

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 3  
Filed: 12-04-18

Sponsored by: Hosmer

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

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

COUNCIL BILL 2018-299

GENERAL ORDINANCE \_\_\_\_\_

AN ORDINANCE

1 AMENDING the Springfield City Code Chapter 74 – ‘Nuisance and Housing Code,’  
2 Article II – ‘Enforcement,’ Section 74-34 – ‘Hearing request,’ to authorize  
3 City personnel to effect nuisance removal or abatement when a property  
4 owner, having requested a nuisance-abatement hearing, fails to appear at  
5 such hearing.  
6  
7

8 WHEREAS, Section 74-34 of the Springfield City Code authorizes property  
9 owners to request a nuisance-abatement hearing; and  
10

11 WHEREAS, said Section 74-34 authorizes City personnel to “effect removal or  
12 abatement after the hearing and all associated legal proceedings are complete;” and  
13

14 WHEREAS, some property owners request hearings, then do not appear for  
15 such hearings; and  
16

17 WHEREAS, it is a waste of City resources to conduct hearings for which the  
18 requesting party fails to appear.  
19

20 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
21 SPRINGFIELD, MISSOURI, as follows, that:  
22

23 Section 1 – The Springfield City Code Chapter 74 – ‘Nuisance and Housing  
24 Code,’ Article II – ‘Enforcement,’ Section 74-34 – ‘Hearing request,’ is hereby amended  
25 as follows:  
26

27 Sec. 74-34. - Hearing request.  
28

29 (d) If, after having requested a hearing, a property owner fails to appear at the  
30 hearing, no hearing shall be held, and City personnel may affect nuisance  
31 removal or abatement without a hearing or further legal proceedings.  
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33           Section 2 – This Ordinance shall be in full force and effect from and after  
34 passage.

35  
36 Passed at meeting: \_\_\_\_\_

37  
38 \_\_\_\_\_  
39 Mayor

40  
41 Attest: \_\_\_\_\_, City Clerk

42  
43 Filed as Ordinance: \_\_\_\_\_

44  
45 Approved as to form: *Duke M. Donald*, Assistant City Attorney

46  
47 Approved for Council action: *Jason A. Hays*, City Manager

**EXPLANATION TO COUNCIL BILL 2018- 299**

FILED: 12-04-18

ORIGINATING DEPARTMENT: Building Development Services

PURPOSE: Amending the Springfield City Code Chapter 74 – ‘Nuisance and Housing Code,’ Article II. – ‘Enforcement,’ Section 74-34. – ‘Hearing request,’ to authorize City personnel to effect nuisance removal or abatement when a property owner, having requested a nuisance-abatement hearing, fails to appear at such hearing.

BACKGROUND AND REMARKS: The current ordinance is susceptible to the interpretation that a hearing must be conducted even in the event that the property owner is not in attendance. This then obligates the Department of Building Development Services to take up staff time testifying in a hearing and making a hearing record. It also creates an expense of paying the hearing officer to conduct the hearing, issue a formal ruling, and give proper notice to all interested parties. The formal ruling then triggers a delay in nuisance abatement to allow the mandated time of 30 days for filing an appeal. It is the contention of BDS that if the requestor of the hearing is a “no-show” without just cause, then the right to be heard is forfeited, there should be no further recognition of the hearing request, and no delay in abatement action by the City should be incurred. In such a case, the Abatement Notice and Order should remain in effect and be immediately executable. It is suspected that some requestors of a hearing are tactically utilizing this process as an opportunity to delay corrective action to bring the property into compliance.

The Law Department has reviewed the proposed change and is in agreement with the City’s authority to apply it.

Submitted by:

  
\_\_\_\_\_  
Harlan Hill, Director  
Building Development Services

Approved by:

  
\_\_\_\_\_  
Jason Gage, City Manager