

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 4  
Filed: 05-14-19

Sponsor: Ferguson

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

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

COUNCIL BILL 2019- 124

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,’ Section 74-404,  
5 ‘Permitting growth of weeds over 12 inches in height,’ Section 74-405,  
6 ‘Abatement procedure, subsection (b); for the purpose of accelerating  
7 nuisance abatement; and revising Section 74-406, ‘Charges for  
8 abatement by city,’ subsections (b) and (c) for the purpose of enhancing  
9 cost recovery.

10 \_\_\_\_\_

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

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

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

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

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

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

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

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

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

- 35  
36 (4) Order the owner to remove or abate nuisance conditions within 105  
37 ~~business~~-days of receiving the notice;  
38  
39 (5) Warn the property owner that if nuisance removal or abatement does not  
40 begin within 105~~business~~-days and continue to completion without  
41 unnecessary delay, city personnel may cause nuisance removal or  
42 abatement and include all attendant costs like title reports, administrative  
43 fees, certified deeds, and contractor charges in:  
44

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

46  
47 The growth of weeds, brush, or other rank vegetation more than ~~42~~ 7 inches in height is  
48 declared to be a public nuisance per se, and detrimental to the health, safety, and  
49 welfare of the public.  
50

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

52  
53 It shall be unlawful for the owner, lessee or agent in control of any lot or piece of land  
54 within the city to allow weeds, brush or rank vegetation to attain a height greater than ~~42~~  
55 7 inches on such land or lot. Any person violating this section shall be punished as  
56 provided by section 1-7.  
57

58 Sec. 74-405. - Abatement procedure.

- 59  
60 (b) In the event that the owner of the property notified under subsection (a) of this  
61 section seeks an opportunity to be heard concerning an alleged nuisance, the  
62 director of building development services shall afford such owner such  
63 opportunity ~~42~~7 days from the date of the notice under said subsection (a). If, at  
64 the hearing, the owner is able to demonstrate that an alleged nuisance never  
65 existed, or no longer exists on said owner's property, the director of building  
66 development services shall so find and shall terminate the hearing. If the owner  
67 does not seek such opportunity, or is unable to make such demonstration, the  
68 director of building development services is authorized to abate the nuisance.  
69

70 Sec. 74-406. - Charges for abatement by city.

- 71  
72 (b) In weed abatement cases under 74-405, the director of building development  
73 services shall certify the costs of abatement of weeds and other rank vegetation  
74 to the director of finance. The director of finance may include such costs in a  
75 special tax bill or seek to have them added ~~add them~~ to the annual real estate  
76 taxes for the tract of land.  
77

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

86  
87 Section 2 – This Ordinance will be in full force and effect from and after passage.  
88

89 Passed at Meeting: \_\_\_\_\_  
90

91 \_\_\_\_\_  
92 Mayor  
93

94 Attest: \_\_\_\_\_, City Clerk  
95

96 Filed as Ordinance: \_\_\_\_\_  
97

98 Approved as to Form: *Duke M. Donald*, Assistant City Attorney  
99

100  
101 Approved for Council Action: *Jason A. Hays*, City Manager  
102

**EXPLANATION TO COUNCIL BILL 2019- 124**

FILED: 05-14-19

ORIGINATING DEPARTMENT: Building Development Services

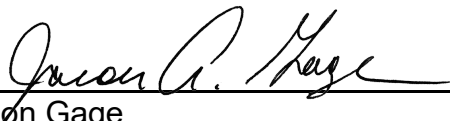
PURPOSE: Amending Springfield City Code Chapter 74 – ‘Nuisance and Housing Code,’ by revising Section 74-31, ‘City manager’s authority,’ subsection (b), Section 74-33, ‘Notice requirements,’ subsections (d)(4) and (5), Section 74-403, ‘Weeds over 12 inches in height declared nuisance,’ Section 74-404, ‘Permitting growth of weeds over 12 inches in height,’ Section 74-405, ‘Abatement procedure, subsection (b); 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 and decrease the time for requesting an Administrative Hearing from 12 days to 7 days. These changes 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