

Chapter 67-Maintenance of Public and Private Property

(ORD #24-97)

Chapter 67-Maintenance of Public and Private Property

67.010. Prohibited disposition of refuse, generally.

It shall be unlawful for any person to throw away or place any garbage, refuse or trash of any sort in or upon the streets, sidewalks, or public places, or upon vacant lots or premises not his own within the City.

67.020. Drainage of unclean liquids from premises.

It shall be unlawful for any person to conduct into any street or other public place, or upon any vacant lot, from any kitchen, house or other structure or premises, any filth or unclean water or other liquid, or suffer such filth or unclean water or other liquid to escape into any public place or upon any vacant lot, whenever they shall be notified any building or other structure of whatever character in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public.

67.030. Duty of owners, managers, and occupants generally; nuisances.

No person who owns, manages or occupies any premises situated within the City shall suffer to exist in or upon such premises any stagnant water, animal or vegetable matter, or other substance or liquid liable to become putrid, offensive or injurious to the health of any citizen or inhabitant of this City; and it shall be the duty of each such person to keep such premises free of any such stagnant water, animal and vegetable matter and other such substances and liquids and to keep such premises reasonably free of other refuse as in this Chapter provided, and to keep all weeds and underbrush cut and to suffer none to bloom or go to seed. Any condition found on any premises in violation of this or any other Section of this Chapter shall be deemed to be a nuisance.

67.040. Duty of property owners as to decayed or diseased trees.

- 1.** It shall be unlawful for the owner of any lot or parcel of ground in the City to maintain or allow to stand upon such lot or parcel of ground any tree or tree limb which, due to a diseased, decayed or broken condition or for any other reason, endangers or is likely to injure any person or property in and upon a street or any adjacent property in the City, or to cause damage to any tree of other land owners by the spread of a contagious disease.
- 2.** It shall be the duty of the owner of any lot or parcel of ground in the City to properly cause such trees or tree limbs as are described in Subsection (1) of this Section to be cut down, and no tree or tree limb in the City which has been cut down or which has fallen or been broken down, shall be permitted to remain in or upon any sidewalk, street or adjacent property in the City, or so near thereto as to endanger any person thereon, and it shall be the duty of the owner of such lot or parcel of ground to cause the same to be promptly removed, and it shall be unlawful for any such owner to fail so to do.

67.050. Maintenance of buildings and structures.

It shall be unlawful for the owner or caretaker of any parcel of ground in the City to maintain or allow to stand upon such lot or parcel of ground any building or other structure of whatever character in a condition unsafe, dangerous, unhealthy, injurious, or annoying to the public.

67.060. Recourse of City for violations of Chapter.

Upon any complaint filed with the City Council relative to the violation of any provision of this Chapter, the City Council shall have an inspection made of such premises and if the condition which constitutes the alleged violation is found to exist, it shall be deemed a nuisance. Upon order of the mayor, the city clerk shall issue written notice to the owner of such property if his address be known, or if not known to the caretaker or resident thereon if such exists, which notice shall direct such person to abate such nuisance within a period of time, not more than five days, to be stated in the notice; and it shall be unlawful for any person to whom such notice has been given to fail to comply with the requirement thereof. Whenever the owner, caretaker or resident of any premises shall fail to abate any nuisance whereon within the time stated in a notice as provided in this Section, the mayor or his designee shall cause such nuisance to be abated and a special tax bill shall be issued for the total cost therefore against the property upon which labor is performed and such special tax bill shall be a lien upon such property.

67.070. Trimming of trees, etc., prohibited.

It shall be unlawful and a nuisance for the owner, and the term "owner" shall include persons having the fee simple title to any lot, his rental agent or the agent or trustee of such owner who has control or management of such lot, of any lot alongside any intersecting street or alongside any street which enters or runs into another street to have or to permit any fence, wall, sign or signboard or billboard to be erected nearer than thirty feet to the curb of such street or to erect such street or to erect such structure to a greater height than three feet above the crown of the street at the point of intersection. Every person owning any such lot shall keep all trees trimmed of limbs, branches, and leaves which hang down or obstruct the vision between a point six feet above the crown of any such street and a point three feet above the crown of any such street where such trees are located nearer than eight feet from the curb of any such street. It shall be unlawful and a nuisance for the owner of any such lot to keep or maintain any plants, flowers, shrubs, bushes, weeds or other vegetation, other than trees, on any such lot at a point nearer than eight feet to the curb line of any street at a greater height than three feet above the crown of such street, unless the same are trimmed of limbs, branches and leaves between a point six feet above the crown of such street and a point three feet above the crown of such street.

67.080. Abatement, etc., by City.

In the event any obstruction to the view of any street intersection shall be maintained in violation of this Chapter, the City, after due notice to the owner to abate or remove such nuisance, may through the proper officer enter upon such real estate and remove any such obstructions to the view or trim any such plants, flowers, shrubs, bushes, weeds, trees, or other vegetation which do not meet the requirements of this Chapter. The cost of such work shall be assessed against the owner in the manner prescribed by law.

67.090. (ORD #24-97) Covenant and Restriction on Rose Chemical Property.

The City of Holden a municipality of the 3rd. Class under the laws of Missouri being the owner of the following described Real Estate in Holden, Johnson County, Missouri,

PARCEL 1: A part of the Southeast quarter of the Northeast quarter of Section 10, Township 45, Range 28, in the City of Holden, Johnson County, Missouri, described as beginning at a point 870 feet East and 30 feet North of

Chapter 67-Maintenance of Public and Private Property

the Southwest corner thereof, said point being 55 feet West of the Southwest corner of Lot 5 in Finney Addition and on the North line of Second Street, thence West 257 feet, thence North 234 feet, thence East 312 feet, thence South to the Northwest corner of Lot 5 in Finney Addition, thence West 55 feet, thence South 178 feet to the point of beginning.

PARCEL 2: A part of the Southeast quarter of the Northeast quarter of Section 10, Township 45, Range 28, in the City of Holden, Johnson County, Missouri, described as follows: Beginning at a point 264 feet North of the Southwest corner thereof, thence North 584 feet, thence Southeastwardly 935 feet to the Northwest corner of Lot 7, in Finney Row Addition to the City of Holden, thence South 443 feet, thence West 925 feet to the point of beginning (EXCEPT that part thereof, sold to the City of Holden and contained, within a tract described as beginning at a point 313 feet North of the Southwest corner of Lot 5 in Finney Addition to the City of Holden, thence West 312 feet to an iron stake, thence South 313 feet to an iron stake on the North line of Second Street (said point being 312 feet West of the Southwest corner of said Lot 5 in Finney Addition, thence West 60 feet to an iron stake on the North right-of-way line of said Second Street, thence North 373 feet to an iron stake, thence East 372 feet, thence South 60 feet to the point of beginning). Subject to: (i) easements, restrictions, and reservations now of record, (ii) the rights of the public in and to any part of the premises lying or being in public roads, alleys or highways and (iii) taxes and assessments, general and special, not now due or payable, does hereby make and declare said property to be subject to the following covenants.

1. Drilling wells. No wells shall be drilled or installed in the shallow ground water for any purpose other than ground water monitoring for possible contamination.
2. Term. This covenant and restriction shall run with the land and shall be binding on all parties and all persons claiming under them for a period of 50 years from the date these covenants are recorded, unless an agreement with the owner duly executed by the U.S. Environmental Protection Agency, or its successor, agreeing to release or change the covenants i whole or part is recorded with the Recorder's Office for Johnson County, Missouri.
3. Enforcement. Enforcement shall be by proceeding at law or in equity against any person or persons violating or attempting to violate provision of this covenant to restrain violation and to recover damages.