

AN ORDINANCE RELATING TO AND PROVIDING FOR MANDATORY VACATION, DEMOLITION OR REPAIR AND MAINTENANCE OF BUILDINGS OR STRUCTURES WITHIN THE CITY OF GREEN CITY, MISSOURI, AND PERTAINING TO INSURANCE PROCEEDS FROM DAMAGE OR LOSS TO BUILDINGS OR STRUCTURES WHICH CONSTITUTE A NUISANCE DETRIMENTAL TO THE HEALTH, SAFETY OR WELFARE OF RESIDENTS. PURSUANT TO SECTIONS 67.400 ET SEQ. R.S.Mo. 1969 AS AMENDED, AND ESTABLISHING PROCEDUES FOR ENFORCEMENT AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, the City of Green City is authorized to enact an ordinance declaring as a public nuisance certain buildings or structures within its corporate limits which, in their failure to meet established standards, are detrimental to the health, safety or welfare of its residents; and

WHEREAS, IT IS IN THE BEST INTERESTS OF THE City of Green City and its residents to enact such ordinance.

NOW THEREFORE, pursuant to Section 67.400 et seq. R.S.Mo., 1969, as amended, and the further authority vested in the Board of Alderman, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF GREEN CITY, MISSOURI, as follows:

SECTION 1

These regulations shall be known as the "Dangerous and Unsafe Structure Ordinance" of the City of Green City.

SECTION 2

It is the purpose of this ordinance to provide a just, equitable and practicable method for the repairing, vacation, or demolition of buildings or structures which may endanger the life, limb, heath, property, safety, or welfare of the occupants of such buildings or to the general public, and this ordinance shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter exist in the City of Green City, Missouri.

SECTION 3

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 lift, lean or buckle to such 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 percent (33%) or more of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the 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 become dangerous to life, safety or the general health and welfare of the occupants or the people of the City.
5. Those which 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 welfare of those occupying such building.
6. Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who inhabit, occupy or use the premises.
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 communication.
8. Those which have parts thereof which are so attached that they may fall or injure members of the public or property.
9. Those which because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare or the people of this City.

SECTION 4

All "dangerous buildings", within the terms of Section 3 of this ordinance, are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided herein.

SECTION 5

The following standards shall be followed in substance by the Board of Alderman (hereinafter in this ordinance referred to as "City Council") in ordering repair, vacation or demolition of any "dangerous building":

1. If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance, it 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 all cases where a building can't be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered demolished.
4. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of this City or statute of the State of Missouri, it shall be repaired or demolished.

SECTION 6

The Mayor and Board of Alderman shall have the duty under this ordinance to:

1. Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous-occupancy buildings for the purpose of determining whether any conditions exist which render such places a "dangerous building" when there exists reasonable grounds to believe that any such building is dangerous.
2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this

- ordinance, and the Mayor or Board of Alderman shall determine if there are reasonable grounds to believe that such building is dangerous.
3. Inspect any building, wall or structure reported by Fire or Police departments of this City as probably existing in violation of this ordinance.
 4. Notify in writing, either by personal service or by certified mail, return receipt requested, or if service can't be had by either of these modes of service, it may be had by publication for two successive weeks in a newspaper qualified to publish legal notices, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Sullivan County, Missouri, of any building found to be a "dangerous building" within the standards set forth in Section three (3) of this ordinance.
 - a. The notice required shall state that:
 - i. The owner must repair, vacate and repair, or vacate and demolish said building in accordance with the terms of the notice and this ordinance;
 - ii. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession;
 - iii. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Sullivan County, Missouri, may, at his own risk, repair, vacate or demolish or have such work done, PROVIDED, however, that any person notified under this subsection to repair, vacate or demolish any building, shall be given such reasonable time not exceeding thirty (30) days to commence the required work unless, in the judgment of the Mayor or Board of Alderman, it is determined to be necessary to extend such time to commence the work.
 5. The notice provided for in this Section shall state a description of the building or structure deemed dangerous, a statement of the particulars which make the building or structure a "dangerous building", and an order requiring the designated work to be commenced within the time, or extension thereof, provided for in the above subsection.
 6. Report in writing to the Mayor of the City the non-compliance with any notice to vacate, repair or demolish.
 7. If it is determined to be advisable or upon receipt of an order from the City Council by resolution directing the same to be done, the Mayor and Board of Alderman shall place a notice on the building or structure deemed dangerous reading as follows:

"This building has been found to be a dangerous building by the Mayor and Board of Alderman. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee or agent of this building as shown by the land records of the Recorder of Deeds of Sullivan County. It is unlawful to remove this notice until such notice is complied with."

SECTION 7

The Mayor of the City shall keep the City Council informed and advised of matters pending under this ordinance as they occur and are brought to his/her attention and, in addition, shall:

1. Oversee all inspections required by this ordinance.
2. Forward to the City Council all written reports notifying them of non-compliance with any notice to vacate, repair or demolish made pursuant to this ordinance under Section 6.
3. Carry out and sign all orders of the City Council made pursuant to the provisions of this ordinance.

SECTION 8

The City Council shall have the power pursuant to the ordinance to:

1. Supervise all inspections required by this ordinance, and cause the Mayor or his/her designee to make inspections and perform all the duties required of him/her by this ordinance. Upon receiving a complaint or report from any source, that a "dangerous building" exists in the City, it shall cause an inspection to be made forthwith. If it deems it necessary to the performance of its duties and responsibilities imposed herein, it may request an inspection and report be made to it by any other City department or retain services of an expert whenever it deems such service necessary.
2. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a "dangerous building", the City Council shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other persons having an interest in said building as shown by the land records of the county wherein the land is located, to repair, vacate or demolish any building found to be a "dangerous building"; PROVIDED, that any person so notified, shall have the privilege of either repairing, or vacating and repairing said building, if such repair will comply with the ordinances of this City or the owner or any person having any interest in said building as shown by the land records of the county wherein the land is located, may vacate and demolish said "dangerous building" at his own risk to prevent the acquiring by the City of the lien against the land where the "dangerous building" stands. If this evidence does not support a finding that a building or structure is a "dangerous building", no order shall be issued.
3. If the owner, occupant, mortgagee or lessee fails to comply with the order within 30 days, the City Council shall cause the building or structure to be repaired, vacated or demolished as the facts may warrant; and the City Council shall certify the charge for such repair, vacation or demolition to the City Clerk as a special assessment represented by a special tax bill against the real property and be enforced to the same extent and in the same manner as all other special tax bills. At the request of the tax payer, this special tax bill may be paid in installments over a period of not more than two (2) years; said assessment shall bear interest at the rate of nine percent (9%) per annum until paid in full.

SECTION 9

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 in accordance with paragraph three (3) of Section Eight (8) of this ordinance for the expenses of repair, vacation or demolition as a "dangerous building", the moneys held by the City shall be applied toward payment of such 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, provided.
2. The city shall release the proceeds and any interest which has accrued on such proceeds received under paragraph one (1) of this Section Nine (9) to the insured or as the terms of the policy and endorsements thereto provided within thirty (30) days after receipt of such insurance moneys, unless the City has instituted legal proceedings under the provisions of paragraph three (3) of Section Eight (8) of this ordinance. If the City has proceeded under those said provisions. All moneys in excess of that necessary to comply with such provisions for the repair, vacation or demolition and removal of the building or structure, less salvage value, shall be paid to the insured.
3. The City may certify that, in lieu of payment of all or part of the covered claim payment under this Section Nine (9), it has obtained satisfactory proof that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the City shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without deduction. It shall be the obligation of the insured or other person making claim to provide the insurance company with the written certificate provided for in this paragraph three (3).
4. No provisions of this Section shall be construed to make the city a party to any insurance contract.

SECTION 10

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 wherein the land is located, may within thirty (30) days from the receipt of the order of the City Council appeal such decision to the Circuit Court of the county wherein the land is located, pursuant to the procedure established in Chapter 536 of the Revised Statutes of Missouri.

SECTION 11

In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless a "dangerous building" as defined herein, is immediately repaired, vacated or demolished, the City Mayor or designee of the Board of Alderman shall report such facts to the City Council and the City Council, by Resolution, may cause the immediate boarding up of all openings, repair, vacation or demolition of such "dangerous building". The cost of such emergency boarding up, repair, vacation or demolition of such "dangerous building" shall be collected in the same manner as provided in Section Eight (8), paragraph three (3) of this ordinance.

SECTION 12

The owner, occupant or lessee in possession of any "dangerous building" who shall fail to comply with the order to repair, vacate or demolish said building given by the City Council or any person removing any notices provided for in this ordinance shall be guilty of a misdemeanor and upon conviction shall be punishable as set forth in Section Thirteen (13) of this ordinance.

SECTION 13

Any person violating the provisions of this ordinance is guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$300.00, or be imprisoned in the county Jail for not more than Ninety (90) days, or be both so fined and imprisoned. Each day that a person fails to comply with an order of the City Council may be deemed a separate offense.

SECTION 14

No officer, agent, or employee of this City shall render him/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this ordinance.

SECTION 15

Each of the provisions of this ordinance is separate and severable and if any provision is held illegal or invalid, the remaining provisions shall not be affected but shall remain in full force and effect.

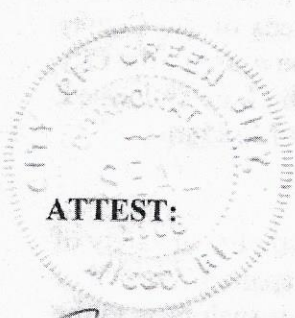
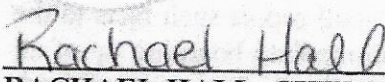
ALL ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT WITH THIS ORDINANCE ARE HERE BY REPEALED INSOFAR AS THEY CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL.

PASSED AND APPROVED BY THE BOARD OF ALDERMEN AND THE MAYOR OF THE CITY OF GREEN CITY, MISSOURI THIS 6TH DAY OF OCTOBER, 2015.


RICHARD PAGE, MAYOR

ATTEST:



RACHAEL HALL, CITY CLERK