

TERM OF COMMISSION: March Session of the February Adjourned Term

PLACE OF MEETING: Midway-University Extension Office, North Highway UU,  
Columbia, MO

PRESENT WERE: District I Commissioner Karen M. Miller, Presiding  
District II Commissioner Linda Vogt  
Deputy County Clerk Michelle Malaby

The Public Hearing for the Public Health Hazards and Nuisance Ordinance of the County Commission was called to order at 7:00 p.m. with Commissioner Miller presiding.

**SUBJECT: Public Hearing for the Nuisance Ordinance**

Commissioner Miller thanked the Farm Bureau for their concept of community meetings by taking the government to the people and opened the public hearing with remarks detailing the history of the efforts to adopt a Nuisance Ordinance. Commissioner Miller introduced two Board of Health members present at the meeting: Dr. Tom Rose, Chair of the Nuisance Ordinance Committee and Darren Hellwege.

Skip Yates, 3801 North Route J, Rocheport, asked if the Nuisance Ordinance would apply only to subdivisions with 25 homes or more.

Commissioner Miller replied that it did, with the current wording, but if Mr. Yates wanted to see the wording changed, that was the purpose of the hearing.

Commissioner Vogt said that she gets a lot of calls from people who live out in the country in smaller neighborhoods of four or five houses, about whether or not anything can be done about a trash or a weed problem. She asked Mr. Yates if he thought people should be allowed to petition into a neighborhood.

Mr. Yates said that wouldn't serve his particular purposes and was concerned about Farmer Jones down the road and if he left a brush pile unburned for an undetermined amount of time, would it be declared a public hazard.

Commissioner Miller replied that that was not the purpose of the ordinance.

Susan Spencer, 1710 Prathersville Road addressed the Commission stating she was against the 25 home requirement citing a problem with a neighbor in their subdivision of 18 homes. Ms. Spencer said she had worked for three years to take care of the problem. She stated she wanted the ordinance because she and her husband had worked so long and hard to buy their own home. Whether it's five houses, she said, or 25 houses, it shouldn't make a difference. Ms. Spencer also had a problem with a trailer court and wanted to see a provision in the ordinance that included wording that defined a nuisance as something that decreased the value of property around it.

Commissioner Miller told Ms. Spencer that those issues would be addressed through Planning and Zoning and not in a nuisance ordinance. She said that a nuisance ordinance would give the Commission the ability to help with problems concerning trash and weeds.

Jean Graebner, 1800 S. Roby Farm Road, Rocheport, was concerned with the interpretation of the wording of weeds in the Nuisance Ordinance and didn't want to see birds and wildlife habitats disturbed.

Bill Beasley, 700 North Dometorch, Rocheport, echoed the comments Ms. Graebner made regarding the preservation of natural areas. He also asked if this ordinance draft was a replacement for an existing ordinance.

Commissioner Vogt replied that there is not currently a nuisance ordinance in the County.

Mr. Beasley said he had received notification from the Boone County Planning and Building inspector saying they had had numerous complaints regarding his property and requiring him to clean it up. He received the letter in February and asked his adjoining neighbors if they had problems with his property and none of them did. He had built a greenhouse and grows oriental vegetables and does have construction materials in his yard. When he called the people who sent the letter, he was told that the complaints were anonymous and that the department had pictures of his yard. Mr. Beasley said his property is posted No Trespassing and cited a Supreme Court ruling that stated a building inspector or anyone else coming onto private property is violating the United States Constitution. He asked that the Nuisance Ordinance be in compliance with Federal laws protecting privacy.

Mr. Beasley said that he has some scrap metal on his property that he would be hauling away soon, but he suffers from arthritis and asked that a tolerance for physical limitations be written into the ordinance.

He also asked, if during an appeals process, there would be the possibility to confront accusers in a public hearing or other forum.

Commissioner Vogt replied that there is a process for appeal written into the ordinance.

Dr. Rose said that there would not be a need for the accuser to appear at a hearing, because they would not be making the decision. Their formal complaint was their opportunity to state their case.

Commissioner Miller said that the government would be the complainant if there was a violation of an ordinance.

Mr. Beasley asked if the people responsible for the investigation of a complaint would follow a due process of notifying property owners.

Commissioner Vogt said that investigators do not come onto private property to take pictures. She clarified that there are zoning regulations in effect, but are not the same regulations are addressed in the Nuisance Ordinance.

Jim Beckett, 5830 Van Horn Tavern Road, said that you can't regulate the kind of neighbors you have. He said that when you establish this type of Nuisance Ordinance, it's important to understand that you are giving up some of your rights and turning them over to public officials. One man's trash is another man's treasure, he said. He said that a pile of lumber or an old car cannot be considered a nuisance.

Commissioner Miller said it could if it harbored rats.

Mr. Beckett was also concerned with the wording "these regulations shall be liberally construed to the fullest extent permitted by law..." He felt the wording was an open door and asked who would "liberally" construe the laws and said that striking the word "liberal" from the phrasing would help. Mr. Beckett commented that he felt that Boone County laws had always leaned toward business interests and not those of private individuals.

George Brakage, 7852 South Hill Creek Road, wanted to know what was the problem with having weeds in a subdivision.

Commissioner Miller cited an example - a man in Clearview called her because he had rats in his backyard traveling through a drainage ditch that runs behind his house. His neighbor will not mow the yard that backs up to his yard and the rats were running through the water ditch. He finally started trapping them and Commissioner Miller had taken pictures. The problem, she said, was with the unmowed waterway that trapped trash that attracted the rats.

Mr. Brakage asked how prevalent was this problem in the county.

Commissioner Vogt replied that she gets maybe a dozen calls a year.

Mr. Brakage asked how those complaints had been resolved.

Commissioner Miller replied they had not been resolved and that was the purpose of the creation of the Nuisance Ordinance. She said that the ordinance would not be adopted today, but that the public hearing was to get input.

Mr. Brakage said he had a problem with section 5.3.8, the Nuisance Ordinance’s definition of weeds. One person’s weed is another person’s native plant, he said.

Commissioner Miller said there was an opportunity to approach the Commission and appeal. Before there would be a citation written, the health department would contact the property owner and if they disagreed with the owner’s concept, they would follow through with the citation.

Commissioner Vogt asked if it would help to identify the names of plants that people considered a nuisance.

Mr. Brakage said there were too many to identify.

Commissioner Miller asked Mr. Brakage to help with wording and to bring a solution that would help the Commission draft the ordinance.

Commissioner Miller closed the public hearing.

The public hearing adjourned at 7:38 p.m.

Attest:

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Don Stamper  
Presiding Commissioner

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Wendy S. Noren  
Clerk of the County Commission

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Karen M. Miller  
District I Commissioner

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Linda Vogt  
District II Commissioner



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