.

WHEREAS, the Village of Saginaw wishes to define and abate nuisances.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF SAGINAW, MISSOURI, AS FOLLOWS:

SECTION 1. *Prohibited.* No person shall permit, cause, keep, maintain or do any nuisance or contribute to the same as defined by the laws of the state or the ordinances of the village, or cause or permit to be committed, caused, kept, maintained or done or contribute to committing, causing, keeping or maintaining or "of" any such nuisance within the corporate limits of the village.

SECTION 2. *Common law and statutory nuisances.* In all cases where no provisions are herein made defining what are nuisances and how the same may be removed, abated or prevented, in addition to what may be declared such herein, those offenses which are known to the common law of the land and the statues of the state as nuisances may, in case the same exist within the village limits, be treated as such, and proceeded against as in this ordinance provided, or in accordance with any other provision of law.

SECTION 3. *Definition.* For the purposes of this ordinance, the word "nuisance" is hereby defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- (a) Injures or endangers the comfort, repose, health or safety of others; or
- (b) Offends decency; or
- (c) Is offensive to the senses; or
- (d) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
- (e) In any way renders other persons insecure in life or the use of property; or
- (f) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

SECTION 4. *Illustrative enumeration.* The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance,

provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (a) Substances emitting foul odors. All substances which emit or cause any foul, noxious, unhealthful or disagreeable odor or effluvia.
- (b) Carcasses. All carcasses of animals remaining exposed after death except such animals as are killed for use as food and which are promptly processed and stored.
- (c) Establishments emitting noxious smells. Every factory, grocery, tannery, meat shop, packing house, stable or barn or other such establishment which emits or causes any offensive, disagreeable or noxious smell or odor.
- (d) Foul liquids generally. All slop, foul or dirty water, all filth, refuse or offal discharged through drains or spouts or otherwise thrown, swept or deposited in or upon any street, avenue, sidewalk, alley, lot, park, public or private enclosure.
- (e) Odiferous matter. All vegetables or other articles that emit or cause any offensive or disagreeable smell or odor.
- (f) Annoying, etc., articles, etc. All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, inconvenience or annoyance of the public or of any neighborhood.
- (g) Hanging signs, etc. All hanging signs, ropes, network or other devices stretched over or across any street, avenue, alley or sidewalk, unless same shall be permitted by ordinance.
- (h) Refuse, garbage and ashes - Generally. All ashes, cinders, filth, excrement, cans, dust, paper, trash, rubbish, manure, refuse and offal, waste water, decayed meat, 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 or private enclosures, left vacant or occupied, or pond or pool of water.
- (i) Same - Permitting refuse accumulations. The accumulation on any lot or piece of ground in the village of any refuse matter, in such a manner as to be offensive or be injurious to the health of any person or of the neighborhood.
- (j) Burning certain materials. The burning within the village limits of any animal, vegetable or other substance, the burning of which creates or generates any disagreeable, noxious or unwholesome smell or odor.
- (k) Same - Polluting supply. The doing of any act which shall tend to pollute or contaminate the water supply of the village.

(l) Same - Offensive, etc. Any lot or piece of ground within the limits of the village, on which there is a pond or pool of unwholesome, stagnant, impure or offensive water.

(m) Airborne matter. Sieving, agitating, handling or exposing lime, ashes, coal, dry sand, hair, feathers, dust or other substance liable to be blown by the wind to the injury, annoyance or inconvenience of the public or of any neighborhood.

(n) Premises not connected with sewer. Any improved real estate abutting upon or adjoining any sanitary sewer system but which is not connected to such sewer system.

(o) Animal enclosures. Any stable, hog pen or other pen or enclosure in which animals are kept which is kept or permitted to be kept in such a condition as to be offensive, annoying or disagreeable to anyone.

(p) Buildings. Any building or part thereof which, by reason of its unsanitary condition or of its being infected with disease, is unfit for human habitation, or which from any other cause is a source of sickness among the inhabitants of this village, or which otherwise endangers the public health.

(q) Abandoned dangerous equipment. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.

(r) Abandoned shafts, excavations. Any open abandoned shaft or excavation.

(s) Nonoperating vehicles. Any partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicle remaining upon any public or private premises within the village not in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property.

(t) Garbage, rubbish and trash. The accumulation on any lot or piece of ground in the village of any garbage, rubbish or trash in such a manner as to be offensive or be injurious to the health of any person or of the neighborhood.

(u) Dumping or accumulation of rubbish, etc. Placing, leaving, dumping or permitting to accumulate any rubbish, garbage or trash in any building or on any premises, improved or vacant, or on any open lot, alley or public right-of-way in the village.

SECTION 5. Notice to abate; failure to comply. Whenever the Board of Trustees shall ascertain or have knowledge that a nuisance exists in or upon any house, building, lot or premises within the village, the Board shall, in writing, notify the owner or persons occupying or having possession and control of such house, building, lot or premises to abate or remove such nuisance within a time to be specified in such notice. Any person who shall be notified to abate a nuisance, and who shall fail, neglect, or refuse to obey and comply with the