

CHAPTER 151: DANGEROUS BUILDINGS

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§ 151.01 PURPOSE AND SCOPE.

It is the purpose of this chapter to provide a just, equitable, and practicable method for the repairing, vacation, or demolition of buildings or structures that may endanger the life, limb, health, property, safety, or welfare of the occupants of such buildings or the general public, and this chapter shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the city.

(Prior Code, § 505.010)

§ 151.02 DANGEROUS BUILDINGS DEFINED.

All buildings or structures that are detrimental to the health, safety, or welfare of the residents of the city and that have any or all of the following defects shall be deemed dangerous buildings:

(A) Those with interior walls or other vertical structural members that list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;

(B) Those that, exclusive of the foundation, show 33 % or more damage or deterioration of the supporting member or members, or 50 % damage or deterioration of the non-supporting enclosing or outside walls or covering;

(C) Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used;

(D) Those that have been damaged by fire, wind, or other causes so as to become dangerous to life, safety, or the general health and welfare of the occupants or the people of the city;

(E) Those that are so dilapidated, decayed, unsafe, unsanitary, or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety, or welfare of those occupying such building;

(F) Those having light, air, and sanitation facilities that are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein;

(G) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other adequate means of evacuation;

(H) Those that have parts thereof that are so attached that they may fall and injure members of the public or property; and/or

(I) Those that because of their condition are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the people of this city.
(Prior Code, § 505.020)

§ 151.03 DANGEROUS BUILDINGS DECLARED NUISANCE.

All dangerous buildings or structures, as defined by § 151.02, are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as provided herein.
(Prior Code, § 505.030)

§ 151.04 STANDARDS FOR REPAIR, VACATION, OR DEMOLITION.

The following standards shall be followed in substance by the Building Inspector and the Building Commissioner in ordering repair, vacation, or demolition of any dangerous building.

(A) If the dangerous building can reasonably be repaired so that it no longer will exist in violation of the terms of this chapter, it shall be ordered repaired.

(B) If the dangerous building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, it shall be ordered to be vacated and repaired.

(C) In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this chapter, it shall be demolished.

(D) In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of this city or state statute, it shall be repaired or demolished. (Prior Code, § 505.040)

§ 151.05 BUILDING INSPECTOR.

The Chief of Police shall be the Building Inspector(s) within the meaning of this chapter. (Prior Code, § 505.050)

§ 151.06 DUTIES OF BUILDING INSPECTOR; PROCEDURE AND NOTICE.

The Building Inspector(s) shall have the duty under this chapter to:

(A) Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special, or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such place to be a dangerous building when he or she has reasonable grounds to believe that any such building is dangerous;

(B) Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in violation of this chapter, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous;

(C) Inspect any building, wall, or structure reported by the Fire or Police Departments of this city as probably existing in violation of this chapter;

(D) Notify the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the building or structure, as shown by the land records of the County Recorder of Deeds, of any building or structure found by him or her to be a dangerous building or structure within the standards set forth in § 151.02. Such notice shall be in writing and shall be given either by personal service or by certified mail, return receipt requested, or if service cannot be made by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two consecutive weeks. The notice required shall state that:

(1) The owner must vacate, vacate and repair, or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this chapter;

(2) The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession; and

(3) The mortgagee, agent, or other persons having an interest in said building as shown by the land records of the County Recorder of Deeds may, at his or her own risk, repair, vacate, or demolish the building and clean up the property or have such work done; provided, that any person notified under this division (D) to repair, vacate, or demolish any building or clean up the property shall be given such reasonable time not exceeding 30 days to commence the required work.

(E) The notice provided for in this section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building, a statement indicating that as a dangerous building, said building or structure constitutes a nuisance and an order requiring the designated work to be commenced within the time provided for in division (D) above;

(F) Report in writing to the City Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean up the property, or upon the failure to proceed continuously with the work without unnecessary delay;

(G) Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings; and

(H) Immediately report to the Building Commissioner concerning any building found by him or her to be inherently dangerous and that he or she determined to be a nuisance per se.

(1) The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

“This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building and/or property until it is repaired, vacated, or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Cooper County. It is unlawful to remove this notice until such notice is complied with.”

(2) Provided however, that the order by the Building Commissioner and the posting of said notice shall not be construed to deprive all persons entitled thereto by this chapter to the notice and hearing prescribed herein.

(Prior Code, § 505.060)

§ 151.07 BUILDING COMMISSIONER.

The Mayor shall act as Building Commissioner under this chapter.
(Prior Code, § 505.070)

§ 151.08 MISSING TEXT.

(Prior Code, § 505.080)

§ 151.09 MISSING TEXT.

(A) - (D) Need to be added to this section.

(E) The Building Commissioner may certify that, in lieu of payment of all or part of the covered claim payment under division (A) above, that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild, or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within 30 days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to division (A) above. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided for in this division (E).

(Prior Code, § 505.090)

§ 151.10 APPEAL.

Any owner, occupant, lessee, mortgagee, agent, or any other person(s) having an interest in a dangerous building, as shown by the land records of the County Recorder of Deeds, may appeal such decision to the County Circuit Court, as provided for in RSMo. §§ 536.100 to 536.140, if a proper record, as defined in RSMo. § 536.130, is maintained of the hearing provided for in § 151.08. Otherwise, the appeal shall be made pursuant to the procedures provided for in RSMo. § 536.150.

(Prior Code, § 505.100)

§ 151.11 EMERGENCIES.

In cases where it reasonably appears that there is immediate danger to the health, life, safety, or welfare of any person unless a dangerous building, as defined herein, is immediately repaired, vacated, or demolished and the property is cleaned up, the Building Inspector shall report such facts to the Building Commissioner and the Building Commissioner may cause the immediate repair, vacation, or demolition of such dangerous building. The costs of such emergency repair, vacation, or demolition of such dangerous building shall be collected in the same manner as provided in §§ 151.08 and 151.09.

(Prior Code, § 505.110)

§ 151.99 PENALTY.

The owner, occupant, or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate, or demolish said building given by the Building Commissioner or who shall fail to proceed continuously without unnecessary delay; and any person removing any notices provided for in this chapter; and any person violating any other provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500. Each day that a person fails to comply with an order of the Building Commissioner may be deemed a separate offense. (Prior Code, § 505.120)