

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE CALLING FOR AN ELECTION WITHIN THE CITY OF CRESTWOOD, MISSOURI, TO BE HELD ON APRIL 6, 2021, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF CRESTWOOD THE QUESTION OF AMENDING CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF CRESTWOOD, MISSOURI, TO ESTABLISH A VACANT BUILDING REGISTRY.

WHEREAS, Section 67.399, RSMo authorizes the governing body of any municipality to establish a semi-annual registration fee not to exceed two hundred dollars (\$200.00) which shall be charged to the owner of any property improved with a residential structure or a structure containing multiple dwelling units which has been vacant for at least six (6) months and which is characterized by violations of applicable housing codes established by such municipality; and

WHEREAS, the Board of Aldermen of the City of Crestwood (the “City”) finds that it is important to register and monitor vacant structures that have been vacant for more than six months and subject to housing code violations in order to take steps to mitigate the harmful effects of such vacant properties on the neighborhood; and

WHEREAS, there will be a cost associated with the registration and monitoring of such vacant houses; and

WHEREAS, Article X, § 22 of the Constitution of the State of Missouri, requires that voters must approve any increase in taxes, licenses, and fees.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CRESTWOOD, MISSOURI, AS FOLLOWS:

SECTION 1: A proposition shall be submitted to the qualified voters of the City, for their approval, at the election hereby called and to be held in the City on Tuesday, April 6, 2021. The ballot submission shall contain substantially the following language:

Proposition 1

Shall the City of Crestwood be authorized to impose a semi-annual registration fee of \$200 to be paid by the owner of any residential structure in the City which has been vacant for six months or more and is in violation of the City’s housing codes?

- Yes No

If you are in favor of the question, place an “X” in the box opposite “YES.” If you are opposed to the question, place an “X” in the box opposite “NO.”

SECTION 2: The City Clerk is hereby authorized and directed to notify the Board of Election Commissioners of St. Louis County, Missouri, of the adoption of this Ordinance by certifying the aforementioned ballot language no later than 5:00 p.m. on January 26, 2021, and to take such other action as may be required so that this election may be lawfully conducted. Officials, agents and employees of the City are hereby authorized and directed to take any such further action, and execute and deliver such other documents and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION 3: Upon the approval of the proposition set forth in Section 1 of this Ordinance by a majority of the qualified voters, Chapter 7 of the Municipal Code of the City of Crestwood, Missouri, pertaining to buildings and building regulations, shall be amended by adding a new section, to be numbered as Section 7-192, which reads as follows:

Article IX. Vacant Properties.

Sec. 7-192. Registration of Vacant Residential Properties.

- A. *Purpose.* It is the purpose of this Article to provide for effective monitoring and routine inspection of vacant buildings and structures that, due to housing code violation, may endanger the life, limb, health, property, safety or welfare of the general public, and this Article shall apply to all residential structures that have been vacant for more than six (6) months and that are subject to housing code violations.
- B. *Definitions.* The following words and phrases, when used in this Section, shall mean:

DIRECTOR

The Director of Public Services.

HOUSING CODE

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

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.

- C. *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 (6) months and is characterized by violation of the housing code shall be registered as a vacant residential structure and shall be subject to the registration fee.
- D. *Designation of Vacant Residential Structures.*
 - 1. *Registration.* The Director of Public Services, or his or her designee, shall investigate any property that may be subject to registration. Based upon his findings, the Director may register property as a vacant residential structure subject to this Chapter.
 - 2. *Notice of Registration.* Within five (5) business days of such registration, the City Clerk shall notify the owners of the registered property by mail at their last known address according to the records of the City of Crestwood and St. Louis County. Such notice shall state:
 - a. A description of the property registered;
 - b. A description of the housing code violation found on the property;
 - c. The fact that a semiannual registration fee has been levied on the property; and
 - d. The amount of the semiannual registration fee.
 - 3. *Time to Cure – Reconsideration.* Within thirty (30) 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 Article 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.
 - 4. *Appeal of Registration and/or Reconsideration to Municipal Court.* Within thirty (30) days of the date of such notification or within thirty (30) 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 City of Crestwood.
- E. *Registration Fee.*
 - 1. *Amount of Fee.* There is hereby established and assessed a semiannual fee of two hundred dollars (\$200.00) imposed on all owners of property registered under this Section.

2. *Owner Responsible.* It shall be the joint and several responsibility of each owner of property registered pursuant to this Article to pay the semiannual registration fee.
3. *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.
4. *Billing Procedures – Late Penalties.* The City Clerk, or his or her designee, shall cause to be mailed to the owner of property registered under this Article, at his or her last known address, a bill for the semiannual 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.
5. *Failure to Pay Fee Unlawful.* It shall be unlawful for any owner of property registered pursuant to this Article 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 Section 1-6 of this Code.
6. *Collection of Delinquent Fees – Lien on Property and Other Effects of Delinquent Fees – Foreclosure Proceedings.*
 - a. *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 therefor and, in addition, may recover the cost of such action, including reasonable attorney fees.
 - b. *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 City Clerk, or his or her designee, 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.
 - c. *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.
 - d. *Foreclosure.* Any registration fees which are delinquent for a period of one (1) 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 violation of the applicable housing code cited by the Director has been cured and presenting payment of all registration fees and penalties.

- e. *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 4: This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED AND SIGNED this ____ day of _____, 2020.

Mayor

ATTEST:

City Clerk

APPROVED this ____ day of _____, 2020.

Mayor