

City of Arnold, Missouri

**Work Session
Council Chamber**

**February 8, 2018
7:00 p.m.**

Agenda

1. Comprehensive Plan – Mary Holden
2. Vacant Buildings –Mary Holden
3. Use of City Facilities – Dickie Brown
4. Trash Collection Time
5. Adjournment

Next Regular City Council Meeting February 15, 2018

Next Work Session March 8, 2018

Friday, February 02, 2018

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**CITY OF ARNOLD CITY COUNCIL, WORK SESSION, FEBRUARY 8, 2018
MEETING**

TO: THE MAYOR AND CITY COUNCIL
FROM: MARY P. HOLDEN, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PROPOSED VACANT BUILDING ORDINANCE
DATE: JANUARY 29, 2018
CC:

There are issues surrounding vacant properties that include who is responsible for the property, how to contact them, compliance with property maintenance and our codes. But a more important issue with vacant properties is the negative impact they have on the neighborhoods and areas they are located. Negative impacts include appearance of blight through lack of maintenance, harbinger of decline, potential of impact on property values, just to name a few.

As a result of the above, Staff has drafted an ordinance requiring the registration of vacant structures, both residential and non-residential. Attached is a draft for review and discussion.

Definitions. A. For purposes of this Chapter the following words and phrases shall have the following meanings except where the context clearly indicates a different meaning:

ABANDONED

1. Any real property where the owner has surrendered, relinquished or given up rights to the real property with the intention of not reclaiming it; or
2. Any real property that is vacant and is under a current notice of default or notice of trustee's sale and is not currently being offered for rent, lease or sale by the owner. Evidence of being currently offered for rent, lease, or sale shall be by a sign posted on the subject property advertising the property for rent, lease, or sale with contact information and current phone number or an active listing in a electronic database accessible to City staff; or
3. Real property that has been the subject of a foreclosure sale where the title was retained by the beneficiary involved in the foreclosure and any real property transferred under a deed in lieu of foreclosure.

AUTHORIZED REPRESENTATIVE

A person, corporation, limited liability company or other legal entity having charge, care or control of any real property as agent of the owner, or as personal representative, trustee, guardian or conservator of the estate of the owner.

CODE

As used in this Chapter, shall refer to the Municipal Code of the City of _____, the International Building Code, the International Property Maintenance Code, and the International Residential Code as adopted by the City.

OCCUPIED

When a property, residence, or structure is being lived in or used in a manner consistent with its intended use.

OWNER

The person, persons, partnership, corporation, beneficiary, trustee, or other legal entity who holds legal title to any real property.

REAL PROPERTY

All land and structures affixed to or built thereon.

TRUSTEE

The person, firm, corporation or other legal entity holding a deed of trust secured by real property.

UNDEVELOPED

A parcel of real property that does not have a primary structure built thereon.

VACANT

1. A building or structure that is not legally occupied as required by _____
2. Any property listed for rent, lease or sale by the owner, which after a six (6) month period, has not been rented, leased or sold will be considered vacant and must be registered as required by this Chapter.

Section _____ Property Registration.

- A. The owner(s) of all real property, or the authorized representative of owner, shall register said real property with the Community Development Director or designee within thirty (30) days after the real property becomes classified as vacant or abandoned.
- B. Owners required to register real property pursuant to this Chapter shall submit a copy of a State-issued identification or other valid proof of identification and provide the following information on a form provided by the Community Development Director:
1. The address of the real property.
 2. The name, address, and all telephone numbers of the owner(s).
 3. A mailing address where correspondence may be sent, if different from the property address, which where such correspondence will be acknowledged as received by the owner(s). If certified mail/return receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed," or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.
 4. The names and addresses, telephone numbers, fax numbers, and email address (if known) of all lien holders and all other parties with an ownership interest in the real property.
 5. The name, address, telephone number, fax number, and email address (if known) of the person, firm, or corporation responsible for the care and control of the real property. Such person may be the owner if the owner is an individual, or may be an authorized representative as defined in this Chapter. If certified mail/return receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed," or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.
 6. Permission granting to the City of Arnold access to all exterior areas of the real property for inspection purposes.
- C. If at any time the information contained in this registration is no longer valid or has changed, the owner or authorized representative has ten (10) days to file an amended registration form containing the current information. There shall be no fee required to update the current owner's information.

Section _____ Maintenance and Safety Requirements.

A. The real property subject to this Chapter shall be maintained in compliance with the International Property Maintenance Code as adopted by the City. Compliance includes, but is not limited to the following: properties shall be kept free of weeds, grass more than eight (8) inches in height, trash, junk, debris, building materials, accumulation of newspapers, circulars, flyers, notices, except those required by law, discarded items, including but not limited to furniture, clothing, large and small appliances, printed material, signage, containers, equipment, construction materials, derelict vehicles, or any other items that give the appearance that the real property is abandoned.

B. All visible front and side yards shall be landscaped and properly maintained. Landscaping includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or mulch designed and maintained in an appropriate manner. Landscaping does not include weeds, gravel, broken concrete, asphalt, decomposed materials, plastic sheeting, indoor-outdoor carpeting or any similar material. Maintenance includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of required landscaping and removal of all trimmings.

C. Pools, spas, and other water features shall be kept in working order so that water remains clear and free of pollutants and debris, or drained and kept dry and free of debris. In either case, properties with pools or spas must comply with the minimum security fencing and barrier requirements of the Code.

D. Real properties subject to this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Secure manner includes, but is not limited to, the closure and locking of windows, doors, gates and any other opening of such size that it may allow children, animals, or wildlife to access the interior of the real property. Broken windows must be repaired or replaced within seven (7) days. Boarding up of broken windows is prohibited except as a temporary measure.

E. If the real property is owned by a corporation and/or a beneficiary, trustee, or if the owner is located more than fifty (50) miles away, the corporation, beneficiary, trustee, or owner shall designate a local authorized representative who will be responsible to maintain the real property in compliance with the provisions of this Chapter. A local authorized representative must be located within a fifty (50) mile radius of the City of Arnold.

Section _____ Fees.

A. The owner of a vacant or abandoned real property shall pay a semi-annual registration fee of two hundred dollars (\$200.00) per real property when the real property remains vacant or abandoned. The registration fee is reasonably related to and calculated to cover the administrative costs for registering and processing the vacant real property owner registration form and for the costs the City may incur in monitoring and inspecting the vacant or abandoned real property.

B. The first semi-annual fee shall be paid no later than thirty (30) days after the real property becomes vacant or abandoned, and any subsequent semi-annual registration fee shall be paid no later than ten (10) days after each successive six (6) month period. If the fee is not paid within thirty (30) days of being due, the owner shall be subject to the enforcement, remedies and penalties provided in this Chapter.

C. All fees and penalties required by this Chapter shall be paid in full prior to the issuance of any building or occupancy permit. All delinquent fees and penalties shall be paid in full prior to any transfer of an ownership interest in any vacant or abandoned real property. If a transfer occurs prior to the payment of any outstanding fee or penalty, the new owner shall accept responsibility for payment of all delinquent fees; and, shall make payment no later than thirty (30) days after the transfer of ownership and subsequent semi-annual fees shall be due ten (10) days after each successive six (6) month period.

Section _____ Enforcement, Remedies and Penalties.

A. This Section shall be enforced by the Community Development Director or designee.

B. Any owner or responsible party that fails to comply with the registration requirements of this Chapter shall be subject to the penalty provisions of _____.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE PROHIBITING THE USE OF CITY OWNED FACILITIES AND PROPERTIES FOR FINANCIAL GAIN WITHOUT AN EXECUTED WRITTEN AGREEMENT WITH THE APPROPRIATE CITY DEPARTMENT/OFFICIAL.

WHEREAS, The City of Arnold ("City") has codified ordinances that govern the operation of a broad spectrum of For-Profit, Not-For-Profit organization/corporations and individual(s) conducting affairs within the city limits, and

WHEREAS, The City's codes and ordinances do not specifically restrict any of the aforementioned entities from using City owned facilities and/or properties for financial gain upon meeting certain minimum business licensing requirements, and

WHEREAS, The City of Arnold deems it in the best interest of the City, its residents and the general public to reserve the right to exercise control over the uses of City owned facilities and properties in which For-Profit, Not-For-Profit organization/corporations and individual(s) are conducting activities for financial gain.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

Section 1: Article II, Chapter 605 is hereby amended by the adoption of a new Section 605.125 to read as follows:

"Section 605.125 Business Type Uses of City Owned Facilities and Properties.

A. For-Profit and Not-For-Profit organization/corporations and individual(s) are prohibited from conducting business activities on or in City owned facilities and properties without a written agreement with the appropriate City department or official;

B. Written agreements shall be an administrative function executed by the City Administrator or his/her designated representative;

C. Entities or individuals entering into an administrative agreement shall be subject to federal, state, county and local laws, regulations, codes, ordinances and/or policies; and the City takes no responsibility for any tax or other liability or consequence of entering into an administrative agreement;

D. The City Administrator is authorized to waive administrative fees and business license requirements for Not-for-Profit agreements;

E. Any entity, which fails to comply with or violates any provision of this Article shall be guilty, upon conviction thereof, of an ordinance violation, and shall be punishable as provided in Section 100.140 of this Code. Each day such failure to comply or such violation continues shall be deemed a separate offense;

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and City Council.

READ TWO TIMES, PASSED AND APPROVED THIS ____ DAY OF ____ of 2018.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney