

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing sections 4403., 4440., 4441., 4442., 4443., 4450., 4451., 4452., 4454., 4455., 4460., 4461., 4462., and 4463., Jackson County Code, 1984, relating to nuisances, and enacting, in lieu thereof, fourteen new sections relating to the same subject.

ORDINANCE NO. 5717, February 28, 2023

INTRODUCED BY Jeanie Lauer, County Legislator

WHEREAS, the Public Works Department has been responsible for the enforcement of nuisance violations since the Environmental Health Division was made a stand-alone County agency; and,

WHEREAS, properties in the unincorporated area that fail to abate a nuisance violation are served with a general ordinance summons for an appearance in County Municipal Court; and,

WHEREAS, the Court has suggested amendments to reflect the Public Works Department having the authority to enforce the code and initiate any action that would result in an appearance in Municipal Court; now therefore,

BE IT ORDAINED by the Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause.

Sections 4403., 4440., 4441., 4442., 4443., 4450., 4451., 4452., 4454., 4455., 4460., 4461., 4462., and 4463., Jackson County Code, 1984, are hereby repealed, and fourteen new sections enacted in lieu thereof, to be known as sections 4403., 4440., 4441., 4442., 4443., 4450., 4451., 4452., 4454., 4455., 4460., 4461., 4462., and 4463., to read as follows:

4403. [Health] Code Enforcement Officer.

[Health] Code Enforcement Officer means the Director of the Jackson County [Health] Public Works Department or the director's authorized representative.

4440. Right of Entry.

The [Health] Code Enforcement Officer or the officer's agent, employee or representative is authorized to enter on and to inspect any real property or building or parts of buildings for the purpose of examining the sanitary condition and for the discovery and abatement of any nuisance on that property building.

4441. Findings to [Health] Code Enforcement Officer.

If an inspection conducted pursuant to section 4440.00 results in a finding that any nuisance or any unsafe or unsanitary conditions exist, the same shall be reported to the [Health] Code Enforcement Officer.

4442. Determination by [Health] Code Enforcement Officer.

Whenever the [Health] Code Enforcement Officer determines that a nuisance, detrimental to the health, safety, or general welfare exists on any private property within the unincorporated area of Jackson County, Missouri, the [Health] Code Enforcement Officer shall notify the owner or other person in control of the property that a nuisance exists.

4443. Notice of Nuisance.

The [Health] Code Enforcement Officer shall notify the owner or other person in control of the property that a nuisance has been determined to exist, that it constitutes a nuisance detrimental to the health, safety or general welfare of the residents of the area and that action must be initiated to abate, remove, destroy, recondition, demolish, or vacate, if such be the case, within the time set forth by section 4446.00 of this chapter.

4450. Hearing.

The owner of the property on which a nuisance is determined to exist may request a hearing.

4450.1 Time to Request.

The owner of that property may request a hearing within the fifteen (15) days period referred to in section 4446.00 of this chapter.

4450.2 Scope of Review.

The owner of the property may request that a hearing be conducted for the purpose of contesting the determination of the [Director] Code Enforcement Officer that a nuisance exists on the property or for the purpose of contesting the determination that the property is that of the alleged owner.

4450.3 [Health] Code Enforcement Officer.

The [Health] Code Enforcement Officer shall conduct the hearing.

4450.4 Notice of Hearing.

The alleged owner of that property shall be notified of the hearing by certified or registered mail at least five (5) days prior to the date set for hearing.

4451. Time for Hearing.

The [Health] Code Enforcement Officer shall conduct the hearing as soon as may be practicable but no earlier than five (5) days after notice by certified or registered mail is given to the alleged owner of the property.

4452. Property Owner Rights at Nuisance Hearing.

At the hearing before the [Health] Code Enforcement Officer, the alleged owner of the property in question shall have the following rights.

4452.1 Represented by Counsel.

The alleged owner of property shall have the right to be represented by counsel.

4452.2 Present Testimony.

The alleged owner of the property shall have the right to present testimony.

4452.3 Offer Evidence and Arguments.

The alleged owner of the property shall have the right to offer evidence and arguments.

4452.4 Cross-Examine Witnesses.

The alleged owner of the property shall have the right to cross-examine witnesses.

4454. Determination of [Health] Code Enforcement Officer.

If the [Health] Code Enforcement Officer after the hearing shall determine that a nuisance detrimental to public health exists on the property and that the person requesting the hearing is the owner of the property on which the nuisance is located, the [Health] Code Enforcement Officer shall file, in writing, findings of facts and an order that actions be initiated to abate the nuisance within fifteen (15) days.

4455. Notice of Determination to Owner.

The [Health] Code Enforcement Officer shall cause the finding of facts and order to be served on the owner of the property by certified or registered mail or by mailing a copy of the findings of facts and the order to counsel, if any, by certified or registered mail.

4460. Failure to Comply.

If the owner or other person in control of the property fails to comply with the notice, the [Health] Code Enforcement Officer may abate, remove, destroy, demolish, or vacate if such be the case, any nuisance as declared by this chapter.

4461. Right to Enter.

The [Health] Code Enforcement Officer or his representative shall have the right to enter on property on which any nuisance is situated for the purpose of enforcing section 4460.00 of this chapter.

4462. Enforcement by Suitable Means.

The [Health] Code Enforcement Officer or his representative may use any suitable means or assistance for the purpose of abating, destroying, or removing the nuisance.

4462.1 Contract With Private Firms.

The [Health] Code Enforcement Officer may contract with private firms to abate, destroy, or remove any nuisance after listing of contracts by the Purchasing Manager.

4463. Nuisance Abatement, Certification of Costs.

On completion of the abatement removal, destruction or demolition of the nuisance by the [Health] Code Enforcement Officer or the officer's representative, the [Health] Code Enforcement Officer shall certify the total costs to the [Department] Director of [Revenue] Finance and Purchasing.

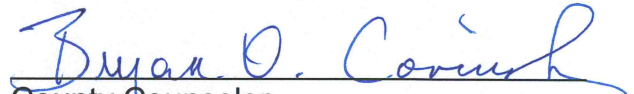
4463.1 Included Charges.

Each certificate of cost shall include a charge of ten dollars (\$10) for inspecting the property and giving the notice, and a further charge of five dollars (\$5) for issuing and recording a special tax bill.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:


Chief Deputy County Counselor


County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5717 introduced on February 28, 2023, was duly passed on March 14, 2023 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

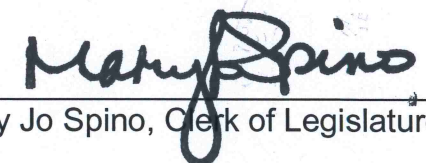
Nays 0

Abstaining 0

Absent 1

This Ordinance is hereby transmitted to the County Executive for his signature.

3-14-2023
Date


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5717.

3/15/2023
Date


Frank White, Jr., County Executive