

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING AN AMENDMENT TO CHAPTER 22 OF THE BRANSON MUNICIPAL CODE ADDRESSING DANGEROUS BUILDINGS.**

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**WHEREAS**, a need has been determined for regulations and procedures for the upkeep of buildings within the city of Branson to provide for the health, safety and welfare of the community; and

**WHEREAS**, the Board of Aldermen wishes to amend the Branson Municipal Code as follows:

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, AS FOLLOWS:**

Section 1: That Chapter 22 to be amended by the addition of a new Article and sections, as follows:

**ARTICLE IX. Abatement of Dangerous Buildings**

**Section 22-200. Definitions.**

**For the purpose of this title, certain terms and words are hereby defined as follows. Any word not defined herein or in the Code shall have its usual meaning.**

**Abandoned Building means any building that has been vacated and where there has been a voluntary relinquishment of all right, title, claim, and possession, with the intention of not reclaiming it.**

**Abatement is the act of eliminating or terminating a condition.**

**Attractive Nuisance means a hazardous object or condition on the land that is likely to attract children who are unable to appreciate the risk posed by the object or condition.**

**Building means any structure used or intended for supporting or sheltering any use or occupancy.**

**Dangerous Building means, in the context of this article, any building or structure which has any or all of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that the**

**life, health, property and/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 (1½) 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 (½) 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 building.**

**(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, earthquakes, or settling of soil than is required in the case of similar new construction.**

**(8) Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the**

**deterioration, decay or inadequacy of its foundation; or 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 structural 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 thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.**

**(12) Whenever the building has an improperly distributed load 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.**

**(13) Whenever the building has 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 public.**

**(14) 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 (iii) as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.**

**(15) Whenever the building or structure has 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.**

**(16) 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 city, as specified in the building code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.**

**(17) 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 fifty (50) percent, or in any supporting part, member or portion less than sixty-six (66) percent, of the strength, fire-resisting qualities or characteristics, or 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.**

**(18) 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 to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.**

**(19) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electrical wiring, gas connections or heating apparatus, or other cause, is determined to be a fire hazard.**

**(20) 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.**

**(21) 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 (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.**

***Dilapidated Building* means a structure that has been reduced to or fallen into partial ruin or decay, as from age, wear, or neglect.**

***Director* means, in the context of this title, the person appointed by the City as the Director of Planning & Development. The Director may select and appoint qualified persons as a designee.**

***Disrepair* means a condition requiring repair due to neglect.**

***Eminent Domain* means obtaining of a property by the City that is blighted, substandard or unsanitary, under Article VI, Section 21 of the Constitution of the state of Missouri.**

**Inspector** means, in the context of this article, any qualified person appointed by the Director of Planning & Development to perform inspections of buildings and structures in the enforcement of this article.

**Nuisance** means something that invades or interferes with another's rights or interests by being offensive, annoying, dangerous, obstructive, or unhealthful.

**Premise** means a lot, plot, or parcel of land, easement or public way, including any structures thereon.

**Structure** means that which is built or constructed.

**Unoccupied Building** means building whose occupant(s) is temporarily absent, but in which the occupant's furniture and personal effects remain.

**Vacant Building** means a building having no tenant and is devoid of furniture, fixtures, and the like.

**Section 22-201. Purpose, Scope and Intent.**

**(1) Purpose.** It is the purpose of this article to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the building 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 its occupants, may be required to be repaired, vacated or demolished. The purpose of this article 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.

**(2) Scope.** The provisions of this article shall apply to all dangerous buildings, as herein defined, that are now in existence or which may hereafter become dangerous.

**(3) Intent.** This article shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises within the city. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

**Section 22-202. Enforcement.**

**(1) Administration. The Director is hereby authorized to enforce the provisions of this article, and shall have the power to render interpretations of this article 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 article.**

**(2) Inspections. The Inspector shall make such inspections, or the Director may authorize inspections by other qualified experts, agencies or individuals, as deemed necessary to report upon technical issues that may arise and to take such actions as may be required to enforce the provisions of this article. All reports of such inspections shall be in writing.**

**(3) Right of Entry. When it is necessary to make an inspection to enforce the provisions of this article, or when there is reasonable cause to believe that there exists in a building or upon a premises a condition that is contrary to or in violation of this article, the Inspector may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this article, provided that if such building or premises is occupied that credentials be presented to the occupant and entry requested. If such building or premises are unoccupied, the Inspector 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 no consent has been given to enter or inspect any building or structure, no entry can be made and such shall be reported to the Director.**

**Section 22-203. Dangerous Buildings Declared Nuisances.**

**Dangerous buildings, as defined herein and as determined by inspection, may be declared to be public nuisances.**

**Section 22-204. Notices and Orders.**

**(1) Commencement of Proceedings. When a building has been inspected and has been determined that such building is a dangerous building, the Inspector shall commence proceedings to cause the repair, vacation or demolition of the building.**

**(2) Notice and Order. The Inspector shall issue a Notice and Order directed to the owner(s) of record for the building. The Notice and Order shall contain, at a minimum:**

**(a) The street address and legal description sufficient for the accurate identification of the premises upon which the building is located.**

**(b) A statement that the Inspector has found the building to be dangerous, with a brief and concise description of the conditions found to render this conclusion.**

**(c) A statement of the remedial action(s) required to be taken as determined by the Director.**

**(i) If it has been determined that the building or structure must be repaired, the order shall require that all required permits be secured and the work physically commenced within such time (not to exceed thirty (30) days from the date of the order) and completed within such time as the Director shall determine is reasonable under all circumstances.**

**(ii) If it has been determined that the building or structure must be vacated, the order shall require that the building or structure be vacated within a time certain from the date of the order as determined by the Director to be reasonable.**

**(iii) If it has been determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as determined is reasonable (not to exceed thirty (30) days from the date of the order), that all required permits be secured within thirty (30) days from the date of the order, and that the demolition be completed within such time as the Director shall determine is reasonable.**

**(d) A statement advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Director may order the building vacated and posted to prevent further occupancy until the work is completed, and shall cause the work to be done and charge the costs thereof against the property or its owner.**

**(e) A statement advising that any person having any title of record or legal interest in the building may appear before the Director to contest such findings of the Inspector.**

**(3) Service of Notice and Order. The Notice and Order, and any amendments or supplemental Notice and Order, shall be served upon the owner(s) of record and posted on the property, and one (1) copy thereof shall be served on each of the following if known to the Inspector or disclosed from official public records:**

**(a) The holder of any mortgage or deed of trust or other lien on encumbrance of record;**

**(b) The owner or holder of any lease of record; and**

**(c) The holder of any other estate or legal interest of record in or to the building or the land on which it is located shown by the land records of Taney County, Missouri.**

**The failure to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.**

**(4) Method and Proof 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 certified mail, postage prepaid, return receipt requested, to each such person at such person's address as it is shown by the land records of the Recorder of Deeds of Taney County. If no address or any such person so appears or is known, then the copy of the Notice and Order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such 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. Mail returned by the US Postal Service marked "refused" shall constitute proof of service. If service cannot be had by either personal service or by certified mail, then service may be had by publication in a newspaper qualified to publish legal notices, for two (2) successive weeks; this notice shall state that:**

**(a) The owner must vacate, vacate and repair, or vacate and demolish said building and clean the lot or property on which the building is located in accordance with the terms of the notice and of this article.**

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

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

**(6) Posting of Property. A written notice shall be posted on any structure found by the Inspector to be a dangerous building, and shall read substantially as follows:**

**"This building has been found to be a dangerous building by the City of Branson. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property cleaned in accordance with the notice that has been given the owner, occupant, lessee, mortgage 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 Taney County, Missouri. It is unlawful to remove this notice until such notice is complied with."**

**Provided, however, that the order and the posting of said notice shall not be construed to deprive all persons entitled thereto by this article to the notice and hearing prescribed herein.**

**(7) Emergency Powers Authorized. In any case where it reasonably appears that there is an immediate danger to the health, safety, or welfare of any person, the Director may take emergency measures to vacate and repair or demolish a dangerous building or structure.**

**Section 22-205. Standards for Repair, Vacation and Demolition.**

**The following standards shall be followed by the Inspector (and by the Director if an appeal is taken) in ordering the repair, vacation and/or demolition of any dangerous building or structure:**

**(1) If the building or structure can reasonably be repaired so that it no longer will exist in violation of the terms of this article, it shall be ordered repaired.**

**(2) If the building or structure is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered vacated. If the building or structure can reasonably be repaired, repairs shall be made so that such building or structure no longer exists in violation of the terms of this article before being occupied.**

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

**(4) In all cases where the building is a fire hazard, whether existing or erected, in violation of the terms of this article or any other part of this Code or statute of the State of Missouri, it shall be repaired or demolished.**

**(5) In all cases where a building or structure has been vacated, such building or structure shall be secured to prevent entry by vagrants or others with unlawful intent, and to prevent an attractive nuisance by the use of boarding or other substantially effective measures.**

**Section 22-206. Notice to Vacate; Procedure and Notice.**

**(1) Posting. Every notice to vacate shall, in addition to being served as provided above, be posted at or upon each exit of the building and shall be in substantially the following form:**

**DO NOT ENTER**  
**UNSAFE TO OCCUPY**  
**It is a violation to occupy this building, or to remove or deface**  
**this notice.**  
**Building Department**  
**City of Branson, Missouri**

**(2) Compliance. Whenever such notice is posted, the Director shall include a notification thereof in the Notice and Order issued 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 or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and all provisions of the Notice and Order have been duly met.**

**Section 22-207. Duties of the Inspector.**

**The Inspector shall have the duties under this article to:**

**(1) Inspect, 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 gives the Inspector reasonable grounds to believe that any such building is unsafe or dangerous.**

**(2) 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 article, and the Inspector determines that there are reasonable grounds to believe that such building is unsafe or dangerous.**

**(3) Inspect any building, wall or structure reported by the fire or police departments of the City as probably existing in violation of this article.**

**(4) Issue a Notice and Order as set forth in Section 22-204 (2) of this article.**

**(5) Report in writing to the Director the noncompliance with any notice to vacate, repair, demolish, and clean the property or upon the failure to proceed continuously with the work without unnecessary delay.**

**(6) Appear at all hearings conducted by the Director and testify as to the condition of dangerous buildings.**

**Section 22-208. Duties of the Director.**

**The Director of Planning & Development shall have the duties under this article to:**

**(1) Supervise all inspections required by this article, and cause the Inspector to make inspections and perform all the duties required of the Inspector by this article. Upon receiving a complaint or report from any source that a dangerous building exists in the city, the Director shall cause an inspection to be made forthwith. If the Director deems it necessary to the performance of the duties and responsibilities imposed herein, the Director may request an inspection and report be made by any other City department or retain**

**services of an expert whenever the Director deems such service necessary.**

**(2) Upon receipt of a report from the Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other person(s) having interest in said building to commence work of reconditioning or demolition within the time specified by this article or upon failure to proceed continuously with work without unnecessary delay, the Director shall hold a hearing giving the affected parties full and adequate hearing on the matter.**

**(a) Written notice, either by personal service or by certified mail, return receipt requested, or by publication for two (2) successive weeks, in a newspaper qualified to publish legal notices, at least ten (10) days in advance of a hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Taney County, to appear before the Director on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Inspector's Notice and Order as provided herein.**

**(b) Any party may be represented by counsel and all parties shall have an opportunity to be heard. All testimony shall be made under oath, which may be administered by the Director, and a recording of the hearing shall be made by an electronic recording device, and the Director may cause a written record of the hearing be made by a reporter to be employed by the City, the cost of which shall be paid by the City should the proceeding be eventually held against the City, and by the owner if it should not. In the latter case, the cost of such reporting shall be a lien upon the lot, tract or parcel of land upon which the building or structure stands, and shall be added to the costs of performance for demolition or repair if the City shall be required to do so, and shall be payable as provided for such costs. Any electronic recording made of the hearing shall be retained by the City Clerk and be made available to any party to the hearing upon request for transcription at the requesting party's expense.**

**(3) Within thirty (30) days from said hearing shall make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building as defined in this article.**

**(4) If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the Director shall issue a written Order of Abatement based upon its findings of fact directing the building or structure to be completed, secured, boarded, repaired or demolished, and vacated as the case may be, within the standards of this article. This written order shall be immediately delivered, by person or by mail, to each party to the hearing and/or to their attorney of record. In addition, copies of the order and findings of fact and conclusions of law shall be posted in a conspicuous place in the office of the Director for a period of thirty (30) days from the date of issuance thereof. The order shall state a reasonable time, to be no less than thirty (30) days from the date of issuance, within which to comply with the order, and shall further provided that if it is not complied with within such time, the Director may cause the work to be done by the City and its own crews or by contractors employed by the City for that purpose, of the City may enter into contracts with persons engaged in the business of repairing, securing, boarding or demolishing buildings for the purpose of enforcing the order provided for in this section.**

**Section 22-209. Procedures for Conduct of Hearing Appeals; Appeal to Circuit Court.**

**Any person entitled to service under this article may appeal from the decision of the Director as to the abatement of a dangerous building, to the circuit court no later than thirty (30) days after the written Order of Abatement by the Director is adopted and issued.**

**Section 22-210. Enforcement of Order of Abatement; Compliance.**

**(1) Generally. After any order of the Inspector or the Director made pursuant to this article shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order.**

**(2) Failure to Obey Order. If, after any order of the Inspector or Director made pursuant to this article has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Director may cause such person to be prosecuted in municipal court and/or institute any appropriate action to abate such dangerous building.**

**(3) Failure to Commence Work. Any such person who fails to commence the required repair or demolition, or fails to proceed with**

such repair or demolition continuously without unnecessary delay, according to such order shall be punishable as provided in this Code.

(4) *Compliance with Posted Notices.* No person shall occupy any building which has been posted as specified in this article. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the Inspector or Director have been completed and a certificate of occupancy issued pursuant to the provisions of the building code.

(5) *Repair by City.* The Director may, in addition to any other remedy herein provided, including a request of the City Council to exercise its authority of eminent domain, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the Notice and Order; or, if the Notice and Order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris there from removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner provided in this article. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of the demolition and of cleaning the lot, shall be paid over to the person or person lawfully entitled thereto.

**Section 22-211. Enforcement of Order; 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 Director may grant an extension of time, not to exceed an additional one-hundred twenty (120) days, within which to complete said repair, rehabilitation or demolition, if the Director determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Director'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 22-212. Enforcement of Order; Interference with Repair or Demolition Work Prohibited.**

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City 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 article, or with any person to whom such building has been lawfully sold

**pursuant to the provisions of this article, whenever such officer, employee, contractor or authorized representative of the City, 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 article, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this article.**

**Section 22-213. Performance of Work of Repair or Demolition by City; General Provisions.**

**When any work of repair or demolition is to be done pursuant to this article, the Director shall, through the City Administrator, issue an order and the work shall be accomplished by personnel of the city or by private contract under the direction of the Director. The Director may prepare plans and specifications, or may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished under private contract, standard contractual procedures shall be followed.**

**Section 22-214. Issuance of Tax Bill for Cost of Work.**

**(1) *Manner of Payment.* Whenever the City shall have caused work to be done or incurred costs for emergency abatement, the Director shall certify the cost of the work to the City Clerk, who shall cause to be prepared a special tax bill therefor and for the cost of the reporter at the hearing, which shall likewise be certified by the Director. This tax bill shall be issued against the lot, tract or parcel of land upon which the building or structure was located and against the property owner(s). The special tax bill, from the date of its issuance shall be deemed the person debt of the property owner(s) and shall be a lien on the lo, tract or parcel of land until paid and shall be registered in the office of the Director of the Finance Department of the City.**

**(2) *Payments Made Due.* At the written request of the taxpayer delivered to the City Clerk, a tax bill for repair or demolition of a building or structure may be paid in ten (10) equal annual installments, which installment with interest thereon to date on the unpaid balance shall be due annually on the anniversary of the date of issuance of the bill. Interest shall be at the rate of eight (8) percent per annum on the unpaid balance of the special assessment computed from the date of issuance. If any annual payment of principal or interest shall not be paid within thirty (30) days of its due date, the entire remaining balance of the tax bill shall immediately become due and payable. If the request for annual payments is not made prior to**

**the time the Director shall certify the cost of the work to the City Clerk, the tax bill shall be payable in sixty (60) days from its date of issuance with interest thereon at eight (8) percent per annum until paid.**

**Section 22-215. Violations.**

**(1) Unlawful Acts. It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any provisions of this article.**

**(2) Violation; Penalties. Any person who violates a provision of this article or fails to comply with any order made hereunder, or any certificate or permit issued hereunder, or who shall fail to comply with such order as affirmed or modified by the Director, or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every such violation and noncompliance respectively, be punishable as stated in this Code. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it 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 (10) days that a prohibited condition is maintained shall constitute a separate offense.**

NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS [~~BRACKETED, STRICKEN~~] HAS BEEN REMOVED.

Section 2: This ordinance shall be in full force and effect upon and after its passage and approval.

**DRAFT VERSION: April 29, 2010**

Read, this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, Missouri, this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Raeanne Presley  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lisa K Westfall  
City Clerk

\_\_\_\_\_  
William T. Duston  
Assistant City Attorney

DRAFT