

Bill No. 353

Ordinance No. 353

AN ORDINANCE OF THE VILLAGE OF UPLANDS PARK, MISSOURI, ESTABLISHING A REGISTRATION REQUIREMENT AND A PROCESS FOR REGISTRATION OF VACANT RESIDENTIAL STRUCTURES AND PROVIDING FOR A REGISTRATION FEE.

WHEREAS, Section 67.399 RSMo. (as enacted by L. 1998, H.B. No. 1352 §A) authorizes the governing body of any municipality to establish a requirement and process for registration of any residential structure that has been vacant for more than six months is subject to housing code violations; and

WHEREAS, Section 67.399 RSMo. (as enacted by L. 1993, H.B. No. 1352 §A) also authorized the Village to impose a semi-annual registration fee in an amount not to exceed two hundred dollars which shall be charged to the owner of such structure: and

WHEREAS, the Board of Trustees for the Village of Uplands Park wishes to requires such registration of vacant residential structures subject to housing code violations and impose a semi-annual registration fee of \$ 200.00 on owners of structures to cover the costs of inspection and registration.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF UPLAND PARKS, MISSOURI, AS FOLLOWS:

Section One

Title V of the Municipal Code of the Village of Uplands Park, Missouri, is hereby amended by the addition of a new chapter to provide as follows:

TITLE V BUILDING AND CONSTRUCTION

CHAPTER 5 REGISTRATION OF VACANT RESIDENTIAL STRUCTURES

SECTION 530.010 PURPOSE AND SCOPE

It is the purpose of this Chapter to provide for effective monitoring and routine inspection of vacant buildings and structures that, due to housing code violations, may endanger the life, limb, health, property, safety or welfare of the general public, and this Chapter shall apply to all residential structures that have been vacant for more than six months and that are subject to housing code violations.

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Section 530.020: Definitions

The following words and phrases when used in this Chapter shall mean:

HOUSING CODE: a local building, fire, health, property maintenance, nuisance or other ordinance which contains standards regulating the condition or maintenance of residential buildings.

RESIDENTIAL STRUCTURE: a structure devoted primarily to residential use, whether classified as residential or commercial, and regardless of the number of dwelling units contained within such structure.

Section 530.030: Registration Requirement

Every parcel of residential property improved by a residential structure or commercial property improved by a structure containing multiple dwelling units, that is vacant, and has been vacant for at least six months, and is characterized by violations of the housing code shall be registered as a vacant residential structure and shall be subject to the registration fee.

Section 530.040: Designation of Vacant Residential Structures

- A. Registration. The Director of Public Works for the Village of Uplands Park, Missouri, or his designee, shall investigate any property that may be subject to registration. Based upon his finding, the Director may register property as a vacant residential structure subject to this Chapter.

- B. Notice of Registration. Within five business days of such registration, the Village Clerk shall notify the owners of the registered property by mail at their last known address according to the records of the Village of Uplands Park and St. Louis County. Such notice shall state:
 - 1. A description of the property registered;
 - 2. A description of the housing 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 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 Chapter and may request a reinspection 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 property owner as to why the registration fee should be waived, the Director may waive levy of the

registration fee following timely compliance.

- D. Appeal of Registration and/or Reconsideration to Municipal Court. Within thirty days of the date of such notification or within thirty days of the date of reconsideration by the Director, the property owner may appeal the decision to the office of the Municipal Court for the Village of Uplands Park.

Section 507.050: 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 property registered under this Chapter.
- B. Owner Responsible. 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.
- C. Accrual of Fee. The registration fee shall begin to accrue on the beginning of the second calendar quarter after registration by the Director or reconsideration by the Director; 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 calendar quarter after the final decision of the municipal judge or court of competent jurisdiction.
- D. Billing Procedures; Late Penalties. The Village Clerk shall cause to be mailed to the owner of property registered under this Chapter, at his or 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 Chapter 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 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 Village Clerk is authorized to take all steps necessary to file and perfect such liens as may be required or directed by the Director 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 housing code cited by the Director have been cured and presenting payment of all registration fees and penalties.
5. Sale of Property. Upon 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 Two.

This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED THIS 11 DAY OF October, 2004.


Chairwomen, Carmen McClendon
Village of Uplands Park

Attest:


Village Clerk