

BILL NO 8531

ORDINANCE NO 24 – 05

AN ORDINANCE AMENDING THE CITY OF POPLAR BLUFF, MISSOURI CODE OF CITY ORDINANCES, BY ADDING A NEW CHAPTER 516, RELATING TO VACANT COMMERCIAL BUILDINGS IN THE CITY OF POPLAR BLUFF

WHEREAS, the City of Poplar Bluff desires to amend its Code of Ordinances, by adding a new Chapter 516, relating to vacant commercial buildings in the City of Poplar Bluff; and,

WHEREAS, the City Council of the City of Poplar Bluff, Missouri, deems it to be in the best interests of the City and its citizens to adopt changes to said Ordinance.

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

Section 1. The Poplar Bluff Code of Ordinances is hereby amended by adding a new Chapter 516 as shown in **Exhibit “A”**, which is attached hereto and incorporated by specific reference.

Section 2. The Mayor of the City of Poplar Bluff is hereby authorized and directed to execute any documentation necessary to effectuate the terms of this ordinance.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they do conflict.

Section 4. This ordinance shall be in force and take effect from and after the date of its passage and approval.

READ TWO TIMES AND PASSED BY THE CITY COUNCIL OF THE CITY OF POPLAR BLUFF, MISSOURI, THIS 5TH DAY OF FEBRUARY, 2024.

APPROVED:



MAYOR

ATTEST:


CITY CLERK

EXHIBIT "A":

Section 516.000 Purpose and Scope.

It is the purpose of this Article to provide for the effective monitoring and routine inspection of vacant buildings and structures that, due to Building Code violations, may endanger the life, health, property, safety or welfare of the general public and this Article shall apply to all commercial structures that have been vacant for more than six (6) months and that are subject to Building Code violations.

Section 516.010 Definitions.

The following words and phrases, when used in this Article, shall have the meanings respectively ascribed to them:

BUILDING CODE

The local building, fire, health, property maintenance, nuisance or other ordinance which contains standards regulating the condition or maintenance of commercial buildings.

COMMERCIAL STRUCTURE

A structure devoted primarily to commercial use, whether classified as residential or commercial.

Section 516.020 Registration Requirement.

Every parcel of commercial property improved by a structure, that is vacant and has been vacant for at least six (6) months and is characterized by violation of the Building Code shall be registered as a vacant commercial structure and shall be subject to the registration fee.

Section 516.030 Designation of Vacant Commercial Structures.

- A. *Registration.* The Building Inspector for the City or his/her designee shall investigate any property that may be subject to registration. Based upon his/her findings, the inspector may register property as a vacant commercial structure to this Article.
- B. *Notice of Registration.* Within five (5) business days of such registration, the City Clerk shall notify the owners of the registered property by mail at their last known address according to the records of the City and Butler County. Such notice shall state:
1. A description of the property registered;
 2. A description of the Building Code violations 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.
- C. *Time to Cure — Reconsideration.* 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 and may request a reinspection of the property and reconsideration of the levy or the registration fee. Upon receipt of a written request for reconsideration of the levy or the registration fee which sets out the reasons claimed by the property owner as to why the registration fee should be waived, the inspector

may waive the registration fee following timely compliance.

- D. *Appeal of Fee And/or Reconsideration To Municipal Court.* Within thirty (30) days of the date of such notification or within thirty (30) days of the date of reconsideration by the inspector, the property owner may appeal the decision to the office of the Municipal Court for the City.

Section 516.040 Registration Fee.

- A. *Amount of Fee.* There is hereby established and assessed a semi-annual fee in the amount of five hundred dollars (\$500.00) imposed on all owners of property registered under this Article.
- B. *Owner Responsible.* It shall be the joint and several responsibility of each owner of property registered pursuant to this Article to pay the semi-annual registration fee.
- C. *Accrual of Fee.* The registration fee shall begin to accrue on the beginning of the second (2nd) calendar quarter after registration by the inspector or reconsideration by the inspector; however, in the event that an appeal is filed with the Municipal Court, the registration fee shall begin to accrue on the beginning of the second (2nd) calendar quarter after the final decision of the Municipal Judge or court of competent jurisdiction.
- D. *Billing Procedures — Late Penalties.* The City Collector shall cause to be mailed to the owner of property registered under this Article, at his/her 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 twenty-five dollars (\$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 the Municipal Code.
- 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 costs of such action, including reasonable attorney fees.
 2. *Lien on property.* Any unpaid or delinquent fee, 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 Collector is authorized to take all steps necessary to file and perfect such liens as may be required or directed by the inspector 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 (1) 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 Building Code cited by the inspector have been cured and presenting payment of all registration fees and penalties.
5. *Sale of property.* Upon bona fide sale of property to an unrelated party, the lien on such property for the registration fees shall be considered released and the delinquent registration fee forgiven.