

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 04-16-19

Sponsor: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-099

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Springfield City Code Chapter 74 – ‘Nuisance and Housing Code,’ by
2 revising Section 74-31, ‘City manager’s authority,’ subsection (b), Section
3 74-33, ‘Notice requirements,’ subsections (d)(4) and (5), Section 74-403,
4 ‘Weeds over 12 inches in height declared nuisance,’ and Section 74-404,
5 ‘Permitting growth of weeds over 12 inches in height,’ for the purpose of
6 accelerating nuisance abatement; and, revising Section 74-406, ‘Charges
7 for abatement by city,’ subsections (b) and (c) for the purpose of
8 enhancing cost recovery.
9 _____

10
11 WHEREAS, nuisance conditions on private property within city limits continue to
12 be an issue; and

13
14 WHEREAS, expeditious nuisance abatement of such conditions is necessary.

15
16 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
17 SPRINGFIELD, MISSOURI, as follows, that:

18
19 Section 1 – Chapter 74 – ‘NUISANCE AND HOUSING CODE’ of the Springfield
20 City Code is hereby amended as follows:

21
22 (NOTE: Language to be added is underlined and language to be deleted is ~~stricken~~.)

23
24 Sec. 74-31. - City manager's authority.

25
26 (b) When a property owner does not respond to an "abatement notice" as set forth
27 in section 74-33 by hearing request or nuisance removal or abatement, the city
28 manager may remove or abate the nuisance 105-business days after the notice
29 is delivered according to subsection 74-33(b).
30

31 Sec. 74-33. – Notice Requirements.
32

33 (d) The "abatement notice" must be in writing and:
34

35 (4) Order the owner to remove or abate nuisance conditions within 105
36 ~~business~~-days of receiving the notice;
37

38 (5) Warn the property owner that if nuisance removal or abatement does not
39 begin within 105~~business~~-days and continue to completion without
40 unnecessary delay, city personnel may cause nuisance removal or
41 abatement and include all attendant costs like title reports, administrative
42 fees, certified deeds, and contractor charges in:
43

44 Sec. 74-403. - Weeds over ~~42~~ 7 inches in height declared nuisance.
45

46 The growth of weeds, brush, or other rank vegetation more than ~~42~~ 7 inches in height is
47 declared to be a public nuisance per se, and detrimental to the health, safety, and
48 welfare of the public.
49

50 Sec. 74-404. - Permitting growth of weeds over ~~42~~ 7 inches in height.
51

52 It shall be unlawful for the owner, lessee or agent in control of any lot or piece of land
53 within the city to allow weeds, brush or rank vegetation to attain a height greater than ~~42~~
54 7 inches on such land or lot. Any person violating this section shall be punished as
55 provided by section 1-7.
56

57 Sec. 74-406. - Charges for abatement by city.
58

59 (b) In weed abatement cases under 74-405, the director of building development
60 services shall certify the costs of abatement of weeds and other rank vegetation
61 to the director of finance. The director of finance may include such costs in a
62 special tax bill or seek to have them added ~~add them~~ to the annual real estate
63 taxes for the tract of land.
64

65 (c) If a special tax bill is issued, the owner of the property at the time the nuisance
66 was abated shall be personally liable to the city for the cost of the abatement,
67 which shall be a lien upon the tract of land where the nuisance was abated until
68 paid in full. Any special tax bill issued shall be ~~for a duration of five years~~
69 enforceable until paid, shall bear interest until paid at the legal rate, and may be
70 foreclosed upon by the city through appropriate proceedings in the circuit court.
71 Costs of collection, including attorney fees, shall be added thereto, in the event a
72 lawsuit is required to enforce the tax bill.
73

74 Section 2 – This Ordinance will be in full force and effect from and after passage.
75

76 Passed at Meeting: _____

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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to Form: *Duke M. Donald*, Assistant City Attorney

Approved for Council Action: *Jason A. Hage*, City Manager

EXPLANATION TO COUNCIL BILL 2019-099

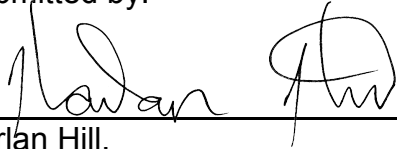
FILED: 04-16-19

ORIGINATING DEPARTMENT: Building Development Services

PURPOSE: Amending Springfield City Code Chapter 74 – ‘Nuisance and Housing Code,’ by revising Section 74-31, ‘City manager’s authority,’ subsection (b), Section 74-33, ‘Notice requirements,’ subsections (d)(4) and (5), Section 74-403, ‘Weeds over 12 inches in height declared nuisance,’ and Section 74-404, ‘Permitting growth of weeds over 12 inches in height,’ for the purpose of accelerating nuisance abatement; and, revising Section 74-406, ‘Charges for abatement by city,’ subsections (b) and (c) for the purpose of enhancing cost recovery.

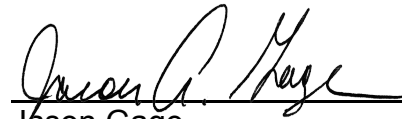
BACKGROUND AND REMARKS: This Ordinance allows expedited enforcement of City Code by reducing the number of days allowed to abate nuisance conditions from 15 business days to 10 calendar days. The amendments also reduce the height of grass and weeds constituting a violation from 12 inches to 7 inches. This change will assist in giving notice of conditions before neglected growth becomes excessive. An additional change regarding the charges for abatement will render them enforceable until paid instead of the current five-year duration. These amendments are consistent with state statutes.

Submitted by:



Harlan Hill,
Director, Building Development Services

Approved by:



Jason Gage,
City Manager