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Filed: 6-07-16

Sponsor: Ferguson

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2016- 142

GENERAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 AMENDING various sections of Springfield City Code, Chapter 26, Article III,  
2 Dangerous Blighted and Nuisance Building Code, in order to improve  
3 enforceability, expand abatement-order authority, and improve the city's  
4 cost recovery by clarifying the language of special tax bills and special  
5 assessments.  
6  
7

8 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,  
9 MISSOURI that;

10  
11 NOTE: Language to be added is underlined and language to be deleted is ~~stricken~~.

12  
13 Section 1 – Sections of the Springfield City Code, Chapter 26, Buildings and  
14 Building Regulations, Article III – Dangerous, Blighted and Nuisance Building Code are  
15 hereby amended as follows:

16  
17 Section 26-62. – Conditions of buildings or structures constituting public nuisance,  
18 subsection (9):

19  
20 (9) Those condemned as unfit for human habitation under section 74-45 ~~and~~  
21 ~~upon which no substantial work has been performed to remedy the conditions causing~~  
22 ~~the condemnation thereof for a period of thirty (30) consecutive calendar days after a~~  
23 ~~notice has been issued under section 26-65 for the demolition or repair of the building.~~  
24

25 Section 26-70 – Order of Abatement:

26  
27 If a proceeding is not dismissed following the findings required by section 26-69,  
28 the director of building development services shall issue an order of abatement directing  
29 the building or structure to be completed, secured, boarded, repaired or demolished,  
30 abated by other appropriate means, and vacated as the case may be, within the  
31 standards of this article. This order, together with the findings of fact and conclusions of  
32 law required by section 26-69, shall be in writing and shall be immediately delivered or  
33 mailed to each party to the hearing or to his attorney of record. In addition, copies of the

34 order and findings of fact and conclusions of law shall be posted in a conspicuous place  
35 in the office of the director of building development services for a period of thirty (30)  
36 days from the date of issuance thereof. The order shall state a reasonable time, which  
37 shall not be less than thirty (30) days from the date of issuance, within which to comply  
38 with the order, and shall further provide that if it is not complied with within such time,  
39 the director of building development services may, in his discretion, cause the work to  
40 be done by the city and its own crews or by contractors employed by the city for that  
41 purpose, or the city may enter into contracts with persons engaged in the business of  
42 repairing, securing, boarding or demolishing buildings for the purpose of enforcing the  
43 order provided for in this section provided there are unencumbered funds in the city  
44 budget for that purpose.

45  
46 Section 26-71 - Issuance of tax bill for cost of work; manner of payment.

47  
48 Section 26-71 - Issuance of special tax bill or special assessment for cost of  
49 work; manner of payment.

- 50  
51 (a) Whenever the city shall have caused the work to be done as provided by section  
52 26-70, or incurred costs for emergency abatement as provided in section 26-74, the  
53 director of building development services shall certify the cost of the work to the city  
54 clerk, who shall cause to be prepared a special tax bill or special assessment  
55 against the property therefor and for the cost of the reporter at the hearing, which  
56 shall likewise be certified by the director of building development services. This tax  
57 bill shall be issued against the lot, tract or parcel of land upon which the building or  
58 structure is located and against the property owner. The special tax bill, from the  
59 date of its issuance, shall be deemed the personal debt of the property owner and  
60 shall be a lien on the lot, tract or parcel of land until paid and shall be registered in  
61 the office of the director of finance of the city in a book kept by him for such  
62 purposes.
- 63 (b) At the written request of the taxpayer delivered to the city clerk, a special tax bill or  
64 special assessment for repair or demolition of a building or structure may be paid in  
65 ten equal annual installments, which installments with interest thereon to date on  
66 the unpaid balance shall be due annually on the anniversary of the date of issuance  
67 of the bill. Interest shall be at the rate of eight percent per annum on the unpaid  
68 balance of the special assessment tax bill computed from the date of issuance. If  
69 any annual payment of principal or interest shall not be paid within 30 days of its  
70 due date, the entire remaining balance of the tax bill shall immediately become due  
71 and payable.
- 72 (c) If request for ten annual payments is not made prior to the time the director of  
73 building development services shall certify the cost of the work to the city clerk, the  
74 tax bill shall be payable in 60 days from its date of issuance with interest thereon at  
75 eight percent per annum until paid.

76  
77 Section 26-82. - Emergency Procedures, subsection d.

79 d. Whenever the city shall have caused the work to be done as provided for  
80 in this subsection, the Director of Building Development Services shall certify the cost of  
81 the work to the City Clerk, who shall cause to be prepared a special tax bill or special  
82 assessment therefor, pursuant to the terms and conditions set forth in section 26-71,  
83 pertaining to manner of payment of tax bills for work.

84  
85 Section 2 – This ordinance shall be in full force and effect from and after  
86 passage.

87  
88 Passed at Meeting: \_\_\_\_\_

89  
90 \_\_\_\_\_  
91 Mayor

92  
93 Attest: \_\_\_\_\_, City Clerk

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95  
96 Filed as Ordinance: \_\_\_\_\_

97  
98 Approved as to Form: Duke McDonald, Assistant City Attorney

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101 Approved for Council Action: Greg Burns, City Manager  
102

**EXPLANATION TO COUNCIL BILL NO. 2016- 142**

FILED: 06-07-16

ORIGINATING DEPARTMENT: BUILDING DEVELOPMENT SERVICES

PURPOSE: To amend certain sections of Chapter 26, Article III, of the Springfield City Code, Dangerous Blighted and Nuisance Building Code.

BACKGROUND AND REMARKS: As we continue to enforce Article III otherwise known as the Dangerous Blighted and Nuisance Building Code certain elements are in need of improvement and clarification. These elements are as follows:

Section 26-62 (9) currently contains language that renders the section difficult to enforce. To determine whether a structure is unfit for human habitation, inspectors need to get inside. Therefore, a warrant is necessary for resistant home occupants. The current requirement that no substantial work has been performed to remedy the conditions causing condemnation for a period of 30 consecutive calendar days following issuance of notice of violation makes it necessary to get a second warrant. To avoid repeated warrant requests, the requirement is stricken.

Section 26-70 has language which expands the flexibility of abatement orders to allow the hearing officer to use all other appropriate means to abate the violations without demolishing a structure.

Section 26-71 has language added that clarifies the means of collecting the cost of abatement work by clearly identifying special tax bills on the one hand, and special assessments on the other. Special tax bills require separate collection suits. Special assessments can be added to real estate tax bills for collection.

Submitted by:



Chris Straw,  
Director, Building Development Services

Approved by:



Greg Burris,  
City Manager