

BILL NO. 25-\_\_

ORDINANCE NO. 25-\_\_

**AN ORDINANCE AMENDING CHAPTER 43 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSON, MISSOURI, RELATIVE TO NUISANCES; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.**

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI, AS FOLLOWS:

Section 1. That Chapter 43, Section 43-2, of the Code of Ordinances of the City of Jackson, Missouri, is hereby **amended** to read as follows:

**"Sec. 43-2. - Definitions.**

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*Municipal judge.* That person appointed by the board to serve as judge of the city's municipal court.

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Section 2. That Chapter 43, Section 43-5, of the Code of Ordinances of the City of Jackson, Missouri, is hereby **amended** to read as follows:

**"Sec. 43-5. - Notice.**

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(b) *Notice contents.* The aforesaid notice to the owners, and lien holder, if any, of the property shall state clearly and concisely:

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(3) The director shall cause a hearing to be scheduled before the municipal judge not sooner than ten (10) days from the date of service. If notice is for the purpose of prosecution under either section 43-9 or section 43-34 of this Chapter then no hearing is required and the procedures for municipal court shall be followed;

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Section 3. That Chapter 43, Section 43-6, of the Code of Ordinances of the City of Jackson, Missouri, is hereby **amended** to read as follows:

**“Sec. 43-6. - Hearing and appeal.**

(a) *Procedure.* The owners, lien holder and occupants of the property who have been served with a notice pursuant to section 43-5 of this Code may appear in person or by representative at a hearing with the municipal judge scheduled on a date not sooner than ten (10) days after the date of the notice letter.

(b) *Hearing.* The municipal judge shall conduct a full and adequate hearing upon the question of whether a public nuisance in fact exists. The municipal judge may amend or modify the notice, or extend the times for compliance with the notice by the owner by such date as the municipal judge in the course of the hearing may determine.

(c) *Evidence.* The owners, lien holder and occupants of the property, or their representative or agents, of the subject property shall be given the opportunity to present evidence to the municipal judge in the course of the hearing.

(d) *Order.* Should the evidence support a finding that the building, structure or condition constitutes a public nuisance, the municipal judge shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the building, structure or condition to be a public nuisance and ordering the building, structure or condition demolished, removed, repaired or otherwise abated by the city.

(e) *Additional time.* The municipal judge, upon written application by the owner at any time within the period after the notice has been served may grant additional time for the owner to effect the abatement of the public nuisance, provided that such extension is limited to a specific time period.

(f) *Costs to be certified.* The costs of performance of the abatement order shall be certified to the city clerk who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the city collector. If the building or structure is demolished, secured or repaired by a contractor pursuant to the order issued by the municipal judge, such contractor may file a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided by Missouri State Law. Except as otherwise provided in this article, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from date of its issuance shall be deemed a personal debt against the property owners and shall also be a lien on the property until paid.

(g) *Appeal from decision of municipal judge.* If the decision of the municipal judge is not appealed to the circuit court within thirty (30) days of the date of the mailing of said decision, the decision shall be declared final in accordance with chapter 536 of the Revised Statutes of Missouri.”

Section 4. That Chapter 43, Section 43-7, of the Code of Ordinances of the City of Jackson, Missouri, is hereby **amended** to read as follows:

**“Sec. 43-7. - Notice and appeal of assessments.**

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(b) *Objection.* If the property owner or his representative objects to determination of cost, he may appeal same to the municipal judge by delivering a written notice of appeal to the municipal court clerk within twenty (20) days of the mailing of the notice thereof. If no appeal is taken or perfected, the initial determination of costs shall be final.

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(d) *Filing of appeal.* If a timely appeal is received by the municipal court clerk, a hearing shall be scheduled with the municipal judge and held on the matter. If, after the hearing, the municipal judge determines that the proposed assessment is improper, the municipal judge shall so certify to the municipal court clerk and the proposed assessment shall be canceled. If, after the hearing, it is determined that the proposed assessment or any part of it is proper and authorized, the municipal judge shall so certify to the municipal court clerk who shall enter a lien in such amount as determined appropriate by the municipal judge.

(e) *Finality of municipal judge's decision.* If the judgment of the municipal judge is not appealed to the circuit court within thirty (30) days from the date of the municipal judge's determination of the assessment, the judgment will be declared final per chapter 536 of the Revised Statutes of Missouri.

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(g) *Overhead charge, civil penalties.*

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(3) When the city has issued two (2) administrative orders for abatement of a nuisance within a twenty-four-month period on the same property owner, an additional civil penalty of between one hundred dollars (\$100.00) and five hundred dollars (\$500.00) may be assessed on the second order of abatement by the municipal judge to be paid by the repeat offender as provided herein.

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Section 5. That Chapter 43, Section 43-8, of the Code of Ordinances of the City of Jackson, Missouri, is hereby **amended** to read as follows:

**“Sec. 43-8. - Notice of violation of failure to abate a public nuisance.**

The owner or occupant of any property on which a public nuisance is found shall be given seven (7) days notice to abate the public nuisance for purposes of prosecution under section 43-9 of this chapter. The notice shall follow the requirements of section 43-5 of this chapter. The City may issue a summons for violation of this chapter at any time within one (1) year from notice to abate the public nuisance.”

Section 6. That Chapter 43, Section 43-9, of the Code of Ordinances of the City of Jackson, Missouri, is hereby **amended** to read as follows:

**“Sec. 43-9. – Violation is an offense; penalties.**

An owner or occupant who creates or allows to continue any public nuisance as set forth in section 43-4 of this chapter and who shall fail to abate the public nuisance within seven (7) days as set forth in section 43-8 of this chapter, shall be guilty of an offense and may be charged in municipal court with failure to abate a public nuisance and punished as set forth in section 1-20 of this Code.”

Section 7. That Chapter 43, Section 43-30, of the Code of Ordinances of the City of Jackson, Missouri, is hereby **amended** to read as follows:

**“Sec. 43-30. – Debris defined; failure to keep weeds, high grass, and brush cut and removed a nuisance.**

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- (b) The word “debris” also includes any other material which is found on any lot or land that is unhealthy or unsafe.

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Section 8. That Chapter 43, Section 43-31, of the Code of Ordinances of the City of Jackson, Missouri, is hereby **deleted**.

Section 9. That Chapter 43, Section 43-32, of the Code of Ordinances of the City of Jackson, Missouri, is hereby **amended** to read as follows:

**“Sec. 43-32. – Abatement of nuisance.**

If the nuisance is present on the property seven (7) days after receipt of the notice provided for in section 43-33 of this chapter, the enforcement officer shall cause the same to be abated. (under the provisions of this article, the costs of abatement may include a fee for the city’s costs in administering the is article, which fee shall not exceed five hundred dollars (\$500.00).) The enforcement official shall certify the cost of such abatement to the city clerk or other officer in charge of finance who shall cause the certified cost to be include in a special tax bill or added to the annual real estate tax bill, at the collecting officials option, and shall be collected in the same manner and procedure as for collecting real estate taxes.”

Section 10. That Chapter 43, Section 43-33, of the Code of Ordinances of the City of Jackson, Missouri, is hereby **amended** to read as follows:

**“Sec. 43-33. – Notice of violation of failure to abate a nuisance.**

The owner or occupant of any property on which a public nuisance is found shall be given seven (7) days notice to abate the public nuisance for purposes of prosecution under section 43-34 of this chapter. The notice shall follow the requirements of section 43-5 of this chapter. The City may issue a summons for violation of this chapter at any time within one (1) year from notice to abate the public nuisance.”

Section 11. That Chapter 43, Section 43-34, of the Code of Ordinances of the City of Jackson, Missouri, is hereby **amended** to read as follows:

**“Sec. 43-34. – Violation is an offense; penalties.**

An owner or occupant who creates or allows to continue any nuisance as set forth in section 43-30 of this chapter and who shall fail to abate the nuisance within seven (7) days as set forth in section 43-33 of this chapter shall be guilty of an offense and may be charged in municipal court with failure to abate a nuisance and punished as set forth in section 1-20 of this Code.”

Section 12. It is the intent of the Mayor and Board of Aldermen and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Jackson, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

Section 13. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 14. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 15. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: April 7, 2025.

SECOND READING: April 7, 2025.

PASSED AND APPROVED this 7th day of April, 2025, by a vote of \_\_\_ ayes, \_\_\_ nays, \_\_\_ abstentions and \_\_\_ absent.

CITY OF JACKSON, MISSOURI

(SEAL)

BY: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk