

This Bill No. 13-10, Ordinance No. 1042 shall become Article II, Sections 20-101 to 20-200 specifically in Chapter 20, Nuisances, of the Municipal Code of Adrian, Missouri.

Chapter 20. NUISANCES.

It is the intention of the Board of Alderman, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Adrian, Missouri, and the sections of this ordinance may be renumbered to accomplish such intention.

**Cross references:**

**State law references:**

- Chapter 20. NUISANCES
  - Article I IN GENERAL
    - Sec. 20-001 to 200-100 Reserved
  - Article II NUISANCE ORDINANCE
    - Sec. 20-101. CODIFICATION.
    - Sec. 20-102. PURPOSE.
    - Sec. 20-103. DEFINITIONS.
    - Sec. 20-104. LIMITATIONS.
    - Sec. 20-105. NUISANCE MODES OF TRANSPORTATION.
    - Sec. 20-106. MAINTENANCE OF LANDSCAPE.
    - Sec. 20-107. REFUSE AND RUBBISH.
    - Sec. 20-108. JUNK.
    - Sec. 20-109. ANIMAL RESTRICTIONS.
    - Sec. 20-110. CONSTRUCTION.
    - Sec. 20-111. BODIES OF WATER.
    - Sec. 20-112. INVESTIGATION.
    - Sec. 20-113. NOTICE.
    - Sec. 20-114. REQUESTING REVIEW OF NOTICE OF NUISANCE.
    - Sec. 20-115. CITATION AND ABATEMENT.
    - Sec. 20-116. PENALTY.
    - Sec. 20-117. SEVERABILITY.
    - Sec. 20-118. EFFECTIVE DATE.
    - Sec. 20-119 TO 20-200. RESERVED.

Amended \_\_\_\_\_

WHEREAS all other ordinance(s) and/ or parts of ordinance(s) in conflict with this Nuisance Ordinance are hereby repealed.

BILL NO. 13-10

ORDINANCE NO. 1042

AN ORDINANCE FOR NUISANCES INVOLVING VEHICLES, GRASS, WEEDS, UNREDEEMED PROPERTY, TRASH, LIVESTOCK, FENCING AND SWIMMING POOLS

WHEREAS the city is authorized to declare and determine appropriate requirements for the citizens of the City of Adrian to properly maintain their property, and:

WHEREAS the Board of Aldermen has determined that this Ordinance is necessary to keep properties from becoming unkempt, unsafe, unsanitary, or otherwise improperly maintained to ensure the safety, health and overall well being of the public.

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

**CHAPTER 20 - NUISANCES**

**ARTICLE II - NUISANCE ORDINANCE**

**SECTION 20-101: CODIFICATION.**

Chapter 20 of the Code of Ordinances of the City of Adrian (hereinafter "City") is hereby amended, revised, and replaced by this ordinance, which shall become and be designated as Sections 20-101 to 20-200, and which shall read as follows:

- CHAPTER 20:                    NUISANCES
- ARTICLE II:                    NUISANCE ORDINANCE
- SECTIONS:                    20-101 TO 20-200

**SECTION 20-102: PURPOSE.**

The purpose of this Chapter 20, Article II, Nuisance Ordinance (hereinafter "this Ordinance") is to prevent properties within the city limits of Adrian, Missouri, from becoming unkempt, unsafe, unsanitary and otherwise improperly maintained and for the officials of the City of Adrian, Missouri (hereinafter "City" and/or "City of Adrian"), to enforce this Ordinance where violators will be prosecuted if the nuisance(s) are permitted to remain.

**SECTION 20-103: DEFINITIONS.**

- (1) Abandoned: Left unoccupied and unclaimed or in a damaged or dismantled condition

upon the streets, alleys, public or private parking lots, or upon private property within the city limits of the City.

- (2) Buildings: Dangerous buildings defined as in Chapter 9, Article III, Section 9-102 of the City of Adrian Municipal Code.
- (3) Costs: Any costs or fees involved in abating the nuisance.
- (4) Curtilage: Any land or building immediately adjacent to a dwelling, including those outbuildings which are directly and intimately connected with the habitation and in proximity thereto and the lands or grounds surrounding the dwelling which are necessary and convenient and habitually used for family purposes and carrying on domestic employment.
- (5) Enforcement Officer: The City Administrator or his duly appointed representatives who investigate reports that a nuisance may exist and who carry out the procedures provided herein for the abatement of nuisances found to exist.
- (6) Fence: A barrier to separate properties, to contain belongings and/or animals or to keep unauthorized persons out usually made of treated lumber, chain link, ornamental steel, vinyl, brick or stone.
- (7) Junk: Shall mean and include all metals, whether ferrous or nonferrous, including, but not limited to, any used or second hand parts of machinery; plumbing fixtures, or parts thereof; parts of an automobile, truck, bus, motorcycle, water craft, or other motor vehicle; gas or electrical appliances or fixtures, or parts thereof; household hardware or furnishings; wire; cable; bearings; valves; pipes and pipe-fittings; building materials; wood; or any other used or secondhand metal articles, including any inoperable mode(s) of transportation that is kept or stored upon the premises in such a manner as to constitute a health, safety, or fire hazard; or other waste material of any nature or substance whatsoever discarded on private property, including, but not limited to, glass; paper; cardboard; cartons; boxes; plastics; rags; cloth; fibers and fabrics; leather; polyethylene; and polystyrenes. This definition shall not apply to building materials stored temporarily for use on the same real property within a period of twelve months.
- (8) Livestock: Any animal that would normally be found on a farm and/or normally used for the purpose of income and/or food.
- (9) Person:
  - (i) Any person(s), agent(s), operator(s), firm(s) or corporation(s) having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or person(s) last assessed for payment of ad valorem taxes; or otherwise having control of the property, including the guardian of the estate of any such person(s), and the executor or administrator of the estate of such person(s) if ordered to take possession of real property by a court, who is at least eighteen (18) years of

age.

- (ii) Any one (1) or more individual(s), owner(s), title holder(s), agent(s), firm(s), corporation(s), partnership(s), association(s), or organization(s) of any kind. It shall include, but not be limited to, any tenant(s), lessee(s), manager(s), operator(s), occupant(s), executor(s), executrix(s), administrator(s), guardian(s), trustee(s), bankruptcy trustee(s), or other person(s) in charge of, care of, possession of, or control of any real or personal property, who is at least eighteen (18) years of age.

(10) Property:

- (i) Any structure, lot, yard, plot, tract, parcel, or other piece of land or property, or any other type of property of whatsoever kind or nature, which is located within the City of Adrian.
- (ii) A single lot, a single address, and/or a single location owned and/or occupied by one or more Person.

(11) Nuisance Property:

- (i) Any Property, structure, mode of transportation, or any other type of property of whatsoever kind or nature which is located within the City of Adrian upon which a nuisance is determined to exist and/or which is determined to have conditions that are deemed to be in violation of the provisions of this Ordinance.

(12) Nuisance Mode(s) of Transportation: Any mode of transportation that can be powered by motor or engine that could be considered as abandoned, junk or without current registration located on any public or private property.

(13) Nuisance Abatement: The removal, termination or destruction of something that has been found to be a nuisance.

(14) Structures: Structures defined as in Chapter 9, Article III, Section 9-102 of the City of Adrian Municipal Code.

(15) Swimming Pools and Ornamental Bodies of Water: An artificially constructed body of water that is able to be contained and used for enjoyment; such as, but not limited to, for ornamental purposes and/or for swimming.

(16) Refuse and/or Rubbish: Any refuse and/or rubbish items that would be normally considered trash; such as but not limited to discarded food, animal carcasses, paper, plastic, glass, metal/tin cans etc. located on private property.

(17) Tree: Any tree, shrubbery, limbs, and/or branches on a Property, and/or the debris therefrom:

- (i) That creates, or poses a threat or risk of creating, insecure or unsafe conditions, such as, but not limited to, the threat or risk of falling upon the

public ways or causing injury to persons traveling on the public ways or thoroughfares of the City.

- (18) Vegetation: The growth of grass, weeds, trees, agricultural plants, etc. located on private property.
- (19) Yard Debris: Grass, leaves, brush, branches, twigs, and/or any other form of yard waste, including that generated by tree removal, yard maintenance, land clearing, and/or severe weather.

#### **SECTION 20-104: LIMITATIONS AND DECLARATIONS**

- (1) Nothing in this Ordinance shall be construed to limit or restrict the right of the City of Adrian and its officials from investigating suspected or confirmed nuisances believed to be an immediate danger to public safety and/or welfare.
- (2) Any violation of any provision(s), restriction(s), and/or regulation(s) contained in Sections 20-101 to 20-200 of this Chapter is hereby declared a nuisance, and the same shall be unlawful, and any Person, Property and/or Nuisance Property within the City of Adrian shall be subject to the provisions of the same.

#### **SECTION 20-105: NUISANCE MODES OF TRANSPORTATION.**

- (1) No Person having control or use of any Property or any part of any Property shall allow any of the following to remain on the Property:
  - (a) Abandoned Modes of Transportation: Any wrecked, damaged, demolished, disabled or inoperable vehicle or part or portion thereof which is left or permitted to remain upon any property or street, which is accessible to children or where weeds, grass and other vegetation is allowed to grow in or around such vehicle is hereby declared to be a public nuisance in that such vehicle or part or portion thereof may create a fire hazard or afford a nesting place or breeding place for birds, mosquitoes, flies, rodents, rats and other vermin and also may be an attractive nuisance to children constituting a serious danger and threat to such children and may be an additional costly obstruction to the care and maintenance of such property or street when weeds, grass or other vegetation must be removed by private individuals or the City.
  - (b) Junk Modes of Transportation: Any mode of transportation that has been dismantled, damaged, wrecked, missing tires/wheels, missing windows, etc.
  - (c) Unregistered Modes of Transportation: Any mode of transportation that does not have a current license plate up to date by month and year and inspection belonging to the mode of transportation in question which would be normally required by law in order to operate the mode of transportation in question on any street, road, highway or waterway.

#### **(2) Exemptions:**

- (a) Any mode of transportation that is being torn down, stripped, junked, stored,

repaired or serviced which is specifically authorized, permitted or licensed under other provisions of this Ordinance or any other ordinance of the City or unless necessary repairs are being made by an owner to his/her own vehicle and are completed within seven (7) days.

- (b) Any mode of transportation located at a salvage business designed for such items.
- (c) Any mode of transportation located in an enclosed building with closing doors or behind a privacy fence no less than six feet in height with closing gates where the items are not visible by the public.
- (d) No more than two (2) modes of transportation on any one (1) Property placed and properly secured under tarp(s) that are not torn or tattered.
- (e) Any mode of transportation located at a repair business designated for such items.

(3) 60 Day Permit for Mode(s) of Transportation:

- (a) A **ONE TIME PERMIT** may be obtained for mode(s) of transportation which is not stored in an enclosed building or behind a privacy fence for the purposes of repair, restoration and/or sale, for the sum of \$25.00 for each mode of transportation. This permit shall, until its expiration, allow a Person to keep such mode(s) of transportation on the Property without incurring a penalty under this Ordinance; however,
- (b) Such permit shall not in any way limit the City of Adrian from taking necessary actions regarding the safety and well-being of any individual(s), person(s), or property(ies) that are at immediate risk of damage or harm as a result of the mode(s) of transportation.
- (c) All mode(s) of transportation that would normally be required by law to be registered, licensed, stickered and/or inspected to be operated on roads, streets, highways or waterways will require proof of ownership before said permit is issued.
- (d) These permit(s) shall not be altered or misused in any way and must be presented upon request to an officer of the Adrian Police Department.

**SECTION 20-106: MAINTENANCE OF LANDSCAPE**

- (1) No Person having control or use of any Property or any part of any Property shall:
  - (a) Allow grasses and/or weeds to exceed eight (8) inches in height.
  - (b) Allow non-agricultural vegetation to grow where it could obstruct movement or interfere with the line of sight of operators of modes of transportation or pedestrians that could cause damage and/or injury as determined by the City Enforcement Official.
  - (c) Allow agricultural growth over twelve (12) inches in height to sit less than twenty-five (25) feet away from the roadway so that it could obstruct movement

or interfere with the line of vision of the operators of modes of transportation or pedestrians that could cause damage and/or injury as determined by the City Enforcement Official.

(2) Agricultural growth shall also be subject to the following:

(a) All agricultural growth shall be mowed at least twice per year at such time when such growth reaches twelve (12) inches in height or higher, with the first mowing occurring no later than July 1<sup>st</sup> (except for fescue and wheat, for which the first mowing shall occur no later than July 15<sup>th</sup>), and the second mowing occurring no later than November 1<sup>st</sup>.

(3) Whenever private property abuts a public right-of-way or easement and there exists in such right-of-way or easement a tree, lawn, weeds or grassy area between the private property line and the edge of the street pavement, then such tree, lawn, weeds or grassy area shall be considered, for purposes of this section, to be a part of the private lot which abuts the right-of-way or easement, and it shall be the duty of those responsible under this section for the maintenance of the private lot to equally maintain the tree, lawn, weeds or grassy area within the abutting right-of-way or easement.

#### **SECTION 20-107: REFUSE AND RUBBISH.**

(1) No Person shall allow any refuse and/or rubbish as defined in Section 20-103(16) of this Chapter to remain on the Property.

(2) Exemptions:

(a) Trash for regular weekly trash service pick up shall be allowed to sit outside, provided that it is in trash bags or trash cans out of public view until the day of trash pickup but no longer. Trash may be placed at the curb, provided that it is in trash bags or trash cans on the night before or the morning of trash pickup which is completed by the authorized disposal agent for the City of Adrian MO.

#### **SECTION 20-108: JUNK.**

(1) No Person shall allow any junk as defined in Section 20-103(7) of this Chapter to remain on the Property; including, but not limited to:

(a) Any metal, glass, wood, machinery, parts, cloth, or other waste material of any nature or substance whatsoever.

(b) Any appliances such as but not limited to refrigerators, stoves, washers, dryers, freezers, etc.

(c) Any furniture of any kind or nature; such as, but not limited to, couches, chairs, tables, bedding, etc.

(2) Exemptions:

(a) Any junk items located at a salvage yard designed for such items

- (b) Any junk in an enclosed building or behind a privacy fence no less than six feet in height provided that if any harmful substances, chemicals, etc. are involved they must be properly contained as to not contaminate the earth.

**SECTION 20-109: ANIMAL RESTRICTIONS.**

- (1) No Person having control or use of any Property or any part of any Property shall allow any of the following to remain on the Property, unless the Property has been recently used for such prior to the enactment of this Ordinance:
  - (a) Any animal that would normally be found on a farm used normally for the purpose of income and/or food such as but not limited to horses, cattle, sheep, swine, goats, mules, chickens or other animals that would be considered livestock.

**SECTION 20-110: CONSTRUCTION.**

(1) Fences:

- (a) No Person having control or use of any Property or any part of any Property shall construct a fence on any Property unless such Person shall first obtain a permit prior to commencing the construction of any kind of fence.
- (b) No permit for the constructing of a fence shall be issued unless:
  - (i) A survey map with a drawing of where such fence will be placed is provided at the time such permit is requested; or
  - (ii) A written statement, which includes a drawing of the proposed placement of the fence, from all adjoining landowners agreeing to the placement of the fence; and
  - (iii) Such permit indicates whether the type of fence being constructed is for the main purpose of privacy (privacy fence) or for the purpose of enclosure (enclosure fence).
- (c) The constructing of any fence indicated to serve as a privacy fence pursuant to Paragraph (b)(ii) of this Section shall be subject to the following:
  - (i) The fence must be at least six (6) feet in height with closing gate(s);
  - (ii) The pieces of the fence must abut against each other in such manner that there are no large gaps or spaces between such pieces so that the fence shields anything which is situated behind it from public view;
  - (iii) Privacy fences cannot be constructed from chain link.
- (d) Pursuant to the other provisions of this Section, fences shall only be constructed out of treated lumber, vinyl, ornamental steel, chain link, brick or stone.
- (e) Fences shall NOT be constructed out of sheet metal, roofing materials, siding, or any other material of whatsoever kind or nature that is not named in subsection



(d) of this Section.

## **SECTION 20-111: BODIES OF WATER**

### **(1) Swimming Pools and Artificial Bodies of Water:**

- (a) Any Person having control or use of any Property or any part of any Property that has swimming pool(s) and/or artificially constructed body(ies) of water is subject to the following:
  - (i) Any swimming pool and/or artificially constructed body of water containing water that is more than 18 inches deep and has sides less than 42 inches in height shall have a fence constructed around it no less than 42 inches in height with a lockable gate to avoid unauthorized access;
  - (ii) Any swimming pool and/or artificially constructed body of water containing water that is more than 18 inches deep and has sides that are 42 inches or higher shall have a self-closing, self-latching, lockable gate or a removable ladder to avoid unauthorized access.

## **SECTION 20-112: INVESTIGATION.**

- (1) It shall be the duty of the City Administrator or his/her duly appointed representatives ("Enforcement Officer") to investigate reports that a nuisance may exist and to carry out the procedures provided herein for the abatement of nuisances found to exist. Such investigation may include, but is not limited to, taking photographic evidence of the nuisance.
- (2) An Enforcement Officer shall at no time physically infringe upon the curtilage of a Person or Property in the course of his/her investigation, nor shall the same enter onto private property, except via a designated walkway, if any, or, if none, via the most direct route, for the purpose of making contact with the Person(s) having control or use of any part of the suspected Nuisance Property. Any nuisance discovered by an Enforcement Officer in the course of making entry as set forth in this Paragraph shall be deemed to be discovered in the normal course of investigation.
- (3) Any Enforcement Officer who believes it necessary to cross onto the curtilage of a Person or Property or to enter onto a private property for the purpose of determining the existence of a nuisance may:
  - (a) Verbally request, or request in writing, permission from any Person having control or use of any part of the suspected Nuisance Property to enter the same for the purposes of investigating a suspected nuisance. Such Enforcement Officer shall state the purpose and reason for making his/her request, and he/she shall inform such Person that the granting of such permission is not required by law.
  - (b) If permission cannot be obtained pursuant to Paragraph (3)(a) of this Section, and the Enforcement Officer believes there to exist probable cause for investigation

onto the suspected Nuisance Property, the same shall make application for a Municipal Search Warrant pursuant to Chapter 18, Article II, Sections 18-101 to 18-200, Administrative Search Warrants, of the Code of Ordinances of the City of Adrian.

- (c) Nothing in this Ordinance shall be construed to limit or restrict the right of the City of Adrian and its officials from investigating suspected or confirmed nuisances reasonably believed to be an immediate danger to public safety and/or welfare.

**SECTION 20-113: NOTICE.**

- (1) If a nuisance(s) has been determined to exist, a notice of the nuisance(s) will be delivered to the Person having control or use of the Nuisance Property or any part of the Nuisance Property by U.S. Mail. Such notice shall state and include:
  - (a) A brief description of the nature of the nuisance;
  - (b) The City ordinance, article, and/or section number(s) that the nuisance is in violation of;
  - (c) That such nuisance must be abated within fifteen (15) days of the date of such notice;
  - (d) That the Person has the right to request a review within fifteen (15) days of the date of such notice if he/she disagrees with the notice;
  - (e) That failure to abate such nuisance or request a review within fifteen (15) days will result in the issuance of a citation and/or the assessment of fines.
- (2) If any Person having control or use of the Nuisance Property or any part of the Nuisance Property cannot be determined, cannot be notified due to an unknown forwarding address, or refuses to make themselves available to receive notice, notice shall be delivered by:
  - (a) Affixing the notice on what is reasonably determined to be the main walkthrough entry door of the main building, house, or dwelling located on the Property on which the Nuisance Property is found either by a strong adhesive tape (ex. duct tape), staples, or nails; or, if there is no such building, house, or dwelling, by
  - (b) Placing, or using a pre-existing, post no less than eighteen (18) inches in height, upon which the notice shall be affixed, in a prominent place on or near what is reasonably determined to be the main entry point for the Property on which the Nuisance Property is found. Any notice delivered in this manner shall not be invalidated if the notice is not actually located directly within the boundaries of the Property on which the Nuisance Property is found as long as the notice is prominently placed on or near the same;
  - (c) Notice delivered pursuant to Paragraph (2)(b) shall also be subject to the following special provisions:

- (i) Notice shall be posted, and remain to be posted, for a continuous period of twenty-eight (28) days;
- (ii) At the expiration of twenty-eight (28) days, notice shall be deemed to be properly delivered, and the rest and remainder of the provisions of this Section 20-113 shall apply.

**SECTION 20-114: REQUESTING REVIEW OF NOTICE OF NUISANCE**

- (1) Any Person having control or use of the Nuisance Property or any part of the Nuisance Property who has received a notice of nuisance, and who disagrees with such notice, may, within fifteen (15) days from the date of such notice, request a review with the Board of Zoning Appeals pursuant to the following:
  - (a) A request for review must be made in writing within the prescribed time frame; and
  - (b) The request shall be mailed or otherwise delivered to the Adrian City Clerk at Adrian City Hall; and
  - (c) The request shall include the requestor's name and the notice number.
- (2) Upon receipt of such request, the City Clerk shall cause the same to be delivered to the Board of Zoning Appeals.
- (3) The Board of Zoning Appeals shall set a date and time for hearing, and shall notify the requestor of the same, as prescribed by the Adrian Municipal Code.
- (4) At such hearing, if it shall be determined that the nuisance in question does exist and requires abatement, the Person who received notice of such nuisance shall abate the same within fifteen (15) days from the date of such determination, and failure to do so shall be subject to Section 20-115 of this Chapter.

**SECTION 20-115: CITATION AND ABATEMENT**

(1) Citation:

- (a) Should any nuisance fail to be abated within fifteen (15) days from the date of a notice delivered pursuant to Section 20-114 of this Chapter, or if the provisions of Section 20-114(4) shall apply:
  - (i) A citation shall be issued to the Person to whom notice was delivered; and
  - (ii) The applicable fine, if any, indicated on such citation shall be paid within thirty (30) days from the date of such citation; and
  - (iii) The Person to whom the citation was delivered shall have no more than fifteen (15) days from the date thereof to abate the nuisance; and
  - (iv) Failure to abate the nuisance as prescribed by subsection (1)(a)(iii) of this Section shall result in City abatement of the same.

(2) Abatement.

(a) *Abatement by Person.* Any Person having control or use of the Nuisance Property or any part of the Nuisance Property who has received a notice and/or citation for a nuisance may abate said nuisance within the prescribed time frame without incurring additional costs from the City; however, if a citation has been issued for such nuisance, such Person shall still be required, even after abating the same, to pay any fines associated therewith within the time frame stated on such citation.

(b) *City Abatement.* If any Person having control or use of the Nuisance Property or any part of the Nuisance Property has received a citation and has not abated the nuisance in the prescribed time frame, the City will take action to abate the same and the abatement cost(s) and fee(s) shall be the responsibility of the Person to whom citation was issued. Such Person shall still be required, even after the City has abated the nuisance, to pay any fines associated therewith within the prescribed time frame

(3) Special Provisions. In addition to subsections (1) and (2) of this Section, City abatement of nuisance mode(s) of transportation shall also be subject to the following:

(a) When abating a nuisance mode of transportation, the City shall cause the same to be towed and/or removed to a storage facility or tow yard.

(b) If the Person owning such nuisance mode of transportation wishes to claim the same, and after showing valid proof of ownership, the Person will be responsible for the tow and/or removal and/or storage fees before that Person may take possession of said mode(s) of transportation. If said mode(s) of transportation has not been claimed in a period of not less than ninety (90) days, the said mode(s) of transportation shall become the property of the storage facility, and will be considered abandoned and will be disposed of. Any monies received by the disposal of the mode of transportation that was abandoned shall be applied to the expense of the tow and storage costs.

**SECTION 20-116: PENALTY.**

(1) Any Person having control or use of any Property or any part of any Property within the City of Adrian, who violates any provision of this Ordinance, shall be subject to the following:

(a) Prosecution: Conviction of violation of any provision or requirement of this Ordinance shall be deemed a misdemeanor, and such Person shall be subject to a fine of not less than \$100.00 and no more than \$500.00 and/or be imprisoned not more than ninety (90) days in jail. It shall be a separate offense for each day the nuisance is allowed to exist past the designated date of abatement.

(b) Fines and Costs: Any fines and costs associated with a Nuisance Property shall

be paid to the Adrian Municipal Division. In the event that any Person issued a citation for violation(s) of this Ordinance fails to pay the issued fine(s) and/or fail to appear in court on the given date, a warrant shall be issued for the arrest of such Person. In the event that the Person having control or use of any Property or any part of any Property found to be in violation of any provision of this Ordinance cannot be determined, a lien shall be issued against the Property on which the violation(s) was found. Such lien shall be collected by the City Clerk, and from the date of its issuance, shall be a first lien on such property until paid and shall be prima facie evidence of the recitals therein and of its validity. No mere clerical error or informality in the same or in the proceedings leading up to the issuance of such notice or lien shall be a defense thereto. The lien shall be enforced in the manner provided by law. All fines and removal costs, until such time that they are paid and the lien removed, shall bear interest at the rate of nine percent (9%) per annum.

**SECTION 20-117: SEVERABILITY.**

If any term, condition or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer valid, said provision shall thereupon return to the full force and effect without further action by the city and shall thereafter be binding.

**SECTION 20-118: EFFECTIVE DATE.**

This ordinance shall be in full force and take effect from and after the date of its final passage and approval.

*Sections 20-118 - 20-200 Reserved.*

READ TWO TIMES, passed and approved this 04th day of November,  
2013.

Larry Little  
Mayor

ATTEST:  
Melissa Newkirk  
City Clerk