

AN ORDINANCE ADOPTING A PROCEDURE TO REGULATE DANGEROUS BUILDINGS IN THE TOWN OF LOMA LINDA.

SECTION 1. Dangerous buildings defined. All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings":

1. Those whose interior 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 of the middle third of its base.

2. Those which, exclusive of the foundation, show thirty-three (33%) percent or more, of damage or deterioration of the supporting member or members, of fifty (50%) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.

3. Those which have 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.

4. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of this Town.

5. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety, or general welfare of those living therein.

6. Those having light, air and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.

7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

8. Those which have parts thereof which are so attached that they may fall and injure property or members of the public.

9. Those which because of their condition are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the people of this Town.

SECTION 2. Standards for repair, vacation or demolition. The following standards shall be followed in ordering repair, vacation, or demolition:

1. If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this Chapter it shall be ordered repaired.

2. If the "dangerous building" is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants it shall be ordered to be vacated and repaired.

3. In any case where a "dangerous building" is fifty (50%) percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Ordinance it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of any provision of this Code or other ordinance of the Town or statute of the state it shall be repaired or demolished.

SECTION 3. Dangerous buildings are nuisances. All dangerous buildings within the terms of Section 1 of this Ordinance are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

SECTION 4. Building inspector. Any individual appointed by the Mayor shall be "building inspectors" within the meaning of this Ordinance.

SECTION 5. Same, duties. The building inspectors shall:

1. Inspect or cause to be inspected semi-annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing, or loft buildings, and all dwellings, for the purpose of determining whether any conditions exist which render such places to be a "dangerous building" within the terms of Section 1 of this Ordinance.

2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter.

3. Inspect any building, wall or structure reported as probably existing in violation of the terms of this Chapter.

4. Notify in writing, either by personal service or by certified mail, return receipt requested; or if service cannot be had by either of these modes of service, then by publication in a newspaper qualified to publish legal notices, for two (2) successive weeks, the owner, occupant, lessee, mortgagee, agent and all other person having an interest in said building as shown by the land records of the Recorder of Deed of the county, of any building found by him to be a "dangerous building" within the standards set forth in Section 1 of this Ordinance, that:

a. The owner must vacate, vacate and repair, or vacate and demolish said building in accordance with the terms of the notice and this Ordinance;

b. The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession;

c. The mortgagee, agent or other person having an interest in said building as shown by the land records of the Recorder of Deeds of the county may at his own risk repair, vacate, or demolish said building or have such work or act done;

Provided, that any person notified under this subsection (4) to repair, vacate or demolish any building shall be given such reasonable time, not exceeding thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

5. Set forth in the notice provided for in subsection (4) hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building" and an order requiring the same to be put in such condition as to comply with the terms of this ordinance within such length of time, not exceeding thirty (30) days, as is reasonable.

6. Report in writing to the Mayor any noncompliance with the notice provided for in subsection (4) and (5) hereof.

7. Appear at all hearings conducted under this Chapter.

8. Place a notice on all "dangerous buildings" reading as follows:

"This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the county. It is unlawful to remove this notice until such notice is complied with."

SECTION 6. Building Commissioner. The Mayor shall act as building commissioner under this Ordinance.

SECTION 7. Same; duties. The Mayor (Building Commissioner) shall:

1. Upon receipt of a report of a building inspector as provided for in Section 5, give written notice to the owner, occupant, mortgagee, lessee, agent, and all other person having an interest in said building as shown by the land records of the Recorder of Deeds of the county to appear before him on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the building inspector's notice provided for herein in Section 5.

2. Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the land records of the county shall offer relative to the "dangerous building".

3. Make written findings of fact from the testimony offered pursuant to subsection (2) as to whether or not the building in question is a "dangerous building" within the terms of Section 1.

4. Issue an order based upon findings of fact made pursuant to subsection (3) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the county, to repair, vacate, or demolish any building found to be a "dangerous building" within the

terms of this ordinance and provided that any person so notified shall have the privilege of either vacating or repairing said dangerous building; or any person not the owner of said dangerous building but

having an interest in said building as shown by the land records of the county may demolish said dangerous building at his own risk to prevent the acquiring of a lien against the land upon which said "dangerous building" stands by the Town, as provided in subsection (5) hereof.

5. If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (4) hereof, within thirty (30) days, the Mayor (Building Commissioner) shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided for in Section 2, and shall with the assistance of the Town Attorney cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner; Provided, that in cases where such procedure is desirable and any delay thereof caused will not be dangerous to the health, safety, or general welfare of the people of this Town, the Mayor shall notify the Town Attorney to take legal action to force the owner to make all necessary repairs or demolish the building.

6. Report to the Town Attorney the names of all person not complying with the order provided for in Section 41.070(4) hereof.

7. At the request of the taxpayer, the special tax bill provided for by Section 7 may be paid in installments over a period of not more than ten (10) years; said assessment shall bear interest at the rate of eight (8%) percent per annum until paid.

SECTION 8. Appeal to circuit court. Any owner, occupant, lessee, mortgagee, agent or any other person having an interest in a "dangerous building" as shown by the land records of the Recorder of Deeds of the county may, within thirty (30) days from the receipt of the order of the Chairman (Building Commissioner) provided for by Section 7 of this Code; appeal such decision to the Circuit Court of the county wherein the land is located, pursuant to the procedure established in Chapter 536 of the Revised Statutes of Missouri.

SECTION 9. Emergency cases. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building as defined in Section 1 is immediately repaired, vacated, or demolished, the building inspector shall report such facts to the Mayor (Building Commissioner) and the Mayor (Building Commissioner) shall cause the immediate repair, vacation, or demolition of such dangerous building. The costs of such

emergency repair, vacation or demolition of such building shall be collected in the same manner as provided in Section 1.

SECTION 10. Owner absent from the Town. In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the Town, all notices or order provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the county to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service.

FIRST READING September 12, 2017

SECOND READING September 12, 2017

Passed by the Board of Trustees of the Town of Loma Linda, Missouri, this 12th day of September, 2017.

Bruce J. Anderson
Bruce Anderson, Chairman

ATTEST:

Pam Richards
Pam Richards, Town Clerk

