

COUNCIL BILL NO. 2007-515

ORDINANCE NO. 2007-220

AN ORDINANCE repealing Section 26-626, Dangerous Buildings resulting from insured casualty, of Article X, Dangerous Buildings, of Chapter 26, Building and Building Regulations, of the Code of Ordinances of the City of Joplin, and enacting in lieu thereof a new Section 26-626, Dangerous Buildings resulting from insured casualty, of Article X, Dangerous Buildings, of Chapter 26, Building and Building Regulations, of the Code of Ordinances of the City of Joplin to implement certain interest earned on insurance proceeds changes.

WHEREAS, the City incurs certain costs associated with collecting, inspecting and releasing insurance proceeds on dangerous buildings; and,

WHEREAS, the City receives no revenue associated with these costs; and

WHEREAS, the Council of the City of Joplin desires to retain the interest earned from the insurance proceeds on dangerous buildings.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That Section 26-626, Dangerous Buildings resulting from insured casualty, of Article X, Dangerous Buildings, of Chapter 26, Building and Building Regulations, be repealed and a new Section 26-626, Dangerous Buildings resulting from insured casualty, of Article X, Dangerous Buildings, of Chapter 26, Building and Building Regulations, of the Code of Ordinances of the City of Joplin be enacted in lieu thereof to read as follows:

**CHAPTER 26 BUILDING AND BUILDING REGULATIONS
ARTICLE X. DANGEROUS BUILDINGS**

Sec. 26-626. Dangerous buildings resulting from insured casualty.

(a) 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, and if the covered claim payment for such damage or loss exceeds 50 percent of the face value of the policy on such building or other structure, then the insurance carrier for such building or structure shall deposit 25 percent of such insurance claim proceeds to the director of finance of the city, who shall hold such money in an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this article. If a special tax bill or assessment is issued by the city for the expense of removal, securing repair and cleanup of such building as a dangerous building pursuant to this article, such bill or assessment shall be paid by the monies held by the director of finance, and if there is any excess, such excess shall be paid by the director of finance to the insured, or as the terms of the policy, including any endorsements thereto, provide.

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(b) If within 30 days of the receipt of such insurance monies the city has not instituted any legal proceedings by issuance of the notice provided for in section 26-615(3) or by taking emergency measures as provided for in section 26-625, then the director of finance shall release such proceeds to the insured under the insurance policy, or as the terms of the policy, including any endorsements thereto, provide.

(c) If such building or structure is repaired or demolished pursuant to this article, as attested to by the building board, without cost to the city, then any insurance proceeds paid to the director of finance shall be paid to the insured under the insurance policy, or as the terms of the policy, including any endorsements thereto, provide.

(d) When the city takes bids from independent contractors for demolition of a building, bidders shall deduct any salvage value materials which the building or structure may have from the cost of demolition in arriving at their bid amount. Should city employees do the demolition, the actual cash value of salvaged materials shall be deducted from the special tax bill for such demolition. In no case will the net cost of demolition be increased in order to affect salvage of materials.

(e) Upon presentation of satisfactory proof that the insured has moved or will remove debris and repair, rebuild or otherwise make the insured premises safe and secure, the building official shall issue a certificate, within 30 days after receipt of such satisfactory proof, to permit covered claim payment to the insured without deduction payable to the city treasurer as provided in this section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with such certificate.

Section 2. That this ordinance shall become effective January 1, 2008.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 15th day of October, 2007.

Jon Tupper, Mayor

ATTEST:

Barbara L Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W Head, City Attorney