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PROPERTY MAINTENANCE CODE AND NUISANCE CODE ITEMS:

The City needs everyone, property owners and tenants, to help us maintain, fixup and enhance properties in the City for the good of all citizens and property owners. Stable property values and stable neighborhoods are very important to the wellbeing of everyone. Please help us by doing your part.

Property maintenance code

1.

Every foundation, roof, exterior wall, door, sky light and window shall be reasonably weathertight and watertight and shall be kept in sound condition and good repair. Existing screen doors and windows shall be maintained in sound condition and good repair. Floors, interior walls and ceilings shall be in good condition and good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective coverings or treatment. Walls shall be capable of affording privacy for occupants.

2.

Exterior appurtenances, including but not limited to screens, awnings, trellises, television antennas, chimneys, storm windows, gutters, eaves, storm doors, fences and retaining walls shall be installed pursuant to the requirements of all other portions of the City's Code in a safe and secure manner and shall be maintained in good repair.

3.

Every stairway outside of the building or dwelling shall be kept in safe condition and sound repair. Every flight of stairs shall be free of deterioration. Every stairwell and flight of stairs that is three (3) or more risers high shall have handrails or railings on at least one (1) side. Every rail and balustrade shall be firmly fastened and maintained in good condition. No flight of stairs shall have settled or have pulled away from the supporting or adjacent structure so as to create a safety hazard. No flight of stairs shall have rotting, loose, or deteriorating supports. The treads and risers of every flight of stairs shall be uniform in width and height.

4.

Every porch, balcony or raised floor surface, located more than thirty (30) inches above the floor or grade below, shall have guards not less than thirty-six (36) inches in height. The intermediate rails or ornamental closures shall not have an opening greater than what a sphere four (4) inches in diameter will pass through. Ornamental patterns on the intermediate rails shall not create a ladder effect.

Nuisance code, general

1.

All substances that emit or cause foul, obnoxious, unhealthful or disagreeable odor or effluvia in the neighborhood where they exist.

2.

All carcasses of animals remaining exposed for twelve (12) hours after death.

3.

Any growth of weeds, grasses or bushes to a greater height than twelve (12) inches, provided that this shall not apply to planted and cultivated flowers, shrubbery or other landscaping.

Exception: In agricultural zoned properties, or properties used for agricultural, there shall be no weeds, grasses or bushes over twelve (12) inches in height a minimum distance of twenty (20) feet from any adjoining property line, street or alley.

We also give specific attention to overgrowth of vegetation around residential properties. Vacant properties are subject to trimming of overgrowth if it is determined a public safety issue is involved. Even some occupied properties may be notified of this issue. Problems of public safety include visibility to police patrolling, vagrants, pedestrian public way perception, and blighting. See item 5. below.

4.

All slop, foul or dirty water, filth, refuse or offal discharged in or upon any street, avenue, sidewalk, alley, park, public square or public enclosure or allowed to accumulate there or in a pond or pool.

5.

All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, inconvenience, danger, detriment or annoyance of the public health, safety or welfare.

6.

The keeping or allowing to remain on any premises any trees, shrubs or other vegetation infected with fungus or other diseases that will or might spread to other non-infected trees, shrubs or other vegetation.

7.

Any silt caused by water flows which is deposited on downstream property thereby covering or obstructing land, including land normally covered by standing water.

8.

Any writing, painting, drawing, marking, inscription, or figure of the type which a reasonable person would deem "graffiti" upon any wall, rock, bridge, building, fence, gate, other structure, tree or other real or personal property, either publicly or privately owned within the City.

INOPERABLE VEHICLES

Inoperable vehicles can be problematic for neighborhoods. Please do your part by keeping vehicles in good repair and parked or stored within the guidelines of our ordinances.



Section 220.060 Definitions.

[CC 1977 §33-470; Ord. No. 867 §1, 5-20-1970; Ord. No. 2392 §1, 7-7-1997; Ord. No. 2906 §1, 3-7-2005; Ord. No. 3078 §1, 3-16-2009]

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them:

ABANDONED

Left unoccupied and unclaimed or in a damaged or dismantled condition upon the streets, alleys or public parking lots of the City.

COSTS

The expense of removing, storing or selling an impounded vehicle.

ENCLOSED AREA

Any area which is inaccessible to the public view.

INOPERABLE

Any vehicle with the absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

OWNER

Any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.

PROPERTY

Any real property within the City limits which is not a street or highway.

STREET OR HIGHWAY

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

VEHICLES

A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, an automobile, truck, trailer, motorcycle, all-terrain vehicle, tractor, riding lawn mower, buggy or wagon or any portion thereof.



Section 220.070 Wrecked, Damaged or Demolished Motor Vehicles Declared Nuisance.

[CC 1977 §33-471; Ord. No. 867 §2, 5-20-1970; Ord. No. 2392 §2, 7-7-1997]

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 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.

Section 220.080 Wrecked, Damaged or Demolished Motor Vehicles Declared Nuisance —

Exceptions.

[Ord. No. 2906 §2, 3-7-2005]

A.

Section 220.070 shall not apply to any vehicle which is totally enclosed within a building on private property within any zoning district.

B.

Section 220.070 shall not apply to any vehicle which is located to the rear of the premises behind any improvements erected and maintained thereon, or inside an enclosure six (6) feet in height, which renders the vehicle not visible from anywhere off the premises.

Section 220.090 Wrecked, Damaged or Demolished Motor Vehicles Declared Nuisance — Unlawful to Maintain Such Nuisance.

[CC 1977 §33-472; Ord. No. 867 §3, 5-20-1970]

It shall be unlawful for any person to leave or permit to remain anywhere within the City any vehicle which constitutes a public nuisance as declared by the provisions of this Article.

Section 220.100 Notice to Abate.

[CC 1977 §33-474; Ord. No. 867 §4, 5-20-1970; Ord. No. 1716 §1, 6-26-1989]

Whenever the City Administrator, his/her duly authorized representative of the City shall deem that any vehicle that is parked on any property within the City limits is a nuisance as defined herein, such official shall thereupon cause written notice to be served, by mail or by personal service, upon the owner of such property upon which such vehicle or junk is located. Such notice shall state that such vehicle is deemed to be a nuisance within the provisions of this Article and shall briefly state the facts which are deemed to make such vehicle a nuisance within the terms of this Article and further state that such nuisance shall be abated within ten (10) days of receipt of such notice.

Section 220.110 Duty of Owner, Custodian.

[CC 1977 §33-475; Ord. No. 867 §5, 5-20-1970]

It shall be the duty of any person receiving the notice herein provided for to comply with the provisions of such notice and to abate such nuisance within ten (10) days after the date of the receipt of such notice. Any person failing to abate such nuisance within ten (10) days shall also, upon conviction in the Municipal Court, be subject to the penalty provided for the violation of this Code. Each day beyond the ten (10) day period herein provided that such nuisance shall remain unabated by such person shall constitute a separate offense.

Section 220.120 Removal by City.

[CC 1977 §33-476; Ord. No. 867 §5, 5-20-1970; Ord. No. 1717 §1, 6-26-1989]

If the person upon whom notice has been served pursuant to the provisions of this Article shall fail or refuse to abate such nuisance within the period of time allowed under Section 220.100 of this Article, such failure is hereby declared to be unlawful and such vehicle may be removed and disposed of at the direction of the Chief of Police for the City at the expense of the owner or person in custody thereof. The Chief of Police may direct the removal and disposal of the vehicle at any time after the expiration of the time allowed for abatement under Section 220.100 has expired. Any monies received by the City from disposing of such vehicle(s) shall be applied to the expense to be charged to the owner or person in charge thereof.

Section 220.130 Dismantling, Working on Vehicle.

[CC 1977 §33-477; Ord. No. 867 §§6 — 7, 5-20-1970]

A.

The tearing down, stripping, junking, storage, repair or servicing of vehicles is shown to be specifically authorized, permitted or licensed under other provisions of this Code or ordinances 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.

The provisions of this Section shall not apply to the tearing down, stripping, junking, storage, repair or servicing of vehicles when such is done by the owner of such vehicle entirely within the confines of an enclosed area between the hours of 7:00 A.M. and 10:00 P.M.