

IN THE CITY OF META, MISSOURI

BILL NO. 2007-39

ORDINANCE NO. 366

**AN ORDINANCE ADOPTING DANGEROUS BUILDING  
PROVISIONS FOR THE CITY OF META, MISSOURI.**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF META, MISSOURI,  
AS FOLLOWS:

**Section 1:** Ordinance number 335 of the City of Meta, Missouri, is hereby repealed.

**Section 2:** The City Code of the City of Meta, Missouri, is hereby amended to include the following:

**29.00. Purpose and scope**

It is the purpose of this chapter to provide a just, equitable and practicable method for the repair, vacation and repair, or vacation and demolition of buildings or structures within the corporate limits of the City that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings and structures or the general public. This ordinance shall apply to all dangerous buildings and structures, as herein defined, that now are in existence or that may hereafter exist in the City of Meta, Missouri. (Mo. Rev. Stat. § 67.400 (2006))

**29.05. Dangerous building and structure defined**

Any building or structure that is detrimental to the health, safety or welfare of the residents of the City and that has any or all of the following defects shall be deemed a dangerous building or structure.

1. Those with interior walls or other vertical structural members that 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. Those that, exclusive of the foundation, show thirty-three (33) percent or more damage or deterioration of the supporting member or members, or fifty (50) percent damage or deterioration of the nonsupporting enclosing or outside walls or covering.
3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used.
4. Those that 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 that are so dilapidated, decayed, unsafe, unsanitary or that 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 that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.
8. Those that because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this City.
9. Those which are uninhabited and are open at door, window, wall or roof.
10. Those under construction upon which no substantial work shall have been performed for ninety (90) days immediately next to the time that a notice shall issue under Section 29.37 of this ordinance for the completion or demolition thereof.
11. Those in the process of demolition upon which no substantial work shall have been performed for a period of fourteen (14) days immediately following the time a notice shall issue to complete the demolition thereof under Section 29.37 of this ordinance.
12. Those containing therein substantial accumulations of trash, garbage or other materials susceptible to fire, or constituting or providing a harboring place for vermin or other obnoxious animals or insects or in any way threatening the health of the occupants thereof or the health of persons in the vicinity thereof.
13. Those which have parts thereof which are so attached or deteriorated that they may fall upon public ways or upon the property of others or may injure members of the public or the occupants thereof.
14. Those buildings or structures built in violation of any safety provision of the building code, electrical code, plumbing code, mechanical code, minimum housing standards code, or the fire prevention code of the City, or used in

violation thereof.

15. Those which have been removed from their foundations, footings or slab for the purpose of moving and which have not been moved within thirty (30) days after said process was begun.
16. Those which constitute fire hazards existing or erected in violation of any ordinance of this City or any statute of the State of Missouri.

#### **29.10. Dangerous buildings and structures declared nuisance**

All dangerous buildings and structures as defined by Section 29.05 of this ordinance are hereby declared to be public nuisances and shall be repaired, vacated and repaired, or vacated and demolished and the associated property cleaned up as provided in this ordinance for such nuisance to be declared abated. The term "associated property," for purposes of this ordinance, means the property or lot on which the subject building or structure is located.

#### **29.12. Parties in interest**

The owner, occupant, lessee, mortgagee, 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 Osage County shall be made parties in interest.

#### **29.15. Standards for repair, vacation and repair, or vacation and demolition and cleanup**

The following standards shall be followed in substance by the building inspector and the building commissioner or his/her designated agent(s) in ordering repair, vacation and repair, or vacation and demolition of any dangerous building or structure and clean up of the associated property.

1. If the dangerous building or structure reasonably can be repaired so that it no longer exhibits any defect(s) as listed in Section 29.05 of this ordinance, it shall be ordered repaired.
2. If the dangerous building or structure is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered vacated and, if possible, repaired.
3. In all cases where a dangerous building or structure cannot be repaired so that it will exist without any of the defects listed in Section 29.05 of this ordinance, it shall be ordered vacated and demolished.

4. Cleanup of the associated property shall be defined for purposes of this ordinance as being completed when it is cleared of any construction and/or demolition waste within one (1) week of the completion of the repair or demolition work.

#### **29.20. Building inspector**

All City officers and all other City employees so designated by the Mayor of the City of Meta shall be building inspectors within the meaning of this ordinance.

#### **29.25. Duties of building inspector**

The building inspector shall have the duty under this ordinance to:

1. Secure from the building commissioner an administrative search warrant as necessary to conduct inspections on buildings or structures when reasonable grounds exist to believe the building or structure may be dangerous or to otherwise carry out his/her duties under this ordinance.
2. 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 that render such place a dangerous building when there are reasonable grounds to believe that any such building is dangerous.
3. 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 which exhibits any defect(s) enumerated in Section 29.05 of this ordinance, and the building inspector determines that there are reasonable grounds to believe that such building, wall or structure is dangerous.
4. Inspect any building, wall or structure reported by the fire department or marshal of this City as probably existing in a dangerous condition as indicated by exhibiting any defect(s) enumerated in Section 29.05 of this ordinance.
5. Immediately following the inspection, submit a report to the building commissioner concerning any building or structure found by the building inspector to be inherently dangerous and that s/he has determined to be a nuisance *per se*.
6. Provide notice to the parties in interest as provided in subsection 1 of Section

29.37 of this ordinance.

7. If requested to do so by the building commissioner, mark or post the building or structure with a written notice as provided in subsection 2 of Section 29.37 of this ordinance.
8. Report in writing to the City building commissioner upon the noncompliance with any notice or order to vacate, repair, demolish, or clean up the associated property or upon the failure to proceed continuously with the work without unnecessary delay.
9. Appear at all hearings conducted by the building commissioner and testify as to the condition of dangerous buildings and structures.

**29.30. Building commissioner**

The Mayor of the City shall act as building commissioner under this ordinance.

**29.35. Duties of the building commissioner**

The building commissioner shall have the power pursuant to this ordinance to:

1. Obtain and distribute all administrative search warrants necessary for carrying out the provisions of this ordinance, as prescribed in the City code.
2. Supervise all inspections required by this ordinance, and cause the building inspector to make inspections and perform all the duties required under Section 29.25 of this ordinance. Upon receiving a complaint or report from any source that a dangerous building or structure may exist in the City, the building commissioner shall cause an inspection of that building or structure to be made forthwith. If the building commissioner deems it necessary to the performance of his duties and responsibilities imposed herein, the building commissioner may request an inspection and report be made by any other City department or retain services of an expert for an inspection and report.
3. Provide all notice due for any hearing as provided in subsection 4 of Section 29.37 of this ordinance.
4. Conduct any hearing warranted to carry out the provisions and intent of this ordinance as provided in Section 29.37.
5. Issue all written findings of fact and orders resulting from any hearing necessary to carry out the provisions and intent of this ordinance as provided



in Section 29.37.

6. Certify to the City clerk the cost of performance in the event the City incurs any cost(s) associated with the vacation, repair, demolition and/or cleanup of the dangerous building or structure and associated property.
7. Assign any duty listed in this subsection to a designated agent.

**29.37. Dangerous condition abatement procedure**

If after inspection the ensuing report indicates a finding that the building or structure exhibits any defect(s) sufficient to deem it a dangerous building or structure as defined in Section 29.05 of this ordinance, the following steps will be taken toward abating the nuisance and making the building or structure no longer dangerous under this ordinance.

1. The building inspector shall 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 service may be had by publication for two (2) successive weeks in a newspaper of general circulation in the City of Meta which is qualified to publish legal notices, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building or structure as shown by the land records of the Recorder of Deeds of Osage County, of any building or structure found by the building inspector to be a dangerous building or structure within the standards set forth in Section 29.05 of this ordinance.

The notice required shall inform the recipient:

- a. That the building or structure has been found to be a dangerous building or structure by the building inspector and must be repaired, vacated and repaired, or vacated and demolished and the associated property must be cleaned up, all in accordance with the terms of the notice and this ordinance;
- b. Of the description of the building or structure deemed dangerous and a statement of the particulars that make the building or structure a dangerous building according to the provisions of Section 29.05 of this ordinance;
- c. That the owner or other party in interest may assume the risk to personally repair, vacate and repair, or vacate and demolish the building or structure and clean up the associated property so that it is no longer a dangerous building or structure, or have such work done; and





d. That any person notified under this subsection shall be given a reasonable time, specified in the notice, to commence the required work and, once commenced, such work is to proceed continuously without unnecessary delay until completed.

2. The building commissioner may direct the building inspector to provide that such building, structure or associated property be marked or posted with a written notice; provided, however, that the posting of said notice shall not be construed to deprive all persons entitled thereto to the notice and hearing provided by the succeeding subsections of this Section. The notice shall read substantially 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 / structure and/or property until it is repaired or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building or structure as shown by the land records of the Recorder of Deeds of Osage County. It is unlawful to remove this notice until such notice is complied with.

3. Upon receipt of a report from the building inspector indicating that work has not commenced within the time specified in the notice to repair, vacate and repair, or vacate and demolish the dangerous building or structure; or indicating the failure to proceed continuously with the work, including cleanup of the associated property, without unnecessary delay, the building commissioner shall schedule a hearing to show cause why the building or structure reported to be dangerous should not be repaired or demolished in accordance with the statement of particulars set forth in the building inspector's notice. All parties in interest will therein be afforded an opportunity for a full and adequate hearing on the matter.

4. For such hearing, the building commissioner shall give written notice at least ten (10) days in advance of the scheduled hearing date, 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 for two (2) successive weeks in a newspaper of general circulation in the City of Meta which is qualified to publish legal notices. Notice shall be served upon the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Osage County for such persons to appear before the building commissioner on the date specified in the notice. Any party may be

represented by counsel and all parties shall have an opportunity to be heard.

5. As a result of the hearing, if the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of the City, the building commissioner shall issue an order making specific written findings of fact, based upon competent and substantial evidence, which show the building or structure to be a nuisance and detrimental to the health, safety or welfare of the residents of the City and ordering the parties in interest to repair, vacate and repair, or vacate and demolish said building or structure, as the facts may warrant, and clean up the associated property within one (1) week after the completion of the demolition or repair. If the evidence does not support a finding that a building or structure is a nuisance and detrimental to the health, safety or welfare of the residents of the City, no order shall be issued and any notice posted on the subject building, structure or property pursuant to this ordinance may be removed therefrom.
6. Following such hearing, unless an appeal has been made by any party in interest as provided by Section 29.40 of this ordinance, upon receipt of a report from the building inspector indicating that work has not commenced within thirty (30) days from the issuance of the order to repair, vacate and repair, or vacate and demolish the dangerous building or structure and clean up the associated property; or indicating the failure to proceed continuously with the work, including cleanup of the associated property, without unnecessary delay, the building commissioner shall cause the dangerous building or structure to be repaired, vacated and repaired, or vacated and demolished, as the facts may warrant, and the associated property cleaned up. Costs incurred by the City of Meta for such work ordered by the building commissioner shall be recouped as provided in Section 29.38 of this ordinance.
7. Following the outcome of any appeal regarding the order of the building commissioner or court, upon receipt of a report from the building inspector indicating that work has not commenced within thirty (30) days from an affirmance by the court of the building commissioner's order to repair, vacate and repair, or vacate and demolish the dangerous building or structure and clean up the associated property; or indicating the failure to proceed continuously with the work, including cleanup of the associated property, without unnecessary delay, the building commissioner shall cause the dangerous building or structure to be repaired, vacated and repaired, or vacated and demolished, as the facts may warrant, and the associated property cleaned up. Costs incurred by the City of Meta for such work ordered by the building commissioner shall be recouped as provided in Section 29.38 of this

ordinance. Should such appeal result in a reversal of the building commissioner's order, any notice posted on the subject building, structure or property pursuant to this ordinance may be removed therefrom.

**29.38. Recoupment of costs incurred for vacation and repair or demolition and cleanup**

1. Subsequent to the completion of the work as ordered by the building commissioner as provided under subsection 6 or 7 of Section 29.37 of this ordinance, the building commissioner shall certify the cost of the work borne by the City for such vacation and repair or demolition and cleanup to the City clerk.
2. Except as provided in subsection 4 of this Section, the City clerk shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the City official responsible for collecting taxes or the agent designated by the City to do so. The tax bill from date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.
3. At the request of the taxpayer the special tax bill may be paid in installments over a period of not more than ten (10) years. Such assessment shall bear interest at the rate of nine percent (9%) per annum until paid. (**Mo. Rev. Stat. § 408.040 (2006)**)
4. If the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property whereon such work was performed, the contractor may enforce this lien as provided in **Mo. Rev. Stat. §§ 429.010 to 429.360 (2006)**.
5. 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 is established for the payment of up to twenty-five percent (25 %) of the insurance proceeds, as set forth in this subdivision. This procedure shall apply only to a covered claim payment that is in excess of fifty percent (50 %) of the face value of the policy covering a building or other structure:
  - a. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment, and shall pay such moneys 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 ordinance.

- b. The City shall release the proceeds and any interest that has accrued on such proceeds received under subdivision a. of this subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after the receipt of such insurance moneys, unless the City has instituted legal proceedings under the provisions of subsections 1 - 3 of this Section. If the City has proceeded under the provisions of subsections 1 - 3 of this Section, all moneys in excess of that necessary to comply with the provisions of subsections 1 - 3 of this section for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.
- c. This subsection shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
- d. This subsection does not make the City 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.
6. If there are no proceeds of any insurance policy as set forth in this subsection, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid. Such assessment shall bear interest at the rate of nine percent (9%) per annum until paid. (Mo. Rev. Stat. § 408.040 (2006))
7. The building commissioner may certify in lieu of payment of all or part of the covered claim under subsection 5 of this Section that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the building commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to subsection 5 of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided for in this subsection. (Mo. Rev. Stat. § 67.414 (2006))

#### **29.40. Appeal**

1. Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building or structure as shown by the land records of the Recorder of Deeds of Osage County, may, within thirty (30) days from the receipt of the order of the building commissioner, appeal such decision to the Circuit Court of Osage County, pursuant to the procedure established

in Chapter 536 of the Revised Statutes of Missouri.

2. In any appeal as provided in this Section, any person who owns or occupies property located within one thousand two hundred feet (1,200') of the perimeter of the building or structure which is the subject of the suit shall be allowed to present evidence to the court on behalf of the City regarding the condition of the building or structure, whether or not such person presented such evidence at the hearing provided in subsections 3 - 4 of Section 29.37. The appellant before the court shall have the opportunity to cross-examine any such person presenting evidence to the court.

(Mo. Rev. Stat. § 67.430 (2006))

### **29.50. Emergencies**

In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless a dangerous building or structure, as defined herein, is immediately vacated and repaired or demolished, the building inspector shall report such facts to the building commissioner and the building commissioner may cause the immediate vacation and repair or demolition of such dangerous building or structure and clean up of the associated property. The costs of such emergency vacation and repair or demolition of such dangerous building and cleanup of the associated property shall be collected in the same manner as provided in Section 29.38.

(Mo. Rev. Stat. § 67.440 (2006))

### **29.60. Violations; disregarding notices or orders; failure to clean up associated property**

It is a violation of this ordinance for:

1. The owner or other party in interest of any dangerous building or structure to fail to comply with the order given by the building commissioner to repair, vacate and repair, or vacate and demolish said building or structure and clean up the associated property within one (1) week of the completion of such repair or demolition; such violation shall be punishable as set forth in subsection 1 of Section 29.65 of this ordinance.
2. The owner or other party in interest of any dangerous building or structure to fail to proceed continuously without unnecessary delay to repair, vacate and repair, or vacate and demolish such building or structure; such violation shall be punishable as set forth in subsection 1 of Section 29.65 of this ordinance.
3. The owner or other party in interest who has completed the repair, vacation and repair, or vacation and demolition as ordered to fail to clean up the associated property within one (1) week after the completion of such repair

or demolition of such building or structure; such violation shall be punishable as set forth in subsection 2 of Section 29.65 of this ordinance.

4. Any person to remove any notice provided for in subsection 2 of Section 29.37 of this ordinance; such violation shall be punishable as set forth in subsection 3 of Section 29.65 of this ordinance.

(Mo. Rev. Stat. §§ 67.420 and 79.470 (2006))

#### **29.65. Penalties**

1. Any person found in violation of this ordinance as described in subsections 1 and 2 of Section 29.60 of this ordinance shall be fined not more than one thousand dollars (\$1,000.00), unless the owner of the property is not also a resident of the property, then such fine may not exceed two thousand dollars (\$2,000.00). Each day that a person fails to comply with an order of the building commissioner may be deemed a separate offense.
2. Any person found in violation of this ordinance as described in subsection 3 of Section 29.60 of this ordinance shall be cited and penalized according to the guidelines set forth in Mo. Rev. Stat. §§ 260.211 and 260.212, and upon successful prosecution of a civil cause of action necessary to abate this condition, the City may be awarded by the court reasonable attorney fees incurred.
3. Any person found in violation of this ordinance as described in subsection 4 of Section 29.60 of this ordinance shall be fined not more than five hundred dollars (\$500.00).

(Mo. Rev. Stat. §§ 67.410, 67.420, 79.383, 79.470, 260.210, 260.211 and 260.212 (2006))

#### **29.70. Transfer of property**

1. If at any time after notice has been given as provided in subsection 1 of Section 29.37, until such time as the deficiencies have been corrected as provided herein, the ownership of the property is transferred to another person or entity, the person or entity receiving the property shall be notified by the person who received the original notice of the deficiency of the pending action. In the event that such a transfer requires the City to amend or re-file any petition, or recommence the notice procedures of this ordinance, the owner at the time of the original notice shall reimburse the City for its costs in doing so, including attorney fees and costs.
2. Any time that a legal action is brought by the City under the provisions in this ordinance, the City may file a *lis pendens* with the Recorder of Deeds of

Osage County as notice to any prospective grantee of the subject property that such legal proceedings are pending. Whether or not the City so files, the obligations of persons as prescribed in subsection 1 of this Section remain.

(All statutory references are to Mo. Rev. Stat. § 67.410 (2006) and as otherwise specifically noted.)

**Section 3:** As required by Mo. Rev. Stat. § 67.412 (2006), within fourteen (14) days after the adoption of this ordinance by the City of Meta, the City clerk shall notify the director of insurance of the State of Missouri that such ordinance has been adopted under the provisions of Mo. Rev. Stat. § 67.410 (2006).

**Section 4:** This ordinance shall be in full force and effect upon final passage and approval.

FIRST READING HELD: July 5, 2007.

SECOND READING HELD AND FINAL PASSAGE ON THIS 5<sup>th</sup> DAY OF July, 2007, BY THE FOLLOWING VOTE:

<u>ALDERMAN</u>	<u>AYE</u>	<u>NAY</u>
Kampeter	<u>✓</u>	<u>—</u>
Luetkemeyer	<u>✓</u>	<u>—</u>
Tellman	<u>✓</u>	<u>—</u>
Peach	<u>✓</u>	<u>—</u>
Mayor (in case of tie vote)	<u>—</u>	<u>—</u>

Terry Libbert  
Mayor

Attest:

Kaye Kampeter  
Kaye Kampeter, City Clerk

