

*Introduced by Commissioner* \_\_\_\_\_

*John E. Egan*

ORDINANCE NO. *1339*

AN ORDINANCE DECLARING DANGEROUS WALLS, CHIMNEYS, AND OTHER STRUCTURES TO BE NUISANCES; REQUIRING THE REMOVAL THEREOF BY THEIR OWNERS AND AUTHORIZING THE CITY TO REMOVE THE SAME AT THE EXPENSE OF SAID OWNERS; AND TO ASSESS THE COST UPON THE PROPERTY FROM WHICH REMOVED; REQUIRING UNOCCUPIED BUILDINGS TO BE SECURED AND PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE.

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

Section 1. That any building or structure or any part thereof, or any appurtenances or fixtures thereto, or any wall, chimney, smokestack, stove, oven, furnace, or other thing connected with such building or premises, which shall for any reason become in a situation or condition to be dangerous to persons or property, and any wooden building within the corporate limits of the City of Warrenton which shall be damaged by fire, decay, or any other cause to the extent of 50% of its actual value, to be estimated above the line of the sidewalk in front of said building, is hereby declared to be a nuisance, and subject to removal under the terms of this ordinance.

Section 2. Whenever in the judgment of the City Manager any nuisance, as hereinabove described, exists within the city of Warrenton, the City Manager shall immediately give notice in writing to the owner or owners of the premises on which the same exists, or to his, her, or their agent, or other person having control thereof if the owner cannot be found, to remove the same forthwith; said notice may be served upon the owner or owners of the premises on which the same exists or upon his, her, or their agent, or other person having control thereof if the owner thereof cannot be found either personally or by mail, and the person receiving such notice, either personally or by mail shall within five days after receiving the same commence the removal of such structure or nuisance and shall carry on said removal without any unnecessary delay. In the event of a dispute as to the amount of damage caused by fire, decay, or other cause between the owner and the City Manager, said dispute shall be determined by arbitration of competent persons, the owner

to select one arbitrator, said City Manager the other; and in case the arbitrators so chosen do not agree, they shall select a third, and in case the two arbitrators cannot agree upon a third arbitrator within a reasonable length of time the City Manager shall appoint the third arbitrator, and the decision of the majority shall be final and conclusive. All expenses of the arbitration shall be paid by the owner or owners.

Section 3. In case any owner or agent of such owner shall fail or neglect to commence the removal of such nuisance or structure within said five days, said owner or agent shall be deemed guilty of a violation of this ordinance and subject to the penalty hereinafter provided, and in addition thereto, the City Manager is hereby authorized and directed to immediately remove and abate said nuisance or structure, and to render the same entirely safe to persons and property at the expense of the City of Warrenton. In all cases in which the City of Warrenton shall so abate any nuisance or structure, the City Manager shall report such action to the City Commissioners together with the statement of the actual expense thereof. On receipt of such report the City Commissioners shall direct a Board of Assessors, consisting of the Mayor, Treasurer, and City Auditor, to assess said expense against the said owner or owners of the lot, lands, and premises from which said nuisance or structure was removed. Said assessment shall be made in the form of an assessment roll in the manner and form provided in the charter of the City of Warrenton for street assessments, and shall be reported, equalized, and confirmed by the said board and in the same manner as in the case of street assessments, and <sup>when</sup> /so confirmed by the Commissioners of the City of Warrenton shall be entered on the lien docket of the City of Warrenton and shall be and constitute a lien against the property so assessed therefor.

Section 4. Whenever any unoccupied building or buildings are not properly secured or inclosed the City Manager shall

immediately visit the premises and notify the owner or owners, agent or agents, or persons having control of the same, of the condition of said occupied or unoccupied building and shall require that such building be within twenty-four hours properly secured so as to prevent evilly disposed persons from gaining access thereto.

Section 5. The Chief of Police, City Auditor and Police Judge and City Manager are directed to see that the provisions of this ordinance are enforced, and to that end are empowered, whenever any complaint shall be made to them or either of them of the violation of any of the provisions of this ordinance, and they or either of them have reasonable grounds to believe that any of the provisions of this ordinance are being violated by any person, to enter any premises or place, or to go into any building about which complaint is made, or upon or in which they or either of them have reasonable grounds to believe that any of the provisions of this ordinance are being violated.

Section 6. Any person, firm, company, or corporation that violates, disobeys, omits, neglects, or refuses to comply with or that resists, opposes the execution of, or violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100) or by imprisonment for not more than twenty (20) days, or by both such fine and imprisonment and every such person, firm, company, or corporation shall be deemed guilty of a separate offense, for every ten days such violation, disobedience, neglect, or refusal shall continue and shall be subject to the penalty of this section for each and every such separate offense.

Passed by the City Commissioners this 6<sup>th</sup> day of August 1929.

Approved by the Mayor this 6<sup>th</sup> day of August 1929.

Don G. Maloney  
Mayor

Attest

G. Clifford Barlow  
City Auditor and Police Judge