

AN ORDINANCE AMENDING CHAPTER 58 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSON, MISSOURI, RELATIVE TO ANNEXATION; 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 58, Section 58-12, of the Code of Ordinances of the City of Jackson, Missouri, is hereby added to read as follows:

“Sec. 58-12. Voluntary annexation of property that is not part of an existing platted development.

(1) The board of aldermen may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city pursuant to this section. The term **“contiguous and compact”** is defined in section 71.012 of the Revised Statutes of Missouri.

(2) When a notarized petition, requesting voluntary annexation with zoning is filed with the City Clerk and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, the board of aldermen shall hold a public hearing concerning the matter not less than fifteen (15) nor more than sixty (60) days after the petition is received, and the hearing shall be held not less than seven (7) days after notice of the hearing is published in a newspaper of general circulation located within the city.

(3) The city shall provide, at least fifteen (15) days before the public hearing, written notice to all property owners within one hundred and eighty-five (185) feet of the proposed voluntary annexation with zoning of the date, time and location for the public hearing.

(4) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed voluntary annexation with zoning classification. If, after holding the hearing, the board of aldermen determines that the voluntary annexation with zoning classification is reasonable and necessary to the proper development of the city and the city has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (6) of this subsection, annex and zone the territory by ordinance without further action.

(5) If a written objection to the proposed annexation is filed with the City Clerk of the city not later than fourteen (14) days after the public hearing and signed by at least five (5) percent of the qualified voters of the city or two (2) qualified voters of the area sought to be annexed if the same contains two (2) qualified voters, the provisions of section 71.015 of the Revised Statutes of Missouri, shall be followed.

(6) If a written objection to the proposed zoning is filed with the City Clerk prior to the public hearing and duly signed and acknowledged by the owners of thirty (30) percent or more, either of the areas of the land (exclusive of streets and alleys) included in the area proposed to be annexed or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the area proposed to be annexed, such zoning shall not become effective except by the favorable vote of two-thirds (2/3) of all members of the board of aldermen.

(7) If no objection or protest is filed to the proposed annexation with zoning, the city shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's limits are extended. Upon duly enacting such annexation ordinance, the city shall cause three (3) certified copies of the same to be filed with the assessor and clerk of Cape Girardeau County, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of the city, as so extended.

(8) Any action of any kind seeking to deannex from the city any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation shall be brought within five (5) years of the date of adoption of the annexation ordinance."

Section 2. 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 3. 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 4. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: October 21, 2024.

SECOND READING: October 21, 2024

PASSED AND APPROVED this 21st day of October, 2024, by a vote of _____ ayes, _____
nays, _____ abstentions and _____ absent.

CITY OF JACKSON, MISSOURI

(SEAL)

BY: _____
Mayor

ATTEST:

City Clerk