

AN ORDINANCE AMENDING CHAPTER 7 "BUILDINGS AND BUILDING REGULATIONS" TO ADD A NEW SECTION 7-328 TITLED "VACANT RESIDENTIAL BUILDING REGISTRATION" TO CREATE A REGISTRATION PROCESS FOR CERTAIN RESIDENTIAL STRUCTURES AND ESTABLISH A SEMIANNUAL REGISTRATION FEE TO BE CHARGED TO THE OWNER OF ANY RESIDENTIAL PROPERTY WHICH IS VACANT FOR AT LEAST SIX MONTHS, WHICH IS IN VIOLATION OF CHAPTER 7.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ST. JOSEPH, MISSOURI, AS FOLLOWS:

WHEREAS, the City Council has established a goal of improving the appearance of neighborhoods; and

WHEREAS, RSMo Section 67.399 authorizes municipalities to establish a process by which owners of vacant residential structures with certain property maintenance violations may be required to register those properties and pay a registration fee; and

WHEREAS, pursuant to RSMo Section 67.399, "[a]ny registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes"; and

WHEREAS, The City Council is authorizing City Code Enforcement to investigate properties which may be subject to such fee and to make the determination as to which properties shall be assessed the fee; and

WHEREAS, by this ordinance the City Council is establishing a procedure for the collection of the registration fee; permitting the owner of such property to appeal the determination as to the assessment of the registration fee; and permitting any delinquent fees to be collected in the same manner as delinquent real property taxes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ST. JOSEPH, MISSOURI, AS FOLLOWS:

SECTION 1. That Chapter 7 of the Code of Ordinances of the City of St. Joseph, Missouri, be, and hereby is, amended by enacting a new Section 7-328 to be numbered, entitled and read as follows:

Sec. 7-328. Vacant residential building registration.

(a) *Director definition.* As used in this section, director shall be deemed to mean the director of planning and community development or his or her designee.

(b) *Registration and fee applicability.* The owner of any parcel of residential property improved by a residential structure, or commercial property improved by a structure containing multiple dwelling units, which is vacant, has been vacant for at least six months, and is characterized by violations of this chapter shall register such

property with the director and shall pay a \$200.00 registration fee. Such registration shall be renewed, and an additional registration fee in the amount of \$200.00 shall be paid, on a semiannual basis.

(c) *Investigation; levy of registration and fee requirement; appeal.* The director may investigate any property that may be subject to the registration and fee required by this section. The director shall report findings and recommendations and shall determine whether any investigated property shall be subject to the registration and fee. Within five business days of submission of such report, the city clerk, or his or her designee, shall notify by mail the owners of property on which the registration fee has been levied at their last known address according to the records of the city and Buchanan County.

(d) *Appeals.* The property owner may appeal the decision that the registration and fee apply by either filing such appeal with the city manager, or his or her designee, or by appealing to the municipal court. Either appeal must occur within thirty days of the issuance of such decision that the registration and fee apply. Absent the filing of such an appeal, or the request for reconsideration pursuant to Subsection (e) of this section, the registration and fee shall begin to accrue on the beginning of the second calendar quarter after the decision of the director.

(e) *Reinspection and reconsideration; appeal.* Within thirty days of the decision that the registration and fee apply, the property owner may complete any improvements to the property that may be necessary to revoke the levy of the registration and fee requirement, and then may request a reinspection of the property and a reconsideration of the levy of the registration and fee. If the registration and fee requirement is revoked by the director, no registration shall be required and the notification that registration and the fee were required shall be deemed closed. If the director affirms the registration and fee requirement, the property owner may appeal the decision to the city manager, or his or her designee, or to the municipal court. Either appeal must occur within thirty days of the issuance of such decision that the registration and fee apply. Absent the filing of such an appeal, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the issuance of the decision of the director.

(f) *Payment of fees; lien and foreclosure.* The registration fee and penalties for delinquent payments of such fees required by this section shall be paid to the director of administrative services or his or her designee. Any registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes, in accordance with RSMo 67.399. 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 this chapter have been cured and presenting payment of all registration fees and penalties. Upon bona fide sale of the property to an unrelated party said lien shall be considered released and the delinquent registration fee forgiven.

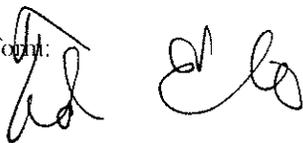
(g) *Violations.* Property owners failing to comply with the requirements of this section may be subject to enforcement in accordance with Section 7-6 of this chapter.

SECTION 2. That any ordinances or parts of ordinances in conflict with this ordinance be, and hereby are, repealed.

SECTION 3. That if any provision of this ordinance is found to be invalid, such provision shall be severable from the other parts of this ordinance and shall not affect the validity of the remaining parts of this ordinance.

SECTION 4. That this ordinance shall be in full force and effect from and after date of passage.

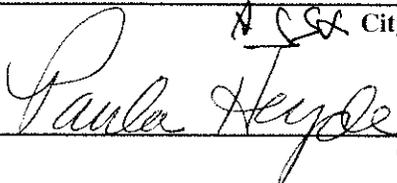
Approved as to form:



\_\_\_\_\_  
City Attorney

Passed December 17, 2018

Attest: \_\_\_\_\_  
City Clerk



\_\_\_\_\_  
Mayor

Date: November 16, 2018  
Type of Ordinance: General

CITY CLERK  
2018 NOV 21 PM 4:14

EXPLANATION TO COUNCIL BILL

ORIGINATING DEPARTMENT: Planning and Community Development Department

PURPOSE: To amend Chapter 7 "Buildings and building regulations" of the Code of Ordinances to add a new Section 7-238 titled "Vacant residential building registration" to create a Vacant Residential Structure Registry Program.

REMARKS: At a City Council Work Session held on November 15, 2018, City Staff presented a proposal to create a Vacant Residential Registry Program to require the registration of vacant residential structures. A majority of Council Members present supported the creation of a Program to help improve neighborhood appearance. The creation of a Vacant Residential Registry Program would identify vacant structures in violation and develop a plan of action with current property owners to make needed repairs, stabilization, securing, or potentially demolition.

The creation of this Program will require registration of vacant residential properties with conditions that violate Chapter 7 and the payment of an associated registration fee. When the property is brought into compliance with Chapter 7's requirements, the registration and fee requirements will no longer apply. In this respect, the ordinance provides a financial incentive to bring vacant residential properties into compliance with Chapter 7.

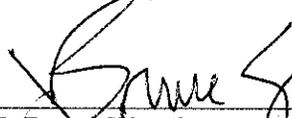
The ordinance is based upon authority granted by RSMo Section 67.399, which states "[a]ny registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes." The collection of most delinquent real property taxes is managed by the County Collector. As registration fees become delinquent, the City will have to request that the County Collector initiate the foreclosure process.

The ordinance also authorizes the City to investigate the applicability of the registration and fee requirements and, if the requirements apply, impose those requirements. In accordance with RSMo Section 67.399, the property owner may appeal that decision to Municipal Court. Such an appeal process is unique to RSMo Section 67.399; in most cases, appeals are heard administratively, then they can be appealed to Circuit Court. Due to the unique appeal process set forth in RSMo 67.399, the proposed ordinance also authorizes appeals to be submitted administratively if the appellant elects.

Submitted by:

  
Clint Thompson, Director  
Planning and Community Development

Reviewed by:

  
J. Bruce Woody  
City Manager