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COUNCIL BILL NO. 2015- 177

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield City Code by repealing Chapter 74 Nuisance and Housing
2 Code in its entirety and enacting in lieu thereof a new Chapter 74
3 Nuisance and Housing Code.
4
5

6 WHEREAS, state law holds land owners strictly responsible for nuisance
7 abatement without regard to landlord-tenant relationships; and
8

9 WHEREAS, the current code provisions entangle the city and land-use
10 inspectors in landlord-tenant relationships when enforcing the city's nuisance-
11 abatement provisions; and
12

13 WHEREAS, state law authorizes municipalities to abate nuisances when, after
14 having notified land owners about such nuisances, the landowners do not begin or
15 pursue nuisance abatement without unnecessary delay; and
16

17 WHEREAS, staff has determined that nuisance-abatement enforcement will be
18 more effective if the current code provisions are amended to closely track state law; and
19

20 WHEREAS, City Council considered the proposed changes at its July 7, 2015,
21 Council Lunch Meeting.
22

23 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
24 SPRINGFIELD, MISSOURI that:
25

26 Section 1 – The Springfield City Code is hereby amended by repealing the
27 existing Chapter 74 Nuisance and Housing Code in its entirety and enacting a new
28 Chapter 74 Nuisance and Housing Code, which Chapter shall read as follows:
29

30 Chapter 74 - NUISANCE AND HOUSING CODE
31

32 ARTICLE I. - IN GENERAL
33

34 Sec. 74-1. - Definitions.

35

36 (a) The following words, terms and phrases, when used in this chapter, shall have the
37 meanings ascribed to them in this section, except where the context clearly
38 indicates a different meaning:

39

40 *Apartment house* means a building which contains two or more rental apartment
41 units.

42

43 *Approved residential solid waste containers* means containers of not more than 35
44 gallons which are leakproof, waterproof and fitted with a flytight lid. Such containers
45 shall be properly covered at all times except when depositing waste therein or removing
46 the contents thereof. The containers shall have handles, bails or other suitable lifting
47 devices or features. Containers shall be of a type originally manufactured for residential
48 solid waste, with tapered sides for easy emptying. They shall be of light weight and
49 sturdy construction. The weight of any individual container and contents to be manually
50 lifted shall not exceed 60 pounds. Galvanized metal containers, or rubber, fiberglass or
51 plastic containers which do not become brittle in cold weather, may be used. Disposable
52 solid waste containers with suitable frames or containers also may be used for storage
53 of residential solid waste, provided such containers are kept, used and maintained in
54 such a way that they do not become ruptured, punctured or torn or the contents
55 contained therein exposed to the air. Notwithstanding these provisions, residential solid
56 waste may be stored in containers exceeding 35 gallons in capacity and 60 pounds in
57 weight when such containers are designed, constructed, used and maintained so that
58 they are mechanically emptied. Such containers shall comply with all other provisions.
59 Plastic bags may be used to store solid waste temporarily for collection, provided the
60 plastic bag is not ripped, does not leak, and is sealed to prevent the contents from being
61 dispersed. Such bags shall not be placed at the curb earlier than the evening preceding
62 collection and shall be removed within 24 hours after being placed at the curb.

63

64 *Basement* means a portion of a building located partly underground, but having less
65 than half its clear floor-to-ceiling height below the average grade of the adjoining
66 ground.

67

68 *Cellar* means a portion of a building located partly or wholly underground, and
69 having half or more than half of its clear floor-to-ceiling height below the average grade
70 of the adjoining ground.

71

72 *Chewable surface* means any exposed surface readily accessible to small children
73 and any surface with chipping, cracked, checked or flaking paint less than 48 inches
74 from the floor or ground or other walking surfaces.

75

76 *City attorney* means the city attorney, or the city attorney's designee.

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78 *City clerk* means the city clerk, or the city clerk's designee.

79

80 *City manager* means the city manager, or the city manager's designee.

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Day care facility means any structure or building subject to the child day care regulations of article XI of the land development code.

Director of building development services means the director of building development services of the city, or the director's designee.

Director of environmental services means the environmental services director of the city, or the director's designee.

Director of finance means the finance director of the city, or the director's designee.

Director of public health and welfare means the director of public health and welfare of the city, or the director's designee.

Director of public works means the public works director of the city, or the director's designee.

Dwelling means any structure which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing shall not be regarded as a dwelling.

Dwelling unit means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Exposed surface means:

- (1) Any interior surface of a dwelling, day care facility or school;
- (2) Any exterior surface of a dwelling, day care facility or school; or
- (3) Any article or substance to which children may be commonly exposed.

Extermination means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination methods approved by the city manager.

Garbage means putrescible animal, fruit or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

Graffiti means any inscription, word, figure, design, symbol or insignia which is determined to be related to gang activity and is marked, etched, scratched, drawn, painted or otherwise affixed to or placed upon public or private property located within the city.

128 *Habitable room* means a room or enclosed floor space used or intended to be used
129 for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet
130 compartments, laundries, pantries, foyers or communicating corridors, closets, storage
131 spaces, and emergency shelters such as tornado shelters, fallout shelters, etc.
132

133 *Handbill* means any printed or written matter, any sample or device, dodger,
134 circular, leaflet, pamphlet, newspaper, magazine, paper or booklet, or any other printed
135 or otherwise reproduced original or copies of any matter or literature.
136

137 *Infestation* means the presence, within or around a dwelling, of any insects, rodents
138 or other pests in sufficient numbers to create a real or potential health threat.
139

140 *Lead-bearing substance* means any paint, varnish, lacquer, putty, plaster, structural
141 material or similar substance which contains more than the percentage or concentration
142 of lead established by federal regulations for lead-bearing substances.
143

144 *Lead hazard* means any lead-bearing substance which produces biologically
145 available lead in concentrations exceeding federal standards for dust, soil, deteriorated
146 paint and/or water on any public or private property available and accessible to children
147 and/or pregnant women.
148

149 *Let for occupancy* and *let* mean to permit possession or occupancy of a dwelling,
150 dwelling unit, rooming unit, building or structure by a person who is or is not the legal
151 owner of record thereof, pursuant to a written or unwritten lease, agreement or license,
152 or pursuant to a recorded or unrecorded agreement or contract for the sale of land.
153

154 *Litter* means garbage, refuse and rubbish and all other waste material which the city
155 council finds, if thrown or deposited as prohibited in this chapter, tends to create a
156 danger to public health, safety and welfare.
157

158 *Occupant* means any person living, sleeping, cooking or eating in, or having actual
159 possession of, a dwelling, day care facility or school.
160

161 *Operator* means any person who has charge, care or control of a building, or part
162 thereof, in which dwelling units or rooming units are let.
163

164 *Owner* means any person who alone, jointly or severally with others:
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- 166 (1) Shall have legal title to any dwelling, structure or property, with or without
167 accompanying actual possession thereof; or
168
169 (2) Shall have charge, care or control of any dwelling, structure or property as
170 owner or agent of the owner, or as executor, administrator, trustee or guardian
171 of the estate of the owner. Any such person thus representing the actual owner
172 shall be bound to comply with the provisions of this chapter, and of rules and
173 regulations adopted pursuant thereto, to the same extent as if that person were
174 the owner.

175
176 *Park* means a park, reservation, playground, beach, recreation center or any other
177 public area in the city, owned and/or used by the city and developed for active or
178 passive recreation.

179
180 *Person* means any individual, partnership, co-partnership, firm, company,
181 corporation, association, joint stock company, trust, estate, institution, city, county or
182 other political subdivision, authority, state or federal agency or institution, or
183 organization of any kind, or their legal representatives, agents or assigns.

184
185 *Plumbing* means all of the following supplied facilities and equipment: gas pipes,
186 gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets,
187 sinks, installed dishwashers, lavatories, bathtubs, showerbaths, installed clothes-
188 washing machines, catchbasins, drains, vents and any other similar supplied fixtures,
189 together with all connections to water, sewer or gas lines.

190
191 *Premises* means a lot, plot or parcel of land, including any structures thereon.

192
193 *Private premises* means any dwelling, house, building or other structure, designed
194 or used either wholly or in part for private purposes, whether inhabited or temporarily or
195 continuously uninhabited or vacant, and includes any yard, grounds, walk, driveway,
196 porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house,
197 building or other structure.

198
199 *Public place* means any and all streets, sidewalks, boulevards, alleys or other public
200 ways, and any and all public parks, squares, spaces, grounds and buildings.

201
202 *Refuse* means solid waste.

203
204 *Residential solid waste* means solid waste resulting from the maintenance and
205 operation of dwelling units, excluding multiple dwelling facilities which use containers
206 required for commercial solid waste.

207
208 *Rooming unit* means any room or group of rooms forming a single habitable unit
209 used or intended to be used for living and sleeping, but not for cooking or eating
210 purposes.

211
212 *Rooming house* means an establishment or part thereof in which lodging is provided
213 by the owner or operator for at least three but not more than 11 persons for
214 compensation, whether the compensation is paid directly or indirectly.

215
216 *Rubbish* means non-putrescible solid wastes consisting of both combustible and
217 noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard
218 clippings, leaves, wood, glass, bedding, crockery and similar materials.

219
220 *School* means any educational facility, including but not limited to any public or
221 private preschool, kindergarten, grade school or high school.

222
223 *Solid waste* means waste materials in a solid or semisolid state resulting from
224 industrial, commercial, agricultural, governmental and domestic activities, including but
225 not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and
226 agricultural wastes, yard wastes, discarded appliances, special wastes, industrial
227 wastes, and demolition and construction wastes, but does not include overburden, rock,
228 tailings, matte, slag or other waste material resulting from mining, milling or smelting.

229
230 *Solid waste container* means a receptacle used by any person to store solid waste
231 during the interval between solid waste collections.

232
233 *Solid waste disposal area* means any area used for the disposal of solid waste from
234 more than one residential premises, or one or more commercial, industrial,
235 manufacturing, recreational or governmental operations.

236
237 *Supplied* means paid for, furnished or provided by or under the control of the owner
238 or operator.

239
240 *Temporary housing* means any tent, trailer or other structure used for human shelter
241 which is designed to be transportable and which is not attached to the ground, to
242 another structure or to any utilities system on the same premises for more than 30
243 consecutive days.

244
245 *Vehicle* means every device in, upon or by which any person or property is or may
246 be transported or drawn upon a highway, including devices used exclusively upon
247 stationary rails or tracks.

248
249 (b) Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit,"
250 "premises" or "private premises" are used in this chapter, they shall be construed as
251 though they were followed by the words "or any part thereof."

252
253 Secs. 74-2—74-30. - Reserved.

254
255 ARTICLE II. - ENFORCEMENT

256
257 Sec. 74-31. City Manager's Authority.

258
259 (a) When the city manager determines that a violation of this chapter exists on property
260 within Springfield city limits, the city manager may remove or abate the violation
261 according to this chapter.

262
263 (b) When a property owner does not respond to an "Abatement Notice" as set forth in
264 sec. 74-33 by hearing request or nuisance removal or abatement, the city manager
265 may remove or abate the nuisance 15 business days after the notice is delivered
266 according to sec. 74-33(b).

267

268 (c) When, in response to an “Abatement Notice,” there is a hearing request as set forth
269 in sec. 74-33, the city manager may remove or abate the violation after the later of:
270

271 (1) the decision as set forth in sec. 74-37 becoming final; or,
272

273 (2) judicial review becoming final.
274

275 Sec. 74-32. - Right of entry for purposes of enforcement.
276

277 Police officers and other employees of the city authorized by the city manager or the
278 chief of police are hereby authorized and required to go, in the daytime, in and upon any
279 house, building, lot or premises, whether public or private, for the purpose of removing
280 or abating any nuisance, when abatement of a nuisance is ordered under the provisions
281 of this chapter.
282

283 Sec. 74-33. - Notice requirements.
284

285 (a) When the city manager determines that a violation of sec. 74-382 exists, the city
286 manager will deliver an “Abatement Notice” to:
287

288 (1) the person causing, maintaining, or permitting the violation on public property; or,
289

290 (2) the property owner, who is always responsible for removing or abating the
291 violation, if it is on private property.
292

293 (b) The city manager may deliver an “Abatement Notice” by:
294

295 (1) personal delivery; or,
296

297 (2) postage prepaid United States certified mail, return receipt requested, and
298 regular first class mail; or,
299

300 (3) FedEx, UPS, or similar carrier; and,
301

302 (4) posting the notice in a conspicuous location on the property where the violation
303 exists, unless there has been personal delivery.
304

305 (c) The “Abatement Notice” must be in writing and:
306

307 (1) declare that a nuisance exists;
308

309 (2) declare where the nuisance exists by street address or some other property
310 identifier;
311

312 (3) describe nuisance conditions;
313

- 314 (4) order the owner to remove or abate nuisance conditions within 15 business days
315 of receiving the notice;
316
- 317 (5) warn the property owner that if nuisance removal or abatement does not begin
318 within 15 business days and continue to completion without unnecessary delay,
319 city personnel may cause nuisance removal or abatement and include all
320 attendant costs like title reports, administrative fees, certified deeds, and
321 contractor charges in:
322
- 323 a. a special tax bill (a personal liability to the owner and a lien on the property);
 - 324 or,
 - 325
 - 326 b. the annual real estate tax bill for the property;
 - 327
- 328 (6) inform the property owner of the right to a hearing to:
329
- 330 a. contest the nuisance declaration, the nuisance order, or any other aspect of
 - 331 nuisance-abatement proceedings; or,
 - 332
 - 333 b. establish how much delay will be necessary to begin and complete nuisance
 - 334 abatement;
 - 335
- 336 (7) state the e-mail address of the individual that signs the notice; and,
337
- 338 (8) direct the property owner to deliver a hearing request in writing to the department
339 that issued the nuisance-abatement notice, which delivery may be:
340
- 341 a. personal; or,
 - 342
 - 343 b. by email to the inspector that issued the nuisance-abatement notice; or,
 - 344
 - 345 c. by mail, FedEx, UPS, or a similar courier.
 - 346

347 Sec. 74-34. - Hearing Request.

348
349 (a) A hearing request must:

- 350 (1) be in writing;
- 351
- 352 (2) include the applicant's name and mailing address; and,
- 353
- 354 (3) briefly describe the applicant's basis for appeal.
- 355

356
357 (b) If an attorney represents the applicant, the request must say so. A party may deliver
358 a hearing request to the individual that signed the "Abatement Notice" or that
359 individual's department by:
360

- 361 (1) personal delivery;
362
363 (2) postage prepaid United States certified mail, return receipt requested, and
364 regular first class mail;
365
366 (3) FedEx, UPS, or a similar delivery; or,
367
368 (4) email to the individual that signed the "Abatement Notice."
369
370 (c) When a property owner properly delivers a hearing request, city personnel will first
371 seek to resolve removal and abatement issues with the owner. Failing that, city
372 personnel will arrange a hearing and effect nuisance removal or abatement after the
373 hearing and all associated legal proceedings are complete. Failure to deliver a timely
374 hearing request makes the "Abatement Notice" final.
375

376 Sec. 74-35. – "Hearing Notice."
377

- 378 (a) In response to a hearing request, the city manager will deliver a "Hearing Notice" to
379 property owners and others with an interest affecting title in the property by:
380

- 381 (1) personal delivery; or,
382
383 (2) postage prepaid United States certified mail, return receipt requested, and
384 regular first class mail; or,
385
386 (3) FedEx, UPS, or a similar delivery; or,
387
388 (4) email, upon request; and,
389
390 (5) posting the notice in a conspicuous location on the property where the violation
391 exists, unless there has been personal or email delivery.
392

- 393 (b) The "Hearing Notice" will specify the date, time, and location for the hearing. The
394 notice will institute the case, have the "Abatement Notice" attached, and state:
395

- 396 (1) the identifying case caption and number; and,
397
398 (2) whether an answer to the notice is required.
399

400 Sec. 74-36. – Hearing.
401

402 Any hearing set under section 74-35 will be recorded and the hearing officer will hear
403 testimony offered under oath or affirmation. Interested parties may appear in person
404 and by counsel.
405

406 Sec.74-37. - Decision.
407

408 (a) In deciding each case, the hearing officer will issue “Findings of Fact, Conclusions of
409 Law, and Order.” The order may authorize the chief of police, the director of public
410 health and welfare, the public works director, the director of environmental services,
411 or the director of building development services to abate nuisance conditions if the
412 hearing officer finds that:

- 413 (1) the nuisance conditions exist;
- 414 (2) notices have been properly given; and,
- 415 (3) the property owner has not abated the nuisance conditions.

419 (b) Each decision will be distributed to the property owner, others with an interest
420 affecting title in the property, and interested city personnel by:

- 421 (1) personal delivery; or,
- 422 (2) postage prepaid United States certified mail, return receipt requested, and
423 regular first class mail; or,
- 424 (3) FedEx, UPS, or a similar delivery; or,
- 425 (4) e-mail, upon request; and,
- 426 (5) posting the notice in a conspicuous location on the property where the violation
427 exists, unless there has been personal or email delivery.

431 (c) Each decision will be final 30 days after distribution unless there is an appeal to
432 circuit court under RSMo Chapter 536.

433 Sec. 74-38. - Costs, Assessments, and Nuisance-Abatement Lien.

434 (a) The city manager will itemize and total all nuisance-abatement costs, including, but
435 not limited to, title reports, administrative fees, certified deeds, and contractor
436 charges in a “Certificate of Costs” and deliver the certificate to the property owner
437 by:

- 438 (1) personal delivery; or,
- 439 (2) postage prepaid United States certified mail, return receipt requested, and
440 regular first class mail; or,
- 441 (3) FedEx, UPS, or similar carrier.

442 (b) The finance director may include nuisance-abatement costs in:

453

- 454 (1) the annual real estate taxes for the property, which, if unpaid, may be collected
455 under laws applicable to delinquent real estate taxes; or,
456
457 (2) a special tax bill, which:
458
459 a. is a debt against the property owner, a lien against the property, and valid
460 until paid; and,
461
462 b. bears interest until paid at the legal rate, and may be foreclosed upon by the
463 city through appropriate proceedings in circuit court.
464
465 (c) The procedures set forth in Section 74-406(b) shall also apply to the director of
466 finance's issuance of a special tax bill or certification of costs, except that the issues
467 on any appeal to the finance director shall be limited to the abatement costs to be
468 charged.
469

470 Sec. 74-39. - Right of entry; search warrants.
471

- 472 (a) Whenever necessary for the purpose of enforcing the provisions of this chapter or
473 whenever the city manager has reasonable cause to believe that there exists in any
474 structure or upon any premises any condition which makes such structure or
475 premises in violation of this chapter, the city manager may enter such structure or
476 premises at all reasonable times to inspect the structure or premises or to perform
477 any duty imposed upon the city manager by this chapter; provided that, if such
478 structure or premises is occupied or posted for "no trespassing," or locked or
479 otherwise secured, the city manager shall first present proper credentials and
480 request entry, except for emergencies to save lives or property. Notwithstanding
481 such provisions, entry may be had by the city manager in all public or commercial
482 places, buildings or structures in those spaces or areas that are open and accessible
483 to the public. If an inspection is required under this chapter as a condition for the
484 issuance of the renewal of a permit or license, then refusal to provide access for
485 such inspection shall constitute cause to issue a stop work order or revoke or refuse
486 to issue the permit or license under this Code. If such entry is refused, the city
487 manager shall have recourse to every remedy provided by law to secure entry.
488
489 (b) If an official who has a duty to perform under this chapter has been refused access
490 to a building, structure or property or any part thereof, and if such official has
491 probable cause to believe that there may be a violation of this chapter or that there is
492 a need to inspect as part of a routine inspection program of the city designed to
493 protect the overall public health, safety and welfare of the community, then upon
494 application by the city attorney to the municipal court judge, and a showing of such
495 matters, the municipal court judge of the city shall issue a search and/or seizure
496 warrant, describing therein the specific location subject to the warrant. The warrant
497 shall specify what, if anything, may be searched and/or seized on the property
498 described. Such warrant shall be served at reasonable hours and only by an official
499 charged with the enforcement of this Code in the company of a uniformed police
500 officer of the city.

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Sec. 74-40. - Prosecution of violations; injunctive relief.

- (a) If a person violates this chapter or if a notice of violation is not complied with within the time specified by the city manager, the city manager may cause a municipal court summons to be issued, and he may also request the city attorney to institute the appropriate legal proceedings to obtain an injunction to restrain, correct or abate such violation.
- (b) If it shall be the opinion of the city manager that any building, structure or other condition is such that the danger to the traveling public or to the public ways is imminent, thereupon the city attorney is hereby authorized to execute on behalf of the city such bonds or other instruments that may be necessary to secure immediate injunctive relief from the maintenance of such imminently dangerous building, structure or condition.
- (c) Utilities may be placed in "no transfer" on occupied structures, removed from vacant structures and/or placed on "hold" on vacant buildings whenever there are any violations of the adopted building, fuel gas, electrical, plumbing, mechanical or housing codes and the owner of the property has been so notified of such action.
- (d) Any person who shall violate any provision of this chapter shall, upon conviction, be punished as provided by section 1-7.

Sec. 74-41. - Conflicting regulations; standards for issuance of approval by city manager.

- (a) In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the city existing on the effective date of the ordinance from which this chapter is derived, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of any other ordinance or code of the city existing on the effective date of the ordinance from which this chapter is derived establishes a lower standard for promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.
- (b) Whenever this chapter requires anything to meet the approval of the city manager, the approval shall not be issued unless the thing to be approved complies with the provisions of any applicable ordinance or code of the city or any rule or regulation adopted by the city manager pursuant to this chapter. If there should be no applicable ordinance, code, rule or regulation, then the city manager's approval shall be based on preserving and effectuating the spirit and intent of the provisions of this chapter.

548 Sec. 74-42. - Each unabated day a new violation.

549
550 A person notified as provided in this chapter shall not fail, neglect or refuse to
551 comply with the notice within the time specified in such notice. For every day from the
552 time specified in the notice that such person shall fail, neglect or refuse to comply with
553 the notice and for every day thereafter that such person shall fail, neglect or refuse to
554 abate the violation, the person shall be deemed guilty of a separate offense. If the
555 property has been posted with a notice to abate the violation, failure to give notice as
556 set forth in this chapter shall not in any way invalidate a lien against the land for charges
557 to abate the violation.

558
559 Sec. 74-43. - Emergency abatement procedures.

560
561 (a) Whenever conditions exist that create an immediate threat to the public health,
562 welfare and safety by virtue of a violation of this chapter, the city manager may,
563 without notice or hearing, issue an order reciting the existence of an emergency and
564 requiring that such action be taken as necessary to summarily abate the threat.
565 Such order shall be effective immediately. Any person to whom such an order is
566 directed shall comply therewith immediately, but upon petition to the city manager
567 shall be afforded a hearing as soon as possible pursuant to paragraph (c). After
568 such hearing, the order shall continue in effect, be modified or be revoked.

569
570 (b) The city manager, upon a determination that such a threat involves a structure may
571 immediately proceed in the following manner: The city manager may designate the
572 structure as unfit for use, occupancy or habitation. The procedures set forth in
573 Section 74-39 shall apply, including placarding, vacating the structure and the
574 requirements to be met for removal of the placard.

575
576 (c) Upon an order being issued pursuant to paragraphs (a) or (b), a notice shall be sent
577 to all parties having an interest in the property involved setting forth the nature of
578 the emergency and the action taken by the city. The notice shall be mailed or
579 personally delivered within 5 business days of the order and the notice shall advise
580 the parties of the right to petition the city manager for a hearing. The hearing shall
581 be conducted before a hearing officer appointed pursuant to this Chapter and shall
582 be held within 10 days of the request for hearing. The hearing officer may continue
583 the order in effect, modify the order or revoke the order. The hearing may be
584 continued upon a showing of good cause by any party. The decision of the hearing
585 officer shall be made in writing in conformity with RSMo. 536.090. Any party
586 aggrieved by the decision of the hearing officer may appeal to a court of competent
587 jurisdiction as is set forth in RSMo. 536.100 and 536.110.

588
589 (d) Whenever conditions exist that create a potential danger by virtue of a violation of
590 this chapter which if left unabated could quickly develop into an immediate threat to
591 the public health and safety as described in this section, the city manager may
592 initiate an expedited hearing process pursuant to Sections 74-384 and 385. The
593 hearing may be held not less than 5 days after the posting and/or mailing of the

594 notice of hearing. For purposes of this paragraph, a reasonable time in which to
595 comply with the notice to correct the violation shall be 5 days.
596

597 (e) In addition, injunctive relief may be sought as provided for in this chapter.
598

599 Sec. 74-44. - Appeals.
600

601 Any person affected by any notice or order which has been issued in connection
602 with the enforcement of any provisions of articles III, IV and V of this chapter and this
603 chapter dealing with lead hazards, including the designation and placarding of any
604 property as unfit for human habitation, or by any rule or regulation adopted under this
605 article, may appeal by filing in the office of the city manager, within ten days of the
606 notice or order, a writing requesting an appeal hearing and stating the grounds for the
607 appeal. The appeal shall be heard within ten days of the filing of the notice of appeal by
608 a hearing officer appointed by the city manager, unless continued by the hearing officer
609 for good cause on application by the person appealing or by the city. The hearing officer
610 shall give the notice of the time and place of the hearing. The appeal hearing shall be
611 conducted in the manner set forth in RSMo 536.070. The hearing officer shall have
612 those powers to punish contempt as set forth in RSMo 536.095. The hearing officer may
613 sustain, modify or order withdrawn any order or notice subject to appeal. The decision
614 of the administrative hearing officer shall be made in writing in conformity with RSMo
615 536.090. Any party aggrieved by the decision of the administrative hearing officer may
616 appeal to a court of competent jurisdiction as is set forth in RSMo 536.100 and 536.110.
617

618 Sec. 74-45. - Designation of unfit dwellings and procedure for condemnation.
619

620 The designation of dwellings or dwelling units as unfit for human habitation and the
621 procedure for the condemnation and placarding of such unfit dwellings or dwelling units
622 shall be carried out in compliance with the following requirements:
623

624 (1) Any dwelling or dwelling unit which shall be found to so lack facilities for
625 illumination or ventilation or which is so damaged, decayed, dilapidated,
626 insanitary, unsafe or vermin-infested that it creates a serious hazard to the
627 health or safety of the occupants or of the public or, if not occupied, would be a
628 serious hazard to the health or safety of an occupant shall be condemned as
629 unfit for human habitation and shall be so designated and placarded by the city
630 manager.
631

632 (2) Any dwelling or dwelling unit condemned as unfit for human habitation and so
633 designated and placarded by the city manager shall be vacated within a
634 reasonable time as ordered by the city manager.
635

636 (3) No dwelling or dwelling unit which has been condemned and placarded as unfit
637 for human habitation shall again be used for human habitation until written
638 approval is secured from, and such placard is removed by, the city manager.
639 The city manager shall remove such placard whenever the defects upon which
640 the condemnation and placarding action were based have been eliminated.

- 641
642 (4) No person shall deface or remove the placard from any dwelling or dwelling unit
643 which has been condemned as unfit for human habitation and placarded as
644 such, except as provided in this section.
645
646 (5) Any person affected by any notice or order relating to the condemning and
647 placarding of a dwelling or dwelling unit as unfit for human habitation may
648 request and shall be granted a hearing on the matter as set forth in article II of
649 this chapter.

650
651 Sec. 74-46. - Authority to establish additional regulations.

652
653 The city manager is hereby authorized to make and adopt such written rules and
654 regulations as may be necessary for the proper enforcement of the provisions of this
655 article, provided that such rules and regulations shall not be in conflict with the
656 provisions of this article. The city manager shall file a certified copy of all rules and
657 regulations which he may adopt with the city clerk. Such rules and regulations shall
658 have the same force and effect as the provisions of this article, and the penalty for
659 violation thereof shall be the same as the penalty for violation of the provisions of this
660 article as provided in this division.

661
662 Sec. 74-47. - Penalty.

663
664 Any person who shall violate any provision of this article or any provision of any rule
665 or regulation adopted by the city manager pursuant to authority granted by this article
666 shall, upon conviction, be punished as provided by section 1-7.

667
668 Secs. 74-48—74-60. - Reserved.

669
670 ARTICLE III. - HOUSING CODE

671
672 DIVISION 1. – GENERALLY

673
674 Sec. 74-61. - Scope of article.

675
676 The provisions of this article shall govern the minimum conditions and the
677 responsibilities of persons for maintenance of dwellings and dwelling units.

678
679 Sec. 74-62. - Inspections; access to premises by owner.

680
681 The city manager is hereby authorized and directed to make inspections to
682 determine the condition of dwellings, dwelling units, rooming houses, rooming units and
683 premises located within the city, in order that he may perform his duty of safeguarding
684 the health and safety of the occupants of dwellings and of the general public. For the
685 purpose of making such inspections, the city manager is hereby authorized to enter,
686 examine and survey, at all reasonable times, all dwellings, dwelling units, rooming
687 houses, rooming units and premises. The owner or occupant of every dwelling, dwelling

688 unit, rooming house or rooming unit or the person in charge thereof shall give the city
689 manager free access to such dwelling, dwelling unit, rooming house or rooming unit and
690 its premises at all reasonable times for the purpose of such inspection, examination and
691 survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof or his
692 agent or employee access to any part of such dwelling or dwelling unit or its premises at
693 all reasonable times for the purpose of making such repairs or alterations as are
694 necessary to effect compliance with the provisions of this chapter or with any lawful rule
695 or regulation adopted or any lawful order issued pursuant to the provisions of this
696 chapter.

697
698 Sec. 74-63. - Structural members.

699
700 All structural members, including stairs, porches and appurtenances, shall be
701 maintained free from deterioration and shall be capable of safely supporting the
702 imposed dead and live loads.

703
704 Sec. 74-64. - Foundations, floors, walls, ceilings and roofs.

705
706 Every foundation, floor, wall, ceiling and roof shall be reasonably weather tight,
707 watertight and rodent proof; shall be free of holes, wide cracks, breaks, loose, warped
708 or rotting boards; and shall be kept in good repair.

709
710 Sec. 74-65. - Overhang extensions, chimneys, towers and architectural features.

711
712 All overhang extensions, including all canopies, marquees, signs, metal awnings,
713 stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions; all
714 chimneys, cooling towers, smokestacks and similar appurtenances; and all architectural
715 features, such as cornices, belt courses, corbels, terracotta trim, wall facings and similar
716 features shall be maintained structurally safe and sound, in good repair, and properly
717 anchored.

718
719 Sec. 74-66. - Handrails and guards.

720
721 Every handrail and guard shall be firmly fastened and capable of supporting
722 normally imposed loads and shall be maintained in good condition.

723
724 Sec. 74-67. - Windows and doors generally.

725
726 (a) *Generally.* Every window, door and frame shall be kept in sound condition, in good
727 repair, and weather tight.

728
729 (b) *Exits from sleeping rooms.* At least one openable window or door leading to the
730 outside or to a protected corridor shall be provided in each sleeping room for safe
731 and rapid egress.

732
733 (c) *Doors.* All exterior doors and hardware shall be maintained in good condition. Locks
734 at all entrances to dwelling units and rooming units shall tightly secure the door.

735
736 Sec. 74-68. - Basement hatchways and windows.
737

738 Every basement hatchway and window shall be maintained to prevent the entrance
739 of rodents, rain and surface drainage.
740

741 Sec. 74-69. - Insect screens.
742

743 During the period from April 1 to November 1, for protection against mosquitoes,
744 flies and other insects, every door, window or other device used for ventilation from a
745 dwelling unit to outdoor space shall have supplied screens.
746

747 Sec. 74-70. - Insect and rodent infestations.
748

749 (a) All structures shall be kept free from insect and rodent infestation. All structures in
750 which insects or rodents are found shall be promptly exterminated by approved
751 processes that will not be injurious to human health. After extermination, proper
752 precautions shall be taken to prevent reinfestation.
753

754 (b) Every occupant of a dwelling containing a single dwelling unit shall be responsible
755 for the extermination of any insects, rodents or other pests therein or on the
756 premises; and every occupant of a dwelling unit in a dwelling containing more than
757 one dwelling unit shall be responsible for such extermination whenever his dwelling
758 unit is the only one infested. Notwithstanding the provisions of this subsection,
759 whenever infestation is caused by failure of the owner to maintain a dwelling in a
760 rodentproof or reasonably insect proof condition, extermination shall be the
761 responsibility of the owner.
762

763 (c) Whenever infestation exists in two or more of the dwelling units in any dwelling, or
764 in the shared or public parts of any dwelling containing two or more dwelling units,
765 extermination thereof shall be the responsibility of the owner.
766

767 Sec. 74-71. - Disposal and removal of rubbish and garbage.
768

769 (a) Every occupant of a structure shall dispose of all rubbish and garbage in a clean
770 and sanitary manner by placing such rubbish and garbage in approved residential
771 solid waste containers.
772

773 (b) Every occupant of a one- or two-family dwelling shall be primarily responsible for
774 the removal of rubbish and garbage, and the owner shall be secondarily responsible
775 for removal of rubbish and garbage.
776

777 (c) The owner of every occupied premises containing three or more dwelling units shall
778 supply approved covered containers for rubbish and garbage, and the owner of the
779 premises shall be responsible for the removal of rubbish and garbage.
780

781 Sec. 74-72. - Sanitation generally.

782
783 (a) The occupant shall keep that part of the dwelling and the dwelling unit which such
784 occupant occupies or controls in a clean and sanitary condition.

785
786 (b) The owner of a dwelling containing two or more dwelling units shall be responsible
787 for maintaining in a clean and sanitary condition the shared or public areas of the
788 dwelling and premises thereof.

789
790 Sec. 74-73. - Sewage disposal.

791
792 All plumbing fixtures shall be properly connected to either a public sewer system or
793 to an approved private sewage disposal system. Every plumbing stack, vent, waste and
794 sewer line shall function properly and be kept from obstructions, leaks and defects.

795
796 Sec. 74-74. - Reserved.

797
798 Sec. 74-75. - Plumbing fixtures.

799
800 Every plumbing fixture and water and waste pipe shall be properly installed and
801 maintained in good sanitary working condition, free from defects, leaks and
802 obstructions.

803
804 Sec. 74-76. - Floor surfaces.

805
806 Every water closet compartment floor surface and bathroom floor surface shall be
807 constructed and maintained so as to be reasonably impervious to water and so as to
808 permit such floor to be easily kept in a clean and sanitary condition.

809
810 Secs. 74-77—74-90. - Reserved.

811
812 DIVISION 2. - RESERVED

813
814 Secs. 74-91—74-110. - Reserved.

815
816 DIVISION 3. - BASIC EQUIPMENT AND FACILITIES

817
818 Sec. 74-111. - Generally.

819
820 No person shall occupy as owner-occupant or let to another for occupancy any
821 dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein,
822 which does not comply with the requirements in this division.

823
824 Sec. 74-112. - Kitchen sink.

825
826 Every dwelling unit shall contain a kitchen sink in good working condition and
827 properly connected to an approved water and sewer system.

828

829 Sec. 74-113.- Water closet and lavatory basin.

830

831 Every dwelling unit shall contain a room which affords privacy to a person within the
832 room and which is equipped with a flush water closet and a lavatory basin in good
833 working condition and properly connected to an approved water and sewer system.

834

835 Sec. 74-114. - Bathtub or shower.

836

837 Every dwelling unit shall contain, within a room which affords privacy to a person
838 within the room, a bathtub or shower in good working condition and properly connected
839 to an approved water and sewer system.

840

841 Sec. 74-115. - Connection of hot and cold water lines to plumbing fixtures.

842

843 Every required kitchen sink, lavatory basin, and bathtub or shower shall be properly
844 connected with both hot and cold water lines.

845

846 Sec. 74-116. - Water-heating facilities.

847

848 Every dwelling shall have supplied water-heating facilities which are properly
849 installed, are maintained in safe and good working condition, and are capable of heating
850 water to such a temperature as to permit an adequate amount of water to be drawn at
851 every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not
852 less than 120 degrees Fahrenheit.

853

854 Sec. 74-117. - Exits.

855

856 Every dwelling unit shall have a safe, unobstructed means of egress leading to safe
857 and open space at ground level, as required by the laws of the state and the city.

858

859 Sec. 74-118. - Maintenance of supplied facilities.

860

861 Every supplied facility, piece of equipment or utility which is required under this
862 article shall be so constructed or installed that it will function safely and effectively, and
863 shall be maintained in satisfactory working condition.

864

865 Sec. 74-119. - Disconnection or removal of required facilities.

866

867 No owner, operator or occupant shall cause any service, facility, equipment or utility
868 which is required under this article to be removed from or shut off from or discontinued
869 for any occupied dwelling let or occupied by him, except for such temporary interruption
870 as may be necessary while actual repairs or alterations are in process or during
871 temporary emergencies when discontinuance of service is approved by the city
872 manager.

873

874 Sec. 74-120. - Care of plumbing fixtures.

875

876 Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean
877 and sanitary condition and shall be responsible for the exercise of reasonable care in
878 the proper use and operation thereof.

879
880 Secs. 74-121—74-140. - Reserved.

881
882 DIVISION 4. - LIGHT, VENTILATION AND HEATING

883
884 Sec. 74-141. - Generally.

885
886 No person shall occupy as owner-occupant or let to another for occupancy any
887 dwelling or dwelling unit for the purpose of living therein which does not comply with the
888 requirements in this division.

889
890 Sec. 74-142. - Minimum window area.

891
892 (a) *Minimum standards.* Every habitable room shall have at least one window or
893 skylight facing directly to the outdoors. The minimum total window area, measured
894 between stops, for every habitable room shall be eight percent of the floor area of
895 such room. Whenever walls or other obstructions face a window of any such room
896 and such light-obstruction structures are located less than three feet from the
897 window and extend to a level above that of the ceiling of the room, such a window
898 shall not be deemed to face directly to the outdoors and shall not be included as
899 contributing to the required minimum total window area. Whenever the only window
900 in a room is a skylight-type window in the top of such room, the total window area of
901 such skylight shall equal at least 15 percent of the total floor area of such room.

902
903 (b) *Exception.* These requirements shall not apply to habitable rooms that meet the
904 light and ventilation requirements of the land development code.

905
906 Sec. 74-143. - Openable window area.

907
908 (a) *Minimum standards.* Every habitable room shall have at least one window or
909 skylight which can easily be opened, or such other device as will adequately
910 ventilate the room. The total of openable window area in every habitable room shall
911 be equal to at least 40 percent of the required minimum window area size or
912 required minimum skylight-type window size, except where there is supplied some
913 other device affording adequate ventilation and approved by the city manager.

914
915 (b) *Exception.* These requirements shall not apply to habitable rooms that meet the
916 light and ventilation requirements of the land development code.

917
918 Sec. 74-144. - Bathrooms.

919
920 Every bathroom and water closet compartment shall comply with the light and
921 ventilation requirements for habitable rooms, except that no window or skylight shall be

922 required in adequately ventilated bathrooms and water closet compartments equipped
923 with a ventilation system approved by the city manager.

924

925 Sec. 74-145. - Light fixtures.

926

927 Every habitable room of every single-family dwelling shall contain at least two
928 separate wall-type electric convenience outlets or one such convenience outlet and one
929 supplied ceiling-type electric light fixture; and every water closet compartment,
930 bathroom, laundry room, furnace room, hall, stairway and foyer shall contain at least
931 one supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall
932 be properly installed, shall be maintained in good and safe working condition, and shall
933 be connected to the source of electric power in a safe manner.

934

935 Sec. 74-146. - Heating facilities.

936

937 Every dwelling shall have heating facilities which are properly installed and
938 maintained in safe and good working condition and capable of safely and adequately
939 heating all habitable rooms, bathrooms and water closet compartments in every
940 dwelling unit located therein as required by the city building code.

941

942 Sec. 74-147. - Minimum temperature requirements.

943

944 (a) Whenever the owner of any dwelling is furnishing heat for the tenants, it shall be the
945 duty of such owner to maintain and have available for each habitable room
946 occupied by such tenant sufficient quantities of heat to maintain compliance with the
947 heating requirement contained in the city building code through the months
948 commencing October 1 of any year and ending April 30 of the following year.

949

950 (b) Notwithstanding any other provision of this section to the contrary, the owner of a
951 dwelling who is furnishing heat for tenants shall not have to comply with the
952 minimum heating requirements established by this section whenever the city
953 manager has filed with the city clerk a statement establishing a minimum heating
954 requirement to the contrary. The city manager shall file with the city clerk a
955 statement which shall set forth the minimum temperature requirements for
956 dwellings, which minimum temperature requirements shall comply with the
957 standards established by the United States of America as part of its energy
958 conservation program. If the minimum temperature requirements established
959 pursuant to these provisions adversely affect the health of the individual occupying
960 the dwelling, the individual may request the landlord to provide additional heating up
961 to an amount sufficient to heat the dwelling to maintain compliance with the heating
962 requirements contained in the city building code. Upon the landlord receiving such
963 request either orally or in writing, the landlord shall provide the additional heat. If the
964 landlord fails to provide the additional heat, the occupant of the dwelling may
965 request the city manager to investigate the matter, and upon such request the city
966 manager shall conduct an investigation to determine if the health of the individual is
967 adversely affected by the lower temperature established by a national energy policy.
968 If it is determined that the health of the citizen is adversely affected, the city

969 manager shall notify the landlord, and from and after such notification the landlord
970 shall comply with the order of the city manager.

971
972 Secs. 74-148—74-160. - Reserved.

973
974 DIVISION 5. - SPACE, USE AND LOCATION

975
976 Sec. 74-161. - Generally.

977
978 No person shall occupy or let to another for occupancy any dwelling or dwelling unit,
979 for the purpose of living therein, which does not comply with the requirements in this
980 division.

981
982 Sec. 74-162. - Minimum floor space per occupant.

983
984 Every dwelling unit shall contain at least 150 square feet of floor space for the first
985 occupant thereof and at least 100 additional square feet of floor space for every
986 additional occupant thereof, the floor space to be calculated on the basis of total
987 habitable room area.

988
989 Sec. 74-163. - Minimum floor space for sleeping areas.

990
991 (a) *Minimum standards.* In every dwelling unit, every room occupied for sleeping
992 purposes by one occupant shall contain at least 70 square feet of floor space, and
993 every room occupied for sleeping purposes by more than one occupant shall
994 contain at least 50 square feet for every occupant thereof.

995
996 (b) *Exception.* These requirements shall not apply to mobile homes.

997
998 Sec. 74-164. - Access to bathrooms and sleeping rooms.

999
1000 No dwelling or dwelling unit containing two or more sleeping rooms shall have such
1001 room arrangements that access to a bathroom or water closet compartment intended for
1002 use by occupants of more than one sleeping room can be had only by going through
1003 another sleeping room, nor shall room arrangements be such that access to a sleeping
1004 room can be had only by going through another sleeping room or a bathroom or water
1005 closet compartment.

1006
1007 Sec. 74-165. - Ceiling height.

1008
1009 At least one-half of the floor area of every habitable room shall have a ceiling height
1010 of at least seven feet, and the floor area of that part of any room where the ceiling
1011 height is less than five feet shall not be considered as part of the floor area in computing
1012 the total floor area of the room for the purpose of determining the maximum permissible
1013 occupancy thereof.

1014
1015 Sec. 74-166. - Use of cellar or basement as habitable room or dwelling unit.

- 1016
1017 (a) No cellar space shall be used as a dwelling unit.
1018
1019 (b) No cellar or basement space shall be used as a habitable room, or basement space
1020 used as a dwelling unit unless:
1021
1022 (1) The floor and walls are impervious to leakage of underground and surface
1023 runoff water and are insulated against dampness;
1024
1025 (2) The total window area in each room is equal to at least the minimum window
1026 area size as required in division 4 of this article;
1027
1028 (3) Such required minimum window area is located entirely above the grade of the
1029 ground adjoining such window area; and
1030
1031 (4) The total openable window area in each room is equal to at least the minimum
1032 as required under division 4 of this article, except where there is supplied some
1033 other device affording adequate ventilation and approved by the city manager.
1034
1035 (c) Notwithstanding the provisions of this section, any basement or cellar space may be
1036 used for living, eating, cooking or sleeping if for each such use so made there are
1037 other facilities complying with this article available within the same dwelling for the
1038 occupants thereof, it being intended by this subsection that any basement or cellar
1039 space may be used as a habitable room if it is supplemental to or in addition to a
1040 dwelling unit or habitable room complying with this article.

1041
1042 Secs. 74-167—74-170. - Reserved.
1043

1044 ARTICLE IV. - LEAD POISONING
1045

1046 Sec. 74-171. - Purpose and scope of article.
1047

1048 The provisions of this article are designed to prevent and control elevated blood
1049 lead toxicity problems within the city by establishing limits of exposure to lead-bearing
1050 substances on exposed surfaces to which children may be commonly exposed, and to
1051 provide for notification of and abatement procedures for lead-bearing substances which
1052 are deemed a health hazard, and to prescribe penalties for the violation of this article
1053 and prescribe procedures by which the provisions of this article may be executed.
1054

1055 Sec. 74-172. - Definitions and enforcement procedures.
1056

1057 The definitions in section 74-1 shall apply to this article, and the enforcement
1058 procedures in article II of chapter 74 shall apply to this article when not in conflict with
1059 this article.
1060

1061 Sec. 74-173. - Penalty.
1062

1063 Upon conviction of a violation of this article, a person shall be punished as provided
1064 in section 1-7, except that the minimum fine shall be \$100.00 plus court costs.
1065

1066 Sec. 74-174. - Maintenance of lead hazard prohibited.
1067

1068 No person shall cause, maintain or permit on public or private property, or on
1069 premises owned or controlled by such person, a lead hazard as defined by the laws of
1070 this state or this article.
1071

1072 Sec. 74-175. - Surface application of lead-bearing substances.
1073

1074 No person shall use or apply lead-bearing substances:
1075

1076 (1) Upon any exposed surface;
1077

1078 (2) Upon any fixtures or other objects used, installed or located upon any exposed
1079 surface or intended to be so used, installed or located; or
1080

1081 (3) Upon any furniture, toys or playground equipment.
1082

1083 Sec. 74-176. - Manufacture or sale of articles containing lead-bearing substances.
1084

1085 No person shall manufacture, sell or hold for sale any of the following articles which
1086 have or contain lead-bearing substances:
1087

1088 (1) Any fixture or other object intended to be used, installed or located upon any
1089 exposed surface; or
1090

1091 (2) Any furniture, toys or playground equipment.
1092

1093 Sec. 74-177. - Warning labels on lead-bearing substances.
1094

1095 No person shall manufacture, sell or hold for sale any lead-bearing substance
1096 unless the lead-bearing substance is placed in a secured container bearing a
1097 conspicuous label, securely affixed upon the exterior of the container.
1098

1099 Sec. 74-178. - Reports of lead poisoning or lead toxicity.
1100

1101 Lead poisoning or lead toxicity is defined by the Center for Disease Control. It is
1102 hereby designated a reportable disease or condition, which shall be reported to the city
1103 manager.
1104

1105 Sec. 74-179. - Method of analysis for lead content.
1106

1107 Methods of analysis for lead content may be performed by atomic absorption
1108 spectrophotometry or by X-ray fluorescence spectrophotometry, provided either method
1109 is performed using equipment with sufficient sensitivity for the detection of

1110 concentrations of lead as specified in this article. Other test methods and procedures
1111 may be approved by the city manager.

1112
1113 Sec. 74-180. - Treatment of exposed surfaces containing lead-bearing substances.

1114
1115 (a) The city manager shall determine whether the lead-bearing substances in or upon
1116 exposed surfaces shall be either removed, encapsulated or securely and
1117 permanently covered. The removal or covering of lead-bearing substances shall be
1118 accomplished in any manner which will not endanger the health or life of human
1119 beings, and which will result in the safe elimination from the dwelling, day care
1120 facility or school and a safe disposal of flakes, chips, debris and other lead-bearing
1121 substances according to municipal, state or federal laws, rules or regulations.
1122 Subject to the requirements contained in the two preceding sentences, the city
1123 manager may determine the manner in which exposed surfaces containing lead-
1124 bearing substances shall be treated and may issue rules and regulations
1125 concerning such treatment.

1126
1127 (b) The city manager may grant an exemption from the requirement to treat exposed
1128 surfaces under the circumstances described in this subsection. Nothing contained in
1129 this subsection shall be construed to grant a right to such an exemption, but, rather,
1130 exemptions shall be granted in accordance with the interests of the public health,
1131 safety and welfare. An area must meet all of the following conditions in order to
1132 qualify for an exemption:

1133
1134 (1) Children are not allowed in the area except in the custody of a parent, guardian
1135 or other responsible adult.

1136
1137 (2) Children are not present in the area for more than five minutes at one time.

1138
1139 (3) The paint in the area is not chipping, flaking, cracked or peeling.

1140
1141 (4) No children under five years of age reside in any part of the building containing
1142 the area.

1143
1144 (c) If an exception is granted and the conditions under which it is granted no longer
1145 pertain, or if the building or area is found to be in violation of any of the conditions
1146 set forth in this section, the exemption shall be revoked. Revocation shall be made
1147 after notice and a hearing as set forth in article II of chapter 74 unless the city
1148 manager determines that an emergency exists, in which event the emergency
1149 procedures set forth in article II of chapter 74 shall apply.

1150
1151 Sec. 74-181. - Notice to abate lead hazard.

1152
1153 The city manager shall, upon completing each inspection and analysis pursuant to
1154 this article, make a written determination as to whether lead-bearing substances are
1155 present in or upon the exposed surfaces of the dwelling, day care facility or school or
1156 article in question. If the city manager determines that a lead hazard exists in or upon a

1157 dwelling, day care facility or school or upon an exposed surface, he shall notify the
1158 person causing, maintaining or permitting the lead hazard to abate or remove such
1159 hazard within the time to be specified in such notice. Such notification shall be made as
1160 set forth in article II of chapter 74.

1161
1162 Sec. 74-182. - Remedies for noncompliance.

1163
1164 (a) *Revocation of licenses, permits and utility service.* Whenever the city manager has
1165 ordered a person to correct a violation under this article and when such violation
1166 has not been corrected within the time specified by such order, thereafter the city
1167 manager may institute an administrative action to revoke any and all permits issued
1168 by the city for the use of that structure, including business licenses, occupancy
1169 permits and the right to receive utilities, by filing a notice of institution of a contested
1170 case before the administrative hearing officer in accordance with article II of chapter
1171 74

1172
1173 (b) *Abatement by city.* In addition to the remedies provided therein, the hearing officer
1174 shall have the authority to order the city manager to abate the lead hazard and to
1175 assess the cost of abatement against the owner of the property. The hearing officer
1176 shall certify the cost to the director of finance; and from the date of such certification
1177 there shall be a lien upon the land where such lead hazard was abated, such lien to
1178 run with the land for the full cost to the city for such abatement and in favor of the
1179 city, upon which the city may take appropriate action in accordance with law. If the
1180 property has been posted with notice to abate the lead hazard, the failure to give
1181 notice as set forth in article II of chapter 74 shall not in any way invalidate a lien
1182 against the land for costs of abating the lead hazard.

1183
1184 Secs. 74-183—74-190. - Reserved.

1185
1186 ARTICLE V. - APARTMENT SAFETY

1187
1188 DIVISION 1. - GENERALLY

1189
1190 Sec. 74-191. - Applicability of article.

1191
1192 In addition to all other provisions of this chapter, the requirements of this article shall
1193 apply to all apartment houses and all rooming houses.

1194
1195 Sec. 74-192. - Minimum requirements.

1196
1197 The requirements set forth in this article are minimums and shall be enforced as
1198 such. Improvements made to comply with these requirements shall not result in the city
1199 requiring that the entire structure be brought up to code, but shall be subject only to
1200 those code requirements that provide safety.

1201
1202 Sec. 74-193. - Enforcement.

1203

- 1204 (a) *Penalty; additional remedies.* Any person who violates the provisions of this article
1205 shall be subject to the penalties contained in section 1-7. In addition to other
1206 remedies set forth in this chapter, the city attorney is hereby authorized to make
1207 application to enjoin persons from maintaining, using, residing in or operating a
1208 building in violation of this article.
1209
- 1210 (b) *Suspension or revocation of registration or business license.* Failure of an owner to
1211 comply with the provisions of this article shall constitute cause for the city to
1212 suspend or revoke the rental housing registration and/or the business license.
1213 Revocation or suspension of the registration shall be conducted as a contested
1214 case pursuant to article II of this chapter. Revocation or suspension of the business
1215 license shall be in accordance with section 70-51
1216
- 1217 (c) *Revocation of permits and utility service.* Whenever the city manager has ordered a
1218 person to correct a violation and when such violation has not been corrected within
1219 the time specified by such order, thereafter the city manager may institute an
1220 administrative action to revoke any and all permits issued by the city under which
1221 the activity is conducted, including business licenses, occupancy permits, and the
1222 right to receive utilities for the activity or the building or structure wherein the activity
1223 is conducted, by filing a notice of institution of a contested case before an
1224 administrative hearing officer in accordance with article II of this chapter.
1225

1226 Secs. 74-194—74-210. - Reserved.

1227 1228 DIVISION 2. - ELECTRICAL REQUIREMENTS

1229
1230 Sec. 74-211. - Safe installation and maintenance required.

1231
1232 All electrical equipment, wiring and appliances shall be installed and maintained in a
1233 safe manner in accordance with all applicable laws. All electrical equipment shall be of
1234 an approved type.

1235
1236 Sec. 74-212. - Receptacles.

1237
1238 Every habitable space in a dwelling unit, and every rooming house room, shall
1239 contain at least two working separate and remote receptacle outlets in addition to a
1240 standard working ceiling-mounted light fixture. If a standard ceiling light fixture has not
1241 been provided, an additional remotely located switched wall receptacle shall be
1242 provided.

1243
1244 Sec. 74-213. - Lighting fixtures in public spaces.

1245
1246 Every public hall, exit, water closet compartment, bathroom and laundry room shall
1247 contain at least one working electric lighting fixture. Every public hall and stairway in
1248 every multiple dwelling containing five or more dwelling units shall have sufficient
1249 natural or artificial light to provide illumination of six foot-candles power to every part of
1250 such area at all times. Every public hall and stairway in structures devoted solely to

1251 dwelling occupancy and containing not more than four dwelling units may be supplied
1252 with conveniently located light switches, controlling an adequate lighting system which
1253 may be turned on when needed, instead of full-time lighting.

1254
1255 Sec. 74-214. - Correction of hazardous conditions.

1256
1257 When it is found that the electrical system in a structure constitutes a hazard to the
1258 occupants of the structure by reason of inadequate service (a service is inadequate only
1259 if it does not provide for the minimum requirements of this article and any additional
1260 equipment supplied by the owner), improper fusing, improper wiring or installation,
1261 deterioration or damage or for similar reasons, the city manager shall require the
1262 defects to be corrected to eliminate that hazard. For purposes of this section, improper
1263 wiring or installation includes but is not limited to frayed wire, wire not approved for
1264 permanent wiring, splices not connected properly or not in boxes, fixtures that are not
1265 fastened properly or have been wired improperly, improper use of extension cords, and
1266 boxes that are not covered. If the existing electric system does not meet the present
1267 electrical code adopted by the city, then the electric panel shall have circuits protected
1268 by either circuit breakers or type "S" fusing. The circuit breakers and type "S" fuses shall
1269 be properly sized for the existing wiring.

1270
1271 Secs. 74-215—74-230. - Reserved.

1272
1273 DIVISION 3. - PLUMBING REQUIREMENTS

1274
1275 Sec. 74-231. - Safe installation and maintenance required.

1276
1277 All plumbing systems shall be installed and maintained in a safe and usable
1278 condition. Water supply lines, plumbing fixtures, vents and drains shall be safely
1279 installed, connected and maintained in working order to meet the minimum
1280 requirements of this article. All water heaters shall be supplied with an approved
1281 pressure relief valve with a drip-leg pipe down to within six inches of the floor. Drip legs
1282 are not required if the water heater is in an uninhabitable space.

1283
1284 Sec. 74-232. - Minimum facilities for dwelling units.

1285
1286 Every dwelling unit shall contain, within its walls, a room separate from habitable
1287 spaces which affords privacy and a workable water closet supplied with cold running
1288 water. Every dwelling unit shall contain a room which affords privacy to a person in the
1289 room and which is equipped with a workable bathtub or shower supplied with hot and
1290 cold running water. Every dwelling unit shall contain a workable sink and such sink shall
1291 be supplied with hot and cold running water.

1292
1293 Sec. 74-233. - Minimum facilities for rooming houses.

1294
1295 At least one water closet, lavatory basin, and bathtub or shower properly connected
1296 to an approved water and sewer system and in good working condition shall be supplied
1297 for each four rooms within a rooming house, wherever such facilities are shared. Every

1298 lavatory basin and bathtub or shower shall be supplied with hot and cold water at all
1299 times, and shall afford privacy to a person using the water closet, bathtub or shower.

1300
1301 Secs. 74-234—74-250. - Reserved.

1302
1303 DIVISION 4. - MECHANICAL REQUIREMENTS

1304
1305 Sec. 74-251. - Safe installation and maintenance required.

1306
1307 All mechanical systems shall be properly installed and safely maintained in good
1308 working condition and be capable of performing the function for which they were
1309 designed and intended. All vented fuel-burning equipment shall be connected to an
1310 approved chimney or vent. All safety controls for fuel-burning equipment shall be
1311 maintained in effective operation. A supply of air for combustion of the fuel and for
1312 ventilation of the space shall be provided for the fuel-burning equipment.

1313
1314 Sec. 74-252. - Heating equipment.

1315
1316 Each dwelling unit or rooming house room shall have a permanently installed device
1317 that will provide heat during the cold weather season.

1318
1319 Secs. 74-253—74-270. - Reserved.

1320
1321 DIVISION 5. - SMOKE DETECTORS

1322
1323 Sec. 74-271. - Responsibilities of owner.

1324
1325 The owner of the building shall supply and install all required smoke detectors. The
1326 owner shall test and maintain in a fully operable condition all smoke detectors in
1327 common areas. No owner shall rent, lease or let any dwelling unit or room that does not
1328 have functional and working detectors at the time of occupancy. The tenant shall sign a
1329 statement signifying that all smoke detectors were in fully operative condition on the
1330 date of lease. The owner shall be responsible for providing each tenant with written
1331 information regarding detector testing and maintenance. The owner shall not be liable
1332 for any damages caused from the smoke detector being tampered with or disabled in
1333 any way by the tenant.

1334
1335 Sec. 74-272. - Responsibilities of tenant.

1336
1337 The tenant shall provide and maintain functional batteries for each battery powered
1338 smoke detector and shall not disconnect the electrical source from electrically powered
1339 smoke detectors. The tenant shall not remove or relocate any smoke detector installed
1340 by the owner. The tenant shall test and maintain detectors within the dwelling unit or
1341 room and notify the owner or agent in writing of any deficiencies.

1342
1343 Sec. 74-273. - Location.

1344

1345 Smoke detectors shall be located to comply with the International Fire Code/2000,
1346 the International Building Code/2000 and the International Residential Code/2000.

1347
1348 Sec. 74-274. - Quality.

1349
1350 Smoke detectors shall comply with the standards set forth in the International Fire
1351 Code/2000, the International Building Code/2000 and the International Residential
1352 Code/2000.

1353
1354 Secs. 74-275—74-290. - Reserved.

1355
1356 DIVISION 6. - EXIT REQUIREMENTS

1357
1358 Sec. 74-291. - General requirements.

1359
1360 Exit requirements shall comply with the International Fire Code/2000, the
1361 International Building Code/2000 and the International Residential Code/2000.

1362
1363 Sec. 74-292. - Smoke detectors.

1364
1365 Smoke detector installation shall comply with the International Fire Code/2000, the
1366 International Building Code/2000 and the International Residential Code/2000.

1367
1368 Secs. 74-293—74-320. - Reserved.

1369
1370 ARTICLE VI. - RENTAL PROPERTY REGISTRATION

1371
1372 DIVISION 1. - GENERALLY

1373
1374 Sec. 74-321. - Penalties.

1375
1376 (a) Any person found guilty of any violation specified in this article may be punished
1377 under section 1-7; however, there shall be a minimum fine of \$300.00.

1378
1379 (b) Any tenant who sublets any residential unit so that more than three unrelated
1380 tenants reside in that unit may be punished under section 1-7, unless more
1381 unrelated tenants are permitted under other sections of this Code; however, there
1382 shall be a minimum fine of \$100.00.

1383
1384 Sec. 74-322. - Registration required.

1385
1386 No person shall rent property described in this article to any other person without
1387 obtaining and maintaining a current valid registration.

1388
1389 Sec. 74-323. - Compliance.

1390

1391 The owner of any apartment house, boardinghouse, lodging house, rooming house,
1392 fraternity or sorority shall register with the city manager as rental housing and shall
1393 designate for each building under his ownership a local person as the registered local
1394 agent who shall be legally responsible for operating the registered rental housing in
1395 compliance with all of the provisions of the codes and ordinances of the city and shall
1396 also be responsible for providing access to such property for the purposes of making
1397 the inspections necessary to ensure such compliance.
1398

1399 Sec. 74-324. - Application.
1400

1401 (a) *Application to be made by owner.* Application for the registration of rental housing
1402 shall be made by any owner of record. Where an applicant is not shown as the
1403 owner of record in accordance with the information regularly furnished to the city by
1404 the county recorder of deeds, the city manager may require presentation of
1405 satisfactory evidence of ownership.
1406

1407 (b) *False statements.* The application shall be in writing, signed and sworn to by the
1408 applicant. It shall be unlawful for any person to make a false statement in any
1409 application for the registration of rental housing.
1410

1411 (c) *Form and contents.* The application shall be made in such form and in accordance
1412 with such instructions as may be furnished by the city manager, and shall include, in
1413 such reasonable detail as he may require, at least the following information:
1414

1415 (1) An identification of the premises by the street number and name or by parcel
1416 identification number provided by the county assessor's office.
1417

1418 (2) The name and address of the applicant.
1419

1420 (3) The names and addresses of all the owners of the premises.
1421

1422 (4) The name, local residential and business street addresses and local residential
1423 and business telephone numbers of the registered local agent (RLA)
1424 designated by the owner to receive service of any notice, order or summons
1425 issued because of a violation of this chapter.
1426

1427 (5) The number of dwelling units in each building on the parcel and the number of
1428 roomers and boarders.
1429

1430 (6) The name, address and phone number of the local registered agent together
1431 with a signed acknowledgment of his understanding of his duties and
1432 responsibilities as a local registered agent.
1433

1434 Sec. 74-325. - Fee.
1435

1436 There shall be a registration fee for all rental property required to be registered
1437 pursuant to this article in the amount of \$12.00; however, if a person is charged a

1438 license fee pursuant to section 70-84(6) or 70-84(116), then no such registration fee
1439 shall be required.

1440
1441 Sec. 74-326. - Term; transfer.

1442
1443 The term of registration shall be annual and shall expire on the last day of the
1444 calendar year. In the event of a transfer of ownership, the registration shall become
1445 invalid. The new owner shall make application for registration within ten days of transfer
1446 of ownership. The registration is not transferable to any other building or to another
1447 owner.

1448
1449 Sec. 74-327. - Suspension or revocation.

1450
1451 The city manager may institute a contested case under article II of this chapter to
1452 suspend or revoke a rental housing registration or occupancy permit or institute any
1453 other procedures authorized in this article for one or more of the following causes:

- 1454
1455 (1) Failure to obtain and maintain a current valid registration.
1456
1457 (2) Repeated failures to have at least one registered local agent available as
1458 required by this article.
1459
1460 (3) Failure to comply with the residential occupancy limits established in the city
1461 zoning ordinance. Each tenant beyond the maximum permitted by the city
1462 zoning ordinance shall constitute a separate violation.
1463
1464 (4) Rental of any unit which fails to meet the requirements of the building, fire,
1465 electrical or other similar codes of the city.
1466
1467 (5) Violation of any other provision of this article.

1468
1469 Sec. 74-328. - Occupancy prohibited while registration is suspended or revoked.

1470
1471 No person shall occupy, for sleeping or living purposes, any unit while registration of
1472 that unit is suspended or revoked.

1473
1474 Sec. 74-329. - Designation and responsibilities of registered local agent.

- 1475
1476 (a) *Designation and qualifications.* The owner of any apartment building containing two
1477 or more dwelling units, any boardinghouse, lodging house, rooming house, fraternity
1478 or sorority shall designate for each building a local person as the registered local
1479 agent. Such registered local agent shall be a local individual person, as opposed to
1480 a corporation, partnership, firm, joint venture, trust, association, organization or
1481 other entity, having his place of residence and/or place of business located in the
1482 state and the city or within the County of Greene or any contiguous county to the
1483 County of Greene along with Taney and Stone counties. The registered local agent

1484 may be the owner of the rental housing or a tenant, lessee, occupant or any other
1485 individual person with their written consent.

1486
1487 (b) *Limitation on number.* Fraternities, sororities, boardinghouses, lodging houses or
1488 rooming houses shall not designate more than four registered local agents.

1489
1490 (c) *Responsibilities.* The registered local agents shall be designated by the owner of
1491 the property as legally responsible for operating such property in compliance with all
1492 of the provisions of the codes and ordinances of the city, and shall also be
1493 responsible for providing access to such property for the purpose of making the
1494 inspections necessary to ensure compliance with the codes and ordinances of the
1495 city. All official notices of the city may be served upon the registered local agent,
1496 and any notice so served on the registered local agent shall be deemed to have
1497 been served upon the owner of record. At least one registered local agent shall be
1498 available at all times for purposes of controlling activities or conduct which occurs
1499 on the premises. If the owners designate more than one registered local agent, then
1500 the registered local agents shall be individually and jointly responsible for seeing
1501 that at least one local agent is available at all times for purpose of controlling
1502 activities or conduct on the premises.

1503
1504 Sec. 74-330. - Exception to requirement that local agent be an individual.

1505
1506 Notwithstanding any other provision of this article to the contrary, the owner of a
1507 fraternity or sorority house may designate the fraternity or sorority corporation as a
1508 registered local agent, provided information is provided to the city manager concerning
1509 the corporation to demonstrate to the satisfaction of the city attorney that such
1510 corporation can in fact serve as a registered local agent. Whenever such a corporation
1511 has been designated and accepted as a registered local agent, the corporation shall
1512 also designate at least one person who resides on the premises to act as the agent of
1513 such corporation in carrying out the duties established for a registered local agent.
1514 When such a corporation has been designated as a registered local agent, actions for
1515 failure to perform the duties of a registered local agent shall be brought against the
1516 corporation. Any such corporation which fails to pay any penalties assessed pursuant to
1517 this article after a decision becomes final shall be subject to suspension or revocation of
1518 its license in accordance with the procedures set forth in this article.

1519
1520 Sec. 74-331. - Prerequisites for issuance of occupancy permit.

1521
1522 The city manager shall not issue a residential occupancy permit for any dwelling
1523 unit in a building containing two or more dwelling units, or in a lodging house,
1524 boardinghouse, rooming house, fraternity or sorority, unless a current rental housing
1525 registration is in effect, the registered local agent is properly designated, and the fees
1526 for the registration plus any penalties are paid in full.

1527
1528 Sec. 74-332. - Presumption regarding residency.

1529

1530 For purposes of this article, an individual is presumed to reside at a rental property if
1531 he does one or more of the following:

- 1532
- 1533 (1) Gives that location to any person as a place where he may be reached by mail;
 - 1534
 - 1535 (2) Pays, or has money paid on his behalf, to use that location; or
 - 1536
 - 1537 (3) Gives the phone number of that location to any person as his home telephone
 - 1538 number.

1539

1540 Secs. 74-333—74-350. - Reserved.

1541

1542 DIVISION 2. - DESIGNATED NEIGHBORHOOD AREAS

1543

1544 Sec. 74-351. - Applicability of division.

1545

1546 Due to the problems experienced as a result of certain neighborhoods' proximity to

1547 college campuses within the city limits and the need to conserve the residential quality

1548 and nature of those neighborhoods, the provisions of this division shall apply to the

1549 following designated neighborhood areas, in addition to all other provisions of this

1550 article:

- 1551
- 1552 (1) *Rountree Urban Conservation District.* All that area bounded generally on the
 - 1553 north by the north property lines of lots on the north side of Cherry Street, on
 - 1554 the west by National Avenue, on the south by the south property lines of lots on
 - 1555 the south side of Grand Street, and on the east by the east property lines of lots
 - 1556 on the east side of Delaware Avenue and by the Burlington-Northern Railroad
 - 1557 right-of-way, as more completely described in General Ordinance No. 3645.
 - 1558
 - 1559 (2) *Phelps Grove Neighborhood Area.* All that area bounded by the south side of
 - 1560 Grand Street from Jefferson Avenue to National Avenue, the west side of
 - 1561 National Avenue from Grand Street to Brookside Drive, the north side of
 - 1562 Brookside Drive between National Avenue and Clay Avenue, the north side of
 - 1563 Bennett Street between Clay and Jefferson Avenues, and the east side of
 - 1564 Jefferson Avenue between Grand and Bennett Streets.

1565

1566 Sec. 74-352. - Registration and occupancy permit; inspections.

1567

1568 (a) *Registration; designation of agent.*

- 1569
- 1570 (1) All rental housing containing less than two units shall be registered with the city
 - 1571 manager and shall be subject to all provisions of this article.
 - 1572
 - 1573 (2) The owner of any apartment building, any boardinghouse, lodging house,
 - 1574 rooming house, fraternity or sorority, duplex, single-family residence or any
 - 1575 other dwelling unit which is utilized as rental housing shall designate for each
 - 1576 building under his ownership a local person as the registered local agent. Such

1577 registered local agent shall be a local individual person, as opposed to a
1578 corporation, partnership, firm, joint venture, trust, association, organization or
1579 other entity, having his place of residence and/or place of business located in
1580 the state and city.

1581
1582 The registered local agent may be the owner of the rental housing, a tenant,
1583 a lessee, occupant or any other individual person and in the case of a
1584 fraternity or sorority as provided in section 74-330.

1585
1586 (b) *Occupancy permit required; exceptions; contents; transfer.* It shall be unlawful for
1587 any person to occupy or for any owner or agent thereof to permit the occupation of
1588 any building or addition thereto, or part thereof, for any purpose, until a certificate of
1589 occupancy has been issued by the city manager. The certificate of occupancy so
1590 issued shall state that the occupancy complies with all the provisions of this article.
1591 This section shall not apply to any occupancy in existence on January 1, 1986, or to
1592 any multifamily housing containing three or more units. The occupancy permit shall
1593 specify the name and address of the occupant and shall not be transferable to any
1594 other person or address.

1595
1596 (c) *Application for occupancy permit; fee.* The fee for such occupancy permit shall be in
1597 an amount approved by the voters for each dwelling unit occupied. It shall be
1598 unlawful for any person to knowingly make any false statement in his application for
1599 an occupancy permit as to the names, ages, relationship or number of occupants
1600 who will occupy the premises.

1601
1602 (d) *Inspections.*

1603
1604 (1) The city manager is authorized and directed to make inspections of
1605 substantially all of the units in housing containing three or more units and all
1606 common areas. The inspection shall be to determine whether property subject
1607 to this article conforms to the requirements in this article. For the purpose of
1608 making such inspections, the city manager is authorized to enter, examine and
1609 survey at all reasonable times all such premises, on an annual basis.

1610
1611 (2) The city manager is authorized and directed to make inspections of each rental
1612 unit in all other housing whenever there is a change in the occupancy of the
1613 unit.

1614
1615 (3) The owner of housing containing three or more units, and either the owner or
1616 the occupant of each dwelling unit in premises containing one or two units, shall
1617 give the city manager free access thereto at all reasonable times for the
1618 purpose of such inspection, examination and survey. If the owner or occupant
1619 shall refuse access to any such premises, the city manager shall have authority
1620 to request a search warrant pursuant to the provisions of article II of this
1621 chapter.

1622
1623 (e) *Violations; penalties.*

- 1624
1625 (1) Any tenant who fails to obtain an occupancy permit shall be punishable under
1626 section 1-7
1627
1628 (2) Any tenant who sublets any residential unit in violation of this article shall be
1629 subject to administrative procedures under article II of this chapter to suspend
1630 or revoke the tenant's occupancy permit.
1631
1632 (3) For every student found to be renting property which is in violation of this article,
1633 the city may notify the dean of students of the applicable college or university.
1634
1635 (f) *Lease terms.* Each lease or rental contract entered into regarding rental housing
1636 containing one or two units which is zoned R-SF or R-TH and is located in the
1637 designated neighborhood areas shall contain the following language: "Occupancy
1638 limited to one family or three unrelated people. Each tenant must get an occupancy
1639 permit from the City Manager. A violation of these requirements may result in a fine
1640 up to \$500.00 and 180 days in jail." This language shall also be posted on all such
1641 rental property. A failure to comply with this section shall render the lease or
1642 contract null and void.
1643

1644 Sec. 74-353. - Administrative enforcement.
1645

- 1646 (a) Any person who believes that a violation of this article is occurring or has occurred
1647 may file a complaint with the city manager.
1648
1649 (b) For purposes of violations of this article, the administrative enforcement procedure
1650 shall be as follows:
1651
1652 (1) At any time when the city manager feels he has sufficient evidence, a contested
1653 case may be instituted under article II of this chapter to suspend or revoke a
1654 rental housing registration for all or a portion of the property described in the
1655 registration, or for such other remedies as provided in this chapter.
1656
1657 (2) A suspension shall remain in effect until the registrant demonstrates compliance
1658 with the terms of this article, or for such other period as prescribed by the
1659 administrative hearing officer.
1660
1661 (3) A registrant whose registration for certain premises is revoked may not reapply
1662 for registration of those premises for 60 days.
1663

1664 Secs. 74-354—74-380. - Reserved.
1665

1666 ARTICLE VII. – NUISANCES
1667

1668 DIVISION 1. - GENERALLY
1669

1670 Sec. 74-381. - General prohibition.

1671
1672 Any person who causes, maintains, or permits a nuisance as defined by the laws of
1673 this state or this chapter on public property violates this chapter. Any property owner
1674 who permits a nuisance as defined by the laws of this state or this chapter to exist on
1675 the owner's property also violates this chapter.
1676

1677 Sec. 74-382. Property Owner's Responsibility for Nuisance Abatement
1678

1679 A property owner has an ongoing obligation to remove or abate nuisances from all the
1680 owner's lots or lands, including, without limitation:

- 1681 (a) debris of any kind;
1682
1683 (b) weed cuttings;
1684
1685 (c) cut, fallen, or hazardous trees and shrubs;
1686
1687 (d) overgrown vegetation and noxious weeds 12 inches or more in height;
1688
1689 (e) rubbish and trash;
1690
1691 (f) lumber not piled or stacked twelve inches off the ground;
1692
1693 (g) firewood not neatly stacked 6 inches off the ground;
1694
1695 (h) rocks or bricks;
1696
1697 (i) steel;
1698
1699 (j) parts of derelict cars or trucks;
1700
1701 (k) broken furniture;
1702
1703 (l) furniture manufactured for indoor use only on porches and other exterior
1704 areas open to the elements;
1705
1706 (m) any flammable material that may endanger public safety; or,
1707
1708 (n) any material or condition that is unhealthy or unsafe and is hereby
1709 declared to be a public nuisance, like:
1710
1711 (1) carcasses of animals remaining exposed more than six hours after
1712 death;
1713
1714 (2) ashes, slops, filth, excrement, stones, straw, soot, solid waste,
1715 manure, offal, stagnant water;
1716
1717

- 1718 (3) all sorts of decaying animal matter;
1719
1720 (4) decaying fruits or vegetables;
1721
1722 (5) broken kitchenware;
1723
1724 (6) wrecks or parts of worn-out automobiles or other machines;
1725
1726 (7) scrap iron or other metals;
1727
1728 (8) tin cans, old bottles, broken glass;
1729
1730 (9) discarded wearing apparel;
1731
1732 (10) old, dilapidated barns, sheds, or other buildings that:
1733
1734 a. are offensive to the sight or smell;
1735
1736 b. do or could harbor or breed mosquitoes, ants, flies, rats, mice,
1737 or other insects, animals or vermin; or,
1738
1739 c. provide shelter, food or protection for rodents;
1740
1741 (11) water, steam, and condensation drained from, emitted from, or
1742 thrown upon, any sidewalk, parkway, alley or street from any place
1743 occupied by a commercial or business structure or any appurtenances
1744 belonging thereto;
1745
1746 (12) dust made air borne by motor vehicles, racing cars, rides, or other
1747 motor-driven contrivances and carried beyond the premises of
1748 operation in such quantities as to interfere with reasonable enjoyment
1749 of any nearby property;
1750
1751 (13) factories, slaughterhouses, and all places of business causing an
1752 offensive odor to a greater extent than required to carry on such
1753 business;
1754
1755 (14) garbage not deposited in suitable containers for removal;
1756
1757 (15) green or unsalted hides kept in an exposed or open place;
1758
1759 (16) hog pens;
1760
1761 (17) paper, magazines, rags, sawdust, boxes, straw, or other similar
1762 substances, or leaves, left more than 48 hours;
1763
1764 (18) privies in an overflowing, leaking, or filthy condition;

- 1765
1766 (19) ponds or pools of unclean water;
1767
1768 (20) rendering, heating, or steaming animal or vegetable matter that
1769 causes disagreeable odors beyond the originating premises;
1770
1771 (21) stables, stalls, sheds, pens, or yards in which any horses or cattle
1772 have been kept which are in an unclean condition;
1773
1774 (22) substances or things which cause an odor disagreeable to
1775 surrounding properties;
1776
1777 (23) a building, structure, or other condition apt to cause injury to the
1778 traveling public, or apt to obstruct, injure, or destroy the public ways of
1779 the city;
1780
1781 (24) exterior lighting in residential areas that shines on adjoining
1782 residential property and adversely affects the use and enjoyment of
1783 those persons who own, occupy, or use the adjoining property;
1784
1785 (25) dilapidated fences that blight or progressively deteriorate or
1786 downgrade a neighborhood that are:
1787
1788 a. rusted, rotten, or otherwise not properly maintained;
1789
1790 b. made of scrap or other old materials;
1791
1792 c. made of dissimilar materials which do not have any design
1793 continuity; or
1794
1795 d. decorated with colors or writings that are not uniform; or,
1796
1797 (26) outdoor storage of material on property that:
1798
1799 a. creates a potential mosquito breeding area by collecting and
1800 holding water;
1801
1802 b. creates a potential rodent or vermin harborage; or,
1803
1804 c. has weeds, grass, brush, trees or other vegetation growing in or
1805 through stored material.
1806
1807 Sec. 74-384. - Reserved.
1808
1809 Sec. 74-385. - Reserved.
1810
1811 Sec. 74-385.1. - Outside storage of rubber tires.

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It shall be unlawful for any person to store or keep a rubber tire outside of a building unless the tire is stored in a way or is in a condition that it will not collect water, or unless the person owning or using the property regularly sprays the tire for mosquitoes as set forth in the regulations adopted by the Springfield Greene County Health Department (department), a copy of which is on file with the city clerk (regulations). Such regulations may be amended from time to time by the director of health filing new regulations with the city clerk provided regulations shall be on file for ten days with the city clerk before they are effective. Any person who stores a rubber tire outside of a building that does not store the tire in a way or in a condition which prevents the tire from accumulating water shall spray such tire and maintain records in accordance with the regulations. Notwithstanding compliance with the regulations, it shall be unlawful for any person to have or maintain on property they own or use a rubber tire which is outside a building that is a breeding area for mosquitoes.

Sec. 74-386. - Penalty for violation of section 74-381.

Notwithstanding any other provision of this Code to the contrary, any person who has been found guilty of violating section 74-381 shall be required to pay a minimum fine of \$25.00 for the first offense. Any person who has been found guilty of violating section 74-381 a second time during a 12-month period shall pay a minimum fine of \$50.00. Any person who is found guilty of violating section 74-381 a third time within a 12-month period shall be fined a minimum of \$150.00. Any person who is found guilty of violating section 74-381 four times or more within a 12-month period shall be fined a minimum of \$300.00 for the fourth offense and each subsequent offense within a 12-month period. If a person is charged and found guilty of more than one offense on the same day, then all such offenses on that day for purposes of this section shall be counted as one violation.

Sec. 74-387. - Operation of motorcycles, motorized bicycles or all-terrain vehicles creating nuisance conditions.

(a) *Notice prohibiting operation.* Whenever the operation of motorcycles, motorized bicycles or all-terrain vehicles creates noise, dust, erosion or other conditions which in the determination of the city manager constitute a public nuisance either on the property or to adjoining property, the city manager may declare that further operation of motorcycles, motorized bicycles or all-terrain vehicles upon the property is prohibited. Thereafter, the city manager shall notify the property owner or the person in charge of the property by posting the property with a notice declaring that use of the land by motorcycles, motorized bicycles or all-terrain vehicles constitutes a public nuisance and is to be prohibited. In addition to such notice, the city manager shall mail a letter to the owner stating that the use of the property for the operation of motorcycles, motorized bicycles or all-terrain vehicles is creating a nuisance. After the land is posted, it shall be unlawful to operate a motorcycle, motorized bicycle or all-terrain vehicle upon the property until the hearing is held on such declaration or until the declaration becomes final.

1859 (b) *Request for hearing.* The notice posted on the property and in the letter to the
1860 property owner shall state that the order will become final unless the property owner
1861 requests a hearing within five days from the date the property is posted and that it
1862 shall be in violation of the city ordinances to operate a motorcycle, motorized bicycle
1863 or all-terrain vehicle upon the property until a public hearing is held or the
1864 declaration becomes final. The owner of the property shall request within five days
1865 from the date that the property is posted that a public hearing be held on the
1866 declaration of public nuisance or the declaration shall become final. A request for a
1867 public hearing shall be made by filing with the city clerk a request for such a
1868 hearing, and upon requesting a hearing there shall be held within five days from the
1869 date of the request a hearing to determine whether or not a public nuisance exists
1870 because of the operation of motorcycles, motorized bicycles or all-terrain vehicles
1871 on the property. Nothing contained in this subsection shall be construed to make an
1872 owner of the land responsible for such nuisance unless the owner has given
1873 permission to operate motorcycles, motorized bicycles or all-terrain vehicles on the
1874 land.

1875
1876 (c) *Conduct of hearing.* If a public hearing is held, the city manager shall appoint a
1877 person to hear the matter as a hearing examiner, and upon all the evidence being
1878 presented the hearing examiner shall determine whether or not, in fact, there exists
1879 a public nuisance. If, in fact, a public nuisance does exist because of the operation
1880 of motorcycles, motorized bicycles or all-terrain vehicles upon the property, the
1881 hearing examiner shall thereafter make a declaration and order the property to be
1882 posted prohibiting the operation of motorcycles, motorized bicycles or all-terrain
1883 vehicles upon the property. After the property is posted, it shall thereafter be
1884 unlawful to operate motorcycles, motorized bicycles or all-terrain vehicles upon the
1885 property. If the hearing examiner finds that no such nuisance exists, the hearing
1886 examiner shall enter an order so stating and signs posted on the property shall be
1887 removed. The owner of the property or the person in control of the property may
1888 appeal the decision of the hearing examiner in accordance with the appeals
1889 procedures set forth in section 74-38. A property owner or the person in charge of
1890 the property may request at any time after the property has been posted for at least
1891 60 days that a hearing be held to determine if the nuisance is continuing, and upon
1892 such a request being made, the hearing examiner shall proceed to hear the matter.

1893
1894 Sec. 74-388. - Storage of inoperable vehicles or vehicles designed for racing.

1895
1896 Wrecked, discarded or inoperable vehicles shall be parked or stored within the city
1897 in compliance with section 106-35, and all stock cars or drag cars shall be parked or
1898 stored within the city in compliance with section 106-36.

1899
1900 Sec. 74-389. - Reserved.

1901
1902 Sec. 74-390. - Definitions.

1903
1904 As used in Sections 74-391, 74-392 and 74-393 the following words are defined as:
1905

1906 "Controlled substances" means drugs, substances, or immediate precursors in
1907 Schedules I through V listed in Sections 195.005 to 195.425, RSMo. and for purposes
1908 of this definition shall include anhydrous ammonia possessed in violation of RSMo.
1909 578.154.

1910
1911 "Inhabitable structure" means a ship, trailer, sleeping car, airplane, or other vehicle
1912 or structure:

- 1913
- 1914 (1) Where any person lives or carries on business or other calling; or
 - 1915
 - 1916 (2) Where people assemble for purposes of business, government, education,
1917 religion, entertainment or public transportation; or
 - 1918
 - 1919 (3) Which is used for overnight accommodation of persons. Any such vehicle or
1920 structure is "inhabitable" regardless of whether a person is actually present.

1921
1922 "Hearing officer" such person as designated by the city manager to hear
1923 administrative matters.

1924
1925 "Place" means any building, dwelling unit, lot, plot or parcel of land, premises, room
1926 or structure.

1927
1928 Sec. 74-391. - Places used for illegal sale, manufacture and use of controlled
1929 substances.

- 1930
- 1931 A. Any room, building, structure or inhabitable structure in which occurs the illegal use,
1932 manufacture, keeping or selling of controlled substances is a public nuisance. No
1933 person shall keep or maintain such a public nuisance.
 - 1934
 - 1935 B. The chief of police or his designee shall notify the owner and occupant of any place
1936 used for the illegal use, manufacture, keeping or selling of controlled substances
1937 that the place is in violation of this section, including the reason why, and that if the
1938 place continues to be used in such a manner a hearing shall be held to determine
1939 whether a public nuisance exists and, if so, to determine the appropriate abatement
1940 remedies. Notice shall be by personal service, certified mail, private delivery
1941 service, publication or by posting on the premises.
 - 1942
 - 1943 C. Upon receiving information that the illegal use, manufacture, keeping or selling of
1944 controlled substances continues to occur after the notice required in this section has
1945 been issued, the chief of police or his designee may file a petition with the office of
1946 the city clerk which shall state what relief is sought or proposed and the reason for
1947 granting it. The petition should be filed within six months of the last occurrence of
1948 keeping or maintaining the public nuisance unless a delay in filing is required by an
1949 ongoing investigation or other extraordinary circumstance but not to exceed one
1950 year from the date of the last occurrence.

1951

1952 D. The petition shall be forwarded to the hearing officer who shall set the time and
1953 location for a hearing, and shall cause notice thereof and a copy of the petition to be
1954 served on the owner and occupant, if any, of the inhabitable structure or place at
1955 least ten days prior to the hearing. Service shall be personal, by certified mail,
1956 private delivery service, publication or by posting on the premises and the hearing
1957 shall be conducted in the manner set forth in RSMo 536.070.
1958

1959 E. If the hearing officer finds that the owner of the room, building, structure or
1960 inhabitable structure knew that the place was being used for the illegal use,
1961 manufacture, keeping or selling of controlled substances, the hearing officer may
1962 enter an order directing that the place be vacated and not be occupied or used for
1963 such period as the hearing officer may determine, not to exceed one year. The
1964 hearing officer may also suspend utilities for up to one year. If the "inhabitable
1965 structure" is a vehicle, the hearing officer may issue an order that will prevent the
1966 vehicle from continuing to be a public nuisance. Upon finding that an inhabitable
1967 structure or place is a public nuisance, the hearing office may include in his decision
1968 an order directed to occupants to vacate the property.
1969

1970 Sec. 74-392. - Places used for the commission of crimes or ordinance violations, or acts
1971 done, permitted, allowed or continued to the damage or injury of any inhabitants of the
1972 city.
1973

1974 A. Any place that is used for the commission of crimes, ordinance violations, or acts
1975 done, permitted, allowed or continued to the damage or injury of any of the
1976 inhabitants of the city after notice is given and the place continues to be used for the
1977 commission of crimes, ordinance violations, or acts done, permitted, allowed or
1978 continued to the damage or injury of any inhabitants of the city is a public nuisance.
1979

1980 B. The chief of police or director of health or other head of a department charged with
1981 ordinance or code enforcement or their respective designees shall notify the owner
1982 and occupant of any place used for the commission of crimes, ordinance violations,
1983 or acts done, permitted, allowed or continued to the damage or injury of any
1984 inhabitants of the city, that the place is in violation of this section, including the
1985 reason why, and that if the place continues to be used in such a manner a hearing
1986 shall be held to determine whether a public nuisance exists and, if so, to determine
1987 the appropriate abatement remedies. Notice shall be by personal service, certified
1988 mail, private delivery service, publication, or by posting on the premises.
1989

1990 C. If the place continues to be used for the commission of crimes, ordinance violations,
1991 or acts done, permitted, allowed or continued to the damage or injury of any
1992 inhabitants of the city, after such notice, the chief of police or director of health or
1993 other head of a department charged with ordinance or code enforcement or their
1994 respective designees shall file a petition with the city clerk which shall state what
1995 relief is sought or proposed and the reason for granting it. The petition should be
1996 filed within six months of the last occurrence of an act constituting a public nuisance
1997 pursuant to this section unless a delay in filing is required by an ongoing

- 1998 investigation or other extraordinary circumstance but not to exceed one year from
1999 the date of the last occurrence.
2000
- 2001 D. The petition shall be forwarded to the hearing officer who shall set the time and
2002 location for a hearing and shall cause notice thereof and a copy of the petition to be
2003 served on the owner and occupant of the place at least ten days prior to the
2004 hearing. Service shall be personal, by certified mail, private delivery service,
2005 publication, or by posting on the premises and the hearing shall be conducted in the
2006 manner set forth in RSMo 536.070.
2007
- 2008 E. At the hearing the hearing officer shall determine whether the place is a public
2009 nuisance, giving such weight to the following factors as he or she deems
2010 appropriate:
2011
- 2012 1. The physical characteristics of the neighborhood in which the place is located,
2013 with particular consideration given to the proximity of the place to residential
2014 property, parks, churches, schools and playgrounds;
2015
 - 2016 2. Whether there is littering, as prohibited by law, by the owner, occupant or
2017 persons frequenting the place;
2018
 - 2019 3. Whether there is drinking of alcoholic beverages in public, as prohibited by law,
2020 by the owner, occupant or persons frequenting the place;
2021
 - 2022 4. Whether there is lewd and indecent conduct, as prohibited by law, including
2023 public urination or defecation, by the owner, occupant or persons frequenting
2024 the place;
2025
 - 2026 5. Whether there is the possession, sale or use of controlled substances, as
2027 prohibited by law, by the owner, occupant or persons frequenting the place;
2028
 - 2029 6. Whether there is harassing or intimidating conduct, as prohibited by law, by the
2030 owner, occupant or persons frequenting the place, toward persons living in the
2031 neighborhood or passing by the place;
2032
 - 2033 7. Whether there is noise prohibited by law, caused by the owner, occupant or
2034 persons frequenting the place;
2035
 - 2036 8. Whether there is the commission of other crimes, ordinance violations, or acts
2037 done, permitted, allowed or continued to the damage or injury of any inhabitants
2038 of the city, by the owner, occupant or persons frequenting the place;
2039
 - 2040 9. Whether there is street or sidewalk congestion caused by the owner, occupant
2041 or persons frequenting the place;
2042
 - 2043 10. Any other activity deemed relevant by the hearing officer including prior similar
2044 conduct.

- 2045
2046 F. For purposes of this section, a person shall be considered to frequent a place if he
2047 or she lives or works at, or visits the place, or if the person loiters about the place.
2048
2049 G. If the hearing officer finds that the place is a public nuisance in violation of this
2050 section, he or she shall order the owner or occupant to abate the nuisance, and
2051 may further order any appropriate action to abate the same, including suspending
2052 utility service for up to one year and including ordering that the place shall be
2053 vacated and shall not be occupied or used for a period not exceeding one year.
2054

2055 Sec. 74-393. - Remedies, punishment and general provisions.
2056

2057 The following remedies, punishment and general provisions shall apply to Sections
2058 74-390, 74-391 and 74-392:
2059

- 2060
2061 A. In determining the length of any order restricting the occupancy of the premises,
2062 the hearing officer may take into consideration any credible evidence of the
2063 owner's efforts to prevent the conduct that created the public nuisance.
2064
2065 B. Any party aggrieved by the decision of the hearing officer may appeal to a court
2066 of competent jurisdiction as is set forth in RSMo. 536.100 and 536.110.
2067
2068 C. It is unlawful for any person to:
2069
2070 1. Fail to obey an order to abate a nuisance issued pursuant to these sections;
2071
2072 2. Interfere with any entry into or upon an inhabitable structure or place by any
2073 police officer, agent or employee of the city for the purpose of abating the
2074 nuisance, as ordered pursuant to this section;
2075
2076 3. Occupy or use or to permit the occupancy or use of any place, room,
2077 building, structure or inhabitable structure in violation of an order issued by
2078 the hearing officer pursuant to these sections;
2079
2080 4. Damage or remove any notice or order posted at the inhabitable structure
2081 or place pursuant to this section;
2082
2083 5. Keep or maintain an inhabitable structure or place used for the commission
2084 of crimes, ordinance violations, or acts done, permitted, allowed or
2085 continued to the damage or injury of any inhabitants of the city.
2086
2087 D. A sale of an inhabitable structure or place shall not act to remove any order
2088 entered by the hearing officer; however, a new or potential owner may by
2089 motion request the hearing officer to establish conditions under which the order
2090 could be suspended. Should the hearing officer determine that a suspension of
2091 the previous order is appropriate, the hearing officer shall set out in writing the

2092 conditions of the suspension and shall set out the fact that any violation of the
2093 conditions shall result in an immediate reinstatement of the order.

2094
2095 E. The closure of any inhabitable structure or place pursuant to this section shall
2096 not constitute an act of possession, ownership or control by the city of the
2097 closed inhabitable structure or place.

2098
2099 F. Nothing contained in this section shall relieve the owner or occupant of any
2100 place from complying with the building, fire, health and zoning codes, or any
2101 other ordinance that regulates the condition or use of the place.

2102
2103 G. The issuance of an order by a hearing officer may be used as the basis for a
2104 revocation, suspension or denial of any license or permit for the use or
2105 occupancy of the property subject to the order.

2106
2107 H. A search warrant may be obtained pursuant to Section 74-33 of this chapter
2108 during an investigation of a complaint for violation of Sections 74-391 or 392 or
2109 to aid in enforcing any order entered by the hearing officer.

2110
2111 Secs. 74-394—74-400. - Reserved.

2112
2113 DIVISION 2. - WEEDS AND OTHER RANK VEGETATION

2114
2115 Sec. 74-401. - Rank vegetation declared hazard to public health, safety and welfare.

2116
2117 The presence of high weeds, brush and other rank vegetation, excluding shade
2118 trees, ornamental shrubs, fruit trees, domesticated berry bushes and vines, cover crops
2119 and domestic grains and plantings on lots and pieces of land within the city, constitute a
2120 menace to the public safety, health and welfare by reason that such conditions may:

2121
2122 (1) Cause a fire hazard.

2123
2124 (2) Furnish cover for prowlers.

2125
2126 (3) Create a nuisance with potential danger of injury on rocks, debris, holes, etc.,
2127 covered by excess growth.

2128
2129 (4) Obstruct visibility at street intersections.

2130
2131 (5) Result in the aggravation of allergies.

2132
2133 (6) Furnish a potential harborage or breeding place for disease-carrying insects,
2134 arthropods, animals and poisonous snakes.

2135
2136 Sec. 74-402. - Authority of city manager to determine existence of nuisance.

2137

2138 The growth of weeds, brush or rank vegetation shall constitute a public nuisance
2139 when, in the opinion of the city manager, any such growth on a lot or piece of land may
2140 substantially endanger the health, safety or welfare of the public, having considered
2141 those hazards enumerated in section 74-401.

2142
2143 Sec. 74-403. - Weeds over 12 inches in height declared nuisance.

2144
2145 The growth of weeds, brush or other rank vegetation in excess of 12 inches in
2146 height is declared to be a public nuisance, per se, detrimental to the health, safety and
2147 welfare of the public.

2148
2149 Sec. 74-404. - Permitting growth of weeds over 12 inches in height.

2150
2151 It shall be unlawful for the owner, lessee or agent in control of any lot or piece of
2152 land within the city to allow weeds, brush or rank vegetation to attain a height greater
2153 than 12 inches on such land or lot. Any person violating this section shall be punished
2154 as provided by section 1-7.

2155
2156 Sec. 74-405. - Abatement procedure.

2157
2158 (a) *Notice to owner.* Whenever the city manager is informed and determines that a
2159 nuisance, per se, exists under section 74-403, or whenever the city manager shall
2160 determine that a nuisance exists as provided by section 74-402, he shall notify the
2161 owner of the property of his order to abate the nuisance by any of the methods set
2162 forth in section 74-31(b) hereof. Such notice shall also extend to the owner of the
2163 property an opportunity to be heard concerning said nuisance.

2164
2165 (b) In the event that the owner of the property notified under paragraph (a) of this
2166 section seeks an opportunity to be heard concerning an alleged nuisance, the
2167 director of building development services shall afford such owner such opportunity
2168 12 days from the date of the notice under said paragraph (a). If, at the hearing, the
2169 owner is able to demonstrate that an alleged nuisance never existed, or no longer
2170 exists on said owner's property, the director of building development services shall
2171 so find and shall terminate the hearing. If the owner does not seek such opportunity,
2172 or is unable to make such demonstration, the director of building development
2173 services is authorized to abate the nuisance.

2174
2175 Sec. 74-406. - Charges for abatement by city.

2176
2177 (a) Whenever the director of building development services abates a nuisance under
2178 the provisions of this article, there shall be a minimum charge for the expenses
2179 incurred by the city for the abatement of the nuisance. The charge for abatement
2180 shall be as established in section 2-425.

2181
2182 (b) In weed abatement cases under section 74-405, the director of building development
2183 services shall certify the costs of abatement of weeds and other rank vegetation to

2184 the director of finance. The director of finance may include such costs in a special
2185 tax bill or add them to the annual real estate taxes for the tract of land.
2186

2187 (c) If a special tax bill is issued, the owner of the property at the time the nuisance was
2188 abated shall be personally liable to the city for the cost of the abatement, which shall
2189 be a lien upon the tract of land where the nuisance was abated until paid in full. Any
2190 special tax bill issued shall be for a duration of five (5) years, shall bear interest until
2191 paid at the legal rate, and may be foreclosed upon by the city through appropriate
2192 proceedings in the circuit court. Costs of collection, including attorney fees, shall be
2193 added thereto, in the event a lawsuit is required to enforce the tax bill.
2194

2195 (d) If the certified cost is added to the annual real estate tax bill for the property and not
2196 paid, the real estate taxes shall be considered delinquent, and the collection thereof
2197 shall be governed by the laws applicable to delinquent real estate taxes.
2198

2199 (e) The director of finance shall notify the owner of the tract of land in the manner set
2200 forth in section 74-31 of the issuance of the special tax bill or the direction that the
2201 costs of the abatement be added to the annual real estate taxes assessed against
2202 the property. The notice shall provide that the determination of the costs of
2203 abatement and the assessment shall become final, unless the owner of the tract of
2204 land files a written request for a hearing within ten (10) days after the giving of the
2205 notice, which request shall set forth the grounds upon which the owner contends that
2206 the assessment is invalid or erroneous. If a hearing is requested, the director of
2207 finance shall hold an informal meeting with a representative of the city and the
2208 owner. The parties shall be given the opportunity to present information to the
2209 director concerning the assessment. After such informal hearing, the director may
2210 cancel or modify any assessment, or may affirm the assessment. The director shall
2211 give the owner notice of his decision in writing.
2212

2213 (f) If extraordinary weed maintenance procedures are required to abate a nuisance
2214 under the provisions of this article, the actual expenses incurred by the city for the
2215 abatement of the nuisance shall be charged to the person in charge of the parcel of
2216 land as set out in this article.
2217

2218 (g) For purposes of this section, the term "extraordinary weed maintenance procedures"
2219 shall be deemed to mean the required use of heavy construction equipment such as
2220 motor graders, crawler-tractors, wheel loaders and/or track-type loaders. Actual
2221 expenses shall be deemed to include all administrative costs, including costs
2222 incurred in renting such equipment; the cost of fuel, oil, lubrication, filters, and repair
2223 or replacement of parts, including tires, when such repair or replacement is not a
2224 result of normal wear and tear; the per-mile cost of dump trucks used in hauling
2225 away the rank vegetation; and all labor costs.
2226

2227 Sec. 74-406.1. Administrative fine for repeat abatements.
2228

2229 Whenever the director of building development services is authorized to abate a
2230 nuisance under section 74-405, said director may impose an administrative fine (to be

2231 added to the costs certified to the director of finance under section 74-406(a)) for such
2232 abatement according to the following schedule:

| 2233 | | |
|------|--------------------------------------|----------------------------|
| 2234 | Within a single mowing season | Administrative fine |
| 2235 | For the 1 st abatement | \$0; and, |
| 2236 | For the 2 nd abatement, | \$250; and, |
| 2237 | For each subsequent abatement, | \$500 |

2238
2239 Such administrative fine shall not be imposed against a property or its owner if such
2240 owner is able to show that:

- 2241
- 2242 a. the nuisance to be abated is caused by a tenant that has not previously
 - 2243 caused or permitted a like nuisance on said property; or,
 - 2244
 - 2245 b. such owner has not previously caused or permitted a nuisance like the
 - 2246 one to be abated on said property.

2247
2248 In the case of joint property ownership, such administrative fine may be imposed if the
2249 city previously has abated a nuisance like the one to be abated with respect to at least
2250 one joint owner.

2251
2252 Sec. 74-407. - Remedies cumulative.

2253
2254 No proceeding in municipal court for prosecution of a violation of section 74-404
2255 shall prohibit or be any bar to a proceeding by the city under the provisions of sections
2256 74-405 and 74-406, nor shall any proceedings by the city under sections 74-405 and
2257 74-406 prohibit or be any bar to a proceeding in municipal court for prosecution of a
2258 violation of section 74-404.

2259
2260 DIVISION 3. - LITTER

2261
2262 Sec. 74-441. - Penalty.

2263
2264 Any person who violates the provisions of this division shall be subject to those
2265 penalties contained in section 1-7, except that the minimum fine for a second offense
2266 shall be \$25.00 plus court costs and there shall be a minimum fine of \$100.00 plus court
2267 costs for each offense thereafter.

2268
2269 Sec. 74-442. - Depositing litter in public place.

2270
2271 A person shall not throw, dump, deposit or cause to be thrown, dumped or
2272 deposited litter on any public highway, street or road, or upon public parks or recreation
2273 areas or upon any other public property. If an object of litter is discovered on any public
2274 highway, street or road, upon public parks or recreation areas, or upon any other public
2275 property, bearing a person's name, it shall be presumed that the person whose name
2276 appears on the object threw, dumped, deposited or caused it to be thrown, dumped or
2277 deposited there. If the throwing, dumping or depositing of litter was done from a motor

2278 vehicle, except a motorbus, it shall be presumed that the throwing, dumping or
2279 depositing was done by the driver of the motor vehicle. Presumptions in this section
2280 may be overcome by proof that the person so identified from the litter caused the litter to
2281 be collected and transported for disposal at an approved site by a person licensed by
2282 the city to collect and dispose of solid waste. This section shall not apply to solid waste
2283 containers or a solid waste disposal area or facility that is designated for public use.

2284
2285 Sec. 74-443. - Manner of placing litter in receptacles.

2286
2287 Persons placing litter in receptacles shall do so in such a manner as to prevent it
2288 from being carried or deposited by the elements upon any street, sidewalk or other
2289 public place or upon the private property of another person.

2290
2291 Sec. 74-444. - Sweeping litter into gutters.

2292
2293 No person shall sweep into or deposit in any gutter, street or other public place
2294 within the city the accumulation of litter from any building or lot or from any public or
2295 private sidewalk or driveway.

2296
2297 Sec. 74-445. - Disposal of litter in parks.

2298
2299 No person shall throw or deposit litter in any park within the city except in
2300 receptacles and in such a manner that the litter will be prevented from being carried or
2301 deposited by the elements upon any part of the park or upon any street or other public
2302 place or upon private property. Where receptacles are not provided, all such litter shall
2303 be carried away from the park by the person responsible for its presence and properly
2304 disposed of elsewhere as provided in this division.

2305
2306 Sec. 74-446. - Depositing litter in fountain or water body.

2307
2308 No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or
2309 other body of water in a park or elsewhere within the city.

2310
2311 Sec. 74-447. - Depositing handbills in public place.

2312
2313 No person shall throw or deposit any handbill in or upon the sidewalk, street or
2314 other public place within the city; provided, however, that it shall not be unlawful on any
2315 sidewalk, street or other public place within the city for a person to hand out or distribute
2316 a handbill to any person willing to accept it.

2317
2318 Sec. 74-448. - Depositing handbills on uninhabited premises.

2319
2320 No person shall throw or deposit any handbill in or upon any private premises which
2321 are temporarily or continuously uninhabited or vacant.

2322
2323 Sec. 74-449. - Depositing handbills on posted premises.

2324

2325 No person shall throw, deposit or distribute any handbill upon any private premises
2326 if requested by anyone thereon not to do so, or if there is placed on the premises in a
2327 conspicuous position near the entrance thereof a sign bearing the words "No
2328 Trespassing," "No Peddlers or Agents," "No Advertisement" or any similar notice
2329 advising that the occupants of the premises do not desire to be molested or have their
2330 right of privacy disturbed, or to have any handbills left upon such premises.

2331
2332 Sec. 74-450. - Distributing handbills at private premises.

2333
2334 (a) *Restrictions.* No person shall throw, deposit, leave or distribute any handbill in or
2335 upon private premises except by handing or transmitting such handbill directly to the
2336 owner, occupant or other person then present in or upon such private premises;
2337 provided, however, that in case of private premises which are not posted as
2338 provided in section 74-449, such person may place or deposit any such handbill in
2339 or upon such private premises if such handbill is so placed or deposited in a
2340 receptacle specifically designed to receive the handbill or if the handbill is in a
2341 container attached to the doorknob; this provision shall not be interpreted to
2342 authorize the placing of handbills under or behind screens or entrance doors, on
2343 porches, in yards, or in mailboxes when so prohibited by federal postal law or
2344 regulations.

2345
2346 (b) *Exemption for mail and newspapers.* The provisions of this section shall not apply to
2347 the distribution of mail by the United States, or to newspapers except that
2348 newspapers shall be placed on private property in such a manner as to prevent their
2349 being carried or deposited by the elements upon any street, sidewalk or other public
2350 place or upon private property.

2351
2352 Sec. 74-451. - Distributing handbills on vehicles upon a posted lot or signed vehicle.

2353
2354 No person shall throw or deposit any commercial or noncommercial handbill in or
2355 upon any vehicle that is located upon a public or private parking lot which has signs
2356 posted prohibiting the conduct of placing handbills on vehicles; nor shall a person throw
2357 or deposit any commercial or noncommercial handbill in or upon any vehicle which has
2358 a sign indicating that no handbills should be placed upon the vehicle.

2359
2360 Sec. 74-452. - Dropping litter from aircraft or balloon.

2361
2362 No person in an aircraft or balloon shall throw out, drop or deposit within the city any
2363 litter, handbill or other object.

2364
2365 Sec. 74-453. - Depositing litter on property of another.

2366
2367 A person shall not throw, dump, deposit or cause to be thrown, dumped or
2368 deposited litter on property owned by another person, without the permission of the
2369 owner or occupant of such property. If an object of litter is discovered on another
2370 person's property and permission was not given to use the property for such purpose,
2371 then it shall be presumed that the person whose name appears on the object threw,

2372 dumped, deposited or caused it to be thrown, dumped or deposited there. If the
2373 throwing, dumping or depositing of litter was done from a motor vehicle, except a
2374 motorbus, it shall be presumed that the throwing, dumping or depositing was done by
2375 the driver of the motor vehicle. Presumptions in this section may be overcome by proof
2376 that the person identified from the litter caused the litter to be collected and transported
2377 for disposal at an approved site by a person licensed by the city to collect and dispose
2378 of solid waste.

2379
2380 Sec. 74-454. - Duty of business owners to maintain premises free of litter.

2381
2382 The owner or person in control of a business shall maintain the property in such a
2383 manner that litter which is a result of his business operation will be prevented from
2384 being carried or deposited by the elements upon any street, sidewalk or other public
2385 place or upon any other private property. Owners or persons in control of a business
2386 shall keep their premises free from litter by picking up the litter at regular intervals and
2387 depositing this litter into receptacles. A regular interval shall be whatever period that is
2388 necessary to keep litter from being carried or deposited by the elements upon any
2389 street, sidewalk or other public place or upon any other property; provided, however,
2390 that this section shall not apply to the owner or operator of the business who at
2391 reasonable intervals collects and removes the litter which has been carried or deposited
2392 by the elements upon a street, sidewalk or other public place or upon private property.
2393 Persons owning or occupying places of business within the city shall maintain the
2394 sidewalk and the parkway in front of their business free of litter.

2395
2396 Sec. 74-455. - Vehicle tires depositing foreign matter in streets.

2397
2398 No person shall drive or move any vehicle within the city, the wheels of which carry
2399 into or deposit in any public street or on the public square of the city, or in any other
2400 public place of the city, mud, dirt, sticky substances, litter or foreign matter of any kind;
2401 and if any person shall so deposit or carry onto the street, the public square or other
2402 public places any such substances, it shall be the duty of such person upon receiving
2403 knowledge thereof to remove such substances from the public way immediately;
2404 provided, however, it shall be the duty of any person to whom a building permit shall
2405 have been issued, and not the duty of the driver or owner of such vehicle, to remove at
2406 least once each working day any such substances deposited or carried on the public
2407 streets, public square or other public places of the city by any vehicle entering or leaving
2408 the site of the building or construction project for which the building permit was issued.

2409
2410 Sec. 74-456. - Reporting of violations involving litter thrown from motor vehicle.

2411
2412 Any person, whether or not such person is a citizen of the city, who shall witness
2413 the throwing, dumping or depositing of litter from a motor vehicle onto any public
2414 highway, street or road, onto another's property without the owner's permission, onto
2415 public park recreation lands, or onto any other public property, except such as is
2416 designated for the throwing, dumping or depositing of litter, may report the date and
2417 time of day of the littering and the license plate registration number and state of
2418 registration to any local law enforcement authority. The license plate registration

2419 number as recorded shall constitute prima facie evidence that the littering was done by
2420 the person to whom such motor vehicle is registered. Any person so reporting a
2421 violation shall be required to appear as a witness in any prosecutions resulting
2422 therefrom.

2423
2424 Sec. 74-457. - Handbill presumption.

2425
2426 If a handbill is found on another person's property or vehicle and permission was
2427 not given for the placement of the handbill on the property or the vehicle, then it shall be
2428 presumed that the person whose name appears on the handbill as the person,
2429 promoter, business or performer who will benefit from the event or promotion set out in
2430 the handbill authorized placement of the handbill on the property or vehicle. This
2431 presumption may be overcome by proof that each person distributing the handbill had
2432 signed an acknowledgment that handbills are not to be distributed in violation of city
2433 ordinances and by setting out in the acknowledgment the name and address of the
2434 person and the location the person was assigned to distribute handbills.

2435
2436 Secs. 74-458—74-470. - Reserved.

2437
2438 DIVISION 4. - GRAFFITI

2439
2440 Sec. 74-471. - Declaration of nuisance; prohibited acts; penalty.

2441
2442 The presence of graffiti upon public or private property within the city is hereby
2443 declared to constitute a public nuisance. No person shall affix graffiti to private or public
2444 property within the city, and any person who is found guilty of affixing graffiti to private
2445 or public property shall be punished by a fine of not less than \$250.00, or by
2446 imprisonment for not more than 180 days, or by both such fine and imprisonment.
2447 Nothing contained in this section shall prevent the city from pursuing any other remedy
2448 available for redress of any damage or injury caused by the actions of any such person.

2449
2450 Sec. 74-472. - Abatement.

2451
2452 (a) *Notice to abate.* Whenever any authorized city official is informed and believes that
2453 a public nuisance by reason of the presence of graffiti exists on any private property
2454 within the city, he shall give written notice to the owner, possessor or occupant of
2455 such property of the graffiti and the duty to abate the graffiti within ten days from the
2456 date the notice is given. The notice to abate shall also include notice of a date, time
2457 and place for a hearing to determine whether the city shall be entitled to enter onto
2458 the property to abate the graffiti if the graffiti is not fully abated in a timely manner.

2459
2460 (b) *Removal by property owner or occupant.* Upon receipt of notice to abate graffiti, it
2461 shall be the duty of the owner, possessor or occupant of private property upon
2462 which graffiti has been affixed to remove, obliterate or otherwise abate the graffiti
2463 existing on the property within the time specified in the notice. The owner,
2464 possessor or occupant may satisfy the duty to abate the graffiti by permitting

2465 authorized agents of the city or authorized community volunteers to enter onto the
2466 property in order to remove, obliterate or otherwise abate the graffiti.

2467
2468 (c) *Removal by city upon failure to comply with notice.* Upon failure of the owner,
2469 possessor or occupant of private property to abate or permit the abatement of
2470 graffiti within the time specified in the notice to abate, a hearing officer appointed by
2471 the city manager shall, at the time, date and place specified in the notice to abate,
2472 conduct an informal hearing to determine whether there is probable cause to
2473 believe that graffiti is present on the property in question, and whether notice to
2474 abate has been given as required in this section. If the hearing officer finds there is
2475 probable cause to believe that graffiti is present on the property and that proper
2476 notice to abate has been given, the hearing officer shall forthwith enter an order
2477 authorizing the city to enter onto the property in order to abate the graffiti. Any
2478 person aggrieved by an order of the hearing officer may appeal from the order in
2479 accordance with the appeal procedures set forth in section 74-38

2480

2481 ARTICLE VIII. - CLEANING AGENTS CONTAINING PHOSPHORUS

2482

2483 Sec. 74-473. - Title.

2484

2485 This ordinance shall be known and may be cited as the Springfield Phosphorus Ban
2486 Ordinance.

2487

2488 Sec. 74-474. - Prohibitions.

2489

2490 No person in the city shall use, sell, manufacture, distribute or dispose of any
2491 cleaning agent containing phosphorus, expressed as elemental phosphorus, including
2492 synthetic detergents or detergents manufactured for use as laundry or dishwashing
2493 detergents, nor shall any person connected to the Springfield sewer system put the
2494 residue from the use of such products into the Springfield sewer system except as
2495 provided below:

2496

2497 A. *Exemptions.*

2498

2499 1. This Article does not apply to a cleaning agent that is:

2500

2501 a) Used in dairy, beverage or food processing cleaning equipment;

2502

2503 b) Used as sanitizer, brighteners, acid cleaners, metal conditioners,
2504 including phosphoric acid products or trisodium phosphate;

2505

2506 c) Used in hospitals, veterinary hospitals, clinics or health care facilities or
2507 in the manufacture of health care supplies;

2508

2509 d) Used by commercial laundry or textile rental service company or any
2510 other commercial entity:

2511

- 2512 i) To provide laundry service to hospitals, clinics, nursing homes,
2513 other health care facilities, or veterinary hospitals or clinics;
2514
2515 ii) To clean textile products owned by a commercial laundry or textile
2516 rental service company and supplied to industrial or commercial
2517 users of the products on a rental basis; or
2518
2519 iii) To clean military, professional, industrial or commercial work
2520 uniforms.
2521
2522 e) Used by industry for metal, fabric or fiber cleaning or conditioning;
2523
2524 f) Manufactured, stored, or distributed in the City for use or sale outside
2525 the City of Springfield provided nothing contained herein shall be
2526 construed to permit retail sales or use in the City;
2527
2528 g) Used in foods, drugs and cosmetics, including personal care items such
2529 as toothpaste, shampoo, and hand soap;
2530
2531 h) Used in any laboratory, including a biological laboratory, research
2532 facility, chemical laboratory, and engineering laboratory;
2533
2534 i) Used for cleaning hard surfaces, including household cleaners for
2535 windows, sinks, counters, ovens, tubs, stoves, on other food
2536 preparation surfaces, and plumbing fixtures;
2537
2538 j) Used as a water softening chemical, antiscaling chemical, or corrosion
2539 inhibitor intended for use in closed systems such as boilers, air
2540 conditioners, cooling towers, or hot water heating systems;
2541
2542 k) Excluded by the Directors of Health and Public Works upon finding that
2543 compliance would create an unusual hardship or be unreasonable
2544 because of the lack of an adequate substitute or alternative;
2545
2546 l) Laundry detergents that contain five-tenths of one percent (0.5%)
2547 phosphorus or less that is incidental to manufacturing;
2548
2549 m) Dishwashing detergents that contain eight and seven-tenths percent
2550 (8.7%) phosphorus or less by weight.
2551

2552 B. The duration of these exemptions shall be for three (3) years after this Article
2553 becomes effective, at which time exemptions shall be reviewed.
2554

2555 Sec. 74-475. - Seizure of products in violation.
2556

2557 The Directors of Health and Public Works, or any authorized representative may
2558 seize any cleaning agent held for sale, distribution, or use found to be in violation of this

2559 Article. The seized cleaning agents shall be held until such time as the municipal court
2560 enters an order directing the disposition of the cleaning agents.

2561
2562 Sec. 74-476. - Penalties.

2563
2564 Any person who violates the provisions of this Article shall be subject to those
2565 penalties contained in Section 1-7 of the Springfield City Code, except the minimum fine
2566 for a second offender shall be twenty-five dollars (\$25.00) plus court costs and a
2567 minimum of one hundred dollars (\$100.00) plus court costs for a third or subsequent
2568 offense.

2569
2570 Secs. 74-477—74-485. - Reserved.

2571
2572 Section 2 – Savings Clause. Nothing in this ordinance shall be construed to
2573 affect any suit or proceeding now pending in any court or any rights acquired or liability
2574 incurred nor any cause or causes of action occurred or existing, under any act or
2575 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,
2576 impaired, or affected by this ordinance.

2577
2578 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or
2579 phrase of this ordinance is for any reason held to be invalid, such decision shall not
2580 affect the validity of the remaining portions of this ordinance. The Council hereby
2581 declares that it would have adopted the ordinance and each section, subsection,
2582 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
2583 sections, subsections, sentences, clauses, or phrases be declared invalid.

2584
2585 Section 4 – This ordinance shall be in full force and effect from and after
2586 passage.

2587
2588 Passed at meeting: _____

2589
2590 _____
2591 Mayor

2592
2593 Attest: _____, Acting City Clerk

2594
2595 Filed as Ordinance: _____

2596
2597 Approved as to form: Duke McDonald, Assistant City Attorney

2598
2599 Approved for Council action: Pat W. Hill, Deputy City Manager

EXPLANATION TO COUNCIL BILL NO: 2015- 177

FILED: 07-07-15

ORIGINATING DEPARTMENT: Building Development Services

PURPOSE: To repeal Springfield City Code Chapter 74 Nuisance and Housing Code and replace it with a new Chapter 74 Nuisance and Housing Code.

BACKGROUND: State law holds land owners strictly responsible for nuisance abatement without regard to landlord-tenant relationships. The current Springfield City Code Chapter 74 language entangles the city and inspectors in the landlord-tenant relationship, when enforcing the city's nuisance abatement process. In addition, the current language goes beyond the requirements of due process and state law with respect to notifications and hearings. These requirements are placing a cost burden on the city that cannot be collected. The current language of Chapter 74 has errors throughout that need to be corrected and, in litigation, the city's nuisance listings have been attacked as unconstitutionally vague. The proposed language has been presented to the Neighborhood Advisory Subcommittee.

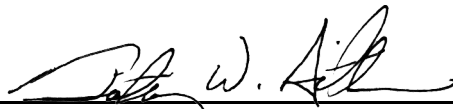
REMARKS: The ordinance will improve nuisance-abatement enforcement. The proposed language will provide a clear path of due process within state and constitutional law. The language will reduce the City costs that cannot be collected from the responsible party.

Recommended by:



Chris Straw, Director
Building Development Services

Approved by:



Timothy W. Smith,
Deputy City Manager

Exhibit A

This exhibit summarizes the chapter 74 overhaul. It also provides the rationale for changes.

1. State law holds land owners strictly responsible for nuisance abatement on properties they own without regard to landlord-tenant relationships. By contrast, as currently written, the existing Springfield City Code Chapter 74 Nuisance and Housing Code entangles the city and land-use inspectors in landlord-tenant relationships when enforcing the city's nuisance-abatement provisions. To avoid the entanglement and better track state law, we changed chapter 74 to require that the city notify only land owners about existing nuisances on their properties and hold them responsible for nuisance abatement. In turn, it will be up to them to deal with their tenants.
2. Again, on the state-law level, municipalities may abate nuisances when, after having notified land owners about such nuisances, the landowners do not begin or pursue nuisance abatement without unnecessary delay. On the constitutional, due-process-of-law level, landowners are entitled to notice and an opportunity to be heard before the city abates nuisances on private property. Currently, Chapter 74 goes beyond due-process-of-law requirements by calling for a hearing every time Springfield seeks authority to abate nuisances on properties within city limits. It is only necessary to provide a hearing to those land owners requesting one under state and constitutional law, so we changed Chapter 74 accordingly.
3. As a practical matter, we also observed that we are paying hearing officers to preside over no-show hearings roughly 70% of the time. In one appeal to circuit court, a judge ruled that the city may not recover amounts we pay the hearing officers. That is an expense taxpayers should no longer needlessly bear. Similarly, reducing the number of hearings will reduce the amount of money the city must spend on nuisance-abatement proceedings in terms of staff time. Again, we changed chapter 74 accordingly.
4. We removed provisions placing administrative hearings before municipal court judges because, in litigation involving Springfield

that went to the Missouri Supreme Court, the court pointed to *Rev. Mo. Stat. §479.020.6*, which forbids municipal-court judges from holding any other office.

5. We moved § 74-383 to § 74-2 only because it seemed like a better fit under the new code.
6. In circuit-court litigation, our code was attacked for being unconstitutionally vague. Therefore, we rearranged wording and paragraph formatting to make language more straightforward, especially in provisions dealing with abatement, abatement notice, and abatement proceedings. In listing specific nuisances, we used simpler language and more white space to achieve the same objective.
7. When seeking to recover nuisance-abatement costs, state law offers municipalities 2 distinct options: 1) issuing a “special-tax bill”; or, 2) submitting costs to the county collector as additions to the real-estate-tax bill. The city may use either option, but not both. Our code blurs the distinction between these two approaches to cost recovery, so we changed Chapter 74 to make that distinction more emphatic.
8. We have corrected spelling errors throughout Chapter 74. For example, we changed “roominghouse” to rooming house, “weathertight” to weather tight, and “rodentproof” to rodent proof, etc.
9. We removed “Division 3.-DESIGNATED NEIGHBORHOOD AREA” from “ARTICLE 7.-NUISANCES” because the new Chapter 74 will apply citywide. There is no reason to single out the “Phelps Grove Neighborhood Area” or the “Rountree Urban Conservation District.”