

IN THE CITY OF META, MISSOURI

BILL NO. 2021-05

ORDINANCE NO. 573

AN ORDINANCE MANDATING RESIDENTIAL AND NONRESIDENTIAL STRUCTURE AND PROPERTY CLEAN-UP AFTER ANY DAMAGE OR LOSS ARISING OUT OF ANY FIRE, EXPLOSION OR OTHER CASUALTY LOSS BEFORE FULL INSURANCE PAYMENT IS MADE TO INSURED.

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

SECTION 1. PURPOSE AND SCOPE

The Board of Aldermen finds that it be in the best interest of the City and its residents to mandate property clean-up after any damage or loss to a building or other structure by or arising out of any fire, explosion or other casualty loss before full insurance payment is made to the insured by the insurer. The Board of Alderman finds negative effects on the community as a whole, including decreasing property values, reducing the quality of life, promoting crime, and negatively affecting the health and welfare of the community. Further, the Board finds that the property owners which cause these effects should be required to pay a portion of the costs of these effects to the community. It is the purpose of this Ordinance to provide for the effective monitoring and routine inspection of properties that have sustained damage, due to any fire, explosion or other casualty loss that may endanger the life, health, property, safety or welfare of the general public and this Ordinance shall apply to all buildings and structures that have sustained damage and left with no actions of improvement for 1 (one) month and that are subject to existing dangerous and nuisance property ordinance violations.

SECTION 2. DEFINITIONS

The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them:

CODE ENFORCEMENT OFFICER

A person designated by the mayor to act in such capacity including an independent contractor.

HOUSING CODE

The local building, fire, health, property maintenance, nuisance or other ordinance which contains standards regulating the condition or maintenance of buildings.

SECTION 3. INSURANCE PAYMENT WITHHOLDING

If the owner, occupant, mortgagee, or lessee fails to comply with the order within thirty (30) days, the Codes Enforcement Officer shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant; and the Codes Enforcement Officer shall certify the cost of the work borne by the City of Meta for such repair, vacation or demolition or cleaned up to the City Clerk as a special assessment represented by a special tax bill against the real property affected; said tax bill shall be a lien upon such property and shall be deemed a personal debt against the property owner(s) unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City of Meta and such contractor files a mechanic's lien against the property where violation(s) occur. The contractor may enforce this lien as provided in Sections 429.010 to 429.360 RSMo. At the request of the taxpayer 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 eight percent (8%) per annum until paid. Otherwise, payment is due in full within thirty (30) days. As to damage or loss to a building or other structure by or arising out of any fire, explosion or other casualty loss, if an order is issued by the Codes Enforcement Officer a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property. 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 Subdivisions (A) and (B) of the Section. This Subsection shall apply only to a covered claim payment that is in excess of thirty percent (30%) 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 monies to the City of Meta to

deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Chapter.

- B. The City of Meta 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 monies, unless the City of Meta has instituted legal proceedings. If the City of Meta has proceeded under the provisions of 107.6 of this Section, all monies in excess of that necessary to comply with the provisions of this Ordinance for 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.

SECTION 4. LACK OF INSURANCE

If there are no proceeds of any insurance policy at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than three (3) years. The tax bill from the date of its issuance shall be a lien on the property and a personal debt against the owner(s) until paid.

SECTION 5. EXEMPTIONS

This Ordinance does not make the City of Meta 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. The Codes Enforcement Officer may certify in lieu of payment of all or part of the covered claim 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 Codes Enforcement Officer shall issue a certificate within thirty (30) days after the receipt of proof to permit covered claim payment to the insured without the deduction. It shall be the obligation of the insured or other person(s) making a claim to provide the insurance company with the written certificate provided from this Section.

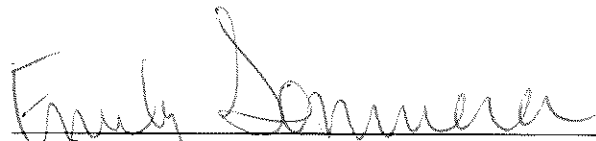
SECTION 6. EFFECTIVE

This ordinance shall be in full force and effect upon final passage and approval.

FIRST READING HELD THIS 14th DAY OF MAY, 2021.

SECOND READING HELD THIS 14th DAY OF MAY, 2021.

ALDERMEN	AYE	NAY
Lawrence Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ivie Helton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Otto Wankum	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Steven Sherrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Emily Sommerer (in case of a tie vote)	<input type="checkbox"/>	<input type="checkbox"/>



Emily Sommerer, Mayor




Date

ATTEST:



Deidra Buechter, City Clerk



Date

