

CITY OF NORBORNE

BILL NO. 04 -2020

ORDINANCE NO. 657

AN ORDINANCE REGARDING DANGEROUS BUILDINGS OR OTHER STRUCTURES.

WHEREAS, the Board of Aldermen of the City of Norborne, Missouri, has determined that it is in the best interests of said City to adopt an ordinance to ensure dangerous buildings or other structures are repaired and/or removed.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NORBORNE, MISSOURI, A MUNICIPAL CORPORATION, AS FOLLOWS:

SECTION I - Repair, Vacation, and Demolition of Buildings Declared Public Nuisances.

- A. All buildings or structures within the Town which have one (1) or more of certain defective conditions hereinafter set forth and deemed detrimental to the health, safety and welfare of the residents of the Town are declared to be public nuisances. Any such buildings or structure shall be repaired, or vacated and repaired, or demolished as hereinafter provided.
- B. The defective conditions of such buildings or structures detrimental to the health, safety or welfare of the citizens of the Town of Norborne, Missouri, are as follows:
1. Any building or structure having interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
 2. Any building or structure which, exclusive of the foundation, shows 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. Any building or structure having 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 uses.
 4. Any building or structure having been damaged by fire, wind, or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the residents of the Town.
 5. Any building or structure which has become so dilapidated, decayed, unsafe or unsanitary, or which so utterly fails to provide the amenities essential to decent living that the same is unfit for human habitation, or is likely to cause sickness or disease so as to work injury to the health, safety or general welfare of those living therein, or to persons living, working or being adjacent thereto.

6. Any building or structure having light, air and sanitary facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
7. Any building or structure having inadequate facilities for egress in case of fire or panic, or having insufficient stairways, elevators or fire escapes.
8. Any building or structure having any parts thereof which may fall and thereby cause injury or damage to some person or property.
9. Any building or structure which is otherwise dangerous to human life, or which, in relation to existing use, constitutes a hazard to safety, health, or public welfare, by reason of obsolescence, abandonment or dilapidation to become a fire hazard.

SECTION II – Standards for Repair, Vacation and Repair, and Demolition.

- A. If, upon inspection, any building or structure in the Town shall be found to have one (1) or more of the defective conditions mentioned, the building or structure shall be repaired, or vacated and repaired, or demolished in accordance with the following instructions:
1. If the building or structure can reasonably be repaired so that it will no longer exist in violation, it shall be ordered repaired.
 2. If the building or structure is in such bad condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered vacated and repaired.
 3. If the building or structure is at least fifty percent (50%) damaged, decayed or deteriorated from its original condition, it shall be ordered demolished.
 4. If the building or structure cannot be reasonably repaired so that it will no longer exist in violation, it shall be ordered demolished.
 5. If the building or structure is a fire hazard existing or erected so as to be a public nuisance, it shall be ordered vacated and repaired.

SECTION III – Duties of the Building Official.

- A. The Building Official of the Town, or his/her authorized representative, shall inspect or cause to be inspected every building or structure within the Town reported by a signed complaint as having one (1) or more of the defective conditions mention in Section I. The Building Official shall issue a report in writing to the owner, occupant, lessee, mortgagee, agent and any other person having an interest in the building or structure as shown by the land records of the Recorder of Deeds of Carroll County, Missouri, of any of the conditions that were found upon such inspection. The order shall give the notified person no more than thirty (30) days to submit their plans for repair, vacation and repair, or demolition as the

case may be.

1. The order shall be served either by personal service or by certified mail with return receipt requested, but if service cannot be had by either of these methods then service may be had by publication in a newspaper of general circulation published in the Town, and such notice shall be published as least once a week for four (4) consecutive weeks.
- B. When the Building Official completes the inspection of the building or structure and determines that it is in immediate dangerous condition and has to be vacated and repaired or demolished, he/she shall issue the order to the owner, occupant, lessee of such building or structure and shall place a notice on such building or structure reading as follows:
- “This building or structure is declared a nuisance by the Town Building Official. This notice is to remain on this building until it is vacated and repaired or demolished in accordance with the order which has been given to the owner, occupant, lessee, mortgagee or agent of this building or structure as shown in the Office of the Recorder of Deeds for Carroll County, Missouri. It is unlawful to remove this notice until such order is complied with.”
1. Provided, however, that the posting of such notice shall not be construed as to deprive any person entitled thereto a hearing.
- C. The order shall declare that the building or structure having one (1) or more of the aforementioned conditions to be a nuisance; it shall specify the conditions to be corrected and any immediate action to be taken for public safety, providing for a reasonable time for submitting plans for such repair or demolition, but not normally exceed thirty (30) days following receipt of such order by personal service or certified mail, or following the date of last publication in a newspaper. A copy of the inspection report shall accompany the order if such order is served personally or by certified mail, otherwise conditions requiring repair, vacation and repair, or demolition, the owner, occupant, lessee, mortgagee, agent and any other person having an interest in the building or structure as shown by land record of Recorder of deeds of Carroll County, Missouri, shall be made parties. Nothing contained herein shall preclude the Building Official from allowing additional time in which to begin the required repair or demolition.

SECTION IV – Duties of Town Council.

- A. If the owner or other person having any interest in the building or structure having been notified as herein provided fails to commence work of repair or demolition within the time specified or fails to proceed continuously with such work without unnecessary delay, the Building Official shall report the same to the Council of the Town. Thereupon, the Council shall call and have a full and adequate hearing upon the matter, giving the affected parties at least twenty-one (21) days written notice of the hearing on the matter. At such hearing, any party may be represented by counsel, and all parties shall have an opportunity to be heard.
- B. After the hearing, if the evidence supports a finding based upon competent and substantial

evidence that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of the Town, the Town Council shall issue and order, based upon its finding of facts, based on competent and substantial evidence, which show the building or structure to be a nuisance, and ordering the building or structure to be demolished and removed, or repaired. Any person so notified shall be given no more than thirty (30) days to commence work as directed by the order.

- C. If the evidence does not support a finding that a building or structure is a nuisance or detrimental to the health, safety or welfare of the Town, then no order shall be issued.

SECTION V – Failure to Comply with Order.

- A. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Town Council shall proceed to have the building or structure repaired or demolished according to the order.
- B. If the Town Council shall have the building or structure repaired or demolished, the costs of repair or demolition and a reasonable charge for administration shall be certified to the Town Treasurer who shall cause a special tax bill therefor against the property to be prepared and collected. At the request of the taxpayer, the tax bill may be payable in equal installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be a lien upon the property until paid. Such tax bill from the date of issuance shall bear interest at the rate of nine percent (9%) per annum until paid and shall be superior to any existing liens or encumbrances on the property in question.
- C. The tax bill from the date of its issuance shall be deemed a personal debt against the owner of the property. A civil action to collect this personal debt shall be commenced immediately upon the failure or refusal to pay the tax bill or any installment thereof.
- D. In the event a civil action suit is required to collect the tax bill, then, in addition to the tax owed and any interest thereon, the taxpayer shall be liable for all court costs, and reasonable attorney fees, and expenses incurred by the town in such collection.

SECTION VI – Insurance Proceeds.

- A. 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, the following procedure shall apply only to a covered claim payment which is in excess of fifty percent (50%) of the face value of the policy covering a building or structure:
1. The insurer shall withhold from the covered claim payment twenty-five percent (25%) of the covered claim payment, and shall pay such monies to the Town to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Subsection.

2. The Town shall release the proceeds and any interest which has accrued on such proceeds received under Subsection (A)(1) of this Section 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 Town has instituted legal proceedings under the provisions of Section IV and V. If the Town has proceeded under the provisions of Section IV and V, all moneys in excess of that necessary to comply with the provisions of Section IV and V for the removal of the building or structure, less salvage values, shall be paid to the insured.

B. This Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.

C. This Section does not make the Town a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

SECTION VII - Review of Order.

A. The owner, occupant, lessee, mortgagee, agent or other person having an interest in any building or structure subject to an order issued by the Town Council shall have the right to have such order reviewed by the Circuit Court of Carroll County, Missouri. Any request for review shall be filed within thirty (30) days for the date of issuance of such order. The procedure and standards for such review shall be as set forth in Chapter 536, RSMo.

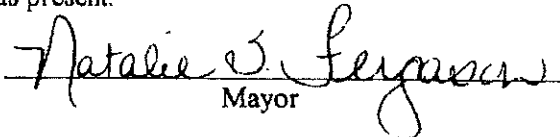
SECTION VIII- Repeal of Conflicting Ordinances or Parts Thereof.

All ordinances or parts of ordinances in conflict with this ordinance are hereby amended and/or repealed to correspond herewith.

SECTION IX - Effective Date.

This ordinance shall in full force and effect from and after MAY 04, 2020.

Read three (3) times and duly ADOPTED AND PASSED by the Board of Aldermen of the City of Norborne, Missouri, this 4TH day of MAY, 2020, at a meeting duly called and convened and at which a quorum of said Board was present.


Mayor

[SEAL]

ATTEST:


City Clerk
