

AN ORDINANCE AMENDING TITLE IX, CHAPTER 2800, OF THE CODE OF ORDINANCES, CITY OF GLADSTONE, MISSOURI, TO UPDATE ITS REGULATIONS RELATING TO THE DECLARATION AND ABATEMENT OF DANGEROUS BUILDINGS.

WHEREAS, the City is authorized to enact ordinances requiring the vacation, demolition, or repairs of buildings or structures which are detrimental to the health, safety, or welfare of the residents and declared to be a public nuisance pursuant to Section 67.400 of the Revised Statutes of Missouri (“**RSMo**”); and

WHEREAS, Section 67.410, RSMo requires that certain provisions be contained in any ordinance enacted pursuant to Section 67.400, RSMo, including provisions regarding the duties of inspectors, adequate notice of a declaration of nuisance and, upon failure to commence work or reconditioning or demolition, the calling and conduct of a full and adequate hearing on the matter and notice of the same; and

WHEREAS, the City Council previously adopted an Ordinance creating Title IX, Chapter 2800, of the Code of Ordinances, City of Gladstone, Missouri, pursuant to Section 67.400 *et seq.*, RSMo; and

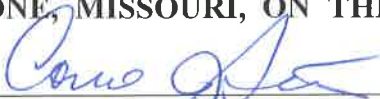
WHEREAS, consistent with the statutes referenced above, the City Council desires to amend Title IX, Chapter 2800, to provide for a streamlined process for the declaration and abatement of dangerous buildings or structures within the City that are detrimental to the health, safety, or welfare of the residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

Section 1. Title IX, Chapter 2800- Abatement of Dangerous Buildings of the City Code is replaced with a new Title IX, Chapter 2800, Abatement of Dangerous Buildings or Structures, to read in the form of Exhibit A, attached hereto and incorporated herein by reference.


Section 2. That this Ordinance shall be in full force and effect from and after its passage.

INTRODUCED, PASSED, SIGNED, AND MADE EFFECTIVE BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, ON THIS 27TH DAY OF APRIL, 2020.



Mayor Carol J. Suter

ATTEST:



Ruth E. Bocchino, City Clerk

First Reading: April 27, 2020

Second Reading: April 27, 2020



Request for Council Action

RES # City Clerk Only

BILL # Bill No. 20-13

ORD # 4.513

Date: April 20, 2020

Department: Community Development

Meeting Date Requested: 4/27/2020

Public Hearing: Yes Date: [Click here to enter a date.](#)

Subject: Ordinance for Abatement of Dangerous Buildings and Structures

Background: Prior to the Building Commission, the City Council heard all hearings related to Dangerous Buildings and Structures. In 2012 the Building Commission was formed and they held their first meeting on April 12, 2012. The Commission met by request when staff had a dangerous building to address. The Building Commission is comprised of the following:

- Member – Planning Commission
- Member – Neighborhood Commission
- Member – Board of Zoning and Adjustment
- Member – Uniform Code Board of Appeals
- Member – At-Large
- Alternate – At-Large
- Alternate – At-Large
- Alternate – At-Large

The last meeting held by the Building Commission was September 14, 2017. Since then, staff has not had any dangerous buildings to address until recently. During that time, two (2) of the Alternates resigned and one (1) moved out of Gladstone. The current member At-Large was recently placed on a different Board and Commission. The Board of Zoning and Adjustments member (BZA), resigned their position from the BZA; therefore, he was automatically resigned from the Building Commission. Currently there are only three (3) standing members; for the Commission to meet and hear matters there must be four (4) members present.

As mentioned above, recently a couple of residential and commercial dangerous buildings and structures have been identified and have proven to be an eyesore to the community. Staff reviewed the current regulations with legal counsel and it was determined that we could streamline the dangerous building process. This would entail rewriting the current ordinance and incorporating the use of an Administrative Hearing Officer. By doing this, the Building Commission would no longer be essential in the dangerous building process.

I have spoken with all three (3) of the current Building Commission Members advising them of the possibility of the Commission being non-operational; and that this would in no way impact their responsibilities on the other Boards and Commissions that they sit on. All three (3) were agreeable with the Building Commission being decommissioned.

Budget Discussion: Funds are budgeted in the amount of \$ 0.00 from the N/A Fund. Ongoing costs are estimated to be \$ 0.00 annually. Previous years' funding was \$0.00

Public/Board/Staff Input: See attached Bill and Exhibit for consideration as the new Regulations for "Abatement of Dangerous Buildings and Structures".

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Alan Napoli
Community Development Administrator / Building Official

SW
City Manager

City Counsel

EXHIBIT A

CHAPTER 2800. - ABATEMENT OF DANGEROUS BUILDINGS AND STRUCTURES

Sec. 9.2800.010. - Title.

These regulations shall be known as the "Abatement of Dangerous Building Code" and may be cited as such, and will be referred to in this chapter as "this code."

Sec. 9.2800.020. - Purpose and scope.

It is the purpose of this code to provide a just, equitable, and practicable method for the repair, vacation, and/or demolition of buildings and/or structures that may endanger the life, limb, health, property, safety, and/or welfare of either the occupants or the general public. This code shall apply to all dangerous buildings, as herein defined, that exist now or that may exist in the future in the City of Gladstone, Missouri. All parts of this code shall be read in harmony with all other existing ordinances so as to give effect to both, where possible, such that this code provides additional requirements rather than replacing existing requirements.

Sec. 9.2800.030. - Alteration, additions, and repairs.

All buildings or structures, which are required to be repaired under provisions of this code, shall be subject to the provisions of this title.

Sec. 9.2800.040. - Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Building Commissioner means the City Manager of the City of Gladstone, Missouri or their designee.

Declaration of nuisance and order means the declaration of nuisance and order that is required to be sent pursuant to section 9.2800.090 of this code.

Interested parties means any and all owner(s), occupant(s), lessee(s), mortgagee(s), agent(s), and all other persons having an interest in the building or structure at issue, as shown by the land records of the recorder of deeds office in the county where the property is located.

Order of abatement means the order of abatement that is required to be sent pursuant to section 9.2800.110 of this code.

Sec. 9.2800.050. - Dangerous building defined.

- (1) Any and all buildings, structures, and/or portions thereof, which have any or all of the conditions listed in the following subsections, shall be deemed a "dangerous building" for purposes of this code.
 - (a) Those having inadequate facilities for egress (including hallways, doorways, passageways, stairways, elevators, fire escapes, or other facilities for evacuation) in case of fire or panic.
 - (b) Those where the walking surface of a means of egress (including hallways, doorways, passageways, stairways, elevators, fire escapes, or other facilities for evacuation) is so

warped, worn, loose, torn, or otherwise unsafe, as to not provide safe and adequate means of exit in case of fire or panic.

- (c) Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used. There shall be a rebuttable presumption that the provisions of this subsection are satisfied where the stress on any floor, roof, or portion thereof, due to all dead and live loads, is more than 1½ times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose, or location.
- (d) Those that have been damaged by fire, earthquake, wind, flood, or by another cause, so that it has become dangerous to life, safety, or the general health and welfare of the occupants or the general public. There shall be a rebuttable presumption that the provisions of this subsection are satisfied where the structural strength or stability of such building, structure, or portion thereof is less than the minimum requirements of the building code for new buildings or similar structure, purpose, or location.
- (e) Those that are likely to fail, or to become detached or dislodged, or to collapse, and thereby injure persons or damage property.
- (f) Those of insufficient strength or stability, or which are not so anchored, attached, or fastened in place, so as to be capable of resisting a wind pressure of one-half of that specified in the building code for new buildings or similar structure, purpose, or location without exceeding the working stresses permitted in the building code for such building.
- (g) Those that have wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- (h) Those that, because of dilapidation, deterioration, or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundation; or any other cause, are likely to partially or completely collapse.
- (i) Those that are, for any reason, so unsafe, unsanitary, or dangerous so that they threaten the health, safety, or general welfare of the occupants or the general public.
- (j) Those where the 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 the middle one-third of the base.
- (k) Those that, exclusive of the foundation, show 33 percent or more damage or deterioration of the supporting member(s), or 50 percent damage or deterioration of the non-supporting members, enclosing or outside walls or coverings.
- (l) Those that have been so damaged by fire, wind, earthquake, or flood, or which have become so dilapidated or deteriorated as to become an attractive nuisance to children; a harbor for vagrants, criminals, or immoral persons; or as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- (m) Those that have been constructed, or which exist or are maintained in violation of any specific requirement or prohibition applicable thereto provided by the building

regulations of this jurisdiction, as specified in the building code, or any law or ordinance of this state of jurisdiction relating to the condition, location, or structure of buildings.

- (n) Those which, whether or not erected in accordance with all applicable laws or ordinances, have in any non-supporting part, member, or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent, of the strength, fire-resistance qualities or characteristics, or weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.
 - (o) Those that because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, are unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease, so as to threaten the health, safety, or welfare of those occupying (or who may occupy) such building or structure.
 - (p) Those that, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electrical wiring, gas connections to heating apparatus, or other cause, are determined by the fire marshal to be a fire hazard.
 - (q) Those that are in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
 - (r) Those where any portion thereof remains on a site after the demolition or destruction of the building or structure or whenever any building structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
- (2) The above listed conditions are hereby deemed detrimental to the health, safety, and/or welfare of the city's residents, the existence of which constitutes a nuisance. However, for purposes of this code, the requirements of those housing, fire, building, or other codes, or ordinances, which are adopted by the city, together with state and/or federal requirements, shall be deemed to be competent evidence of compliance [or] noncompliance with the provisions of this code.

Sec. 9.2800.060. - Dangerous buildings declared a nuisance.

All dangerous buildings are hereby declared to be a public nuisance and shall be repaired, rehabilitated, demolished, or removed in accordance with the procedures specified in this code.

Sec. 9.2800.070. - Building Official: duties.

- (1) *Inspections.* When there are reasonable grounds to believe a building or structure is a dangerous building, the Building Official shall 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 places to be dangerous building(s). Whenever any complaint or report is filed with the city alleging that a structure or building exists in

violation of this code, such report or complaint shall be deemed to provide reasonable grounds for an inspection pursuant to this code.

- (2) *Right of entry.* When it is necessary to make an inspection to enforce the provisions of this code, or when the Building Official or the Building Official's authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition that is contrary to or in violation of this code that makes the building or premises unsafe, dangerous, or hazardous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises are unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the Building Official may seek a search warrant or other appropriate court order as provided herein.
- (3) A search warrant under this section is a written order by any judge in the Municipal Division, Gladstone, 7th Judicial Circuit Court of Missouri for the search or inspection of any property, the seizure of any property, or both search and seizure of any property within the limits of the city.
- (4) If a complaint in writing is filed by the Building Official, any police officer, or city attorney of the city, with the municipal court judge stating that he or she has probable cause to believe there exists in the premises to be described therein, a violation or violations of the provisions of the ordinance and is within the territorial limits of this city, and if such complaint is verified by the oath or affirmation stating evidential facts from which such judge determines the existence of probable cause, then such judge shall issue a search warrant directed to the authorized person to search the premises, building or structure therein described for the purposes requested and seize any specified property. Such search warrant may be executed and returned only within ten days after the date of its issuance. The person authorized to conduct the search under the warrant shall make a return promptly after concluding the search, and such return shall contain an itemization of all violations of this chapter discovered pursuant to such search. Refusal to allow entry upon presentation of a search warrant shall be an ordinance violation. Forcible entry may be permitted when authorized by the search warrant.
- (5) *Posting.* Once the Building Official has determined that a building or structure constitutes a dangerous building for purpose of this code, he/she shall post a notice to vacate upon such building or structure, which shall state:

DO NOT ENTER UNSAFE TO OCCUPY

It is a violation to occupy this building,
or to remove or deface this notice.

Community Development Department
City of Gladstone, Missouri

No person shall remain in or enter any building or structure that has been posted pursuant to this section, except that entry may be made to repair, demolish, or remove such building under permit. No person shall remove or deface any such notice after it has been posted until the

required repairs, demolition, or removal have been completed and all provisions of the declaration of nuisance and order have been duly met.

- (6) *Declaration of nuisance and order.* When a building or structure has been inspected and has been determined to be a dangerous building, the Building Official shall commence proceedings to cause the repair, vacation, and/or demolition thereof, including issuance of the declaration of nuisance and order.
- (7) *Standards for vacation, repair, and/or demolition.* The Building Official shall follow the following standards in ordering repair, vacation, or demolition of a dangerous building:
 - (a) If the dangerous building reasonably can be repaired so that it no longer will exist in violation of the terms of this code, it shall be ordered repaired.
 - (b) If the dangerous building is in such condition as to make it dangerous to the health, safety, and/or welfare of its occupants, it shall be ordered vacated and repaired.
 - (c) In all cases where a dangerous building cannot be repaired so that it no longer will exist in violation of the terms of this code, it shall be demolished.
 - (d) In all cases where a dangerous building is a fire hazard existing or erected in violation of this code or any city ordinance, or state or federal statute, it shall be ordered repaired or demolished.
- (8) *Notice to Building Commissioner.* The Building Official shall report to the Building Commissioner when there is any noncompliance with any notice sent or posted pursuant to this code.
- (9) *Hearing.* The Building Official shall appear at all hearings conducted by the Building Commissioner and testify as to the condition of the building or structure in question.
- (10) *Interpretations.* The Building Official is hereby authorized to enforce the provisions of this code. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

Sec. 9.2800.080. - Building Commissioner; duties.

The Building Commissioner shall have the power pursuant to this Article to:

- (1) Supervise all inspections required by this code and cause the Building Official to make inspections and perform all duties required of him/her by this code. If the Building Commissioner redeems it necessary to the performance of their duties and responsibilities imposed herein; the Building Commissioner may request an inspection and report be made by any other city department or retain the services of an expert whenever the Building Commissioner deems such service necessary.
- (2) Upon report from the Building Official that there has been a failure to comply with a declaration of nuisance and order, the Building Commissioner shall hold a hearing as required by this code.
- (3) Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of this article.

(4) If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the Building Commissioner shall issue an order, based upon its findings of fact, commanding the owner, occupant, mortgagee, lessee, agent or other person(s) have 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 and to clean up the property, 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 an interest in said building as shown by the land records of Clay County wherein the land is located may vacate and demolish said dangerous building at his/her own risk to prevent the acquiring by the City of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, no order shall be issued.

(5) If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Building Commissioner may cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant; and the Building Commissioner shall certify the cost of the work borne by the City for such repair, vacation, demolition, and/or cleanup, and all other expenses of the City in connection therewith, including, but not limited to: cost of preparing and providing notices; costs of the City's legal representation; title search fees; and all other similar or related expenses 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 said 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 and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. Except as provided in Subsection (6) of this Section, at the requested period of not more than ten (10) years, said assessment shall bear at the lawful rate of interest authorized to be collected by municipalities by State Statute until fully paid

6. As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if an order is issued by the Building Commissioner as provided in Subsection (5) of this Section, and a special tax bill or assessment is issued against the property, 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 repayment of up to twenty-five percent (25%) of the insurance proceeds, as set forth in subdivisions (a) and (b) of this Subsection. This Subsection 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 monies to the City to deposit into

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

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 monies, unless the City has instituted legal proceedings under the provisions of Subsection (5) of this Section. If the City has proceeded under the provisions of Subsection (5) of this Section, all monies in excess of that necessary to comply with the provisions of Subsection (5) of this Section for the removal, securing, repair and cleanup of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.

7. If there are no proceeds of any insurance policy as set forth in Subsection (6) of this Section, 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. The same shall bear interest at the lawful rate as provided by law as to each such installment as the same comes due.

8. Subsection (6) of this Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.

9. Subsection (6) of this Section does not make the City a party to any insurance contract, and insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

10. The Building Commissioner may certify in lieu of payment of all or part of the covered claim under Subsection (6) that is 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 (6) 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 certification provided from this Subsection.

Sec. 9.2800.090. – Building Commissioner; appointment or designation of Hearing Officer.

The Building Commissioner, in their discretion, may appoint or designate, in writing, a suitable person to act as the Building Commissioner under this Chapter.

Sec. 9.2800.100. - Appeals.

Any person aggrieved by an action of the Building Commissioner may appeal such decision to circuit court as provided in RSMo 536.100 to 536.140, if proper record as defined in RSMo 536.130 is maintained of the hearing; otherwise, the appeal shall be made pursuant to the procedures provided by RSMo 536.160.

Sec. 9.2800.110. - Declaration of nuisance and order.

- (1) *Declaration.* Once the Building Official has determined that the building or structure is a dangerous building under the terms of this code, he shall cause notice of such declaration to be served upon all interested parties in accordance with this section. All interested parties shall be made parties to any action pursuant to this code.

The declaration of nuisance and order shall contain:

- (a) The street address (or other description sufficient for the accurate identification) of the premises upon which the building or structure is located;
 - (b) A statement that an inspection revealed that the building or structure is a dangerous building, with a concise description of the conditions found to render this conclusion;
 - (c) A statement of the remedial action(s) required to be taken as determined by the Building Official; and
 - (d) A statement that such remedial action(s) shall commence within a reasonable time (which shall not exceed 30 days from the date of such notice) and proceed continuously without unnecessary delay.
- (2) *Service of declaration.*
- (a) The declaration of nuisance and order shall be sent via both first class mail (postage prepaid) and certified mail (postage prepaid) return receipt requested to the interested parties. Notice sent via the U.S. Postal Service shall be effective as the date of mailing. If the Building Commissioner learns that neither the regular mailed notice nor the certified mailed notice was received by the recipient (for any reason other than refusal), the Building Official may attempt to have such party personally served with such notice.
 - (b) If any one of the interested parties does not receive such notice, for whatever reason, such fact shall not invalidate any proceedings hereunder as to any other person duly served nor relieve any such person from any duty or obligation imposed by the provisions of this code. Mail returned by the U.S. Postal Service marked "refused" shall constitute proof of service.
 - (c) If service cannot be had by either personal service or by certified mail, then service may be had by publication in a newspaper qualified to publish legal notices, for two successive weeks.

Sec. 9.2800.120. - Recordation of declaration of nuisance and order.

If compliance is not had with the declaration of nuisance and order within the time specified therein, the Building Official shall file in the office of the county recorder a certificate describing the property and certifying that the building is a dangerous building and that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed and the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the Building Official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

Sec. 9.2800.130. - Enforcement and abatement.

- (1) If no interested party complies with the declaration of nuisance and order within the time specified therein, or upon failure of any such party to proceed continuously with such work without unnecessary delay, the Building Commissioner shall hold a full and adequate hearing on the matter, joining all interested parties. Such hearing shall be recorded in accordance with RSMo 536.130, and shall be considered a contested case for purposes of judicial review.
- (2) Written notice of such hearing shall be given at least ten days in advance of such hearing (in accordance with the service of declaration requirements of section 9.2800.090(2)) directing the interested parties to appear before the Building Commissioner on the date specified in such notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated, and/or demolished in accordance with the statement of particulars set forth in the declaration of nuisance and order.
- (3) Any party may be represented by counsel and all parties shall have an opportunity to be heard.
- (4) After the hearing, if the evidence supports a finding that the building or structure is a dangerous building, the Building Commissioner shall issue an order of abatement along with specific findings of fact, based upon competent and substantial evidence, that shows the building or structure to be a dangerous building and ordering the building or structure to be vacated, demolished and removed, or vacated and repaired. Provided that any person so notified, shall have the privilege of either vacating and repairing said building or structure (if such repair will comply with the ordinances of the city) or may vacate and demolish said dangerous building, at his own risk to prevent the city from acquiring a lien against the land where the dangerous building stands. If the evidence does not support a finding that the building or structure is a dangerous building, no order shall be issued.
- (5) The written order of abatement from the Building Commissioner shall be delivered, by person or mail, to each party of the hearing, or the attorney of record. The order shall state a reasonable time, to be no less than 30 days from the date of issuance, within which to comply with the order, and shall further provide that if the work is not substantially completed within 30 days of the issuance of the order, the city may, by its own employees or by contractor, perform the work necessary to bring the

building into compliance with the order of abatement, with cost levied to the property owner, or by a lien placed upon the property.

- (6) If the city performs or contracts for abatement pursuant to subsection (5), the cost of such abatement and other associated costs, including but limited to any attorney fees incurred by the City, shall be certified to the City Clerk, who shall cause a special tax bill or special assessment against the property to be prepared and collected by the city collector or other official collecting taxes, unless 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 where the dangerous building is located. The contractor may enforce this lien as provided in RSMo 429.010 to 429.360. At the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years. The tax bill from its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.

Sec. 9.2800.140. - Emergencies.

In any case where it reasonably appears that there is an immediate danger to the health, safety, or welfare of any person, the Building Official may take emergency measures to vacate and repair or demolish a dangerous building or structure.

Sec. 9.2800.150. - Violations and penalties.

- (1) It shall be a violation of this code for:
 - (a) Any property owner to fail to comply with any order of either the Building Official or the Building Commissioner.
 - (b) Any person to occupy any building that has been posed as a dangerous building pursuant to this code.
 - (c) Any person to remove or deface any dangerous building notice that has been posted on such building until the repairs, demolition, or removal ordered have been completed and a certificate of occupancy issued pursuant to the provisions of the building code.
 - (d) Any person to obstruct, impede, or interfere with any officer, employee, contractor, or authorized representative of the city or with any person who owns or holds any estate or interest in any building that has been ordered repaired, vacated, or demolished under the provisions of this code, whenever such officer, employee, contractor, or authorized representative of the city or person having an interest or estate in such building or structure, is engaged in the work or repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.
- (2) The city shall have the right to collect fines and penalties for any violation of this code and to punish the violation thereof by a fine or imprisonment, or by both fine and imprisonment. Such fine may not exceed \$1,000.00; unless the owner of the

property is not also a resident of the property, then such fine may not exceed \$2,000.00.

Sec. 9.2800.160. - Extension of time to perform work.

Upon receipt of an application from the person required to conform with any order and by agreement of such person to comply with such order if allowed additional time, the Building Official may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation, or demolition, if the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Building Official's authority to extend time is limited to the physical repair, rehabilitation, or demolition of the premises and will not in any way affect the time to appeal any order.