

ORDINANCE NO. 8605

AN ORDINANCE PROVIDING FOR THE REGISTRATION OF ABANDONED AND/OR VACANT PROPERTIES IN THE CITY OF MARSHALL.

WHEREAS, Marshall, Missouri (the "City") is a city of the third class and a political subdivision of the State of Missouri, duly created, organized and existing under the Constitution and the laws of the State of Missouri;

WHEREAS, the City Council has determined that the presence of vacant and/or abandoned properties in the City creates an element of neighborhood blight, and further, that this blight lowers property values, leads to deteriorating housing conditions, undermines the quality of neighborhood life, negatively affects the public health, safety, and general welfare and can also result in human injury and criminal activities; and

WHEREAS, the City desires to create a framework for the registration of abandoned and/or vacant properties in the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Marshall as follows:

Section 1. Findings. The City Council determines that the presence of vacant and abandoned properties creates an element of neighborhood blight. It is recognized that blight lowers property values, leads to deteriorating housing conditions, undermines the quality of neighborhood life, negatively affects the public health, safety, and general welfare, and can also result in human injury and criminal activities. It is also determined that vacant and unoccupied properties occupy an inordinate amount of City administrative and ordinance enforcement resources. As such, the City Council finds the prolonged presence of vacant and abandoned properties to be unacceptable to the citizens of Marshall.

Section 2. Definitions. As used in this chapter:

- A. An abandoned property or vacant property is any building, including an accessory building, including buildings owned, operated, or subsidized by public or nonprofit agencies, which:
1. Has been unoccupied for a period of at least 90 consecutive days; and
 2. Which also meets at least two of the following conditions:
 - a. Is unsecured;
 - b. Is fire damaged to an extent which prohibits safe human occupancy;
 - c. Is the site of loitering or vagrancy; or
 - d. Demonstrates a lack of property maintenance and upkeep as evidenced by one or more violations of the City Codes;

- e. Has been boarded up for at least 90 days;
 - f. Has taxes in arrears to the City for a period of time exceeding 365 days;
 - g. Has water and/or electricity that has been disconnected;
 - h. Is structurally unsound; or
 - i. Is a potential hazard or danger to persons.
- B. Accessory building means a subordinate structure on the same premises 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, barn or storage shed.
- C. Code Official means the City's Building Inspector or his or her designee.
- D. Owner means any person with a legal or equitable ownership interest in the property.
- E. Secured means a building which has all points of entry into the property either:
- 1. Closed by use of windows and doors which are in proper working order, intact, without holes, broken elements, and are locked; or
 - 2. Are secured by clear polycarbonate sheeting in compliance with this chapter.

Section 3. Registration Requirement. Owners of abandoned or vacant properties shall register such abandoned or vacant properties with the City and pay an administration fee. Registration shall occur upon the property meeting the requirements set forth in this ordinance, and in no event more than fifteen (15) days after notice from the City is received indicating that the property is required to be registered. The owner shall have a duty to register a property, whether the City provides notice to the owner or not. Registration of an abandoned or vacant property does not preclude the City from taking appropriate actions to secure the abandoned or vacant 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.

Section 4. Registration Information.

- A. For each abandoned or vacant property, each owner shall register with the City and provide the following information on an abandoned or vacant property registration form to be made available by the City:
- 1. The common name of the property, if any, and exact street address of each property to be registered, including unit number and total number of units on the property;

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 cellular 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 for the following individuals or entities 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 manage the property. The local agent or representative shall be an individual over the age of eighteen (18) years. For this subsection, "local" shall mean a person who resides within the City of Marshall or within 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;
 8. The reason for the abandonment or vacancy of the property;
 9. The estimated length of time the property is expected to remain abandoned or vacant; and
 10. Any plans for restoration, reuse or removal with an accompanying timeline and work schedule.
- B. An owner shall notify the City and file an amended form within seven (7) days of any change in the registration information required by this section.

Section 5. Registration Procedure.

- A. An owner of an abandoned or vacant property, whether registered or not, shall pay a registration fee for the time during which such property remains an abandoned or vacant property.
- B. The Code Official shall investigate any property that may be subject to registration. Based upon his findings, the Code Official may register a property as an abandoned or vacant property subject to this ordinance.
- C. Within five (5) business days of such registration, the Code Official shall notify the owners of the registered property by mail at their last known address according to the records of the City of Marshall and Saline County, Missouri. Such notice shall state:
 - 1. A description of the property registered;
 - 2. A description of the abandoned or vacant property criteria found on the property;
 - 3. The fact that a semi-annual registration fee has been levied on the property; and
 - 4. The amount of the semi-annual registration fee.
- D. Within thirty (30) days of the date of the notice, the owner may complete any improvements to the property that may be necessary to remove the property from registration under this ordinance and may request an inspection of the property and reconsideration of the levy of the registration fee. Upon receipt of a written request for reconsideration of the levy of the registration fee which sets out the reasons claimed by the owner as to why the registration fee should be waived, the Code Official may waive levy of the registration fee following timely compliance.
- E. Within thirty (30) days of the date of such notification or within thirty (30) days of the date of reconsideration by the Code Official, the owner may appeal the decision to the Board of Building Code Enforcement. The decision of the Board of Code Enforcement shall constitute a final administrative decision pursuant to Section 536 of the Revised Statutes of Missouri.

Section 6. Registration fee.

- A. **Amount of fee.** There is hereby established and assessed a semi-annual fee in the amount of \$200.00 imposed on all owners of residential property registered under this ordinance. Commercial Property will be assessed at \$.15 (fifteen cents) a square foot semi-annually.

- B. **Owner responsible.** It shall be the joint and several responsibilities of each owner of property registered pursuant to this ordinance to pay the semi-annual registration fee.
- C. **Accrual of fee.** The registration fee shall begin to accrue on the beginning of the second calendar quarter after registration by the Code Official or reconsideration by the Code Official. If an appeal is filed with the Circuit Court, registration fees shall continue to accrue and be payable during the pendency of any such appeal.
- D. **Billing procedures—Late penalties.** The City shall cause to be mailed to the owner of property registered under this ordinance, at the owner's last known address, a bill for the semi-annual registration fee. The fee shall be due and payable within thirty (30) days of mailing. In addition to any other penalties provided by law, if an owner fails to pay the fee assessed for such property within thirty (30) days of the date of mailing, a late payment fee of \$25.00 per month shall be assessed for each month during which the fee remains unpaid.
- E. **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 punished as provided in Section 100.220 of the City's Code of Ordinances.
- F. **Collection of delinquent fees; lien on property and other effects of delinquent fees; foreclosure proceedings.**
1. **Action to recover.** In addition to any other penalties provided by law, the City may initiate and pursue an action in a court of competent jurisdiction to recover any unpaid fees, interest, and penalties from any person liable therefore and, in addition, may recover the cost of such action, including reasonable attorney fees.
 2. **Lien on property.** Any unpaid or delinquent fees, interest and/or penalties, whether or not reduced to judgment, shall constitute a lien against the property for which the fee was originally assessed until the same shall be fully satisfied. The City Clerk is authorized to take all steps necessary to file and perfect such liens as may be required or directed by the Code Official from time to time.
 3. **Obtaining permits prohibited.** In addition to any other penalties provided by law, if an owner fails to pay the fee assessed for such property, including any late payment fee subsequently imposed, within sixty (60) days of the date of mailing of the initial bill, said owner shall not be permitted to apply for, obtain or renew any City license or permit of any kind until such delinquency has been satisfied.
 4. **Foreclosure.** Any registration fees which are delinquent for a period of one year shall be subject to foreclosure proceedings in the same manner

as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable City Codes and Ordinances cited by the Code Official have been cured and presenting payment of all registration fees and penalties.

5. **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.

Section 7. Owner's Duty to Maintain and Secure. All abandoned or vacant properties must be secured upon qualifying as an abandoned or vacant property, or upon notice that the building must be registered as an abandoned or vacant property, or upon order of the Code Official or his or her designee.

- A. A City order to secure an abandoned or vacant property shall be complied with by the owner within seventy-two (72) hours. If the property is not secured within that time period, the City shall secure the property and bill the owner for all costs incurred, including service fees and administrative costs. 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 or vacant property.
- B. If any abandoned or vacant property secured by the City subsequently becomes unsecured, the City shall be permitted to re-secure the property. The costs of re-securing the property 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 or vacant property.
- C. Clear polycarbonate sheeting shall be placed over all points of entry on an abandoned or vacant property such that all exterior openings suitable for animal or human entry are secured as follows:
 1. On all first story and ground accessible points of entry, the property shall be secured by use of clear polycarbonate sheeting or its equivalent, of approved thickness, cut to the size of the opening and secured using an appropriate mounting system; and
 2. On entry points being secured above the first story or where not accessible from ground level, such property shall be secured by use of clear polycarbonate sheeting or its equivalent of approved thickness, cut to the size of the opening and secured using an appropriate mounting system.
- D. The property registered shall be kept free of trash, junk, debris, weeds, dry brush, dead vegetation, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items, including but not limited to, furniture, clothing, large

and small appliances, printed material, or any other items that give the appearance that the property is abandoned or vacant.

Section 8. Right of entry and inspection. If the owner has failed to secure a property and it has been secured by the City, the City may enter or reenter the property to conduct necessary inspections to ensure compliance with the requirements of this chapter and to determine if there are any emergency or hazardous conditions.

Section 9. Reuse and occupancy. No abandoned or vacant property 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.

Section 10. Responsibility for violations. Notice of all nuisance, housing, building and related code violations shall be provided in writing to the owner and thereafter, it shall become the owner's responsibility to bring an abandoned or vacant property into compliance with the City's codes and ordinances. If the owner sells, transfers, or conveys the property, the new owner shall not be entitled to any extension of time to correct or address violations that existed at the time the property was sold, transferred, or conveyed.

Section 11. Penalty.

- A. A person who fails to comply with the requirements of this article is guilty of an ordinance violation and shall be punished as provided in Section 100.220 of the City's Code of Ordinances.
- B. In addition to any other penalties provide by this ordinance, the City may enforce this ordinance by a suit for an injunction.
- C. Prior to charging any person with violating the registration requirements in this ordinance, the Code Official shall notify the owner of the violation and give the owner ten (10) days to register the abandoned or vacant property. If the owner registers the property within the said ten (10) days, then this shall be a complete defense to the charge of failure to register.

Section 12. This Ordinance shall be in full force and effect from and after its passage and approval.

Section 13. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

PASSED by the Council of the City of Marshall, Missouri, this 19th day of July, 2021.

Julie M. Schweetz
President

APPROVED by the Mayor this 19th day of July, 2021.

Julie M. Schweetz
Mayor

FILED this 19th day of July, 2021.

James A. Lewis
City Clerk