

“AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, AMENDING CHAPTER 545: PROPERTY MAINTENANCE CODE OF THE RAYMORE CITY CODE REGARDING REGISTRATION OF PROPERTIES WHICH ARE IN FORECLOSURE”

WHEREAS, the City Council of the City of Raymore, Missouri, by Ordinance 27114, established Chapter 545, City of Raymore Property Maintenance Code, of the Raymore Code of Ordinances; and,

WHEREAS, the increasing number of properties in the process of foreclosure have created concerns on the national and local level; and,

WHEREAS, the presence of vacant and unmaintained properties can have a negative impact on a neighborhood and may discourage potential home buyers in neighborhoods with such properties; and

WHEREAS, many vacant and unmaintained properties are the responsibility of out-of-area, out-of-state lenders and trustees; and

WHEREAS, in many instances the lenders and trustees fail to adequately maintain and secure these vacant properties; and

WHEREAS, the presence of vacant, abandoned properties assist in the decline of neighborhoods, creating an attractive public nuisance and contributing to lower property values; and

WHEREAS, the City of Raymore desires to protect neighborhoods from decline and devaluation; and

WHEREAS, the City Council of the City of Raymore, Missouri has determined the amendment proposed would be in the best interest of the health, safety and welfare of the citizens regarding registration of property in foreclosure.

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

Section 1. Chapter 545: Property Maintenance Code of the Code of Ordinances of the City of Raymore, Missouri is hereby amended by adding a new Article VII: Registration of Property in Foreclosure, as follows:

ARTICLE VII. REGISTRATION OF PROPERTY IN FORECLOSURE

SECTION 545.800: PURPOSE

It is the purpose and intent of the Raymore City Council, through the adoption of this Article, to establish a program for registration of properties which are in the process of foreclosure as a mechanism to protect residential neighborhoods and non-residential areas from becoming blighted through the lack of adequate maintenance and/or security of the property.

SECTION 545.805: DEFINITIONS

For the purposes of this Article, certain words and phrases used in this Article are defined as follows:

“Abandoned” means a property that is vacant and under a current Notice of Default or Notice of Sale, or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.

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

“Accessible structure” means a structure that is unsecured or breached in such a way as to allow access to the interior space by unauthorized persons.

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

“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.

“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; the absence of furnishings, merchandise or equipment consistent with non-residential occupancy; or statements by neighbors, passersby, delivery agents, or 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 if the trustor (borrower) under a deed of trust defaults.

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

“Non-Residential building” means any improved real property, or portion thereof, situated in the city, designed or permitted to be used for non-residential purposes, and shall include the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange as “non-residential” whether or not it is legally permitted or zoned for such use.

“Notice of Default” means a notice, issued pursuant to the applicable real estate security documentation or section 408.554, RSMo., that a default has occurred under a deed of trust.

“Out of Area” means in excess of forty (40) road/driving miles distance of the subject property.

“Owner” means any person, co-partnership, association, corporation, or fiduciary having legal or equitable title or any interest in any real property.

“Owner of record” means the person having recorded title to the property at the point in time the record is provided by the Cass County Records Office.

“Property” means any unimproved or improved real property, or portion thereof, situated in the city and includes the buildings or structures located on the property regardless of condition.

“Registered Representative” means the person designated by a Beneficiary as the Beneficiary’s representative for purposes of accepting notice, service and summons on behalf of the Beneficiary and for otherwise ensuring compliance with the requirements of this Article.

“Residential building” means any improved real property, or portion thereof, situated in the city, designed or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange as “residential” whether or not it is legally permitted or zoned for such use.

“Securing” means such measures as may be directed by the Community Development Director 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/pad locking of gates, or the repair or boarding of door, window 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.

SECTION 545.810: REGISTRATION

- A.** Any beneficiary under a deed of trust covering a property located within the City of Raymore shall cause an inspection to be performed of the property that is the security for the deed of trust within fifteen (15) days of issuing a notice of default to the trustor. If the property is found to be vacant or shows evidence of vacancy, it is, by this article, deemed abandoned and the beneficiary shall, within ten (10) days of the inspection, register the property with the Community Development Director or his/her designee on forms provided by the City.
- B.** The registration shall contain the full legal name of the beneficiary and the registered representative, the direct street/office mailing address of the beneficiary and the registered representative (no P.O. boxes), a direct contact name and phone number for the beneficiary and registered representative, and, if applicable, the local property management company responsible for the security, maintenance and/or marketing of the property.
- C.** The registration shall be valid as long as the subject property remains vacant and shall be amended as needed.

- D. This section shall also apply to properties that have been the 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.
- E. Properties subject to this Article shall remain under the security and maintenance standards of this section as long as they remain vacant.
- F. Any person, firm or corporation that has registered a property under this Article must report any change of information contained in the registration within ten (10) days of the change.
- G. If the beneficiary is an Out of Area beneficiary, a local property management company shall be contracted to ensure that the requirements of this Article, and any other applicable laws, are being met.

SECTION 545.815: MAINTENANCE REQUIREMENTS

Properties subject to this Article shall be maintained so as to be in compliance with Chapter 545: Property Maintenance Code and Chapter 220: Nuisances of the Code of Ordinances. Adherence to this section does not relieve the beneficiary or property owner of any obligations set forth in any Covenants, Conditions and Restrictions or Home Owners Association rules and regulations which may apply to the property.

SECTION 545.820: SECURITY REQUIREMENTS

Properties subject to this section 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 and any other opening of such size that it may allow a child to access the interior of the property and or structure(s). In the case of broken windows "securing" means the reglazing or boarding of the window.

SECTION 545.825: COMPLIANCE WITH OTHER AUTHORITY

The requirements of this Article are in addition to any other maintenance and security measures required by the Code of Ordinances. The requirements of

this Article shall not serve to lessen or abrogate any other applicable provisions of the Code of Ordinances.

SECTION 545.830: VIOLATIONS

Any beneficiary, registered representative, or local property management company that violates any provision of this Article shall be in violation of this Article, and summons may be issued against the beneficiary's representative for such violation. In addition to any other penalties which may be assessed for a violation of this Article, any person or entity who violates a provision of this Article shall be assessed a fine of \$500.00 per violation.

Section 2: Effective Date. The effective date of approval of this Ordinance shall be coincidental with the Mayor's signature and attestation by the City Clerk.

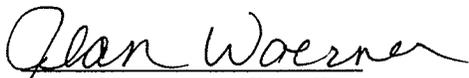
Section 3: Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

DULY READ THE FIRST TIME THIS 9th DAY OF FEBRUARY 2009.

BE IT REMEMBERED THAT THE ABOVE ORDINANCE WAS APPROVED AND ADOPTED THIS 23rd DAY OF FEBRUARY 2009 BY THE FOLLOWING VOTE:

| | |
|-------------------------|--------|
| Councilmember Adams | Aye |
| Councilmember Cox | Aye |
| Councilmember Hubach | Aye |
| Councilmember Kerckhoff | Aye |
| Councilmember Medsker | Aye |
| Councilmember Seimears | Aye |
| Councilmember Smith | Aye |
| Councilmember Waite | Absent |

ATTEST:


Jean Woerner, City Clerk

APPROVE:


Juan I. Alonzo, Mayor

2/24/09

Date of Signature