

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 08-16-16

Sponsored by: McClure

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 201

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING Springfield City Code Chapter 74, Nuisance and Housing Code, to provide
2 for nuisance-abatement notice to occupants of properties that are not
3 owner-occupied.
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6 WHEREAS, the current Springfield City Code Chapter 74 - Nuisance and
7 Housing Code requires nuisance-abatement notices to be served on property owners;
8 and,
9

10 WHEREAS, state law requiring municipal ordinances to serve nuisance-
11 abatement notice on occupants of properties that are not owner-occupied will become
12 effective August 28, 2016.
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14 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
15 SPRINGFIELD, MISSOURI, that:

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

18
19 Section 1 – Springfield City Code Chapter 74 - Nuisance and Housing Code is
20 hereby amended as follows:

21 Chapter 74 - NUISANCE AND HOUSING CODE

22
23 ARTICLE II. - ENFORCEMENT

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25 Sec. 74-33. - Notice requirements.

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28 (a) When the city manager determines that a violation of ~~sec. 74-382~~ this
29 Chapter 74 exists, except where otherwise indicated, the city manager will
30 deliver an “Abatement Notice” to:

31 (1) the person causing, maintaining, or permitting the violation on public
32 property; or,

- 33 (2) the property owner, who is always responsible for removing or abating the
34 violation, if it is on private property; and,
35 (3) occupants of private property that is not owner-occupied.
36 (b) For public-property violations, the city manager may deliver an "Abatement
37 Notice" by:
38 (1) personal delivery service; or,
39 (2) postage prepaid United States certified mail, return receipt requested, and
40 regular first class mail; or,
41 (3) FedEx, UPS, or similar carrier; and,
42 (4) posting the notice in a conspicuous location on the property where the
43 violation exists, unless there has been personal delivery service pursuant
44 to subpart (1) above.
45 (c) For private-property violations, the city manager may deliver an "Abatement
46 Notice":
47 (1) to owners by:
48 i. personal service; or,
49 ii. postage prepaid United States certified mail, return receipt requested,
50 and regular first class mail; or,
51 iii. FedEx, UPS, or similar carrier; and,
52 iv. posting the notice in a conspicuous location on the property where the
53 violation exists, unless there has been personal service pursuant to
54 subpart (i) above;
55 (2) to non-owner occupants by:
56 i. personal service; or,
57 ii. postage prepaid United States regular first class mail.

58 Section 2 – Savings Clause. Nothing in this ordinance shall be construed to
59 affect any suit or proceeding now pending in any court or any rights acquired or liability
60 incurred nor any cause or causes of action occurred or existing, under any act or
61 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,
62 impaired, or affected by this ordinance.

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64 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or
65 phrase of this ordinance is for any reason held to be invalid, such decision shall not
66 affect the validity of the remaining portions of this ordinance. The Council hereby
67 declares that it would have adopted the ordinance and each section, subsection,
68 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
69 sections, subsections, sentences, clauses, or phrases be declared invalid.

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71 Section 4 – This ordinance shall be in full force and effect from and after
72 passage.

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74 Passed at meeting: _____

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Mayor

Attest: _____, Acting City Clerk

Filed as Ordinance: _____

Approved as to form: *Dwight McDonald*, Assistant City Attorney

Approved for Council action: *Greg Bennett*, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016-201

FILED: 08-16-16

ORIGINATING DEPARTMENT: Building Development Services

PURPOSE: To amend Springfield City Code Chapter 74 - Nuisance and Housing Code, to provide for nuisance-abatement notice to occupants of properties that are not owner-occupied.

BACKGROUND: The current Springfield City Code Chapter 74 provides for nuisance-abatement notice to property owners. Effective August 28, 2016, state law will require notice to occupants of properties that are not owner-occupied.

REMARKS: The ordinance changes will harmonize city code with state law.

Recommended by:



Chris Straw, Director
Building Development Services

Approved by:



Greg Burris
City Manager