

BILL NO. 2023-36

ORDINANCE NO. 2023-1466

AN ORDINANCE AMENDING CHAPTER 517 OF THE MUNICIPAL CODE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CARROLLTON as follows:

Section 1: Chapter 517 of the Municipal Code of the Town of Carrollton, Missouri is amended in its entirety to read as follows:

Chapter 517 Registration of Vacant Properties

Section 517.010 Definitions

As used in this Chapter the following terms shall have the meanings indicated:

VACANT PROPERTY

Any building, including any accessory buildings, owned, operated, or subsidized by public or nonprofit agencies, which:

1. Has been unoccupied for a period of at least six (6) months; and
2. Which also meets at least two (2) 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;
 - d. Demonstrates a lack of property maintenance and upkeep as evidenced by one (1) or more violations of the Town Codes;
 - e. Has been boarded up for at least ninety (90) days;
 - f. Has taxes in arrears to the Town for a period of time exceeding three hundred sixty-five (365) days;
 - g. Has water and/or electricity disconnected;
 - h. Is structurally unsound; or
 - i. Is a potential hazard or danger to persons.

ACCESSORY BUILDING

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.

CODE OFFICIAL

The Town's Building Inspector or his or her designee.

OWNER

Any person with a legal or equitable ownership interest in the property.

SECURED

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 in compliance with this Chapter.

Utilities and Services

Shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all city codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, and snow removal.

Section 517.020 Vacancy Registration Procedure.

A. The Code Official shall investigate any property which is reported or appears to be vacant. Based upon his or her findings, the Code Official shall register determine if a property is vacant and meets the criteria defined in this Chapter, and will then add the property to the registry, making it subject to a registration fee. The owner(s) of a vacant property shall pay a vacancy fee for the time during which such property remains vacant.

B. The Code Official shall promptly notify the owners of the registered property by mail at their last known address according to the records of the Town of Carrollton and Carroll County, Missouri. Such notice shall state:

1. A description of the property to be registered;
2. A description of the 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 vacancy registration fee.

C. Within thirty (30) calendar days of the date of the notice, the owner may (i) object to the registration, or (ii) address any issues on the property that may be necessary to remove the property from the vacancy registration under this Chapter and may request an inspection of the

property and waiver of the registration fee. Upon receipt of such a written request which sets out the reasons claimed by the owner as to why the registration fee should be waived, the Code Official may, after re-inspection if it is found the property is not vacant, waive the fee so long as the property does not meet the requirements to be registered.

D. Within thirty (30) calendar days of the date of such notification or within thirty (30) calendar days of the date of determination if reconsideration is denied by the Code Official, the owner may appeal the decision to the Board of Adjustment. The decision of the Board of Adjustment shall constitute a final administrative decision pursuant to Chapter 536 of the Revised Statutes of Missouri. The property owner may appeal the decision to the Circuit Court of Carroll County, Missouri within 30 days of the date of the decision.

Section 517.030 Registration Fee.

A. Amount of Fee. Registration fees shall be established by the Town Council in compliance with RSMo 67.399 and listed in the Town Schedule of Fees. Registration fees under this Chapter are assessed on a semi-annual basis at a fixed rate of not to exceed \$200.00 for owners of residential property and on primary floor square footage for commercial property.

B. Owner Responsibility. It shall be the joint and several responsibility of each owner of property registered pursuant to this Chapter to pay the semi-annual registration fee due January 1 and July 1 of each year the property remains vacant.

C. Accrual of Fee. The registration fee shall begin to accrue at the beginning of the second calendar quarter after the Code Official's registration and shall be prorated from that time until the next semi-annual period begins. The property owner shall have the right to appeal the decision to the Board of Adjustment within thirty days of notification of registration of the property. If the owner files an appeal with the Board of Adjustment, registration fees shall continue to accrue and be payable during the pendency of any such appeal.

D. Billing Procedures - Late Penalties. The Town shall mail a bill for the semi-annual owner's last known address. The fee shall be due on the date specified. If an owner fails to pay the fee assessed for such property within thirty (30) days of the due date, a late payment fee equal to \$25.00 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 Chapter to fail to pay the registration fee imposed for such property. Any person found guilty of failing to pay any required fee shall incur penalties as provided in Section 100.240 of the Town'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 Town 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 Town 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, said owner shall not be permitted to apply for, obtain or renew any Town 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 Town Codes and Ordinances cited by the Code Official have been cured and presenting payment of all 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 517.040 Owner's Duty To Maintain And Secure.

- A. All properties must be secured upon qualifying as a vacant property. A Town order to secure vacant property shall be complied with by the owner within ten (10) calendar days of receipt of such order. If the property is not secured within that time period, then, after giving the owner notice and an opportunity for a hearing in the same manner as for the nuisances, the Town shall may enter and 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 vacant property.
- B. On all accessible points of entry on a vacant property, the property shall be secured by use of appropriate sheeting of a thickness to preclude breaking and entering, and secured using an appropriate mounting system, such that all exterior openings suitable for animal or human entry are eliminated.
- C. The property registered shall be maintained at all times in a manner to not be a nuisance under Chapter 215, or a dangerous building under Chapter 505, all of the Town Code.

Section 517.050 Right of Entry And Inspection After Initial Entry.

If any vacant property secured by the Town subsequently becomes unsecured, the Town shall be permitted to re-enter and re-secure the property or 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 517.060 Reuse And Occupancy

No vacant property shall be reoccupied and the municipal utilities connected until inspected and found to be in full compliance with all applicable Town Codes and a certificate of occupancy is issued by the Town.

Section 517.070 Responsibility For Violations.

Notice of all nuisances, 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 a vacant property into compliance with the Town's Codes and ordinances. If the owner sells, transfers, or conveys the property, the transferring owner shall notify the new owner of the designation of a vacant property and the new owner shall, not later than thirty (30) calendar days after the sale closing date, specify shall correct the conditions to remove the property as vacant. to be corrected and any immediate action to be taken for public safety, including an expected timeline for such repair or demolition.

Section 2: The portions of this Ordinance shall be severable. In the event that any portion 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 and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid one, 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 3: This ordinance repeals any prior ordinance or parts of any prior ordinance that might be in conflict herewith.

Section 4. It is the intent of the Town Council that this Ordinance be made a part of the City Code and such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the Town Council.

Section 5: This ordinance shall be in full force and effect from and after the date of its passage and approval.

A copy of this Ordinance has been made available for public inspection prior to its adoption by the Council and this bill was read by title in the open meeting two times prior to its final passage.

PASSED AND APPROVED THIS 18th DAY OF SEPTEMBER 2023.

TOWN OF CARROLLTON, MISSOURI

A handwritten signature in cursive script, appearing to read "John D. Sweeney", written over a horizontal line.

John Sweeney, Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "Dana Reimer", written over a horizontal line.

Dana Reimer, City Clerk