

**A GENERAL ORDINANCE OF THE CITY OF NEVADA, MISSOURI, AMENDING CHAPTER 6 OF THE NEVADA CITY CODE PERTAINING TO DANGEROUS BUILDINGS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, MISSOURI THAT:**

**Section 1.** Section 6-19 of the Nevada City Code is hereby amended to read as follows:

Sec. 6-19. – Authority and Purpose.

Pursuant to Section 67.400 et seq., of the Revised Statutes of Missouri, the City is authorized to enact orders or ordinances to provide for vacation and the mandatory demolition of Structures or mandatory repair and Maintenance of Structures within the corporate limits of the City which are detrimental to the health, safety or welfare of the residents and declared to be a Public Nuisance. Article III has been adopted pursuant to that authority of Section 67.400, RSMo., as amended, and in full compliance with all requirements of Section 67.410, RSMo., as amended.

**Section 2.** Section 6-22 of the Nevada City Code is hereby amended to read as follows:

Sec. 6-22. – Definitions.

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

*Building.* Any covered Structure permanently affixed to land and designed or used to shelter persons, chattels or property.

*Building Commissioner.* To be appointed by the City Manager.

*Building Inspector.* A designated officer of the Building Commissioner and duly authorized representative of the City who is qualified to inspect Buildings and Structures to determine if Buildings and Structures meet the applicable regulations of the City.

*Boarding.* Means to vacate and close and secure any exterior openings until demolition and/or repair commences.

*City.* The City of Nevada.

*Day.* When used herein, the word "day" shall mean a calendar day, as differentiated from a "business day" which means any day other than a Saturday, Sunday or legal holiday.

*Final Order.* Means a terminal, complete order of the Hearing Officer.

*Hearing Officer.* For the purpose of this Chapter, the Hearing Officer shall be the City Manager or their designee.

*Interested Party or Parties.* Means the Owner, Occupant, lessee, mortgagee, agent or any Person having an interest in a Building or Structure, as shown by the land records of the recorder of deeds of Vernon County, Missouri.

*Maintenance.* Acts of repair and other acts to prevent a decline in the condition of grounds and Structures, such that the condition does not fall below the standards established by this Code and other applicable statutes, Codes and ordinances.

*Occupant.* Any person living and/or sleeping in a dwelling unit or having possession of a space within a Building.

*Owner.* Any Person whom is vested an interest in the Premises as shown by the land records located in the office of the Recorder of Deeds in and for Vernon County, Missouri. For purposes of this Article III, the term "Owner" shall also include any Person or operator known to the City and who is recognized in equity as the Owner of the property, because the real and beneficial use and title belong to that Person or operator, although the bare legal title as shown by the conveyancing records in the office of the Recorder of Deeds of Vernon County, Missouri, remains in another. For purposes of enforcing the provisions of this Article III, the City may, at its option, proceed against the legal or equitable interest in said Premises, or against both said interests.

*Person.* An individual, partnership, unincorporated association, corporation, fraternal or religious organization or any other group acting as a unit.

*Premises.* A lot, plot or parcel of land including the Structures thereon.

*Structure.* That which is built or constructed, including without limitation because of enumeration, Buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

**Section 3.** Section 6-23 of the Nevada City Code is hereby amended to read as follows:

Sec. 23. – Standards for vacation, repair or demolition.

(a) *Standards.* The following standards shall determine whether a Building or Structure shall be ordered to be repaired, vacated or demolished under this Chapter:

(1) If the Dangerous Building can reasonably be repaired so that it will no longer exist in violation of the terms of this Section, 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 future Occupants, it shall not be occupied until repaired.

(3) In any case where a Dangerous Building is vacant and more than fifty percent (50%) damaged or decayed, or deteriorated from its original value, it shall be demolished; and in all cases where a Dangerous Building cannot be repaired so that it will no longer exist in violation of the terms of this Section, it shall be demolished.

(b) *Demolition order converted to repair order.* Upon request by any Person having an interest in said Building as shown by the land records of the Recorder of Deeds of Vernon County, a demolition order may be converted into a repair order, but only after approval of plans and bids satisfactory to the Building Inspector are presented to the Building Inspector within twenty (20) days of the service of the demolition order.

**Section 4.** Section 6-24 of the Nevada City Code is hereby amended to read as follows:

Sec. 24. – Duties of Building Inspector; initial notice to violators in nonemergency cases.

(a) *Inspection and investigation.* The Building Inspector will complete an inspection of any Building or Structure within the City, as often as he/she may determine to be necessary for the purpose of determining whether any conditions exist which render such Building or Structure a Dangerous Building, as herein defined.

(b) *Report of emergency cases.* The Building Inspector will report to the Building Commissioner all buildings, structures or portions thereof deemed to be an emergency, as defined in section 6-34(a) of this Code.

(c) *Notice and report of Dangerous Buildings.* The Building Inspector will report Buildings to the Building Commissioner and notify, in writing, all Interested Parties (see section 6-22 (1)) in any Building or Structure which, in the opinion of the Building Inspector, is considered to be a Dangerous Building.

(1) *Interested Party may cure; time to commence.* The notice to the Interested Party or Parties shall contain a description of the Building or Structure deemed unsafe and a statement of the particulars which make such Building a Dangerous Building. The notice shall further set forth the order of the Building Commissioner with respect to such Building or Structure as to vacation, repair and/or demolition, including the designation of a reasonable time to cause said work as designated in said notice to be performed and the requirement to first obtain a building permit (see section 6-27). The notice shall also inform the recipient thereof of the opportunity of hearing before the Hearing Officer, upon application to the Building Commissioner, on the Commissioner's findings and order with respect to the Building or Structure.

(2) *Service of notice.* The notice shall be served by personal service or by certified mail with return receipt requested sent to any Interested Parties. If, after being attempted, service cannot be had either by personal service or by certified mail, then service may be had by publication. Where service is by publication, as permitted by RSMo. 67.410(3), a courtesy notice, which includes the text sent to the newspaper for publication, shall be posted on some permanent place on the Premises.

(3) *Parties.* All Interested Parties in any Building found by the building Inspector to be a Dangerous Building within the standards set forth in Section 6-20 shall be made parties to the notice.

(d) *Report noncompliance.* The Building Inspector will report to the Building Commissioner any noncompliance with the notice, i.e., failure to obtain the work or building permit (see section 6-27) and to commence vacation, Boarding, repair, or demolition.

(e) *Testimony.* The Building Inspector will provide testimony at all hearings conducted under the dangerous building code.

**Section 5.** Section 6-25 of the Nevada City Code is hereby amended to read as follows:

Sec. 25. – Regarding Hearing; determination and order; appeal of order; enforcement; nonemergency cases.

(a) *Hearing on failure to repair/demolish as ordered.* If the Interested Party or Parties in a Structure fail to undertake repairs or demolition within the time specified by the Building Inspector in the notice, or upon failure to proceed continuously with the work without unnecessary delay, as provided to be done in the required notice, the Building Inspector shall notify the Building Commissioner, who shall cause the Hearing Officer to call and have a full and adequate hearing upon the matter, giving all Interested Parties at least ten (10) days' written notice of the hearing served either by personal service or by certified mail, return receipt requested; but if service cannot be had by either of these modes of

service, then service may be had by publication. The notice shall also provide that any Interested Party may be represented by counsel, and all parties shall have an opportunity to be heard.

(b) *Determination, Findings of Fact and Order.* If the evidence at the hearing supports a finding that the Structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the City, the Hearing Officer shall render a final decision in the form of a written order (the "Final Order"). The Final Order shall make specific findings of fact, based upon competent and substantial evidence, that the Structure is a Dangerous Building thereby constituting a nuisance and detrimental to the health, safety or welfare of the residents of the City and ordering the Structure to be vacated, demolished and removed, or repaired within a specified time. If the evidence does not support a finding that the Structure is a Dangerous Building or otherwise a nuisance or detrimental to the health, safety or welfare of the residents of the City, no Final Order shall be issued.

(c) *Appeal of Final Order of Hearing Officer.* Any Interested Party may appeal the Final Order of the Hearing Officer by filing a petition in the circuit court of Vernon County within thirty (30) days of mailing or delivery of notice of the Final Order pursuant to Section 536.110 RSMo.

(d) *Enforcement; prosecution; abatement by the City; Boarding, vacating, repair or demolition.* If the Interested Party or Parties fail to comply with the order to vacate, board, repair or demolish within thirty (30) days of mailing the Final Order calling for such vacation, repair or demolition and fails to appeal the order by the Hearing Officer within thirty (30) days of notice of the Final Order, the Building Commissioner may proceed with the following:

(1) *Prosecution.* Refer the matter for prosecution under sections 6-31 of the dangerous building code. All Interested Parties shall be jointly and severally responsible for compliance with the Final Order.

(2) *Repair or demolition by the City.* Cause the Dangerous Building to be vacated, repaired or demolished as ordered or have the Dangerous Building temporarily boarded when ordered repaired or when necessary to protect citizens prior to demolition.

(3) *Certification of cost to assessor for special assessment.* The Hearing Officer shall certify the charge for such vacation, repair, demolition or Boarding to the City Tax Assessor, as a special assessment represented by a special tax bill against the real property affected except when federal funds are being used, which are subject to a prohibition of recovery by a special assessment process. The proof of such exception shall be the burden of any Person asserting it.

(4) *Components and computation of costs.* The charge for abatement of any public nuisance abatable pursuant to this Chapter shall be collectible by a special tax bill which shall include the actual costs of repair, demolition, water service cut,

Boarding and all other necessary security measures, unless the Building 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.

(a) *Tax bill shall be a personal debt of Owner and a lien on the property until paid.* The tax bill, from date of its issuance, shall be deemed a personal debt against the property Owner and shall also be a lien on the property until paid. Interest shall be at the rate of nine percent (9%) per annum on the unpaid balance of the special assessment computed from the date of issuance.

(b) *Installment payment if requested.* At the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. Interest shall be at the rate of nine percent (9%) per annum on the unpaid balance of the special assessment computed from the date of issuance.

**Section 6.** Section 6-26 of the Nevada City Code is hereby repealed.

**Section 7.** Section 6-27 of the Nevada City Code is hereby amended to read as follows:

Sec. 6-27. – Permits.

(a) *Work or building permit.* A permit shall be obtained prior to doing any work on a Building or Structure for which a determination has been made that it is a Dangerous Building. Before issuing a permit on a Dangerous Building, the Building Inspector must notify the Building Commissioner and must certify that the proposed work will eliminate the condition rendering the Structure a Dangerous Building. The work required to be done pursuant to the permit must commence immediately or as soon as practical after securing the permit. With respect to Dangerous Buildings, the provision of this paragraph will supersede any conflicting ordinance provisions.

(b) *Salvage credit.* It shall be unlawful for any Person to salvage or cause to allow any other Person to salvage a Building which has been ordered demolished without first obtaining the work or building permit in order that the City may monitor compliance with the Nevada City Code.

**Section 8.** Section 6-28 (a) of the Nevada City Code is hereby amended to read as follows:

(a) *Certification and recording.* After a Building has been finally determined to be a Dangerous Building by the Hearing Officer, a certificate of existence of Dangerous Building may be filed and recorded in the office of the Recorder of Deeds of Vernon County, Missouri. Such certificate shall set forth the address and description of the

Premises upon which such Dangerous Building is located, and will certify that the Building thereon is a Dangerous Building within the provision of this Code, and that the Owner thereof has been given proper notice and ordered to repair or demolish such Building. Such certification shall be made and signed by the Hearing Officer or such other official as may be designated by the City Manager.

**Section 9.** Section 6-28 (c) of the Nevada City Code is hereby amended to read as follows:

(c) *Recording release of certification.* Upon application by an Interested Party and after verification that the order of the Hearing Officer to vacate, repair, or demolish a Dangerous Building has been complied with, the Hearing Officer shall issue to the applicant a release of certificate of existence of Dangerous Building which is in such form that it may be filed with and recorded in the office of the Recorder of Deeds of Vernon County, Missouri stating that the dangerous condition has been abated. As a condition of being issued the release, the applicant shall reimburse the City its actual costs for recording the Certification pursuant to Section 6-28(a).

**Section 10.** Section 6-30 of the Nevada City Code is hereby repealed.

**Section 11.** Section 6-31 of the Nevada City Code is hereby amended to read as follows:

Sec. 6-31. – Failure to comply a misdemeanor.

(a) *Owner.* Any Owner of a Dangerous Building who fails to comply with an order of the Hearing Officer to vacate, repair or demolish said Building or who fails to proceed continuously to vacate, repair or demolish the Building without unnecessary delay shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as set forth in section 6-36.

(b) *Possessor or Person with legal duty to act.* The Interested Party in actual or constructive possession, or one who has a legal duty to act for an Interested Party, who fails to comply with an order of the Hearing Officer to board, vacate, repair or demolish a Dangerous Building shall be guilty of a misdemeanor and, upon conviction, shall be punished as set forth in section 6-36.

(c) *Persons inhabiting Dangerous Building.* Any Person failing to promptly and immediately vacate a Building upon the verbal or written order of the Hearing Officer in cases of emergency pursuant to section 6-34 shall be guilty of a misdemeanor and, upon conviction, shall be punished as set forth in Section 6-36.

(d) *Those who hinder or interfere with enforcement.* Any Person who hinders, threatens or interferes with a Building Inspector, contractor or any Person working for a contractor having a permit to demolish a Dangerous Building shall be guilty of a misdemeanor and, upon conviction, shall be punished as set forth in section 6-36.

**Section 12.** Section 6-32 of the Nevada City Code is hereby amended to read as follows:

Sec. 6-32. – Certificate of occupancy.

It shall be unlawful for any Person to enter, occupy, use or remain in or permit or cause any other Person to enter, occupy, use or remain in any Building or Structure which has been declared a Dangerous Building, unless such entry and use is for the purpose of repair or demolition, until such Building or Structure has been inspected by the Building Inspector and a certificate of occupancy has been issued. Such certificate will be issued by the Building Inspector when it has been determined that the Building is no longer a Dangerous Building and is safe and fit for human occupancy.

**Section 13.** Section 6-34 (b) of the Nevada City Code is hereby amended to read as follows:

(b) *Authority to issue emergency orders to take emergency action.* In any emergency case, the Hearing Officer shall have the power to take emergency measures to abate or correct such dangerous conditions. The emergency power herein granted shall include the power to order and 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, fencing, Boarding or the repair or demolition of a Dangerous Building as is authorized by RSMo. 67.440, as amended. Costs shall be collected as provided in section 6-25(f). It shall be the policy of the City to take sufficient action in emergency cases to abate the nuisance and protect the public.

**Section 14.** Section 6-35 (c) and (e) of the Nevada City Code are hereby amended to read as follows:

(c) *Reimbursement.* If such Building or Structure is repaired or demolished pursuant to this Article III as attested to by the Building Inspector without cost to the City, then any insurance proceeds paid to the City Treasurer and any interest thereon shall be paid to the insured under the insurance policy, or as the terms of the policy including any endorsement thereto provided, or in the alternative, shall be paid to all apparent interested parties by payment in the registry of the appropriate court in conjunction with action in interpleader.

(e) *Waiver certificate.* Upon presentation of satisfactory proof that the insured has removed or will remove debris and repair, rebuild or otherwise make the insured Premises safe and secure, the Building Inspector shall issue a waiver certificate within 30 days after receipt of such satisfactory proof to permit recovery of payments to the insured without deduction payable to the City Treasurer as herein provided in this section. It shall be the obligation of the insured, or other Person making claim, to provide the insurance company with such certificate.

**Section 15.** Section 6-36 (a) of the Nevada City Code is hereby amended to read as follows:

- (a) *Maintaining a Dangerous Building; failure to comply with orders to demolish, repair, etc.* It shall be unlawful for any Person to own and maintain a Dangerous Building as defined in section 6-20; to fail to comply with a Final Order of the Hearing Officer as set forth in section 6-34; or to erect, construct, enlarge, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any Dangerous Building or Structure, partial or whole, or cause the same to be done, contrary to or in violation of any of the provisions of this article, or rules or regulations promulgated thereunder.
- (b) *Failure to Timely Comply or Proceed.* The failure to comply with a notice of declaration of nuisance within a reasonable time or failure to proceed continuously without unnecessary delay is a violation of this Chapter and is punishable as set forth in subsection (c).
- (c) *Penalties.* Any violation of this Chapter 6 may be punished by a fine or imprisonment, or by both fine and imprisonment. The fine may not exceed one thousand dollars, unless the owner of the property is not also a resident of the property, then such fine may not exceed two thousand dollars.

**Section 16.** This ordinance shall be in full force and effect from and after its adoption and approval.

**PASSED, APPROVED and ADOPTED** by the City Council of the City of Nevada, Missouri, this 19th day of December, 2017.

(SEAL)  
Attest:  
  
Johnna Williams, Deputy City Clerk

CITY OF NEVADA, MISSOURI  
By:   
Brian L. Leonard, Mayor