



Memorandum

To: Mayor
City Council

From: Travis Cossey

Re: Chapter 14, Sec 14-24 (17) amendment

Date: November 12, 2019

Staff is proposing additional language to be added to Chapter 14 of the City of Nixa's nuisance code. The additional language is intended to clarify the requirements of the regulation by including language to better define what construction standards are applied to vehicles that are parked in the rear yards of residences. The regulations necessitate that at a minimum a vehicle accommodation area must be provided with crushed stone bordered by landscaping timbers. Vehicles parked in the rear yards of residences have additional requirements including a cover or six-foot-tall privacy fence.

Sec. 14-24. - Certain conditions or actions declared nuisances; listing deemed nonexclusive.

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 public nuisance and a violation of this chapter; provided, however, this enumeration shall not be deemed or construed to be exclusive, limiting or restrictive:

- (1) No property owner shall be permitted to allow weeds, grass, brush, briars, and other rank vegetation to grow in excess of 12 inches in height, exclusive of ornamental shrubs or flowers, vegetable crops, fruit trees, berry bushes, cover crops and domestic grains or other cultivated crops. A violation unabated for a period greater than seven days will warrant the issuance of a summons to the property owner. The property owner shall be responsible for all abatement costs. Owners of undeveloped land shall maintain their property so that weeds shall not exceed a height of 18 inches.
- (2) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or items offensive to the senses or a risk to health, safety and/or welfare.
- (3) Any condition which provides harborage for rats, mice, snakes and other vermin.
- (4) Allowing or permitting vegetation, grass or weeds to grow outside or extend beyond the boundaries of any lot or property to a length greater than six inches, to a height greater than 12 inches or encroach upon any sidewalk more than four inches.
- (5) Conditions contributing to or causing rank or noxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
- (6) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage or industrial wastes.
- (7) Abandoning, discarding or knowingly permitting to remain on premises or property, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semi-airtight container which has a capacity of 1½ cubic feet or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. No part of this subsection shall apply to any icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman of such products.
- (8) All furniture, machinery, discarded containers or any other appliance, article, item or equipment designed for use inside a dwelling unit if stored, placed or set upon the ground or on any open porch, in any attached carport or freestanding carport, or in any garage or shed that is without doors to conceal such articles.
- (9) To permit, cause, keep, maintain or allow a fence or partitioning containing barbed wire, razor wire, electric wire or razor ribbon fencing in any residential or commercially zoned district.
- (10) Dismantled, nonlicensed, inoperable or junk vehicles as defined herein.
- (11) Bricks, shingles, building materials, salvage materials including, but not limited to, auto parts, scrap metal, tires and any other trade materials stored, deposited, dumped discarded and/or abandoned on any section of property.
- (12) Buildings, structures or other surfaces upon which graffiti exists.
- (13) Any flammable material which may endanger public safety.
- (14) All substances or things, which cause an odor disagreeable to the surrounding neighborhood.
- (15) Ashes, slop, filth, excrement, stones, straw, soot, rubbish, manure, offal, stagnant water, decaying animal matter, decaying fruit or vegetable matter, wrecks or parts of worn-out vehicles or machinery, scrap iron or other metals, cans, bottles, broken glass, discarded wearing

apparel, dead animals or any other offensive or disagreeable substances or thing, dilapidated buildings or building materials which may be offensive to the sight or smell or a menace to health, safety, peace or comfort, or which may be or become harborers or breeding places for mosquitoes, ants, flies, rats, mice or other vermin, animals or insects, or which may provide shelter, food or protection for rodents, whether left or deposited upon private premises or vacant lots or upon any public property.

- (16) All mud, dirt, rocks or debris from construction sites, fields or pastures which fall on city streets from the loads, tires or bodies of vehicles driven from said sites onto city streets. Developers and contractors are required to provide the city with a route plan for construction traffic in and out of new subdivisions and development sites. Failure to do so will be a violation of this Code.
- (17) Any vehicle operable or not, parked off street in a residential district in a space not complying with the definition of "parking space" in the zoning ordinance of the city. In addition to the vehicle capacity of a residence including garage space and driveway space, one accessory space may be designated. This space must be constructed out of three-fourths-inch base rock, asphalt or concrete. If constructed of base rock, it must be bordered with landscaping timbers. **In addition to the parking space construction standards provided above**, vehicles parked to the rear of the front elevation of the house must be covered with an appropriate cover or behind a privacy fence at least six feet tall. This includes storage of boats, campers, trailers, and all other accessory vehicles. Any vehicle not parked according to these guidelines will be considered in violation of the nuisance code.

(Prior Code, § 13-5; Ord. No. 1693, 7-2011)

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA,
MISSOURI AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF
NIXA BY REPEALING SECTION 14-24 AND ADOPTING A NEW
SECTION 14-24 REGARDING AMENDMENTS TO THE NON-
EXCLUSIVE LIST OF DECLARED NUISANCES**

WHEREAS, staff is proposing an amendment to Chapter 14, Section 14-24 to clarify the requirements necessary to store and park vehicles in the rear yards of residences; and

WHEREAS, the amendment would ensure that vehicles are stored and parked in a manner so as to not interfere or detract from neighboring landowners' property values, use, or enjoyment of their property; and

WHEREAS, the amendment would serve to help beautify the city and provide clarity as to the requirements of parking or storing a vehicle in the rear of a property;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NIXA, MISSOURI, AS FOLLOWS:

Section I: Chapter 14 of the Code of the City of Nixa is hereby amended in the following manner: Section 14-24 of the Code of the City of Nixa, Missouri is hereby repealed in its entirety and in lieu thereof a new Section 14-24 is hereby adopted. The new section 14-24 shall read as follows:

Sec. 14-24. - Certain conditions or actions declared nuisances; listing deemed nonexclusive.

(a) 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 public nuisance and a violation of this chapter; provided, however, this enumeration shall not be deemed or construed to be exclusive, limiting or restrictive:

- (1) No property owner shall be permitted to allow weeds, grass, brush, briars, and other rank vegetation to grow in excess of 12 inches in height, exclusive of ornamental shrubs or flowers, vegetable crops, fruit trees, berry bushes, cover crops and domestic grains or other cultivated crops. A violation unabated for a period greater than seven days will warrant the issuance of a summons to the property owner. The property owner shall be responsible for all abatement costs. Owners of undeveloped land shall maintain their property so that weeds shall not exceed a height of 18 inches.
- (2) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or items offensive to the senses or a risk to health, safety and/or welfare.
- (3) Any condition which provides harborage for rats, mice, snakes and other vermin.
- (4) Allowing or permitting vegetation, grass or weeds to grow outside or extend beyond the boundaries of any lot or property to a length greater than six inches, to a height greater than 12 inches or encroach upon any sidewalk more than four inches.

- (5) Conditions contributing to or causing rank or noxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
- (6) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage or industrial wastes.
- (7) Abandoning, discarding or knowingly permitting to remain on premises or property, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semi-airtight container which has a capacity of 1½ cubic feet or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. No part of this subsection shall apply to any icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman of such products.
- (8) All furniture, machinery, discarded containers or any other appliance, article, item or equipment designed for use inside a dwelling unit if stored, placed or set upon the ground or on any open porch, in any attached carport or freestanding carport, or in any garage or shed that is without doors to conceal such articles.
- (9) To permit, cause, keep, maintain or allow a fence or partitioning containing barbed wire, razor wire, electric wire or razor ribbon fencing in any residential or commercially zoned district.
- (10) Dismantled, non-licensed, inoperable or junk vehicles as defined herein.
- (11) Bricks, shingles, building materials, salvage materials including, but not limited to, auto parts, scrap metal, tires and any other trade materials stored, deposited, dumped discarded and/or abandoned on any section of property.
- (12) Buildings, structures or other surfaces upon which graffiti exists.
- (13) Any flammable material which may endanger public safety.
- (14) All substances or things, which cause an odor disagreeable to the surrounding neighborhood.
- (15) Ashes, slop, filth, excrement, stones, straw, soot, rubbish, manure, offal, stagnant water, decaying animal matter, decaying fruit or vegetable matter, wrecks or parts of worn-out vehicles or machinery, scrap iron or other metals, cans, bottles, broken glass, discarded wearing apparel, dead animals or any other offensive or disagreeable substances or thing, dilapidated buildings or building materials which may be offensive to the sight or smell or a menace to health, safety, peace or comfort, or which may be or become harborers or breeding places for mosquitoes, ants, flies, rats, mice or other vermin, animals or insects, or which may provide shelter, food or protection for rodents, whether left or deposited upon private premises or vacant lots or upon any public property.
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(17) Any vehicle operable or not, parked off street in a residential district in a space not complying with the definition of "parking space" in the zoning ordinance of the city. In addition to the vehicle capacity of a residence including garage space and driveway space, one accessory space may be designated. This space may be in the front or rear of the property. This space must be constructed out of three-fourths-inch base rock, asphalt or concrete. If constructed of base rock, it must be bordered with landscaping timbers. In addition to the parking space construction standards provided herein, vehicles parked to the rear of the front elevation of the house must be covered with an appropriate cover or behind a privacy fence at least six feet tall. This includes storage of boats, campers, trailers, and all other accessory vehicles. Any vehicle not parked according to these guidelines will be considered in violation of the nuisance code.

Section II: Severability- The sections, paragraphs, sentences, clauses and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section III: Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section IV: This ordinance shall be in full force and effect from and after the date of its passage.

READ TWO (2) TIMES AND PASSED BY THE CITY COUNCIL OF NIXA, MISSOURI THIS 25TH DAY OF NOVEMBER 2019.

PRESIDING OFFICER

ATTEST:

CITY CLERK

APPROVED THIS _____ DAY OF NOVEMBER 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

DRAFT