

ABATEMENT OF DANGEROUS BUILDINGS

CHAPTER 1

TITLE AND SCOPE

Section 1.01 Title

These regulations shall be known as the “Uniform Code for the Abatement of Dangerous Buildings,” may be cited as such, and will be referred to herein as “this code.”

Section 1.02 Purpose and scope

(A) Purpose. It is the purpose of this code to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Building Code, Housing Code or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated or demolished.

The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

(B) Scope. The provisions of this code shall apply to all dangerous buildings as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

Section 1.03 Alterations, Additions and Repairs

All buildings or structures which are required under the provisions of this code shall be subject to the provisions of Section 104 (a) and (b) of the Building Code.

CHAPTER 2 ENFORCEMENT

Section 2.01 General

(A) Administration. The Building Official is hereby authorized to enforce the provisions of this code.

The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

(B) Inspections. The health officer and the building official are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

(C) Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the building official has reasonable cause to believe that there exists in a building or upon a premise a condition which is contrary to or in violation of this code which makes the building or premise unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premise be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

Section 2.02 Abatement of Dangerous Buildings

All Buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 4.01 of this code.

Section 2.03 Violations

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, remove, improve, convert or demolish, equip, use, occupy or maintain any building or structure to cause or permit the same to be done in violation of this code.

Section 2.04 Inspection of Work

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this code and sections 108 and 109 of the Building Code.

Section 2.05 Board of Appeals

(A) General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, there is a “Building Codes Commission” appointed by the Clay County Commission and they are trained to pass upon matters pertaining to building construction and who are not employees of the County. The building official is an ex officio member of the board but does not have a vote on any matter before the board. The board has adopted rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in section 5.01 of this code. Copies of all rules or regulations adopted by the board shall be delivered to the building official, who shall make them freely accessible to the public.

(B) Limitations of Authority. The Board shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

CHAPTER 3 DEFINITIONS

Section 3.01 General

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the

Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. The *Webster's Third New International Dictionary of the English Language, Unabridged*, Version (Copyright 1986), shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

Building Code is the 1994 Uniform Building Code promulgated by the International Conference of Building Officials, as adopted by the county.

Dangerous Buildings is any building or structure deemed to be dangerous under the provisions of section 3.02 of this code.

Section 3.02 Dangerous Building

For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar construction.

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structure members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the county, as specified in the Building Code or of any law or ordinance of the state or county relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50%, or in any supporting part, member or portion less than 66% of the (i) strength, (ii) fire-resisting qualities or characteristic, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or otherwise, is determined by the building official to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

CHAPTER 4

NOTICES AND ORDERS OF BUILDING OFFICIAL

Section 4.01 General

(A) Commencement of proceedings. When the building official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the building official shall commence proceedings to cause the repair, vacation or demolition of the building.

(B) Notice and Order.

The building official shall issue a notice and order directed to the record owner, occupant, lease holder, mortgagee, agent and other interested parties of the building. The notice and order shall contain;

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the building official has found the building to be dangerous, with a brief and concise description of the conditions found to render the building dangerous under the provisions of section 3.02 of this code.
3. A statement of the action required to be taken as determined by the building official.
 - (a) If the building official has determined that the building or structure must be repaired, the order shall require that a building permit be secured therefor and that the work physically commenced within no less than sixty days and to be completed within a reasonable time taking into account the circumstances.
 - (b) If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the building official to be reasonable.
 - (c) If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within no less than 60 days and that a demolition permit be secured before the 60 days are up, and that the demolition be completed within the time that the building official shall determine as reasonable.
4. Statements advising that if any required repair or demolition work is not commenced within the time specified, the building official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against property and/or the owner.
5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice or any action of the building official to the Board of Appeals, provided the appeal is made in writing as provided in this code and filed with the building official within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.
6. Failure to commence work of reconditioning or demolition within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the

building official shall call and have a full and adequate hearing upon the matter, giving the affected parties at least 10 days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the county the building official shall issue an order making specific findings of fact, which shows the building or structure to be a nuisance and detrimental to the health, safety, or welfare of the residents of the county and ordering the building or structure to be demolished and removed, or repaired. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residence of the county no order shall be issued.

(C) Service of Notice and Order

The notice and order, and any amended or supplemental notice ad order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the building official or disclosed from official public records; the occupant, lessee, mortgagee, agent and any others having an interest in the property as per the recorder of deeds records. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings thereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

(D) Method of Service

Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by personal service or certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county. If no address is known , then a copy of the notice and order shall be mailed to the person at the address of the building or structure involved but if service cannot be had by either method then service may be had by publication. The failure of any person to receive such a notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

(E) Proof of Service

Proof of service of the notice and order shall be certified to at the time of service by written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.

Section 4.02 Recordation of Notice and Order

If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the county recorders office a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

Section 4.03 Repair, Vacation and Demolition

The following standards shall be followed by the building official (and by the board of appeals if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure.

1. Any building declared a dangerous building under this code shall be made to comply with one of the following:
 - a. The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or
 - b. The building shall be demolished at the option of the building owner; or
 - c. If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.
2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

Section 4.04 Notice to Vacate

(A) Posting. Every notice to vacate shall, in addition to being served as provided in Section 4.01(c), be posted at or upon each exit of the building and shall be in the following form:

**DO NOT ENTER
UNSAFE TO OCCUPY**

It is a misdemeanor to occupy this building or to
remove or deface this notice.

**BUILDING OFFICIAL
COUNTY OF CLAY**

Date: _____ Building Official: _____ Property Address: _____
16616 N.E. 116th Street, Kearney, Missouri 64060 (816) 792-7609

(B) Compliance. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under Sub-section (b) of Section 4.01, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove+

any such notice after it is posted until the required repairs, demolition or removal have been completed and a "Certificate of Occupancy" issued pursuant to the provisions of the Building Code.

**CHAPTER 5
APPEAL**

Section 5.01 General

(A) Form of Appeal

Any person entitled to service under Section 4.01 (c) may appeal from any notice and order or any action of the building official under this code by filing at the office of the building official a written appeal on forms provided by the Planning and Zoning Department. At minimum the written appeal shall contain:

1. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.

2. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
 3. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
 4. The signatures of all parties named as appellants and their official mailing addresses.
 5. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- The appeal shall be filed within 30 days from the date of the service of such order or action of the building official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 4.04, such appeal shall be filed within 10 days from the date of the service of the notice and order of the building official.

(B) Processing of Appeal

Upon receipt of any appeal filed pursuant to this section, the building official shall present it at a special meeting of the board of appeals.

(C) Scheduling and Noticing Appeal for Hearing

As soon as practicable after receiving the written appeal, the board of appeals shall fix a date, time and place for the hearing of the appeal by them. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary, or chairman of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

Section 5.02 Effect of Failure to Appeal

Failure of any person to file an appeal in accordance with the provisions of Section 5.01 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

Section 5.03 Scope of Hearing on Appeal

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

Section 5.04 Staying of Order under Appeal

Except for vacation orders made pursuant to Section 4.04, enforcement of any notice and order of the building official issued under this code shall be stayed during the tendency of an appeal therefrom which is properly and timely filed.

CHAPTER 6

PROCEDURES FOR CONDUCT OF HEARING APPEALS

Section 6.01 General

(A) Hearing Examiners. The board may appoint one or more hearing examiners or designate one or more of its members to serve as hearing examiners to conduct the hearings. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted to the board for decision.

(B) Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the board.

(C) Reporting. The proceedings at the hearing shall also be reported by a phonographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees will be established by the board, but shall not be greater than the cost involved.

(D) Continuances. The board may grant continuances for good cause shown; however, when a hearing examiner has been assigned to such hearing, no continuances may be granted except by the examiner for good cause shown so long as the matter remains before the examiner.

(E) Oaths-Certification. In any proceedings under this chapter, the board, any board member, or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

(F) Reasonable Dispatch. The board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

Section 6.02 Form of Notice of Hearing.

The notice to appellant shall be substantially in the following form, but may include other information:

“You are hereby notified that a hearing will be held before the Board of Appeals at _____ on the _____ day of _____, 19 ____, at the hour of _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the board of appeals.

Section 6.03 Subpoenas

(A) Filing of Affidavit. The board or examiner may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in possession or under control. A subpoena need not be issued when the affidavit is defective in any particular.

(B) Cases Referred to Examiner. In cases where a hearing is referred to an examiner, all subpoenas shall be obtained through the examiner.

(C) Penalties. Any person who refuses without lawful excuse to attend any hearing or to produce material evidence which the person possesses or controls as required by any subpoena served upon such person as provided for herein shall be guilty of a misdemeanor.

Section 6.04 Conduct of Hearing

(A) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(B) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

(C) Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

(D) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

(E) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(F) Rights of Parties. Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut the evidence;
6. To be represented by anyone who is lawfully permitted to do so.

(G) Official Notice.

1. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the board or departments and ordinances of the county or rules and regulations of the board.

2. Parties to be Notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

3. Opportunity to Refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the board or hearing examiner.

4. Inspection of the Premises. The board or the hearing examiner may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the board

or the hearing examiner shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the board or hearing examiner.

Section 6.05 Method and Form of Decision

(A) Hearing Before Board Itself. When a contested case is heard before the board itself, a member thereof who did not hear the evidence or has not read the entire record of the proceedings shall not vote on or take part in the decision.

(B) Hearing before Examiner. If a contested case is heard by a hearing examiner alone, the examiner shall within a reasonable time (not to exceed 30 days from the date the hearing is closed) submit a written report to the board. Such report shall contain a brief summary of the evidence considered and state the examiner's findings, conclusions, and recommendations. The report also shall contain a proposed decision in such form that it may be adopted by the board as its decision in the case. All examiner's reports filed with the board shall be matters of public record. A copy of each such report and proposed decision shall be mailed to each party on the date they are filed with the board.

(C) Consideration of Report by Board-Notice. The board shall fix the time, date, and place to consider the examiner's report and proposed decision. Notice thereof shall be mailed to each interested party not less than five days prior to the date fixed, unless it is otherwise stipulated by all of the parties.

(D) Exceptions to Report. Not later than two days before the date set to consider the report, any party may file written exceptions to any part or all of the examiner's report and may attach thereto a proposed decision together with written argument in support of such decision. By leave of the board, any party may present oral argument to the board.

(E) Disposition by the Board. The board may adopt or reject the proposed decision in its entirety, or may modify the proposed decision.

(F) Proposed Decision Not Adopted. If the proposed decision is not adopted as provided in Subsection (E), the board may decide the case upon the entire record before it, with or without taking additional evidence, or may refer the case to the same or another examiner to take additional evidence. If the case is reassigned to a hearing examiner, the examiner shall prepare a report and proposed decision as provided in Subsection (b) hereof and after any additional evidence is submitted. Consideration of such proposed decision by the board shall comply with the provisions of this section.

(G) Form of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent by certified mail, postage prepaid, return receipt requested.

(H) Effective Date of Decision. The effective date of the decision shall be as stated therein.

**CHAPTER 7
ENFORCEMENT OF THE ORDER
OF THE BUILDING OFFICIAL
OR THE BOARD OF APPEALS**

Section 7.01 Compliance

(A) General. After any order of the building official or the board of appeals made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

(B) Failure to Obey Order. If, after any order of the building official or board of appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may (i) cause such person to be prosecuted under Subsection (A) of this section or (ii) institute any appropriate action to abate such building as a public nuisance.

(C) Failure to Commence Work. Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:

1. The building official shall cause the building described in such notice and order to be vacated by posting at each entrance a notice as follows:

**DANGEROUS BUILDING
DO NOT OCCUPY**

**It is a misdemeanor to occupy this building
or to remove this notice
Building Official
County of Clay**

2. No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition, or removal ordered by the building official have been completed and a "Certificate of Occupancy" issued pursuant to the provisions of the Building Code.

3. The building official may, in addition to any other remedy herein provided, cause the building to be repaired, secured, demolished or the property cleaned up and the cost of performance shall be certified to the county auditor who shall cause a special tax bill or

assessment therefor against the property to be prepared and collected by the county collector. At the request of the owner the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until

paid. If the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the county and such contractor file a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in sections 429.01 to 429.36 RSMo. Except if there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, the payment of up to 25% of the insurance proceeds shall be paid to the county and the money shall be placed in an interest bearing account and these proceeds shall be used to pay for work performed to bring the building into compliance with the order. If the covered claim payment is less than 50% of the face value of the insurance policy covering the building or structure then no such payment shall be made to the county. The county shall release any insurance moneys to the insured within 30 days after receipt of such insurance moneys, unless the county has instituted legal proceedings. This order does not make the county a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

If there be no insurance moneys nor any contractor willing to perform the work by mechanic's lien and the owner does not agree to the tax billing method then the building or structure may be sold and the moneys from the sale used to perform the order with any surplus moneys being paid to the person or persons lawfully entitled thereto.

Any named mortgagee on the insurance policy shall maintain priority over any obligation under this ordinance.

Section 7.02 Extension of Time to Perform Work

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the building official may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

Section 7.03 Interference with Repair or Demolition Work Prohibited

No person shall obstruct, impede, or interfere with any officer, employee, contractor, or authorized representative of this county or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated, or demolished under

the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of the county, person having an interest or estate in such building or structure, or purchaser is engaged in the work or repairing, vacating, and repairing, or demolishing any such building, pursuant to the provisions of this code, or in

performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

CHAPTER 8
PERFORMANCE OF WORK
OF REPAIR OR DEMOLITION

Section 8.01 General

(A) Procedure:

When any work of repair or demolition is to be done pursuant to section 7.01 (C) 3 of this code, the building official shall issue an order as follows:

1. The order will direct the owner to perform the work and it must start within 30 days of notice.
2. If the owner fails to begin work as specified in 1 of this sub-section, then the building official shall instruct the county purchasing agent to accept bids for the work, following standard public works contractual procedures. Said purchasing agent may employ architectural and/or engineering assistance on a contractual basis as deemed reasonable and necessary to prepare plans and specifications for the contract.
3. If, in the opinion of the purchasing agent and the building official, the bids submitted are not deemed to be reasonable, then the building official shall issue an order to the Administrator of the Clay County Highway Department for the work to be accomplished by personnel of this department. The Administrator shall keep records of all expenses and submit them to the county auditor as per section 7.01 (C) 3 of this code.

(B) Costs:

The cost of such work shall be paid for from the Dangerous Buildings Fund with reimbursement as provided for in Section 7.01(c) 3.