

BILL NO. 96-4

ORDINANCE NO. 23-

AN ORDINANCE ESTABLISHING A CHAPTER 41 ON DANGEROUS BUILDINGS FOR THE CITY OF LEETON, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF LEETON, AS FOLLOWS:

Section 1: The following sections shall be referred to as Chapter 41.

Section 2: Ordinance 77-14 is hereby repealed.

Section 3: All other ordinances, or portions thereof, which are inconsistent with the provisions of this ordinance are hereby repealed.

Section 4: The Leeton ordinance on dangerous buildings shall be denoted as Chapter 41 and is hereby created.

Chapter 41--Demolition of Substandard Buildings

41.010. Dangerous buildings defined. All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings":

1. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
2. Those which, exclusive of the foundation, show thirty-three (33) percent or more, of damage or deterioration of the supporting member or members, fifty (50) percent of damage or deterioration of non-supporting enclosing or outside walls or covering.
3. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
4. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, or the health and welfare of the occupants or the people of this city.
5. Those which have become or are so dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety, or general welfare of those living therein.

7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of ascent or descent.

8. Those which have parts thereof which are so attached that they may fall and injure property or members of the public.

9. Those which because of their condition are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the people of this city.

41.020. Standards for repair, vacation or demolition. The following standards shall be followed in ordering repair, vacation, or demolition:

1. If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this Chapter is shall be ordered repaired.

2. If the "dangerous building" is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants it shall be ordered to be vacated and repaired.

3. In any case where a "dangerous building" is 50 percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building or structure cannot be repaired so that it will no longer exist in violation of the provisions of this Chapter is shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of any provision of this Code or other ordinance of the city or statute of the State, it shall be repaired or demolished.

41.030. Dangerous buildings are nuisances. All dangerous buildings within the terms of Section 41.010 of this Chapter are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished as herein before and herein after provided.

41.040. Building inspectors. All employees of the fire department or police department; or other city official or employee; or any engineering firm; so designated by the mayor shall be "building inspectors" within the meaning of this Chapter.

41.050. Same duties. The building inspectors shall:

1. Inspect or cause to be inspected at any time he has reason to suspect a violation of Chapter 41 exists, all buildings and structures located within the City for purpose of determining whether any conditions exist which cause such places to be a "dangerous building" within the provisions of the Chapter.

2. Inspect any building or structure about which complaints are filed by any person to the effect that a building or structure is or may be existing in violation of this Chapter.

3. Inspect any building, or structure reported as probably existing in violation of the terms of this Chapter.

4. Notify in writing, either by personal service or by certified mail, return receipt requested; or if service cannot be had by either of these modes of service, then by publication in a newspaper qualified to publish legal notices, for two successive weeks, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building as shown by the land records of the recorder of deeds of the county, of any building found by him to be a "dangerous building" within his standards set forth in Section 41.010 of this Chapter, that:

(a) The owner must vacate, vacate and repair, or vacate and demolish the building or structure in accordance with the terms of this notice and this Chapter.

(b) The occupant or lessee must vacate the building or structure or may have it repaired in accordance with the notice and remain in possession.

(c) The mortgagee, agent or other person having an interest in the building or structure as shown by land records of the recorder of deeds of the county may at his own risk repair, vacate, or demolish the building or have such work or act done; provided, that any person notified under this Subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

5. Set forth in the notice provided for in Subsection (4) hereof, a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building" and an order requiring the same to be put in such condition as to comply with the terms of this Chapter within such length of time, not exceeding 30 days, as is reasonable.

6. Report in writing to the mayor any noncompliance with the notice provided for in Subsections (4) and (5) hereof.

7. Appear at all hearings conducted under this Chapter.

8. Place a notice on all "dangerous buildings" reading as follows:

"This building/structure has been found to be a dangerous building/structure by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given to the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in the building/structure as shown by the land records of the recorder of deeds of the county. It is unlawful to remove this notice until such notice is complied with."

41.055. Entry of building inspector. It shall be unlawful for any person to deny a building inspector entry into any property, building, or structure for the purpose of conducting an inspection so long as the inspection is requested to be performed at a reasonable time.

41.060. Building commissioner. The mayor shall designate the building commissioner under this Chapter.

41.070. Same duties. The mayor or the building inspectors shall:

1. Upon receipt of a report of a building inspector as provided for in Section 41.050 (6), give twenty-one days written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in the building or structure as shown by the land records of the recorder of deeds of the county to appear before him on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the building inspector's notice provided for herein in Section 41.050 (4) and (5).

2. Hold a hearing, where any party may be represented by legal counsel, and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in the building as shown by the land records of the County shall offer relative to the "dangerous building."

3. Make written findings of fact based upon substantial evidence derived competent from the testimony offered pursuant to Subsection (2) as to whether or not the building in question is a "dangerous building" within the provisions of Section 41.010.

4. Issue an order based upon findings of fact made pursuant to Subsection (3) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the building as shown by the land records of the county, to repair, vacate, or demolish any building or structure found to be a "dangerous building" within the terms of this Chapter and provided that any person so notified shall have the privilege of either vacating or repairing the dangerous buildings or structure; or any person not the owner of the dangerous building or structure but having an interest in the building or structure as shown by the land records of the county may demolish the dangerous building or structure at his own risk to prevent the acquiring of a lien against the land upon which the "dangerous building" stands by the city, as provided in Subsection (5) hereof.

5. If the owner, occupant, mortgagee, or lessee fails to comply with the order provided in Subsection (4) hereof, within 30 days, the mayor or building commissioner shall cause such building or structure to be repaired or demolished and the cost of such repair or demolition shall be charged against the land on which the building or structure existed as a

municipal lien or cause such costs to be added to the tax recovered in a suit at law against the owner; provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, safety, or general welfare of the people of this city, the mayor shall notify the city attorney to take legal action to force the owner to make all necessary repairs or demolish the building or structure.

6. Report to the city attorney the names of all persons not complying with the order provided for in Section 41.070 (4) hereof.

7. At the request of the taxpayer, the special tax bill provided for by Section 41.070 (5) may be paid in installments over a period of not more than ten (10) years.

41.080. Appeal to circuit court. Any owner, occupant, lessee, mortgagee, agent or any other person having an interest in a "dangerous building" as shown by the land records of the recorder of deeds of the county may, within 30 days from the receipt of the order of the mayor or building commissioner provided for by Section 41.070 (4) of this Chapter, appeal such decision to the Johnson County Circuit Court pursuant to the procedure established in Chapter 536 of the Revised Statutes of Missouri.

41.090. Emergency cases. In cases where it reasonably appears there is immediate danger to the life or safety of any person unless a "dangerous building" is immediately repaired, vacated, or demolished, the building inspector shall report such facts to the mayor or building commissioner and the mayor or building commissioner shall cause the immediate repair, vacation or demolition of such "dangerous building." The costs of such emergency repair, vacation, or demolition of such building or structure shall be collected in the same manner as provided in Section 41.070 (5).

41.100. Owner absent from the city. In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee, is absent from the city, all notices or orders provided for herein shall be personally served or be sent by certified mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in the building or structure as shown by the land records of the recorder of deeds of the county to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service.

41.120. Insurance proceeds from damage or loss to buildings or structures. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, and if the covered claim payment is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure, then the following procedure shall apply:

1. The insurer shall withhold from the covered claim payment ten percent (10%) of the covered claim payment, and shall pay that amount to the city to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this section. If a special tax bill or assessment is issued

by the city for the expenses of demolition of such building or structure as a dangerous building, the monies held by the city shall be applied toward payment of special tax bill or assessment. If there is any excess, it shall be paid by the city to the insured or as the terms of the policy, including any endorsements thereto, provide.

2. The city shall release the proceeds and any interest which has accrued on such proceeds and any interest which has accrued on such proceeds received under subsection 1 of this section to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless the city has instituted legal proceedings, all monies in excess of that necessary to comply with the removal of the building or structure, less salvage value, shall be paid to the insured.

Section 5: This ordinance shall be in full force and effect after its passage.

Passed in open session by the Board of Alderman on July 1, 1996.

Norman H. Silkwood
Norman Silkwood, Mayor

ATTEST:

Cheryl Anstine
Cheryl Anstine, City Clerk



Untitled

CITY OF LEETON
PO BOX 87
LEETON, MO 64761

July 3, 1996

ATTN: Ms. Cholra Lindley-Myers
Division of Insurance
Supervisor Property & Casualty
PO Box 690
Jefferson City, MO 65112-0690

Dear Ms. Cholra Lindley-Myers:

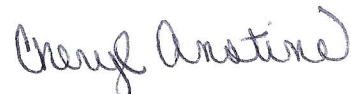
On July 1, 1996 the board of aldermen City of Leeton, Missouri met in regular session. During this session the board of aldermen passed an ordinance establishing a chapter 41 on dangerous buildings for the City of Leeton, Missouri.

Missouri State Statute Section 67.412 reads that the city is to notify the Division of Insurance within 14 days of the passage of a dangerous building ordinance.

Please except this as written notification of the passage of this ordinance.

If you have any questions please feel free to call me at (816)653-4622.

Sincerely,



Cheryl Anstine
City Clerk

cc: Mark Stahlhuth

Untitled

CITY OF LEETON
PO BOX 87
LEETON, MO 64761

July 3, 1996

ATTN: Mr. Mark Stahlhuth
Division of Insurance
General Council
PO Box 690
Jefferson City, MO 65112-0690

Dear Mr. Mark Stahlhuth:

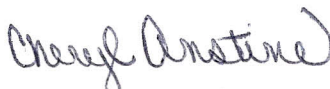
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Cheryl Anstine
City Clerk

cc: Cholra Lindley-Myers