

## **Memorandum regarding Council Bill No. 2025-15: An Ordinance to make enforcement of tall weed violations more efficient**

### **Background:**

When the code enforcement officer receives a tall weeds complaint under the current code, they are required to investigate and, if a violation is determined to exist, provide at least 10 days' notice of a hearing regarding the violation before any action may be taken. Only after a hearing is the City allowed to take steps to enforce the ordinance. Of all the hearings set in 2024, no property owner or occupant appeared.

### **Analysis:**

As the code enforcement office is already receiving complaints about tall grass throughout the City, this change is proposed to allow a more efficient procedure to bring these nuisance properties back into conformity. While still providing an opportunity for the owner or occupant to have a hearing on request, if they do not wish to be heard, the City will not have to wait for an unattended hearing to abate the nuisance and bring the property into compliance.

This ordinance also sets out a uniform procedure for administrative hearings required to be held under the nuisance code.

### **Recommendation:**

Staff believes these changes to the nuisance code will allow the code enforcement officer to more efficiently and effectively enforce the tall weed rules.

MEMO SUBMITTED BY:

**Michael Mayes** | Assistant City Attorney

### **Attachments:**

Council Bill No. 2025-15.

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER**  
2 **14 OF THE NIXA CITY CODE FOR THE PURPOSE OF PROVIDING MORE**  
3 **EFFICIENCY TO THE ENFORCEMENT OF TALL GRASS VIOLATIONS AND**  
4 **ADMINISTRATIVE HEARINGS RELATED TO NUISANCES.**

5  
6 **WHEREAS** the City Code Compliance Officer receives and investigates dozens of  
7 complaints of tall grass violations over the course of a year; and

8  
9 **WHEREAS** despite efforts to encourage voluntary compliance with the City's weed  
10 and vegetation height restrictions, there are still some that do not voluntarily comply and  
11 need further enforcement action; and

12  
13 **WHEREAS** the current nuisance code framework requires several steps which  
14 delays the City from taking appropriate action; and

15  
16 **WHEREAS** of all the tall grass nuisance violation administrative hearings held in  
17 2024, no owners or occupants appeared at the administrative hearings; and

18  
19 **WHEREAS** it is a benefit to the health and welfare of those in the City to enforce  
20 the tall grass and nuisance code efficiently; and

21  
22 **WHEREAS** Staff recommends changes to the nuisance code to allow the City to  
23 deal with tall grass and general nuisance complaints in a more efficient manner; and

24  
25 **WHEREAS** the City Council desires to modify the City Code as set forth herein.

26  
27 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
28 **NIXA, AS FOLLOWS, THAT:**

29  
30 **SECTION 1:** Chapter 14, Article I, of the Nixa City Code is hereby amended by  
31 repealing said Article in its entirety and adopting in lieu thereof a new Article I, which said  
32 Article shall read as follows (Explanation: Language in bold-face type (e.g., **thus**) is  
33 language to be added. Language in bold-faced brackets (e.g., [**thus**]) is not enacted  
34 and is intended to be omitted or deleted.):

35  
36 **ARTICLE I. [~~IN GENERAL~~] PROVISIONS APPLICABLE TO ALL NUISANCES**

37  
38 **DIVISION I – GENERAL PROVISIONS**

39  
40 **Sec. 14-1. – Definitions**

41  
42 **The following words, terms and phrases, when used in this chapter shall**  
43 **have the meanings ascribed to them in this section, except where the context**  
44 **clearly indicates a different meaning:**

***Abandoned***, in addition to those definitions contained in applicable state statutes, state codes, other ordinances adopted by the city or as contained in binding case law decisions, refers to any item which has ceased to be used for its designed and intended purpose. The following factors, among others, will be considered in determining whether or not an item has been abandoned:

- (1) Present operability and functional utility;
- (2) The date of last effective use;
- (3) The condition of disrepair or damage;
- (4) The last time an effort was made to repair or rehabilitate the item;
- (5) The status of registration or licensing of the item.

***Abate*** means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the code compliance official in his judgment shall determine is necessary in the interest of the general health, safety and welfare of the community.

***Administrative Order*** means a written decision of a hearing officer following an administrative hearing held in accordance with this chapter.

***Code compliance official*** means the city official or employee as may be designated in writing by the city administrator to enforce property or premises maintenance and other city code violations as authorized herein.

***Dismantled*** means that from which essential equipment, parts or contents have been removed or stripped and the outward appearance verifies the removal.

***Graffiti*** means defacement, damage or destruction by the presence of paint or ink, chalk, dye or other similar substances; or by carving, etching or other engraving.

***Inoperable*** means incapable of functioning or producing activity for mechanical reasons or other reasons.

***Junk vehicle*** means any vehicle which does not properly display license plates or stickers indicating current registration and has any one or more of the following characteristics:

- (1) Lacks engine, wheel, tire, properly installed battery or other structural parts which render the vehicle inoperable for use as designed by the manufacturer;

(2) Has a missing windshield or missing windows;

(3) Has a missing door, bumper, hood, driver's seat or other similar structural piece;

(4) Has become or has the potential to become the breeding ground or habitat of rats, mice, snakes, mosquitoes or other vermin;

(5) Has junk, garbage or refuse stored therein; or paper, cardboard, wood or other combustible materials stored therein; or is used as a storage facility for solid waste or other hazardous materials; or is used for the storage of gasoline, propane or diesel fuel at any location on or about the vehicle other than in the vehicle's gas or fuel tank;

(6) Has become a potential source of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the vehicle.

***Lien holder*** means any person or entity who has a recorded interest in real property, including mortgagee, beneficiary under a deed of trust or holder of other recorded liens or claims of interest in real property.

***Nuisance*** means, in addition to the conditions described within this chapter, any unlawful act or the failure to perform a duty, or permitting any condition or thing to be or exist on property owned or occupied in which such act, omission, condition or thing:

(1) Injures or endangers the health, safety or welfare of others; and/or

(2) Unlawfully interferes with the use of, obstructs or tends to obstruct or renders dangerous any property, path, sidewalk, stream, ditch or drainage.

***Occupant*** means any person or persons holding and exercising temporary or terminable tenancy rights with respect to a residence, building or property including renters, lessees and/or other persons residing temporarily on the subject property.

***Owner*** means the registered owner of a vehicle; the person to whom property tax is assessed on real or personal property as shown on the last equalized assessment roll of the county.

***Parts*** means any mechanical, structural, body or decorative part of any vehicle, machinery or trailer.

**Property** means any land, lot, parcel or portion of land whether improved or unimproved, occupied or unoccupied, including any alley, sidewalk, parkway or public easement abutting such land, lot, parcel or portion of land.

**Vehicle** means any self-propelled vehicle not operating exclusively on tracks except for farm tractors. The term "vehicle" shall include, but is not limited to, an automobile, truck, van, sports utility vehicle, motorcycle, motorized scooter or dirt-bike.

## **DIVISION II – ADMINISTRATIVE ABATEMENT HEARINGS**

### **Section 14-15. – Applicability.**

Except as otherwise provided herein, whenever an administrative hearing to address a nuisance in this chapter is held, the hearing shall be conducted in accordance with the procedures set forth in this division.

### **Section 14-16. – General provisions.**

- (a) All parties to a hearing are entitled to appear, to present evidence, be heard, and be represented by counsel.
- (b) At the discretion of the hearing officer, the party charged with maintaining a nuisance condition need not be present for the hearing to take place.
- (c) The formal rules of evidence do not apply to any hearing authorized herein.
- (d) The hearing officer shall base their decision on a preponderance of the evidence presented.

### **Section 14-17. – Abatement hearing.**

- (a) The city administrator, or their designee, shall preside over the hearing as the hearing officer.
- (b) The hearing officer may continue the hearing for good cause shown. "Good cause" can include a showing by the owner or occupant that substantial progress toward abatement of the nuisance has begun and is continuing.
- (c) The hearing officer shall make a record of the proceedings by audio recording. The recording shall be made available to any party to the proceeding. Any party who desires a transcript of the recording shall be responsible for the costs of transcription.

### **Section 14-18. – Administrative Order.**

Following the hearing, the hearing officer shall enter an Administrative Order. If the hearing officer determines a nuisance exists, the hearing officer shall enter an Administrative Order finding the owner or occupant of the property has not abated the nuisance and that the city may take steps to abate the nuisance.

#### Section 14-19. – Appeal.

All Administrative Orders may be appealed by any aggrieved party to the Christian County Circuit Court in accordance with R.S.Mo. Chapter 536.

**SECTION 2:** Chapter 14, Article II, of the Nixa City Code is hereby amended by repealing said Article in its entirety and adopting in lieu thereof a new Article II, which said Article shall read as follows (Explanation: Language in bold-face type (e.g., **thus**) is language to be added. Language in bold-faced brackets (e.g., **[thus]**) is not enacted and is intended to be omitted or deleted.):

#### ARTICLE II. – GENERAL NUISANCE ABATEMENT PROCEDURE

##### ~~[Sec. 14-19. Definitions.]~~

~~[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]~~

~~[*Abandoned*, in addition to those definitions contained in applicable state statutes, state codes, other ordinances adopted by the city or as contained in binding case law decisions, refers to any item which has ceased to be used for its designed and intended purpose. The following factors, among others, will be considered in determining whether or not an item has been abandoned:]~~

~~[(1) Present operability and functional utility;]~~

~~[(2) The date of last effective use;]~~

~~[(3) The condition of disrepair or damage;]~~

~~[(4) The last time an effort was made to repair or rehabilitate the item;]~~

~~[(5) The status of registration or licensing of the item.]~~

~~[*Abate* means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the code compliance official in his judgment shall determine is necessary in the interest of the general health, safety and welfare of the community.]~~

~~[Code compliance official means the city official or employee as may be designated in writing by the city administrator to enforce property or premises maintenance and other city code violations as authorized herein.]~~

~~[Dismantled means that from which essential equipment, parts or contents have been removed or stripped and the outward appearance verifies the removal.]~~

~~[Graffiti means defacement, damage or destruction by the presence of paint or ink, chalk, dye or other similar substances; or by carving, etching or other engraving.]~~

~~[Inoperable means incapable of functioning or producing activity for mechanical reasons or other reasons.]~~

~~[Junk vehicle means any vehicle which does not properly display license plates or stickers indicating current registration and has any one or more of the following characteristics:]~~

~~[(1) Lacks engine, wheel, tire, properly installed battery or other structural parts which render the vehicle inoperable for use as designed by the manufacturer;]~~

~~[(2) Has a missing windshield or missing windows;]~~

~~[(3) Has a missing door, bumper, hood, driver's seat or other similar structural piece;]~~

~~[(4) Has become or has the potential to become the breeding ground or habitat of rats, mice, snakes, mosquitoes or other vermin;]~~

~~[(5) Has junk, garbage or refuse stored therein; or paper, cardboard, wood or other combustible materials stored therein; or is used as a storage facility for solid waste or other hazardous materials; or is used for the storage of gasoline, propane or diesel fuel at any location on or about the vehicle other than in the vehicle's gas or fuel tank;]~~

~~[(6) Has become a potential source of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the vehicle.]~~

~~[Lien holder means any person or entity who has a recorded interest in real property, including mortgagee, beneficiary under a deed of trust or holder of other recorded liens or claims of interest in real property.]~~

~~[Nuisance means, in addition to the conditions described within this chapter, any unlawful act or the failure to perform a duty, or permitting any condition or thing to be or exist on property owned or occupied in which such act, omission, condition or thing:]~~

~~[(1) Injures or endangers the health, safety or welfare of others; and/or]~~

~~[(2) Unlawfully interferes with the use of, obstructs or tends to obstruct or renders dangerous any property, path, sidewalk, stream, ditch or drainage.]~~

~~[Occupant means any person or persons holding and exercising temporary or terminable tenancy rights with respect to a residence, building or property including renters, lessees and/or other persons residing temporarily on the subject property.]~~

~~[Owner means the registered owner of a vehicle; the person to whom property tax is assessed on real or personal property as shown on the last equalized assessment roll of the county.]~~

~~[Parts means any mechanical, structural, body or decorative part of any vehicle, machinery or trailer.]~~

~~[Property means any land, lot, parcel or portion of land whether improved or unimproved, occupied or unoccupied, including any alley, sidewalk, parkway or public easement abutting such land, lot, parcel or portion of land.]~~

~~[Vehicle means any self-propelled vehicle not operating exclusively on tracks except for farm tractors. The term "vehicle" shall include, but is not limited to, an automobile, truck, van, sports utility vehicle, motorcycle, motorized scooter or dirt bike.]~~

Sec. 14-20. Statutory authorization.

The city council in recognition of its duty to provide for the health, safety and well-being of the citizens of the city affirms the need to suppress all nuisances which are or may be injurious to the health and welfare of the inhabitants of the city, or prejudicial to the morals thereof, that such nuisances may be suppressed by ordinances, and the expenses for abating these nuisances may be assessed against the owner or occupant of the property and against the property on which said nuisance is committed and a special tax bill may be issued against said property for said expenses. Therefore, the city council of the city, ordains as provided in this article.

Sec. 14-21. Declarations and purposes.

(a) The city council does hereby find and declare that it is necessary to provide for the abatement of conditions which are detrimental to property values and community appearance, an obstruction to or interference with the comfort and enjoyment of adjacent property or premises, or hazardous or injurious to the health, safety or welfare of the general public in such ways that constitute a public nuisance and to establish community standards to safeguard health and public welfare in keeping with the character of the city by allowing for the maintenance of exterior property for each of the following purposes:

(1) To safeguard the health, safety and welfare of the citizens of the city by maintaining exterior property in good and appropriate condition;



(2) To promote a sound and attractive community appearance; and

(3) To enhance the economic value of the community, and each area in it, through the regulation of the maintenance and conditions of property.

(b) Accordingly, the city council declares that the purposes of this article are to:

(1) Reduce the threat to health, safety, welfare, appearance and economic value to the decline in property condition by lawfully delineating the circumstances under which such conditions are considered unlawful and/or abated; and

(2) Further declare that abatement of such condition is in the best interest of the health, safety and welfare of the residents of the city, as maximum use and enjoyment of property or premises in proximity to one another depends upon maintenance of those properties at or above the established minimum standards as defined within this chapter.

Sec. 14-22. Exceptions.

(a) The provisions of this article do not regulate or place limitations on any properly zoned junkyard, salvage dealer or waste tire facility holding valid licenses and/or other necessary federal, state or municipal permits.

(b) The provisions of this article do not prohibit the proper storage of idle but operable recreational vehicles, boats or lawn mowing equipment.

(c) The provisions of this article do not prohibit the orderly storage of firewood.

(d) The provisions of this article are not intended to regulate or place limitations on any residential or commercial building project for which a valid building permit has been issued by the city. This exception shall be limited to the site for which any such permit was issued and this exception shall not apply if continuous and substantial progress toward completion of the building project is not being made.

Sec. 14-23. Administration and enforcement.

The mayor and city council hereby assign the duties of administering this article as follows:

(1) The code compliance official within the planning and development department (or within such other department designated for enforcement by the city administrator) shall have the duty, responsibility and authority to enforce this article in any manner authorized by this Code or by any other law, including but not limited to issuance of citations, civil actions and abatement activity regulation.

(2) The records divisions of the city police department and utility department will provide the planning and development department officials identifying information, when available, of the location and identifying descriptions of violators to assist the reporting, citation completion and service process.

(3) For the purposes of inspections and/or enforcement of the provisions of this chapter, code compliance officials, planning and development department officials or his designees shall be authorized and permitted to enter upon the property of another without being considered trespassers.

(4) All inspections and enforcement actions, unless expressly stated to the contrary, shall be under the direction of the code compliance official who may appoint or designate other public officers or employees to perform duties as may be necessary to enforce the provisions of this article including, but not limited to, abatement activity, work orders, vegetation removal, mowing, etc.

Sec. 14-24. Certain conditions or actions declared nuisances; listing deemed nonexclusive.

(a) The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a public nuisance and a violation of this chapter; provided, however, this enumeration shall not be deemed or construed to be exclusive, limiting or restrictive:

(1) No property owner shall be permitted to allow weeds, grass, brush, briars, and other rank vegetation to grow in excess of 12 inches in height, exclusive of ornamental shrubs or flowers, vegetable crops, fruit trees, berry bushes, cover crops and domestic grains or other cultivated crops. A violation unabated for a period greater than seven days will warrant the issuance of a summons to the property owner. The property owner shall be responsible for all abatement costs. Owners of undeveloped land shall maintain their property so that weeds shall not exceed a height of 18 inches.

(2) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or items offensive to the senses or a risk to health, safety and/or welfare.

(3) Any condition which provides harborage for rats, mice, snakes and other vermin.

(4) Allowing or permitting vegetation, grass or weeds to grow outside or extend beyond the boundaries of any lot or property to a length greater than six inches, to a height greater than 12 inches or encroach upon any sidewalk more than four inches.

- 411 (5) Conditions contributing to or causing rank or noxious odors and stench, as well  
412 as the conditions, substances or other causes which give rise to the emission or  
413 generation of such odors and stench.
- 414
- 415 (6) The pollution of any public well or cistern, stream, lake, canal or body of water by  
416 sewage or industrial wastes.
- 417
- 418 (7) Abandoning, discarding or knowingly permitting to remain on premises or property,  
419 in a place accessible to children, any abandoned or discarded icebox, refrigerator  
420 or other airtight or semi-airtight container which has a capacity of 1½ cubic feet or  
421 more and which has a door or lid equipped with hinge, latch or other fastening  
422 device capable of securing such door or lid, without rendering such equipment  
423 harmless to human life by removing such hinges, latches or other hardware which  
424 may cause a person to be confined therein. No part of this subsection shall apply  
425 to any icebox, refrigerator or other airtight or semi-airtight container located in that  
426 part of a building occupied by a dealer, warehouseman or repairman of such  
427 products.
- 428
- 429 (8) All furniture, machinery, discarded containers or any other appliance, article, item  
430 or equipment designed for use inside a dwelling unit if stored, placed or set upon  
431 the ground or on any open porch, in any attached carport or freestanding carport,  
432 or in any garage or shed that is without doors to conceal such articles.
- 433
- 434 (9) To permit, cause, keep, maintain or allow a fence or partitioning containing barbed  
435 wire, razor wire, electric wire or razor ribbon fencing in any residential or  
436 commercially zoned district.
- 437
- 438 (10) Dismantled, non-licensed, inoperable or junk vehicles as defined herein.
- 439
- 440 (11) Bricks, shingles, building materials, salvage materials including, but not limited to,  
441 auto parts, scrap metal, tires and any other trade materials stored, deposited,  
442 dumped discarded and/or abandoned on any section of property.
- 443
- 444 (12) Buildings, structures or other surfaces upon which graffiti exists.
- 445
- 446 (13) Any flammable material which may endanger public safety.
- 447
- 448 (14) All substances or things, which cause an odor disagreeable to the surrounding  
449 neighborhood.
- 450
- 451 (15) Ashes, slop, filth, excrement, stones, straw, soot, rubbish, manure, offal, stagnant  
452 water, decaying animal matter, decaying fruit or vegetable matter, wrecks or parts  
453 of worn-out vehicles or machinery, scrap iron or other metals, cans, bottles,  
454 broken glass, discarded wearing apparel, dead animals or any other offensive or  
455 disagreeable substances or thing, dilapidated buildings or building materials  
456 which may be offensive to the sight or smell or a menace to health, safety, peace

or comfort, or which may be or become harborers or breeding places for mosquitoes, ants, flies, rats, mice or other vermin, animals or insects, or which may provide shelter, food or protection for rodents, whether left or deposited upon private premises or vacant lots or upon any public property.

(16) All mud, dirt, rocks or debris from construction sites, fields or pastures which fall on city streets from the loads, tires or bodies of vehicles driven from said sites onto city streets. Developers and contractors are required to provide the city with a route plan for construction traffic in and out of new subdivisions and development sites. Failure to do so will be a violation of this Code.

(17) Any vehicle operable or not, parked off street in a residential district in a space not complying with the definition of vehicle accommodation area, as such term is defined in section 111-199 of the city code.

(18) Airplanes, aircraft or helicopters stored in a driveway or parking space.

(19) Reserved.

(20) Vehicles, watercraft, and trailers used for storage. The storage of any items listed in section 14-24(a) of the city code that occupy more than one-half of a vehicle's passenger compartment or are piled on the hood, roof, or trunk of a vehicle. The storage of any items listed in section 14-24(a) of the city code within or upon a watercraft or trailer. Notwithstanding the foregoing, vehicles, watercraft, and trailers may be used for storage if located in a vehicle, watercraft, or trailer sales or service business, towing or storage facility, junkyard, or garage or other fully enclosed structure.

#### Sec. 14-25. Nuisances prohibited.

(a) It is unlawful for any owner or occupant having control of any lot or land or any part thereof in the city to cause, permit or maintain any nuisance on any such lot or land or contribute to the creation or maintenance of any nuisance as defined within this chapter; and it is further unlawful for any person or his agent, servant, representative or employee to cause or maintain a nuisance on the property of another, with or without permission.

(b) Any person who shall cause, create or maintain a nuisance or contribute to any nuisance as defined within this chapter shall be guilty of violating the provisions hereof and shall be liable for all costs and expenses attendant upon the removal and/or correction of such a nuisance in addition to any penalties provided. Each day that a nuisance is maintained can be the basis of a separate offense.

#### Sec. 14-26. Nuisance abatement.

(a) *Summary abatement of nuisances.*

(1) *Procedure.* Whenever a complaint is made to the code compliance official or upon discovery of the existence of a nuisance, as defined in this chapter, the code official shall promptly cause to be inspected the property on which it is alleged that such nuisance exists. Upon discovery of a nuisance, the code compliance official may order the owner or other person creating, keeping, maintaining, or permitting the same to abate it. Should the code official find that a public nuisance exists, and the public health, welfare or safety may be in immediate danger, then summary abatement procedures shall be implemented and the inspecting official or department may cause the nuisance to be removed or abated. Summary abatement costs shall be certified by the city clerk and assigned to the annual real estate tax bills for the property.

(2) *Notice.* When summary abatement is authorized, notice to the owner, agent, or occupant of the property is not required. Following summary abatement, the code compliance official shall cause to be posted on the property liable for the abatement a notice describing the action taken to abate the nuisance.

(b) *Abatement of nuisances in other cases.*

(1) *Procedure.* Whenever a complaint is made to the code compliance official or upon discovery of a nuisance that does not pose an immediate danger to the public health, welfare or safety, the code compliance official shall submit a written report of the property on which the nuisance exists to the city administrator or his designee. If the code compliance official declares the existence of a nuisance, but the nature thereof is not such as to require the summary abatement of such nuisance, then the city administrator, or his designee, may order the abatement of the nuisance after notice **pursuant to section 14-27 of the Nixa City Code** and a hearing pursuant to sections ~~[14-27 and 14-28]~~. **14-15 through 14-19 of the Nixa City Code.**

(2) *Abatement by owner.* Within ten days after service of the notice to abate the nuisance, the owner or individual in possession of the affected property shall remove and abate such nuisance or show that actions for abating the nuisance have been commenced. Such showing shall be made by filing a written statement or other proof of such actions with the code compliance official.

(c) *Abatement by city.* If the city administrator or his designee, after a hearing in compliance with this section, finds that the nuisance or dangerous condition exists, the chief of police or the code compliance official shall have authority to enter upon the property and abate the nuisance found thereon. In abating such nuisance, the chief of police or code compliance official may go to whatever extent may be necessary to complete the abatement of the nuisance. If it is practicable to salvage any material derived in the aforesaid abatement, the chief of police or code compliance official may sell the salvage material at private or public sale and shall keep an accounting of the proceeds thereof.

- 549
- 550 (d) *Proceeds from sale of private property.* The proceeds, if any, obtained from the sale
- 551 of any material salvaged as a result of an abatement of public nuisance by the code
- 552 compliance official or chief of police shall be deposited into the general fund of the city
- 553 and any deficit between the amount so received and the cost of the abatement shall
- 554 be filed with the city clerk. The city clerk shall certify said costs and submit a special
- 555 tax bill to the assessor so that the costs can be added to the annual real estate tax bill
- 556 for the property. Should the proceeds of the sale of the salvaged material exceed the
- 557 cost of abatement, the surplus, if any, shall be paid to the owner of the property from
- 558 which the public nuisance was abated when a proper claim to the excess is
- 559 established.
- 560
- 561 (e) *Authorized action.* In abating a public nuisance, the code compliance official or chief
- 562 of police may call upon any of the city departments or divisions for whatever
- 563 assistance shall be deemed necessary or may by private contract cause the
- 564 abatement of the public nuisance.
- 565
- 566 (f) *Statement of costs.* The city is hereby empowered to charge and collect all costs of
- 567 any abatement which is performed by the city, including administrative expenses,
- 568 which shall be determined by the code compliance official, chief of police, planning
- 569 and development department officials or his designees and/or municipal court. Said
- 570 costs shall be reported to the city administrator or his designee in an itemized
- 571 document titled "certificate of cost" showing the costs of abatement, administrative
- 572 expenses and any outstanding penalties. Said costs shall be assessed and billed to
- 573 the owner, occupant or entity having control of the property upon which the violation
- 574 exists along with a notice advising that a special tax bill shall be issued and that the
- 575 costs of the abatement will be added to the annual real estate taxes assessed against
- 576 the property if the costs are not paid within 30 days. The person or entity causing,
- 577 maintaining, or permitting the nuisance shall be personally liable to the city for the cost
- 578 of such abatement.
- 579
- 580 (g) *Appeal of cost statements.* The property owner, occupants, or entities having control
- 581 of the property may object to the assessment discussed in subsection (f) of this
- 582 section. Such objections must be made in writing with 20 days from the date of mailing
- 583 of the notice discussed in subsection (f) of this section. If no objections are received
- 584 within the 20-day period, the city clerk is to proceed with the procedures set forth in
- 585 subsection (h) of this section. If an objection is received, the city clerk shall refer the
- 586 matter to the city administrator, or his designee, for administrative review. After
- 587 administrative review, the city administrator, or his designee, shall make a written
- 588 determination that the amount of the charges shall be canceled, reduced or remain
- 589 the same. The city administrator, or his designee, may reduce or cancel the proposed
- 590 assessment if it is determined that: no notice of order to remove the nuisance was
- 591 provided; or the work performed for abating the nuisance was not in compliance with
- 592 this chapter; or the computation of charges was not in compliance with this chapter. A
- 593 copy of this determination shall be furnished to the person making the objections
- 594 together with a notice of the person's right to appeal. The decision of the city

595 administrator, or his designee, may be appealed pursuant to the provisions of RSMo  
596 ch. 536 by any person aggrieved, provided such appeal is filed within 30 days after  
597 the date of personal service or mailing of the city administrator's or his designee's  
598 decision.

599  
600 (h) *Special tax bills and liens upon property.* In the event the person or persons billed fails  
601 to pay within the 30-day period set forth in this section, the city administrator, or his  
602 designee, shall certify the amount thereof to the city clerk. The city clerk shall take any  
603 and all steps necessary for a special tax bill to be issued and/or for the costs of the  
604 abatement to be added to the annual real estate taxes assessed against the property.  
605 The cost of the abatement as determined by the city administrator, or his designee,  
606 shall be certified to the city clerk not sooner than 30 days after issuance of the city  
607 administrator's, or his designee's written findings, if not sooner paid. The special tax  
608 bill, if issued, shall be deemed a personal debt against the property owners and shall  
609 be a lien on the property until paid. If the special tax bill is added to the annual real  
610 estate bill for the property and is not paid, the real estate taxes shall be considered  
611 delinquent and the collection thereof shall be governed by the laws applicable to  
612 delinquent real estate taxes. Such special tax bills, if not paid when due, shall bear  
613 interest at the rate of eight percent per annum.

614  
615 (i) *Claim of lack of notice.* If, after a lien has been entered, there is a written request of  
616 the owner who alleges that the owner did not receive notice of the proposed  
617 assessment, the city clerk shall refer the matter for review pursuant to subsection (g)  
618 of this section. The lien may be canceled or reduced by the city administrator, or his  
619 designee, in administrative review, if it is determined that the owner did not receive  
620 notice of the proposed assessment, did not previously have knowledge of the lien or  
621 of the nuisance abatement work constituting the basis of the lien and could not, in the  
622 exercise of reasonable care or diligence, have had such knowledge, and, in addition,  
623 that the circumstances are such that a reduction or cancellation of the charges would  
624 have been appropriate had the matter been reviewed pursuant to this section prior to  
625 assessment. Upon receipt of a certification from the city administrator, or his designee,  
626 pursuant to subsection (g) of this section, the city clerk shall cancel or reduce the lien  
627 if required by determination of the city administrator. Even if the lien is reduced or  
628 eliminated under this section, the individuals, firms, corporation, or other owners of  
629 the property at the time at which the notice was served shall be personally liable for  
630 the amount of assessment including all interest, civil penalties and other charges.

631  
632 Sec. 14-27. ~~[Notice-]~~ **Notice to owner or occupant; Notice of hearing.**

633  
634 **(a) When the code compliance official determines that a nuisance exists in**  
635 **violation of this article, the code compliance official may institute a nuisance**  
636 **abatement procedure by serving a written notice of violation and notice of**  
637 **administrative hearing upon the occupant of the property and the owner, if not**  
638 **the same. The notice shall contain the following:**

(1) A legal description or street address of the location and nature of the alleged nuisance;

(2) A statement of the acts known at the time necessary to abate the alleged nuisance;

(3) An order requiring the nuisance to be abated within 10 days of the date of the order;

(4) Notice of the date, time, and location of a hearing to determine if the nuisance remains in existence, and that the hearing may be held without the presence of any owner and/or occupant.

(b) The notice may be served by one of the following means:

(1) Personal service,

(2) First class mail to both the occupant of the property at the property address and the owner at the last known address of the owner, if not the same

(3) Posting the written notice in a conspicuous place on the property,

(c) Service by mail will be deemed served 3 days after mailing. Service by personal service or posting will be deemed served the day of personal service or posting

(d) The hearing shall not be held sooner than 10 days after service of notice.

(e) The hearing shall be conducted according to the procedures set out in sections 14-15 through 14-19 of the Nixa City Code.

~~[(a) Upon verification of a reported nuisance violation within the city, the code compliance official shall provide a written notice to correct or abate. If the violation is on private property, proof that a person occupies the property, or that a person has possession or right to possession of the property, shall constitute prima facie evidence for the purposes of this article that such person has caused, maintained, or permitted the violation and such person shall be responsible for its abatement. If the property is vacant, evidence as to the record title owner from the county recorder's office shall be prima facie evidence for the purpose of this article that the owner has caused, maintained or permitted the violation, and such person shall be responsible for its abatement. The following methods of service of the written notice to abate shall be deemed adequate:]~~



~~[(1) By personal service upon the owner or occupant of the property upon which the nuisance exists or upon the person or persons or other responsible party causing or maintaining the violation;]~~

~~[(2) By sending the notice by certified mail to the last known address of the owner, occupant or person causing or maintaining the nuisance;]~~

~~[(3) By publishing the notice once a week for two consecutive weeks in a newspaper of general circulation in the city, or by posting the notice in a conspicuous place on the property or building whereupon the nuisance exists.]~~

~~[(b) In addition to the notice requirements of this chapter, the notice to abate a nuisance issued under the provisions of this article shall contain:]~~

~~[(1) The street address or legal description of the property;]~~

~~[(2) A description of the condition or conditions alleged to constitute a nuisance;]~~

~~[(3) That a hearing is scheduled with the hearing officer on a date not sooner than ten days after the date of service by any of the methods stated in subsection (a) of this section;]~~

~~[(4) That proof of the commencement of such abatement actions must be submitted to the code compliance official not later than three working days before the date scheduled for the hearing to determine whether the nuisance or dangerous condition will be held; and]~~

~~[(5) That the hearing may be held without the presence of any owner, lien holder, occupant or representative.]~~

Sec. 14-28. **Reserved.** ~~[Hearing and appeal.]~~

~~[(a) Procedure. The owners, lien holders and occupants of the property who have been served with notice pursuant to section 14-27, and who do not submit sufficient proof of the commencement of the such abatement to the code compliance official not later than three working days before the date before the scheduled hearing, may appear in person or by representative at the hearing with the hearing official scheduled on a date not sooner than ten days after the date of service of the notice as provided in section 14-27. Said hearing will be conducted by a hearing officer appointed by the mayor.]~~

~~[(b) Hearing. The hearing officer shall conduct a full and adequate hearing upon the question of whether a public nuisance in fact exists. The hearing officer may amend or modify the notice to extend the time for compliance with the notice by the owner by such date as the hearing officer may determine.]~~

~~[(c) Evidence. The owners, lien holders, occupants of the property, or their representative or agents shall be given the opportunity to present evidence to the hearing officer in the course of the hearing.]~~

~~[(d) Order. Should the evidence support a finding that the condition constitutes a nuisance, the hearing officer shall issue an order making specific findings of fact, based on competent and substantial evidence, which shows that the condition constitutes a public nuisance and that it should be removed, repaired or otherwise abated by the city.]~~

~~[(e) Additional time. The hearing officer, upon written application by the owner at any time within the period after the notice has been served, but before the scheduled hearing, may grant additional time for the owner to effect the abatement of the nuisance, provided that such extension is limited to a specific time period.]~~

~~[(f) Costs. The costs of performance of the abatement performed by the city in accordance with the hearing officer's order shall be certified and billed in accordance with section 14-26(f). If the bill is not paid within 30 days, the city clerk is to follow the procedures set forth in 14-26(h) regarding special tax bills and liens against real estate.]~~

~~[(g) Appeal procedures. If, upon a hearing, the hearing officer determines that a violation exists, proper notice was given, and there has been a failure to abate the nuisance, the hearing officer shall make an order directing the chief of police or the code compliance official to have the nuisance abated or removed. The decision of the hearing officer that a nuisance exists and is to be abated may be appealed pursuant to the provisions of RSMo ch. 536, by any person aggrieved, provided such appeal is filed within 30 days after the date of personal service or mailing of the hearing officer's decision.]~~

~~[(h) Finality of judgment. If the judgment is not appealed to the circuit court within 30 days as set forth in subsection (g) of this section, then the judgment will be declared final per RSMo ch. 536.]~~

#### Sec. 14-29. Other remedies.

The procedures set forth in this article shall be in addition to any other remedies that may exist under law for the abatement of public nuisance, and this article shall not prevent the city from prosecuting violations of this chapter, a conviction of which shall be punishable pursuant to section 1-9, or proceeding in a civil cause of action for abatement of nuisances created by the accumulation of unsightly, dangerous or noxious personal property within the borders of the city. Upon the successful prosecution of such civil cause of action, the city may be awarded by the court reasonable attorney's fees, litigation expenses, expert fees, and court costs incurred in such action.

#### Sec. 14-30. Reserved.

**SECTION 3:** Chapter 14, Article III of the Nixa City Code is hereby amended by repealing said Article in its entirety and adopting in lieu thereof a new Article III, which said Article shall read as follows (Explanation: Language in bold-face type (e.g., **thus**) is language to be added. Language in bold-faced brackets (e.g., **[thus]**) is not enacted and is intended to be omitted or deleted.):

**ARTICLE III. WEEDS AND VEGETATION**

Sec. 14-47. ~~[Maximum height allowed.]~~ **Conditions constituting a nuisance.**

**The following conditions shall constitute nuisances for the purposes of this Article.**

- (a) Weeds, grass, brush, briars or other rank vegetation in excess of 18 inches on a parcel of undeveloped property. For purposes of this section, *undeveloped property* shall mean any real property that does not have any buildings, structures, or any improvements upon it.**
- (b) Weeds, grass, brush, briars and other rank vegetation in excess of 12 inches in height, exclusive of ornamental shrubs or flowers, vegetable crops, fruit trees, berry bushes, cover crops and domestic grains or other cultivated crops if there is a development on the property.**
- (c) Allowing or permitting vegetation, grass, or weeds to encroach upon any sidewalk or street more than four inches up to 8 feet above the ground.**
- (d) Cultivation, maintenance, or allowing to go to seed any noxious weed as identified at 2 CSR 70-45.005.**
- (e) Allowing trees, brush, weeds, or other vegetation to interfere with the sight lines of any public street within the City.**

~~[No property owner shall be permitted to allow weeds, grass, brush, briars, and other rank vegetation to grow in excess of 12 inches in height, exclusive of ornamental shrubs or flowers, vegetable crops, fruit trees, berry bushes, cover crops and domestic grains or other cultivated crops. A violation unabated for a period greater than five days will warrant the issuance of a summons to the property owner. The property owner shall be responsible for all abatement costs. Owners of undeveloped land shall maintain their property so that weeds shall not exceed a height of 18 inches.]~~

Sec. 14-48. ~~[Notification of property owner.]~~ **Notice, hearing, and appeal.**

- (a) Upon discovery of a nuisance as defined in this article the code compliance official shall serve notice of the nuisance to the property owner of record at the address listed in the records of the Christian County Assessor or the occupant of the property.**

(b) Said notice shall be served upon the owner or occupant in at least one of the following methods:

(1) Personal service;

(2) Sending the notice by U.S. mail, first class postage prepaid; or

(3) Posting notice in a conspicuous place on the subject property;

(c) Notice by mail is considered served 3 calendar days after mailing. Notice by personal service or posting is considered served the day of service or posting.

(d) Said notice shall contain the following:

(1) Address of the nuisance;

(2) Description of the nuisance;

(3) Action needed to take to abate the nuisance;

(4) Notice that if the nuisance is not abated within 10 calendar days of service of notice, the City will take action to abate the nuisance;

(5) That the owner or occupant of the property may file an objection and request for hearing within 10 calendar days of service of notice. This objection must be in writing, include a mailing address and email address where the owner or occupant consents to receive further notices in this matter, and delivered to the city clerk.

(e) If an objection and request for hearing is received, a notice of hearing shall be sent to the owner or occupant of the property advising of the date, time and location of the hearing not less than 7 calendar days before the hearing. The hearing shall follow the procedures set forth in sections 14-15 through 14-19.

~~[In the event any property owner shall allow his property to grow up in the manner described in section 14-47, it shall be the duty of the code enforcement personnel to notify said property owner of this article in accordance with section 14-23.]~~

Sec. 14-49. ~~[Removal or abatement.]~~ **Abatement action.**

(a) If no objection and request for hearing is received within the time period set forth in Section 14-48 of the Nixa City Code, the code compliance official may cause the nuisance to be abated and the cost of abatement to be assessed against the property as a special tax bill as set forth in Section 14-26 of the Nixa City Code.

(b) If an objection and request for hearing is timely received, no abatement action may proceed unless an Administrative Order is issued following a hearing. If an Administrative Order is issued requiring abatement, the code compliance official may cause the nuisance to be abated and the cost of abatement to be assessed against the property as a special tax bill as set forth in Section 14-26 of the Nixa City Code.

~~[Failure to correct the conditions described in section 14-47 shall result in abatement or removal by the city in accordance with section 14-23.]~~

**SECTION 4:** The City Attorney, when codifying the provisions of this Ordinance, is authorized to provide for different section numbers, subsection numbers, and different internal citation references than those provided herein when such section numbers, subsection numbers, or internal citation references are in error or are contrary to the intent of this Ordinance.

**SECTION 5:** Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired, or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby.

**SECTION 6:** Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION 7:** This Ordinance shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

**[Remainder of page intentionally left blank. Signatures follow on the next page.]**

**ADOPTED BY THE COUNCIL THIS 27th DAY OF MAY 2025.**

ATTEST:

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
CITY CLERK

**APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF MAY 2025.**

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY