

AN ORDINANCE REPEALING ORDINANCE NO. 8504; AMENDING ORDINANCE NO. 8753; AND AMENDING TITLE 15, "BUILDINGS AND CONSTRUCTION," OF THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI, BY REPEALING CHAPTER 15.24 IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER 15.24 WHICH INCLUDES ARTICLE I—"THE INTERNATIONAL PROPERTY MAINTENANCE CODE," ARTICLE II—DANGEROUS BUILDINGS OR STRUCTURES, AND ARTICLE III—ABANDONED BUILDINGS OR STRUCTURES.

WHEREAS, the City of North Kansas City, Missouri (the "**City**") is a body corporate, a third class city and political subdivision of the State of Missouri, duly created, organized and validly existing under and by virtue of the Constitution and laws of the State of Missouri; and

WHEREAS, on November 9, 2010, the City Council of the City of North Kansas City, Missouri (the "**City Council**") enacted Ordinance No. 8504, which the City Council now desires to repeal in its entirety; and

WHEREAS, on May 20, 2014, the City Council enacted Ordinance No. 8753, which adopted the 2012 editions of various International Codes, including, but not limited to, the *International Property Maintenance Code*; and

WHEREAS, after passage of Ordinance No. 8753, the *International Property Maintenance Code*, as amended, was codified as Article I of Chapter 15.24 of the Code of the City of North Kansas City, Missouri (the "**City Code**"); and

WHEREAS, the City, acting by and through its City Council, desires now to (a) amend Ordinance No. 8753, (b) repeal the existing Chapter 15.24 of the City Code, and (c) adopt a new Chapter 15.24 of the City Code entitled "Property Maintenance".

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

Section 1. Ordinance No. 8504 is hereby repealed.

Section 2. Ordinance No. 8753 is hereby amended by deleting Section 5 thereof and deleting Exhibit "E" attached thereto. The remainder of Ordinance No. 8753 shall remain in full force and effect.

Section 3. Chapter 15.24, "Property Maintenance Code," of Title 15, "Buildings and Construction," of the Code of the City of North Kansas City, Missouri (the "**City Code**"), is hereby repealed in its entirety and there is enacted in lieu thereof a new Chapter 15.24, "Property Maintenance," which shall read and provide as follows:

Chapter 15.24

PROPERTY MAINTENANCE

Article I. International Property Maintenance Code

15.24.010 International Property Maintenance Code (2018 edition) adopted; Incorporated by reference.

The International Property Maintenance Code, 2018 Edition, as published by the International Code Council, Inc., is hereby adopted as the Property Maintenance Code of the City of North Kansas City in the State of Missouri (the “**Property Maintenance Code**”) and made a part hereof, as if fully set out in the City Code, with the additions, insertions, deletions and changes, if any, prescribed hereof.

15.24.020 Amendments to the Property Maintenance Code.

The International Property Maintenance Code (2018 ed.), as adopted and incorporated herein by reference, is hereby amended in the following particulars:

Section 101.1 is amended to read as follows:

101.1 Title.

These regulations shall be known as the Property Maintenance Code of the City of North Kansas City, Missouri, hereinafter referred to as “this code.” The terms “International Property Maintenance Code,” “I.P.M.C.,” “International Property Maintenance Code for the City of North Kansas City” and “Property Maintenance Code” may be used interchangeably and shall be deemed to be included within the phrase “this code.”

Section 103.1 is amended to read as follows:

103.1 General.

The designee of the Community Development Department shall be known as the code official.

Section 103.5 is amended to read as follows:

103.5 Fees.

The fees shall be in accordance with North Kansas City fee schedule.

Section 106.4 is amended to read as follows:

106.4 Violation penalties.

Persons who violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the

approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable in accordance with Section 1.16.010 of the City Code.

Section 111.2 is amended to read as follows:

111.2 Membership of board.

The City Council shall serve as the Board of Appeals.

Sections 111.2.1 through 111.2.5 are hereby deleted.

Section 111.3 is amended to read as follows:

111.3 Notice of meeting.

The City Council shall meet upon notice from the Mayor, within 20 days of the filing of an appeal, or at stated periodic meetings.

Section 111.4 is amended to read as follows:

111.4 Open hearing.

Hearings before the City Council under this code shall be open to the public. The appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than 5 City Council members.

Section 112.4 is amended to read as follows:

112.4 Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, punishable in accordance with Section 1.16.010 of the City Code.

Section 113 is added as follows:

113.0 Dwelling Unit Inspection Program

113.1 Inspection Required.

Every owner or owner's agent who manages a rental dwelling unit, located in the City of North Kansas City, Missouri, shall upon the occurrence of vacancy of said dwelling unit, be required to obtain from the City of North Kansas City, Community Development Department an inspection of the premises by an inspector of the Community Development Department and an inspection report stating that no code violation was observed. No dwelling shall be reoccupied until the required inspection and report have been obtained from the Community Development Department. No dwelling unit is required to be inspected more than once a year.

Section 113.2 is added as follows:

113.2 Receptacles.

Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

Section 113.3 is added as follows:

113.3 Rooming House, Boarding House Inspection Required.

Every owner or owner's agent who manages or operates a rooming unit, rooming house or boarding house located in the City of North Kansas City, Missouri shall be required to obtain from the City of North Kansas City Community Development Department an occupancy inspection of the premise with no code violation observed. Each rooming unit and rooming house shall be inspected by the building inspector and obtain an occupancy certificate not less than once annually and certified as to compliance with all applicable regulations.

Section 113.4 is added as follows:

113.4 Registration Required.

A. No person shall rent, lease or offer to rent or lease, any residential rental property located within the City of North Kansas City, Missouri, prior to registering as a Landlord for each rental property and units.

B. Owners of residential rental property shall register the property within 30 days of acquiring title.

C. The owner of any rental dwelling shall register as a landlord annually with the City.

D. All registrations issued shall expire on December 31 of each year and shall be subject to renewal annually. Application for renewal of registration in any year will be accepted beginning January 1 and may be made without penalty through January 31.

Section 113.4.1 is added as follows:

113.4.1 Registration Process

A. There shall be no fee for the landlord to register.

B. The Landlord shall fill out a registration form prepared by the City which indicates:

1. The common name of the property, if any, and exact street address of each dwelling to be registered, including unit number and total number units in each dwelling structure;

2. The legal names of all owners of the property;

3. The complete mailing address of all owners;

4. Telephone numbers of each owner, including cell phone and mobile phone numbers;
5. Date of birth of all owners.
6. If the property is owned by a corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust, the name, address and phone number of the any of the following shall be provided:
 - a. For a corporation, a corporate officer and the chief operating officer;
 - b. For a partnership, the managing partner;
 - c. For a limited liability company, the managing or administrative member;
 - d. For a limited partnership, a general partner;
 - e. For a trust, a trustee; or
 - f. For a real estate investment trust, a general partner or an officer.
7. The full name, address, telephone number, and email address of a local agent or representative authorized by the owner to handle the affairs of the property. The local agent is a person who resides within fifty (50) miles of the City limits and may be one of the owners. If the local representative is not an owner, the owner shall provide proof that the local representative is authorized to act on the owner's behalf.

Section 113.5 is added as follows:

113.5 Penalty for Failure to Register

The City shall issue a violation notice to any person(s) who fails to register or renew a registration within 30 days of being required to do so. The notice shall require the owner to register within ten days. Any owner failing to register within ten days of notification is guilty of an ordinance violation and shall be fined not less than \$25.00 per day. Each subsequent day shall be considered a separate violation.

Section 201.3 is amended to read as follows:

201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the International Building Code, National Electrical Code, International Fire Code, International Fuel Gas Code, International Plumbing Code, International Residential Code, International Mechanical Code, International Existing Building Code or City Code, such terms shall have meanings ascribed to them as in those codes.

Section 202 insert the following definitions:

LANDLORD. Any person, partnership, or corporation who, singularly or in conjunction with others, rents, or leases, or continues to rent or lease, any residential real property or offers residential property for rent or lease.

UNSHELTERED STORAGE. Items upon any visible open space in residentially used or zoned premises.

Section 302.4 is amended to read as follows:

302.4 Weeds.

All premises and exterior property shall be maintained free from weeds; or plant growth and lawn grass more than 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses other than lawn grass, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of the property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with section 106.3 and prescribed by the city. Upon failure to comply with the notice of violation, any duly authorized employee of the city or contractor hired by the city shall be authorized to enter upon the property in violation and cut and destroy the weeds growing therein, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Section 302.10 is added as follows:

302.10. Unsheltered Storage.

Storage of items shall not accumulate in open yards, porches, patios, and unscreened space under the front porch other than customary outdoor furniture.

Section 704.6 is added as follows:

704.6 Fire Extinguishers.

At least one fire extinguisher for each dwelling unit shall be provided for rental dwelling units, new structures and interior remodeling. The fire extinguisher shall be type ABC and shall be located in the kitchen area.

Article II. Dangerous Buildings or Structures

15.24.100 Title of Article

The provisions contained in this article may be referred to as the Dangerous Buildings or Structures Code of the City of North Kansas City, Missouri, and may be cited as such (or simply as “this code”) in any proceedings under this article.

15.24.102 Conflicts with other code provisions or ordinances.

In the event any provision or requirement of this article shall conflict with any other provision or requirement of the Code of the City of North Kansas City, including, but not limited to, The International Property Maintenance Code as adopted in Article I of this chapter, then the provisions and requirements of this article shall govern and control.

15.24.105 Purpose.

The purpose of this article is to implement the provisions of MO. REV. STAT. §§ 67.400, *et seq.* It is the purpose of this code to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the building code or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or its occupants may be required to be repaired, vacated or demolished.

15.24.107 General provisions—administration.

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.

15.24.110 Dangerous buildings or structures.

A. *Dangerous Buildings Defined.* All buildings or structures, portions or parts of a building or remains of a building or structure which may have any of the defects enumerated herein or in the building code shall be deemed a dangerous building and a nuisance provided that such conditions or defects exist to the extent that they are detrimental to the life, health, property, safety or welfare of the public, or its occupants are endangered. A building is a dangerous building whenever:

1. The exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
2. A portion thereof has wrecked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or snow than is required in the case of similar new construction.
3. The building or structure, or any portion thereof, because of dilapidation, deterioration, decay, vandalism or faulty construction or the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building or the deterioration, decay or inadequacy of its foundation or any other cause is likely to partially or completely collapse.
4. The building or structure, exclusive of the foundation, shows substantial damage or deterioration of the supporting or nonsupporting members, or enclosing or outside walls or wall coverings.
5. The building or structure has 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 or intended to be used.

6. A portion of the building has been damaged by fire, earthquake, tornado, wind, flood, vandals or any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe or damage and is less than the minimum requirements of the building code for similar new construction.

7. A door, aisle, passageway, stairway, fire escape or other means of egress is not of sufficient width or size, or is damaged, dilapidated, obstructed or otherwise unusable, or so arranged so as not to provide safe and adequate means of egress in case of fire or panic.

8. A portion of the building or member or appurtenance thereof (e.g., porch, chimney, signs) is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

9. The building or structure has any portion, member or appurtenance, ornamentation on the exterior thereof which is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of safely resisting wind pressure, or snow or other loads.

10. The building or structure, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, trash, filth, inadequate light, air ventilation or sanitation facilities, or otherwise is determined to be unsafe, unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

11. For any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

12. The building or structure or land it occupies exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure or land provided by this article or other applicable laws or ordinances of this state or city relating to the condition, use, location, maintenance of the building, structures or land.

13. The building or structure has become an attractive nuisance to children or is open to unauthorized or unlawful entry.

14. The building or structure because of obsolescence, dilapidated condition, deterioration, damage, trash and debris, unsafe exits, inadequate facilities for egress in case of fire or panic, lack of sufficient fire-resistive construction, unsafe electrical wiring, gas connections, or heating apparatus, previous fires or any other cause is determined to be a fire hazard or is a fire hazard under Chapter 8.36.

15. The electrical system is totally or partially damaged, destroyed, removed or otherwise made inoperable, unsafe or hazardous.

16. The plumbing system is totally or partially damaged, destroyed, removed or otherwise made inoperable or unsanitary.

17. The mechanical system or any portion of the mechanical system is totally or partially damaged, destroyed, removed or otherwise made inoperable or unsafe.

18. The building or structure, because of obsolescence, dilapidated condition, deterioration or damage, is detrimental to the sale, loan or taxable values of surrounding properties or which renders such surrounding properties uninsurable or which constitutes a blighting influence upon the neighborhood or which constitutes an eyesore so as to deprive owners or occupants of neighboring property of the beneficial use and enjoyment of their premises or which presents an appearance which is offensive to persons of ordinary sensibilities.

19. The building or structure is in such condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

20. A portion of a building or structure remains on a site when construction or demolition work is abandoned.

21. Those under construction upon which work has ceased to the point that substantial progress has not been made for a period of thirty (30) consecutive calendar days after a notice has been issued under Section 15.24.140 for the completion or demolition thereof.

22. Those in the process of demolition upon which work has ceased to the point that substantial progress has not been made for a period of seven (7) consecutive calendar days after a notice has been issued under Section 15.24.140 for the completion or demolition thereof.

B. *Dangerous Buildings, Nuisance.* Any building or structure found to be a dangerous building is hereby declared to be a public nuisance.

C. *Party Defined.* 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 the county wherein the land is located.

15.24.120 Duties of Building Official, inspectors and city attorney.

A. *Duties of the inspectors.* The inspectors' duties shall include, but not be limited to, the following. The inspectors shall:

1. Inspect any building or structure about which complaints are filed by any person alleging that the building or structure contains any of the conditions described in Section 15.24.110.

2. Inspect any building or structure reported by any department of the City which has reason to believe that the building or structure has any of the conditions set forth in Section 15.24.110.

3. Inspect any building or structure of the City at any time whenever there is reason to believe that the building or structure has a condition described in Section 15.24.110.

4. Report to the Building Official all buildings, structures or portions thereof deemed to be an emergency as defined in Section 15.24.240.

5. Post any building, structure or property, when it reasonably appears to the inspector that there is an immediate danger to the health, safety or welfare of any persons because of any condition described in Section 15.24.110, with a notice reading substantially as follows:

UNSAFE: This structure has been deemed unsafe for occupancy per Section _____ of the Code of the City of North Kansas City, Missouri.

6. Nothing contained in this subsection shall be construed to deprive any person entitled thereto by this article of the notice and hearings prescribed in this article.

7. Report to the Building Official any noncompliance with any notice given under this article.

B. *Duties of Building Official.* The Building Official shall:

1. From time to time appoint persons within the Codes Compliance Division as inspectors of dangerous buildings.

2. Review all available information relating to the building or structure in question.

3. Perform such other duties and responsibilities as set forth in this article.

4. Issue an order based upon the findings of fact, ordering the owner or other parties to vacate, close and secure, repair or demolish such building or structure if found to be a dangerous building.

5. Cause a building or structure which has been determined to be a dangerous building to be vacated, repaired or demolished as ordered or have the dangerous building temporarily closed, if the owner or parties fail to comply with the order.

C. *Duties of City Attorney.* The city attorney's duties shall include but not be limited to the following:

1. Within the proper exercise of discretion, prosecute all persons failing to comply with the terms of the orders provided for herein.

2. Within the proper exercise of discretion, bring suit to collect all municipal liens, assessments or costs incurred by the Building Official in causing “dangerous buildings” to be vacated, secured, repaired or demolished.

3. Take such other legal action as is necessary to carry out the terms and provisions of this article.

15.24.130 Inspections by persons other than building inspectors.

Whenever the Building Official shall deem it advisable, he may also request inspections be made by the Fire Department, the County Health Department, or by any other department of the City or appropriate agency, or by any person who might have knowledge and information useful in the determination of whether a building or structure is a public nuisance or, if so, how it might be alleviated. In addition, the Building Official, if he deems it advisable, may request such an inspection be made by an architect or engineer specially employed by the City for the purpose of that inspection.

15.24.140 Notice of public nuisance and order of abatement.

Whenever the Building Official or inspector has determined that any building or structure is a public nuisance under the provisions of this article, he shall as soon as possible thereafter notify 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 for the county that such building or structure has been found to be a public nuisance under the provisions of this article. The notice shall set forth the description of the conditions found in the building or structure so as to constitute the building or structure as a public nuisance under Section 15.24.110. The notice shall also provide for abatement of the nuisance by ordering the building or structure to be vacated, if such be the case, reconditioned, repaired or removed, giving a reasonable time for commencement of the work, and requiring the work to proceed continuously without unnecessary delay. The notice of public nuisance and order of abatement may be served, in the manner set forth in Section 15.24.150, together with the notice of hearing required under Section 15.24.170, provided that the Building Official may cancel or continue the hearing if prior to the scheduled hearing date the work required by the abatement order has commenced and has proceeded continuously thereafter without unreasonable delay.

15.24.150 Service of notices.

Whenever under this article a notice is required to be served upon the persons interested in any building or structure, the notice shall be signed by the Building Official, or on his behalf by an inspector of buildings who shall have made an inspection of the building or structure of which the notice is to be given. The notice may be served by handing the notice to the person to be served by anyone competent to be a witness or by leaving the notice at the usual place of abode of the one to be served with a member of the household over the age of fifteen (15) years or service may be made by certified mail, return receipt requested, addressed to the person’s last known address. Mail returned by the United States Post Office marked “refused” shall constitute proof of service; but if the address of the person to be served shall not be known, or if the certified mailing shall be returned by the United States Post Office marked “address unknown” or “unclaimed” and the

person cannot be personally served within the City, then the service of notice may be by publication. The publication shall contain the full text of the notice and shall be published at least once each week for four (4) consecutive weeks on the same day of the week in some newspaper of general circulation published in the county, and the time specified in the notice for a hearing to be held or for the commencement of work or for any other thing to be done shall be at least forty-five (45) days from the date of the first publication of notice.

15.24.160 Standards for determining action required to alleviate public nuisance.

Whenever a notice shall be given that any building or structure constitutes a public nuisance under the provisions of this article, the Building Official or inspector giving the notice shall base his order as to the necessary actions to abate the nuisance by observance of the following standards:

1. If the conditions which cause the building or structure to be a public nuisance can be reasonably repaired or maintained so that the building or structure will no longer exist in violation of the terms of this article, the building or structure shall be ordered so repaired or maintained, and if it is not repaired or maintained by the owner, then the City may abate the nuisance by repairing, securing, boarding, demolition or other appropriate means.

2. In any case where a dangerous building is damaged, decayed or deteriorated to a degree that it is not economically feasible to rehabilitate such building, or the building is not structurally safe, the building or any portion thereof shall be ordered demolished. An order to demolish may include a requirement to close and secure any or all exterior openings until demolition can be accomplished.

3. In any case where the state of deterioration of a building or structure constituting the public nuisance is such that necessary repairs would amount to a substantial reconstruction of the building or structure, it shall be ordered repaired or demolished, and if it is not repaired or demolished by the owner, then the City may abate the nuisance by repairing, securing, boarding, demolition or other appropriate means.

4. In all cases where the conditions causing the building or structure to be a public nuisance cannot be reasonably repaired or maintained so that the building or structure will no longer exist in violation of the terms of this article, the building or structure shall be demolished.

5. If the conditions are such as to make the building or structure immediately dangerous to the health, safety or welfare of its occupants, the building or structure shall be ordered vacated pending abatement of the nuisance.

6. Any building or structure constituting a public nuisance because of the conditions described in Subsection 15.24.110(21) shall be ordered to be completed in accordance with lawful plans and specifications, and if it shall not be so completed or demolished by the owner within the time specified in the order of abatement, then the City shall abate the nuisance by demolition.

7. Any building or structure found to be a public nuisance because of the conditions described in Subsection 15.24.110(22) shall be ordered demolished by the owner within the time specified in the order of abatement, and if the owner fails to do so, then the City shall abate the nuisance by demolition.

15.24.170 Failure to comply with notice; hearing.

A. Whenever there shall be a failure to obey a notice to abate a public nuisance issued as provided in Section 15.24.140 by not commencing work in the time specified in the notice, or there shall be a failure to proceed continuously with the work required therein without unnecessary delay, the Building Official shall call and have a full and adequate hearing upon the matter giving all interested persons at least ten (10) days written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard and present such evidence as shall be relevant to a determination of:

1. Whether or not the building or structure involved is a public nuisance under the terms of this article;
2. Whether the procedures required by this article have been substantially followed; and
3. Whether or not the abatement order of the building inspector was reasonable and within the standards of this article.

B. All testimony shall be under oath, which may be administered by the Building Official, and a recording of the hearing shall be made by an electronic device capable of recording the hearing, and the Building Official may cause a written record of the hearing to be made by a reporter to be employed by the City, the cost of which shall be paid by the City should the proceeding be eventually held against the City, and by the owner if it should not. In the latter case, the cost of such reporting shall be a lien upon the lot, tract or parcel of land upon which the building or structure stands, and shall be added to the costs of performance for demolition or repair if the City shall be required to do so, and shall be payable as provided for such costs. If an electronic recording is made of the hearing, then the Building Official shall maintain the recording and make it available to any party to the hearing upon request for transcription at the requesting party's expense.

15.24.180 Findings by Building Official following hearing.

Within thirty (30) days from the date of the hearing required by Section 15.24.170, the Building Official shall, upon the basis of competent and substantial evidence offered at the hearing, make a conclusion of law as to whether or not the building or structure in question is a public nuisance under the terms of this article and detrimental to the health, safety or welfare of residents of the City, specifically finding as a matter of fact the conditions of such building or structure which constitute the nuisance. If it is found that the building or structure is a public nuisance, further findings shall be made as to whether or not the procedures required by this article have been substantially met and complied with, and whether or not the abatement order of the inspector of dangerous buildings to abate the nuisance was reasonable in its terms and conditions and within the standards of this article. If it is found that the abatement order was not reasonable or within the

standards of this article, it shall be the duty of the Building Official to make his own finding of fact as to what is reasonably required to abate the public nuisance within the standards of this article. If the Building Official finds that a public nuisance does not exist or that the procedures of this article have not been substantially met and complied with, the proceeding against the building or structure shall be dismissed.

15.24.190 Order of abatement.

If a proceeding is not dismissed following the findings required by Section 15.24.180, the Building Official shall issue an order of abatement directing the building or structure to be completed, secured, boarded, repaired or demolished, and vacated as the case may be, within the standards of this article. This order, together with the findings of fact and conclusions of law required by Section 15.24.180, shall be in writing and shall be immediately delivered or mailed to each party to the hearing or to his attorney of record. In addition, copies of the order and findings of fact and conclusions of law shall be posted in a conspicuous place in the office of the Building Official for a period of thirty (30) days from the date of issuance thereof. The order shall state a reasonable time, which shall not be less than thirty (30) days from the date of issuance, within which to comply with the order, and shall further provide that if it is not complied with within such time, the Building Official may, in his discretion, cause the work to be done by the City and its own crews or by contractors employed by the City for that purpose, or the City may enter into contracts with persons engaged in the business of repairing, securing, boarding or demolishing buildings for the purpose of enforcing the order provided for in this section provided there are unencumbered funds in the City budget for that purpose.

In the alternative, upon the failure of the owner to comply with the order of abatement directing completion, securing, boarding, repair, demolition or other means of abatement of the building or structure as required, or upon the finding of the Building Official that the building is a public nuisance under Section 15.24.110 hereof, the Building Official may request that the City Council exercise its authority of eminent domain under Article VI, Section 21 of the Constitution of the State of Missouri by declaring a public necessity for the taking of the property as blighted, substandard or unsanitary and directing the City Counselor to commence proceedings to obtain ownership of the building or structure, and the property upon which it is located, by condemnation. If the City acquires title to the property by eminent domain, the Building Official shall therefore abate the nuisance on behalf of the City by repair, demolition or other appropriate action.

15.24.200 Issuance of tax bill for cost of work; manner of payment.

A. Whenever the City shall have caused the work to be done as provided by Section 15.24.190, or incurred costs for emergency abatement as provided in Section 15.24.240, the Building Official shall certify the cost of the work to the City Clerk, who shall cause to be prepared a special tax bill therefore and for the cost of the reporter at the hearing, which shall likewise be certified by the Building Official. This tax bill shall be issued against the lot, tract or parcel of land upon which the building or structure is located and against the property owner. The special tax bill, from the date of its issuance, shall be deemed the personal debt of the property owner and shall be a lien on the lot, tract or parcel of land until paid and shall be registered in the office of the City's finance manager in a book kept by him/her for such purposes.

B. At the written request of the taxpayer delivered to the City Clerk, a tax bill for repair or demolition of a building or structure may be paid in ten (10) equal annual installments, which installments with interest thereon to date on the unpaid balance shall be due annually on the anniversary of the date of issuance of the bill. Interest shall be at the rate of eight (8) percent per annum on the unpaid balance of the special assessment computed from the date of issuance. If any annual payment of principal or interest shall not be paid within thirty (30) days of its due date, the entire remaining balance of the tax bill shall immediately become due and payable.

C. If request for ten (10) annual payments is not made prior to the time the Building Official shall certify the cost of the work to the City Clerk, the tax bill shall be payable in sixty (60) days from its date of issuance with interest thereon at eight (8) percent per annum until paid.

15.24.210 Enforcement of tax bills.

Special tax bills issued under Section 15.24.200 shall be prima facie evidence of the validity of the bill, the doing of the work and the liability of the property and the property owner for the charges stated in the bill and shall be collected if default should occur by suit brought in a court of competent jurisdiction on behalf of the City. Judgment in any such suit may at the election of the City order the property sold under special writ of execution or as the court may otherwise order, with the proceeds thereof being applied first to the costs of sale, and the remainder to the amount of the judgment, provided the property owner shall remain personally liable for the amount of any deficiency remaining if the proceeds of sale are not sufficient to pay the full amount of the lien, or the City may forego the lien and elect to take a personal judgment against the property owner for the entire amount of the unpaid special tax bill, with a general execution to issue therefore.

15.24.220 Appeals.

Any owner, occupant, lessee, mortgagee, agent or other person having an interest in the building or structure as shown by the land records of the recorder of deeds of the county wherein the land is located may appeal from the order and determination of the Building Official or his designee made under the provisions of Section 15.24.190. The appeal shall be made to the circuit court of the county in the manner set forth in Chapter 536 of the Missouri Revised Statutes. In any appeal provided for in this section, any person who owns or occupies property located within one thousand two hundred (1,200) feet of the perimeter of the building or structure which is the subject of the appeal shall be allowed to present evidence on behalf of the City in accordance with MO. REV. STAT. § 67.430.2.

15.24.230 Permits.

A. Building permits must be obtained in accordance with the Building Code of the City of North Kansas City, Missouri.

B. It shall be unlawful for any person, other than the owner, to salvage or cause or allow any other person to salvage a building which has been ordered demolished without first obtaining written authorization of the Building Official.

C. It shall be unlawful for the owner to salvage or cause or allow any other person to salvage a building which has been ordered demolished once the notice to proceed has been issued to the contractor by the City.

15.24.240 Emergencies.

A. *Emergency defined.* For the purpose of this article, an emergency is hereby defined as any case where it reasonably appears there is immediate danger to the health, life, safety or welfare of any person because of a dangerous condition which exists in violation of this article.

B. *Authority.* In any emergency case, the Building Official shall have the power to take emergency measures to abate or to correct such dangerous condition. The emergency power herein granted shall include power to cause the immediate vacation of any building and the summary correction of any emergency condition which exists in violation of this article, including, but not limited to, demolition of dangerous buildings.

C. *Emergency order not appealable.* No appeal shall lie from an emergency order, and such order shall not be reviewed or stayed other than by the circuit court of the county in which the premises is located on which the emergency condition exists.

D. *Costs of abatement.* The costs of emergency abatement shall be recovered as provided in Section 15.24.200 for the recovery of costs.

15.24.250 Liability of City agents and employees; services by City agents and employees to be for benefit of City.

No officer, official, agent or employee of the City shall be personally liable for any damage that may occur to any persons or property as a result of any act required of him or permitted to be taken by him under the terms of this article. Any suit brought against any such officer, official, agent or employee of the City as a result of any such acts required or permitted shall be defended by the City Counselor until the final determination of the proceedings, and if judgment shall be obtained it shall be paid by the City. It is hereby further declared that no officer, official, agent or employee of the City owes any duty under the provisions of this article to any citizen or other individual, but that the duties prescribed in this article and imposed upon officers, officials, agents or employees of the City are duties to be performed for the government of the City.

15.24.260 Penalty for failure to vacate.

If the occupant of any building or structure shall fail to vacate such building or structure within the time specified by a notice issued under Section 15.24.140, he shall be punished upon conviction thereof as provided by Section 15.24.330.

15.24.270 Penalty for failure to comply with order of Building Official.

It shall be unlawful for the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in a building or structure not to comply with the order of the Building Official

issued pursuant to Section 15.24.190 or Section 15.24.240. Any person who violates the order of the Building Official shall be subject to a penalty under Section 15.24.330.

15.24.280 Use of insurance proceeds for reimbursement of City's costs.

A. If there are proceeds of any insurance policy based on a covered claim payment for damage or loss to a building or other structure arising out of or caused by fire, explosion or other casualty loss, and the covered claim payment exceeds fifty (50) percent of the face value of the policy covering such building or other structure, then the insurer shall pay to the City a sum equal to twenty-five (25) percent of the covered claim, within thirty (30) days of the determination of coverage, to be held by the City in an interest-bearing account. The proceeds shall be used to reimburse the City for its costs in the removal of such building or other structure, if necessary.

B. The City shall release the proceeds paid to it pursuant to Subsection A. of this section to the insured or in accordance with the provisions of the insurance policy and endorsements thereto as directed by the insurer unless within thirty (30) days after receipt of the insurance proceeds the designated official of the City has commenced an action under Section 15.24.140 *et seq.*, for the building or other structure to be repaired, secured or demolished.

C. The City shall apply the insurance proceeds first to the cost of the removal of any building or other structure found to be a nuisance under this article, less any salvage value, prior to the expenditure of any City funds. Should any balance of insurance proceeds remain in the interest-bearing account after the expense of removal of such building or structure has been paid, the balance shall be paid over to the insured.

D. Nothing in this section shall be construed to affect the priority of a named mortgagee on the insurance policy to the proceeds of the policy.

E. It shall be unlawful for an insurance carrier to fail to pay insurance proceeds to the City after being notified pursuant to this article.

15.24.290 Owner to allow entry for purposes of inspection.

If at such time any of the conditions listed in Section 15.24.110 are determined to be in existence by the Building Official or inspector, the owner shall, upon request, provide entry to an inspector of the City for purpose of determining whether:

1. The building is characterized by violations of the applicable Building and Property Maintenance codes of the City; and/or
2. The building has been properly boarded and secured from entry; and/or
3. The building is characterized by violations of other provisions of Section 15.24.110.

15.24.300 If entry denied for purpose of inspection.

If the City inspector has requested entry to building from the property owner per Section 15.24.290 and if consent is refused, the Building Official may seek an administrative search warrant for entry as provided law.

15.24.310 Unlawful to allow an unoccupied building to become open.

It shall be unlawful for the owner of any unoccupied building to allow the same to become open at door, window, wall or roof for a period of time exceeding twenty-four (24) hours, except when such building is being boarded, repaired or demolished under a valid permit issued by the Codes Compliance Division of the City.

15.24.320 Emergency procedures.

The Council hereby finds and declares that unoccupied buildings which are open at door and/or window, wall or roof constitute a potential danger and/or a public nuisance and constitute an emergency under this article. The Building Official may, upon his determination that a building is unoccupied and open at door and/or window, wall or roof, temporarily close such building by proceeding as follows:

(a) The Fire Chief shall post the property with a notice pursuant to Section 15.24.140, pertaining to notice of public nuisance, for not less than twenty-four (24) hours.

(b) After the property has been posted for not less than twenty-four (24) hours, the director shall hold a hearing to give the owner and any interested parties an opportunity to respond.

(c) The Fire Chief is authorized to employ a contractor for the purpose of securing the building.

(d) Whenever the City shall have caused the work to be done as provided for in this subsection, the Building Official shall certify the cost of the work to the City Clerk, who shall cause to be prepared a special tax bill assessment therefore, pursuant to the terms and conditions set forth in Section 15.24.200, pertaining to manner of payment of tax bills for work.

15.24.330 Penalties.

(a) Any person convicted of a violation of this article shall be punished for that violation by a fine of not less than \$100.00, but not more than \$500.00, or by imprisonment of not more than three months or by both such fine and imprisonment. Whenever the penalty is to be a fine or a fine and imprisonment, the fine shall be no less than the minimum amount set out in the following schedule:

(1)	First offense	Not less than \$100.00 but not more than \$500.00
(2)	Second offense	Not less than \$200.00 but not more than \$500.00
(3)	Third offense	Not less than \$300.00 but not more than \$500.00
(4)	Fourth and subsequent offenses	\$500.00

(b) Every day that a violation continues shall be considered a separate offense, for which the violator may be arrested, tried and convicted without necessity of further notice.

Article III. Abandoned Buildings or Structures

15.24.400 Title of article.

The provisions contained in this article may be referred to as the Abandoned Structures or Abandoned Buildings Code of the City of North Kansas City, Missouri, and may be cited as such (or simply as “this code”) in any proceedings under this article.

15.24.402 Conflicts with other code provisions or ordinances.

In the event any provision or requirement of this article shall conflict with any other provision or requirement of the Code of the City of North Kansas City, including, but not limited to, The International Property Maintenance Code as adopted in Article I or Dangerous Buildings Code as adopted in Article II of this chapter, then the provisions and requirements of this article shall govern and control.

15.24.405 Purpose.

The purpose of this article is to implement provisions to safeguard against abandoned buildings or structures contributing to neighborhood blight which has an adverse effect on property values and public health, safety and general welfare of the community.

15.24.407 General provisions—Administration.

The code official is hereby authorized to enforce the provisions of this article. The code official shall have the authority to render interpretations of this article and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this article.

15.24.410 Definitions.

As used in Article III of this chapter, the following definitions shall apply:

“Abandoned structure” means any structure or building, including accessory buildings and buildings owned, operated, or subsidized by public or nonprofit agencies, which has been unoccupied for a period of at least ninety (90) consecutive days; and which also meet at least two of the following conditions:

1. Not secured by owner; or
2. Is damaged to an extent which prohibits safe human occupancy; or
3. Is the site of loitering or vagrancy; or
4. Fails to comply with the property maintenance requirements of the City Code; or
5. Boarded up for at least ninety (90) days; or

6. Taxes in arrears to the City for a period exceeding 365 days; or
7. Water and/or electricity that has been disconnected; or
8. Structurally unsound; or
9. Potential hazard or danger to persons; or
10. Unoccupied for more than (365) consecutive days, but not including property actively for sale.

“Accessory building” means a subordinate structure or building on the same premise as the main structure, the use of which would be naturally and normally incidental to that of the main structure, whether the main structure is an Abandoned Structure or not, such as, but not limited to, a garage, tool or storage shed.

“Owner” means any person or legal entity with a legal or equitable ownership interest in the structure.

“Secured” means a building which has all points of entry into the structure either: Closed by use of windows and doors which are in proper working order, intact, without holes, broken elements, and are locked; or Secured in compliance with this chapter.

15.24.500 Registration.

Owners of an *abandoned structure* shall register such properties with the City and pay an administration fee. Registration shall occur upon the building meeting the requirements set forth in this article, and in no event more than fifteen (15) days after notice by the City that the property is required to be registered. The duty to register an abandoned structure shall not require prior notice to the owner by the City. Registration of a structure does not preclude the City from taking appropriate actions to secure the property or to issue orders to repair or abate dangerous, hazardous or unlawful conditions or from acting to eliminate an imminent hazard to public health and safety.

15.24.501 Registration Information.

An owner(s) of an *abandoned structure* shall register on a form as provided by the City the following information:

A. If the property is owned by a corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust, the name, address and phone number of the any following shall be provided:

1. For a corporation, a corporate officer and the chief operating officer;
2. For a partnership, the managing partner;
3. For a limited liability company, the managing or administrative member;
4. For a limited partnership, a general partner;
5. For a trust, a trustee; or
6. For a real estate investment trust, a general partner or an officer.

B. The common name of the property, if any, and exact street address of each dwelling to be registered, including unit number and total number units in the dwelling;

C. The legal names of all owners of the property:

1. The complete mailing address of all owners;
2. Telephone numbers of each owner, including mobile phone numbers;
3. Date of birth of all owners;

D. The full name, address, telephone number, and email address of a local agent or representative authorized by the owner to handle the affairs of the property. The local agent or representative shall be an individual over the age of 18 years. For this subsection, "local" shall mean a person who resides within fifty (50) miles of the City limits and may be one of the owners. If the local representative is not an owner, the owners shall provide proof that the local representative is authorized to act on the owner's behalf;

E. The reason for vacancy of the property;

F. The estimated length of time the property is expected to remain vacant; and

G. Any plans for restoration, reuse or removal with an accompanying timeline and work schedule.

H. An owner shall notify the City and file an updated form within seven (7) days of any change in the registration information required by this section.

15.24.502 Registration Fee.

An owner of an *abandoned building or structure*, whether registered or not, shall pay an Abandoned Structure Registration fee for the time during which such structure remains an abandoned structure.

15.24.503 Registration by City.

The code official shall investigate any property that may be subject to registration. Based upon the findings, the city may register property as an abandoned structure subject to this article.

15.24.504 Registration Notification.

The City shall notify the owners of property required to be registered by mail at their last known address according to county records. Such notice shall include:

1. A description of the property required to be registered;
2. A description of the abandoned structure criteria found on the property;
3. The fact that a registration fee has been levied on the property; and
4. The amount of the registration fee.

14.24.505 Registration Waiver.

Within thirty (30) days of the date of notification, the property owner may complete any improvements to the property that may be necessary to remove the property from registration under this article by obtaining necessary permits and inspections of the improvements to the property. Requests for reconsideration of removal from the abandoned structure registration and fee waiver may be submitted in writing. The request for reconsideration shall state the reasons as to why the registration fee should be waived.

15.24.506 Appeal of Registration and/or Reconsideration.

Any person directly affected by the determination that property is an abandoned structure or building may request an appeal within ten (10) days of the date of notification. Appeals must be submitted in writing to the Community Development Department.

15.24.507 Registration and Inspection Fee.

The owner(s) is hereby required to pay a \$100.00 registration fee at the time of registration of the abandoned structures under this Article. In addition, there shall accrue a monthly inspection fee of \$50.00 not to exceed twelve (12) inspections within a calendar year.

15.24.508. Owner(s) Jointly Responsible.

It shall be the joint and several responsibility of each owner of property registered pursuant to this Article to pay the registration and inspection fees.

15.24.509 Accrual of Fee.

Each registration inspection fee is accrued after the 1st day of every month beginning not less than fifteen (15) days after registration.

15.24.510 Billing Procedures.

The City's finance manager shall cause to be mailed to the owner of property registered under this Article, at his/her last known address, a bill for the registration and accrued inspection fee. The fee shall be due and payable within thirty (30) days of mailing.

15.24.511 Failure to Pay Fee Unlawful.

It shall be unlawful for any owner of property registered pursuant to this article to fail to pay the registration fee imposed for such property. Any person found guilty of failing to pay any required fee shall be subject to penalties as provided in Section 1.16.010 of the City Code.

15.24.512 Obtaining Permits Prohibited.

The owner shall pay all delinquent fees accrued under this article prior to issuance of any building, construction or occupancy permit for the subject property.

15.24.514 Sale of Property.

Upon a bona fide sale of the property to an unrelated party, the lien on such property for the registration fees shall be considered released and the delinquent registration fee forgiven.

15.24.515 Securing Structures.

All *abandoned structures* must be secured upon qualifying as an abandoned structure, or upon notice that the building must be registered as an *abandoned structure*, or upon order of the code official or his or her designee.

15.24.515 Order to Secure Structure.

A City order to secure an abandoned structure shall be complied with by the owner within seventy-two hours. If the owner fails to secure the structure the City shall secure the structure and bill the owner of record for all costs incurred. The amount so billed may be assessed as a lien against the property and shall also be a personal debt against the owner of the abandoned property. If any structure previously ordered secured thereafter becomes unsecured without the consent of the City, the City shall re-secure the structure. The costs of re-securing the structure shall be assessed against the owner as a lien against the property and shall also be a personal debt against the owner of the abandoned property.

15.24.516 Reuse and Occupancy.

No abandoned structure shall be reoccupied until inspected and found to be in full compliance with all applicable city codes and a Certificate of Occupancy is issued by the City.

15.24.517 Responsibility for Violations.

All nuisance, housing, building and related code violations will be cited and noticed to the owner of record and shall become the owner's responsibility to bring in compliance. If the owner sells or otherwise disposes of the property to another party, the new owner shall not be entitled to any extension of time to correct or address such violations as existed at the time of sale, transfer or conveyance of the property.

15.24.518 Violation penalties.

Persons who violate a provision of this article or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this article, shall be guilty of a misdemeanor, punishable in accordance with Section 1.16.010 of the City Code. In addition to any other penalty provided, the City may enforce this article by a suit for an injunction.

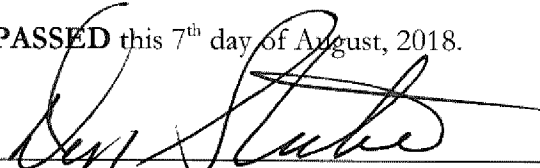
Section 4. **Severability.** The sections, paragraphs, sentences, clauses and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be

presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 5. Governing Law. This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 6. Effective Date. This Ordinance shall be in full force and effect, after compliance with all governing laws, rules and regulations, upon passage by the City Council and approval by the Mayor.

PASSED this 7th day of August, 2018.



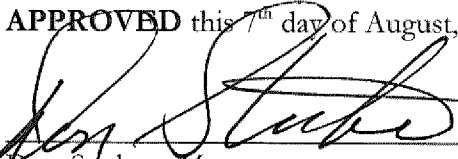
Don Stielow, Mayor

ATTEST:



Crystal Doss, City Clerk

APPROVED this 7th day of August, 2018.



Don Stielow, Mayor

APPROVED AS TO FORM:



Anthony Bologna, City Attorney



Thomas E. Barzee, Jr., City Counselor

