

CHAPTER 2600. ABANDONED/VACANT PROPERTY REGISTRATION

Sec. 9.2600.010. Intent and scope.

(a) *Scope.* The provisions of this chapter shall apply to all properties in the City of Gladstone.

(b) *Intent.* The purpose of this chapter is to provide requirements for abandoned non-residential and residential properties, and vacant residential properties as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance and adequate security of abandoned/vacant properties.

Sec. 9.2600.020. Applicability.

This chapter shall apply to all real property within the corporate limits of the City of Gladstone, Missouri.

Sec. 9.2600.030. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where terms are not defined in this chapter and are defined in the building code or residential code, such terms shall have the meaning ascribed to them as in those codes. Where terms are not defined through the methods authorized by this chapter, such terms shall have ordinarily accepted meanings as the context implies.

Abandoned means a property that is vacant and is under a current Notice of Default and/or Notice of Trustee's Sale, pending Tax assessor's Lien Sale, or a property that has been the subject of a foreclosure sale where the title was retained by or transferred to the beneficiary of the deed of trust involved with the foreclosure, or a property transferred under a deed in lieu of foreclosure/sale.

Accessible property means a property that is accessible through a compromised, breached or broken gate, fence, or other entry point.

Beneficiary means a lender under a note secured by a deed of trust.

City means the City of Gladstone, Missouri.

Days means consecutive calendar days.

Deed of trust means an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan. This definition includes any subsequent deeds of trust.

Deed in lieu of foreclosure or sale means a recorded document that transfers ownership of a property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.

Default means the failure to fulfill a contractual obligation, monetary or conditional.

Dwelling means a building, or portion thereof, designed exclusively for residential occupancy, including one-family, two-family, multiple dwellings, mobile homes, house trailers, boarding and lodging houses, apartment houses, and apartment hotels, but not hotels, motels, recreational vehicles, or 5th wheels unless they are being used legally as a primary residence.

Evidence of vacancy means any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to, overgrown or dead vegetation, accumulation of newspapers, circulars, flyers or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds or shutters, the absence of furnishings or personal items consistent with residential habitation, statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

Foreclosure means the process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt of the trustor (borrower) under deed of trust defaults.

Local means within forty- (40) road/driving miles distance of the subject property.

Mortgagee means the creditor, including but not limited to, service companies, lenders in a mortgage agreement and any agent, servant, or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

Non-residential property means any property used or intended to be used for anything other than residential property as defined herein.

Notice of Default means a notice that a default has occurred under deed of trust as provided for in section 408.554, RSMo.

Out of area means in excess of forty- (40) road/driving miles distance of the subject property.

Owner means any person, co-partnership, agent, operator, firm, association, corporation, or fiduciary having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any

such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Owner of record means the person having recorded title to the property at the point in time the record is provided by the Clay County Recorders Office.

Property means any unimproved or improved real property, or portion thereof, located in the City of Gladstone, including the buildings or structures located on the property regardless of condition.

Registered representative means the person designated by a beneficiary/trustee or property owner as the beneficiary/trustee or property owner's representative for purposes of accepting notice, service, and summons on behalf of the beneficiary/trustee or property owner and for otherwise ensuring compliance with the requirements of this Chapter.

Residential property means any property that contains one or more dwelling units used, intended, or designed to be occupied for living purposes.

Securing means such measures as may be directed by the Building Official or his or her designee that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining/padlocking of gates, the repair or boarding of doors, windows, or other openings.

Trustee means the person, firm, or corporation holding a Deed of Trust on a property.

Trustor means a borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.

Vacant means a building/structure that is not legally occupied.

Sec. 9.2600.040. Registration.

(a) *Abandoned properties.* Any beneficiary/trustee who holds a deed of trust on a property located within the City shall cause an inspection to be performed on the property that is the security for the deed of trust within fourteen (14) days of issuing a notice of default to the trustor; or any property that has been subject of a foreclosure sale where title to the property was transferred to the beneficiary of a deed of trust involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.

1. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the beneficiary/trustee shall, within 10 days of the inspection, register the property with the Building Official of his or her designee on forms provided by the City.
2. The registration shall contain the name of the beneficiary/trustee (corporation or individual), the direct street/office mailing address of the beneficiary/trustee and P.O. Box if applicable, a direct contact name and phone number of the beneficiary/trustee; the name, address, and telephone number of the local property management company, licensed with the City of Gladstone, or registered

- representative responsible for the security, maintenance, and marketing of the property. Any changes of the information in the registration required hereunder shall be reported within ten (10) days of the change.
3. Abandoned properties shall remain subject to the annual registration, maintenance, and security of this Chapter as long as they remain abandoned.
 4. Once the property is no longer abandoned or is sold, the owner must provide proof of sale or written notice and proof of occupancy to the Building Official or his or her designee.

(b) *Vacant properties.* Any residential property located within the City and not governed by section 9.2600.040(a) and that has been vacant for more than forty-five (45) days shall register said vacant property with the Building Official or his or her designee on forms provided by the City.

1. The registration shall contain the name of the property owner (corporation or individual), the direct street/office mailing address of the property owner and P.O. Box if applicable, a direct contact name and phone number of the property owner, the name, address, and telephone number of the local property management company, licensed with the City of Gladstone, or registered representative responsible for the security, maintenance, and marketing of the property. Any changes of the information in the registration required hereunder shall be reported within ten (10) days of the change.
2. Vacant properties shall remain subject to the annual registration, maintenance, and security of this Chapter as long as they remain vacant.
3. Once the property is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of occupancy to the Building Official or his or her designee on form provide by the City.

Sec. 9.2600.050. Maintenance Requirements.

Abandoned/vacant properties subject to this Chapter shall be kept in compliance with the following maintenance requirements.

1. Abandoned/vacant properties shall be maintained in compliance with the City of Gladstone's adopted property maintenance code.
2. Abandoned/vacant properties shall be maintained so as to have no evidence of abandonment or vacancy.
3. Abandoned/vacant properties shall be maintained free of graffiti and tags by removal or painting over with an exterior paint that matches the color of the exterior of the structure.
4. Pools and spas shall either be kept in working order so the water remains clear, or drained and kept dry. In either case, properties with pools and/or spas must comply with the minimum security fencing requirements of the City.
5. Adherence to the foregoing requirements does not relieve the beneficiary/trustee or property owner of any obligations under any covenants, conditions, and restrictions and/or homeowner association rules and regulations, which may apply, to the abandoned/vacant property.

Sec. 9.2600.060. Security Requirements.

Abandoned/vacant properties subject to this Chapter shall comply with the following security requirements.

1. Abandoned/vacant properties shall be maintained in a secure manner so as not to be accessible to unauthorized persons. This includes, without limitation, the closure and locking of windows, doors (walk-through, sliding, and garage), gates, pet doors, and any other opening of such size that it may allow a child to access the interior of the property and or structure(s).
2. Broken windows shall be re-glazed or replaced; windows shall not be boarded up.

Sec. 9.2600.070. Compliance with other authority.

The requirements of this Chapter are in addition to any other maintenance and security measures required by the City's Code of Ordinances. The requirements of this Chapter shall not serve to lessen or abrogate any other applicable provisions of the City's Code of Ordinances.

Sec. 9.2600.080. Inspections.

The Community Development Department shall have the authority and the duty to inspect properties subject to this Chapter for compliance and to issue citations for any violations. The Community Development Department shall have the discretion to determine when and how such inspections are to be made, provided that their policies are reasonably calculated to ensure that this Chapter is enforced.

Sec. 9.2600.090. Enforcement and penalties.

(a) *Registration.* Failure to initially register with the City within the time frame required is punishable by a minimum fine of two hundred and fifty dollars (\$250.00).

(b) *Changes to registration.* Failure to report changes to registration information within time frame required is punishable by a minimum fine of two hundred and fifty dollars (\$250.00).

(c) *Annual registration.* Failure to register annually is punishable by a minimum fine of two hundred and fifty dollars (\$250.00).

(d) *Failure to comply.* Failure to comply with this Chapter or any order pursuant to this Chapter is punishable by the City condemning the property as a dangerous building an proceeding with demolition of all structures on said premises.

Sec. 9.2600.100. Violations.

(a) *Unlawful acts.* It shall be unlawful for any person, firm or corporation to be in conflict with or in violation of any of the provisions of this chapter.

(b) *Violation; penalties.* Any person who violates a provision of this chapter or fails to comply with any order made thereunder, or any certificates or permits issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the board of appeal, or by a court of competent

jurisdiction, within the time fixed herein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in section 1.100.140 of this code. The imposition of one penalty for any violation shall not excuse the violation, or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each ten days that a prohibited condition is maintained shall constitute a separate offense.