



**AGENDA
CITY OF HARRISONVILLE
PUBLIC SAFETY COMMITTEE
REGULAR MEETING
CITY HALL
AUGUST 22, 2013
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approve Minutes**
 - A. Public Safety Committee - Regular Meeting - Jun 20, 2013 6:00 PM**
- 3. Agenda Items**
 - A. Special Need Signs "Children at Play" Policy**
 - B. Pre-Pay Gas Resolution Policy**
 - C. Bath Salts Ordinance**
 - D. Abandoned or Vacant Properties**
- 4. General Discussion**
- 5. Adjournment**

This meeting will be open to the public.

Posted on City Hall Bulletin Board this day of

Kim Hubbard, City Clerk



MINUTES
CITY OF HARRISONVILLE
PUBLIC SAFETY COMMITTEE
REGULAR MEETING
CITY HALL
JUNE 20, 2013
6:00 PM

1. Call to Order

The meeting was called to order at 6:00 PM by Chair Bret Reece

2. Approve Minutes

A. Public Safety Committee - Regular Meeting - May 6, 2013 6:00 PM - Accepted

Minutes were approved.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	David Dickerson, Member
SECONDER:	Doug Meyer, Member
AYES:	Doug Meyer, David Dickerson, Bret Reece
ABSENT:	Kevin Wood, Stacey Dahlman, Marcia Milner

3. Agenda Items

A. Drug Unit Presentation -

Chief Hofer, Lieutenant Prindle and Detective Shroyer gave a presentation on the benefits and what it would take to have a Drug Task Unit. Chief Hofer reported this was an objective which discussed at the Board Retreat last week.

There was discussion regarding gas drive-offs and the possibility of passing an ordinance requiring stations to have pre-pay only to purchase gas. The committee also reviewed the preventative tools that are available now through the police department such as the DARE Program, Tips Program, and the prescription drug take back which is held twice a year.

Alderman Coburn asked Chief Hofer if they could do the same presentation for the seniors at the Senior Center. Chief Hofer stated that it could be arranged.

Chief Hofer reviewed the approximate cost of a drug task force which would be \$4,000 for equipment and about \$40,000 in overtime. There would also be some unknown expenses. It was also noted that a two (2) year commitment was needed in setting up

Minutes Acceptance: Minutes of Jun 20, 2013 7:00 PM (Approve Minutes)

this type of unit. Chief Hofer reported the department has experienced employees which would be beneficial when implementing and operating a drug task unit.

Alderman Reece stated he would like to see this task force unit formed and would like more specifics to go before the Board. Mr. Moody explained it should be in an objective format for mid year and for the budget year 2014.

B. Congestion on Pearl Street - Recommended

Discussion took place regarding the congestion caused by parking on both sides of Pearl Street during Sunday and Wednesday church services. Chief Hofer reported he had spoken to a couple of residents that live on Pearl Street and they do not have issues with it. It was also noted that it was within the City's authority to allow parking on both sides during certain times as long as the City is not showing preferential treatment.

Resident Walter Cook noted his disagreement with allowing parking on both sides of Pearl Street because he felt this would cause a traffic hazard.

Members approved removing the No Parking regulation Wednesday nights after 6:00 pm and all day Sunday on Pearl Street from Wirt Street to Bradley Street. It was noted that Superintendent Jacobs would be contacted regarding changing the language on the signs.

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	David Dickerson, Member
SECONDER:	Doug Meyer, Member
AYES:	Doug Meyer, David Dickerson, Bret Reece
ABSENT:	Kevin Wood, Stacey Dahlman, Marcia Milner

4. General Discussion

Alderman Reece stated he would like to look at a policy regulating livestock inside city limits of Harrisonville. Alderman Coburn suggested looking at the study the City of Raymore did.

5. Adjournment

The meeting was closed at 7:50 PM

Alderman Meyer moved to adjourn the meeting. Alderman Dickerson seconded the motion and it was approved by a voice vote. The meeting adjourned at 7:50 PM.

Kevin Wood, Mayor & Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Kim Hubbard, City Clerk

Minutes Acceptance: Minutes of Jun 20, 2013 7:00 PM (Approve Minutes)



STAFF REPORT

TO: Public Safety Committee
FROM: John Hofer, Director
DATE: August 8, 2013
SUBJECT: Special Need Signs Policy

Type of Item: *Policy*

"Children at Play" signs are occasionally requested by citizens. The pros and cons of posting these signs have received much discussion. The Manual on Uniform Traffic Control Devices evaluates the installation of signs. The following points are useful in considering the intended purpose of the "Children at Play" sign.

- A "Children at Play" sign gives no instruction to the motorist.
- Warning signs are intended to advise motorists of an unusual or unexpected condition ahead. Children playing in a residential area is a normal, expected condition and thus the sign will provide no information or safety benefit.
- Warning signs are most effective when used sparingly. Since children live on nearly every residential block, there would have to be signs on each street. Blocks with no signs could have the effect of suggesting no children live in that neighborhood.
- The presence of children in a residential area is ample warning for prudent drivers to exercise caution. In the case of a less prudent driver, it is unlikely a sign will be as useful as parental supervision in safeguarding children.
- If signs encourage parents and children to believe they have an added degree of protection, which the signs do not and cannot provide, a great disservice results.
- Children should be taught to play safely, away from streets. Children should be taught to safely cross streets.
- Specific warnings for schools, parks, and cross walks are available for use where indicated by policy.
- If there are safety concerns with other roadway features such as a curve, hill or lack of sidewalks, a traffic safety investigation can be conducted, to verify and possibly mitigate these concerns.

For the above reasons, Harrisonville does not install "Children at Play" signs.

Special Needs Sign "Deaf Child"

The "Deaf Child" special needs sign can provide additional information to the motorist. The sign does not identify which child or where the child is, and the sign is there even when the child may not be. Although we recognize the potential drawbacks to using a Deaf Child sign, the sign does

provide useful information about the possibility of an unexpected condition, therefore requests for Deaf Child signs are processed with these requirements.

1. The written request shall contain a statement to the effect that the child is under seventeen (17) years of age and shall be signed and dated by a parent.
2. Need a note from doctor stating “child is unable to hear normal traffic noise”.
3. The requester shall renew the request every two years in a written form to the City.
4. Parents agree to notify department when they move.
5. Parents agree to teach the child traffic safety and to supervise child.

When a sign is approved, the following guidelines apply:

- The Deaf Child Area sign shall be placed in accordance with the guidelines in the Manual on Uniform Traffic Control Devices,
- The sign placement will be reviewed every two years to insure that the criteria stated above still applies,
- The sign(s) will be removed when the child becomes seventeen years old or moves from the area.
- The requester of the sign shall be responsible for notifying the City if the child is no longer living at the address for which the signs were placed.

Addressing Citizen Concerns

We take our role in solving traffic problems seriously, yet the ultimate burden of safety rests on the citizens of Harrisonville. Since we receive several citizen requests per year, we appreciate your patience and understanding in processing your request. If you have questions or suggestions concerning traffic, please call the City of Harrisonville at (816) 380-8929.

A. Discussion Item (ID # 1126)

Special Need Signs "Children at Play" Policy



TO: Public Safety Committee
FROM: John Hofer, Director
DATE: August 8, 2013
SUBJECT: Pre-Pay Gas Resolution Policy

Type of Item: *Policy*

At the June 20, 2013 Public Safety Meeting there was discussion with regard to proposing a pre-pay gas ordinance in an effort to reduce our crime index. It has been determined that the majority of Harrisonville's crime index over the past few years has been associated with theft, to include shoplifting and gas drive offs. Members of the Public Safety Committee present were not supportive of passing an ordinance requiring fuel distributors to have pre-pay gas system but they were supportive of a resolution directing the police department to only take theft reports from those fuel distributors with a pre-pay system in place. Please find attached the proposed resolution drafted by City Attorney Steven Mauer.

I would recommend approval of the proposed resolution from the Public Safety Board and request that it be placed on the Agenda of the Board of Alderman for their consideration.

B. Discussion Item (ID # 1128)

Pre-Pay Gas Resolution Policy

Attachments:

Pre-pay Gas Compliance Resolution (DOCX)

COUNCIL BILL NO. ____

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF HARRISONVILLE, MISSOURI, TO REQUIRE BUSINESSES SELLING GASOLINE OR DIESEL FUEL TO INDIVIDUAL CUSTOMERS TO PROVIDE FOR PRE-PAYMENT OR PRE-APPROVAL PRIOR TO THE SALE.

WHEREAS, a significant number of motorists throughout the area are filing their fuel tanks and driving off without paying; and

WHEREAS, the City of Harrisonville Police Department expends significant time and expense in investigating these incidents; and

WHEREAS, the time and expense the City of Harrisonville Police Department expends investigating these incidents detracts from proactive policing opportunities regarding other community matters and more serious crimes; and

WHEREAS, the necessary investigations result in significant costs to the City and its taxpayers; and

WHEREAS, fuel thefts have the potential of escalating to more serious crimes and create a greater risk of harm to the victim, officers, offender and to the general public; and

WHEREAS, fuel theft seriously and significantly result in loss of revenues to owners and operators of gasoline stations; and

WHEREAS, requiring pre-payment for fuel is in the best interest of the City and its citizens and is designed to promote the public safety and welfare of its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

SECTION ONE: That Section ____ shall read as follows:

- (a) Definitions. As used in this section the following terms shall have the meanings given in this subsection:
 - (1) “Pre-approval” means the business has issued an identification card to the purchaser that verifies and records the purchaser’s driver’s license information.
 - (2) “Pre-pay” means payment in advance for any quantity of gasoline or diesel fuel sold at any time by cash, credit card, debit card, check or any other legal means.
- (b) Payment or approval in advance required for gasoline and/or diesel fuel sold. Business establishments that sell gasoline and/or diesel fuel shall require pre-payment or pre-approval of sales of fuel prior to activation or authorization of any fuel dispensing unit or fuel pumping devise.

- (c) Penalty. Failure or refusal to comply with this section shall be the basis for the City of Harrisonville Police Department declining to investigate or respond to a report of a gas drive off.

SECTION TWO: That this resolution shall become effective immediately upon its passage and approval.

READ by title only and DULY PASSED by the Board of Aldermen and APPROVED by the Mayor of the City of Harrisonville, Missouri, this ____ day of _____, 2013.

Kevin W. Wood, Mayor and Ex Officio
Chairman of the Board of Aldermen

ATTEST:

Kim Hubbard, City Clerk

WITNESS my hand and seal this ____ day of _____, 2013



STAFF REPORT

TO: Public Safety Committee
FROM: John Hofer, Director
DATE: August 13, 2013
SUBJECT: Bath Salts Ordinance

Type of Item: *Report*

Illicit products are being marketed as “bath salts” that are synthetic substitutes that mimic the pharmacological effects of amphetamines, cocaine, ecstasy, and other illegal drugs; and is becoming an alarming trend across the United States. Communities are establishing ordinances to protect the health, safety and welfare of their citizens from the illicit sale of the above described products. Bath salts being sold at commercial businesses in the City of Harrisonville, have as part of their composition synthetic central nervous system stimulants that are typically in a class of drugs known as synthetic cathinones.

Despite being labeled as “not for human consumption”, these bath salts are being used as recreational drugs and have been marketed as legal and safer alternatives to illegal methods of consuming drugs; and are marketed in such a manner as to imply that they are a legal form of high and yet are considered dangerous by the Food and Drug Administration (FDA), Drug Enforcement Administration (DEA) and state health agencies.

These synthetic stimulants sell for many times more than legitimate bath salts, and are also marketed, among other things, as plant food, insect repellant and iPod cleaner. Users of these products experience severe reactions, resulting in unconsciousness, seizures, and hospitalization, and in some reported cases even death.

This proposed ordinance has been drafted by City Attorney Steven Mauer’s Office.

Staff recommends approval and desires to act quickly to make illegal those new synthetic stimulants that drug designers and chemists create to mimic the effects of illegal drugs.

C. Action Item (ID # 1133)

Bath Salts Ordinance

Attachments:

Bath Salts Ord. (DOC)

BILL NO. _____
 VOTED FOR: _____
 VOTED AGAINST: _____

ORDINANCE NO. _____
 FIRST READING: _____
 SECOND READING: _____

**AN ORDINANCE AMENDING CHAPTER __ BY CREATING SECTION __ TO
 PROHIBIT THE ILLICIT SALE AND USE OF CERTAIN PRODUCTS INCLUDING
 BATH SALTS**

WHEREAS, the Board of Aldermen of the City of Harrisonville, Missouri desire to amend Chapter _____ by adding Section _____ regarding the regulation of bath salts and synthetic substitutes.; and

WHEREAS, illicit products are being marketed as “bath salts” that are synthetic substitutes that mimic the pharmacological effects of amphetamines, cocaine, ecstasy, and other illegal drugs; and

WHEREAS, this is becoming an alarming trend across the United States and communities are establishing ordinances to protect the health, safety and welfare of their citizens from the illicit sale of the above described products;

WHEREAS, such bath salts being sold at commercial businesses in the City of Harrisonville, have as part of their composition synthetic central nervous system stimulants that are typically in a class of drugs known as synthetic cathinones; and

WHEREAS, Despite being labeled as “not for human consumption”, these bath salts are being used as recreational drugs and have been marketed as legal and safer alternatives to illegal methods of consuming drugs; and

WHEREAS, the bath salts are marketed in such a manner as to imply that they are a legal form of high and yet are considered dangerous by the Food and Drug Administration (FDA), Drug Enforcement Administration (DEA) and state health agencies; and

WHEREAS, these synthetic stimulants sell for many times more than legitimate bath salts, and are also marketed, among other things, as plant food, insect repellant and iPod cleaner (hereafter collectively bath salts”); and

WHEREAS, users of these products experience severe reactions, resulting in unconsciousness, seizures, and hospitalization, and in some reported cases even death; and

WHEREAS, during the 2011 session, the Missouri Legislature passed HB 641, which added various synthetic stimulants to Schedule I of Missouri's controlled substance schedule, allowing law enforcement officials and prosecutors to arrest and prosecute the possession and sale of these particular substances under Missouri law:

Synthetic cannabinoids which include any natural or synthetic material, compound, mixture, or preparation that contains any quantity of a substance that is a cannabinoid receptor agonist including, but not limited to, the

synthetic cannabinoids specifically listed in Section 195.017, RSMo, and any analogues, homologues, isomers, esters, ethers, and salts. These include the compounds commonly found in K3. However, synthetic cannabinoids will not include any approved pharmaceutical authorized by the United States Food and Drug Administration; 3-Fluoromethcathinone; 4-Fluoromethcathinone; Mephedrone, or 4-methylmethcathinone; 4-methoxymethcathinone; Methylenedioxypyrovalerone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone, commonly known as bath salts; Methylone, or 3, 4-Methylenedioxymethcathinone; and 4-methylalphapyrrolidinobutiophenone, or MPBP (Sections 195.010 and 195.017)

WHEREAS, following passage of HB 641, chemists reconfigured the particular synthetic stimulants made illegal by HB 641, and marketed new products that were not made specifically illegal under Missouri law; and

WHEREAS, these new synthetic stimulants will likely nonetheless carry the same or perhaps even further heightened dangers associated with illegal drugs; and

WHEREAS, the Board of Aldermen of the City of Harrisonville desires to act quickly to make illegal those new synthetic stimulants that drug designers and chemists create to mimic the effects of illegal drugs,

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

SECTION ONE: That Section _____ shall read as follows:

SECTION _____:

- A. Purpose and intent. The Harrisonville Board of Aldermen finds and declares that the products and synthetic substances described hereunder are commonly used as alternatives to amphetamines, cocaine, ecstasy and other illegal drugs. The Board of Aldermen further finds that these synthetic substances are particularly appealing to teenagers and youth, who believe these substances are safer because they are legal however, these synthetic substances can be dangerous to users in the short term and the long term effects are not yet known. The Board of Aldermen finds that the products which contain these synthetic substances often use a disclaimer that the product is "not for human consumption" to avoid regulations that require the manufacturer to list the product's active ingredients. The Board of Aldermen finds that drug designers and chemists have and can quickly create new synthetic drugs once federal or state law makes a particular synthetic drug illegal. As such, the Board of Aldermen finds there is a need to declare illegal the sale, offer for sale, purchase with intent to sell and public display for sale of synthetic substances that mimic illegal controlled substances, even though such synthetic substances have not yet themselves been categorized as illegal controlled substances under federal or state law. The Board of Aldermen further finds that it is proper and necessary for the

Board of Aldermen to exercise its authority to safeguard and protect the public health, safety and welfare by taking this action.

B. Definitions. For purposes of this section, the following terms apply:

1. "Structurally similar" as used in this section shall mean chemical substitutions a common chemical backbone associated with cathinone, methcathinone, amphetamine, methamphetamine, cocaine, 3-Fluoromethcathinone, 4-Fluoromethcathinone, 3, 4-Methylenedioxy- methamphetamine (MDMA), 3, 4-methylenedioxymethcathinone, 3, 4-methylenedioxypyrovalerone (MDPV), methylmethcathinone, methoxy-methcathinone, methylethcathinone, fluoromethcathinone, BZP (benzylpiperazine), Mephedrone, or 4-methylmethcathinone, 4-methoxymethcathinone, Methylenedioxypyrovalerone MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanonefluorophenylpiperazine, methylphenylpiperazine, chlorophenylpiperazine, methoxyphenylpiperazine, DBZP (1,4-dibenzylpiperazine), TFMPP (3-Trifluoromethylphenylpiperazine), MBDB (Methylbenzodioxolylbutanamine), Hydroxy-alpha-methyltryptamine, Methylone, or 3, 4-Methylenedioxymethcathinone, 4-meth alpha-pyrrolidinobutiophenone, or MPBP, 5-Hydroxy-N-methyltryptamine, 5-Methoxy-N-methyl-N-isopropyltryptamine, Methylone, or 3, 4-Methylenedioxymethcathinone 5-Methoxy-alpha-methyltryptamine, methyltryptamine, 5-Methoxy-N, N-dimethyltryptamine, 5-Methyl-N, N-dimethyltryptamine, 5-Methoxy-N, N-Diisopropyltryptamine, DiPT (N, N-Diisopropyltryptamine), DPT (N, N-Dipropyltryptamine), 4-Hydroxy-N,N-diisopropyltryptamine, N, N-Diallyl-5-Methoxytryptamine, DOI (4-Iodo-2,5- dimethoxyamphetamine) (4-Chloro-2, 5 -dimethoxyamphetamine), 2C-E (4-Ethyl-2, 5- dimethoxyphenethylamine), 2C-T (4-Chloro-2, 5-Dimethoxy-4-isopropylthiophenethylamine), 2C-C (4-Chloro-2, 5-dimethoxyphenethylamine), 2C-T' (2,5-Dimethoxy-4-methylthiophenethylamine), 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine), 2C-T-3 (2, 5 - Dimethoxy 4-(n-propylthiophenethylamine), 2C-I (4-Iodo-2,5- dimethoxyphenethylamine), Butylone (beta-keto-Nmethylbenzodioxolylpropylamine), Ethcathinone, Ethylone (3, 4-methylenedioxy-N-ethylcathinone), Naphyrone (naphthylpyrovalerone), N-N-Dimethyl-3,4-methylenedioxycathinone, N-N-Diethyl-3, 4-methylenedioxycathinone, 3, 4-methylenedioxy-propiofenone, 2-Bromo-3, 4-Methylenedioxypiofenone, 3, 4-methylenedioxy-propiofenone-2-oxime, N Acetyl- 3,4-methylenedioxycathinone, N-Acetyl-N-Methyl- 3, 4-Methylenedioxy- cathinone, N-Acetyl-N-Ethyl-3, 4-Methylenedioxycathinone, Bromomethcathinone, Buphedrone (alpha-methylamino-butyrophenone), Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine), Dimethylcathinone, Dimethylmethcathinone, Pentylone (beta- Keto-methylbenzodioxolylpentanamine (MDPPP) 3, 4-Methylenedioxy-alpha-pyrrolidino-propiofenone, (MDPBP) 3, 4-Methylenedioxy-alpha-pyrrolidinobutiophenone, Methoxy- alpha-Myrrolidinopropiofenone (MOPPP), Methyl-alpha-pyrrolidinohexiofenone (MPHP), Benocyclidine

(BCP), benzothiophenylcyclohexylpiperidine (BTCP), Fluoromethylaminobutyrophenone (FMABP), Methoxypyrrolidinobutyrophenone (MeO-PBP), Ethylpyrrolidinobutyrophenone (Et-PBP), 3-Methyl-4-Methoxymethcathinone 4-MeO-MCAT), Methylethylaminobutyrophenone (MeEABP), Methylaminobutyrophenone (MABP), Pyrrolidinopropiophenone (PPP), Pyrrolidinobutyrophenone (PBP), Pyrrolidinovalerophenone (PVP), Methyl-alpha pyrrolidinopropiophenone (MPPP), or related salts, isomers, and salts of isomers, listed in the controlled substance schedules in chapter 195, Revised Statutes of Missouri, as amended, or otherwise prohibited by federal or state law.

2. "Synthetic stimulant bath salts" as used in this section shall mean any substance, whether in powder, crystal, liquid, tablet or capsule form, containing a synthetic stimulant as defined herein or to which a synthetic stimulant has been added or applied, that can be ingested by smoking, inhaling or other method, regardless of whether the substance is marketed not for the purpose of human consumption, and regardless of how the substance is labeled including but not limited to bath salts, insect repellent, plant food, herbs, incense, iPod cleaner, nutrient, dietary supplement or spice.
 3. "Synthetic stimulant" as used in this section shall mean any chemical or mixture of chemicals, however packaged, that has a stimulant effect on the central nervous system and is structurally similar to cathinone, methcathinone, amphetamine, methamphetamine, cocaine, MDMA or any other substance listed in paragraph (1) above, or related salts, isomers, and salts of isomers, as listed in the controlled substance schedules in chapter 195, Revised Statutes of Missouri, or otherwise prohibited by federal or state law. "Synthetic stimulant" shall also include any chemical or mixture of chemicals, however packaged, that mimics the pharmacological effects of cathinone, methcathinone, amphetamine, methamphetamine, cocaine, MDMA or any other substance listed in paragraph (1) above, or related salts, isomers, and salts of isomers. Packaging that indicates, suggests or implies that a product mimics the pharmacological effects of cathinone, methcathinone, amphetamine, methamphetamine, cocaine, ecstasy or any other substance listed in paragraph (1) above, shall create a presumption that the product mimics the effects of the substance. "Synthetic stimulant" shall not include any substance currently listed in the controlled substance schedules in chapter 195, Revised Statutes of Missouri, or otherwise prohibited by federal or state law, as such may be amended from time to time.
- C. Unlawful To Sell, Offer, Gift or Display. It shall be unlawful for any person, business, store, or employee to sell, offer to sell, gift, barter, trade or publicly display for sale any synthetic stimulant bath salts as defined herein or any synthetic stimulants as defined herein.

- D. Possession Unlawful. It is unlawful for any person to knowingly possess, inhale or ingest any synthetic stimulant bath salts as defined herein or any synthetic stimulants as defined herein.
- E. If Congress, a federal agency, the Missouri General Assembly or Missouri agency with such authority amends federal or state law to include a particular substance or otherwise enacts or amends a federal or state law providing for criminal penalties for the prohibitions of substances set forth in this ordinance, then upon the effective date of such enactment or amendment, the provisions of this ordinance addressed by federal or state law shall no longer be deemed effective. Any violations of this ordinance committed prior to such law so enacted may be prosecuted.
- F. Seizure and destruction of synthetic stimulant bath salts and synthetic stimulants. Synthetic stimulant bath salts and synthetic stimulants as defined and prohibited herein may be seized by law enforcement officers and may be destroyed in the same manner used to destroy narcotics and contraband substances, after its use for evidentiary purposes in any judicial proceeding is no longer required.
- G. Labeling. The fact that these substances are being marketed, sold, distributed, delivered, traded, bartered, or labeled as “Not for Human Consumption” (or words of similar effect) or identified as having a lawful use does not exempt a person from enforcement pursuant to this Section.
- H. Penalty. Any person violating Subsections (B) or (C) of this Section shall be guilty of an offense and upon plea of guilty of the Owensville City Codes or a finding of guilt shall be fined up to five hundred dollars (\$500.00) and/or ninety (90) days in the County Jail. A separate offense shall be deemed committed to each sale, offer to sell, gift, or public display for sale.

Any business found violating the terms of the ordinance shall have their business license revoked by the City of Harrisonville.

The City of Harrisonville shall refuse a business license to a person or business selling or offering for sale these types of bath salts.

SECTION TWO: The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the Governing Body would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION THREE: This Ordinance shall be in full force and effect both from and after its passage and approval by the Mayor.

Ayes:

Nays:

Absent:
Abstain:

Read two times by title only on the ____ day of August, 2013, and passed by the Board of Aldermen this ____ day of August, 2013.

Kevin W. Wood, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Kim Hubbard, City Clerk

APPROVED by the Mayor this ____ day of August, 2013.

Attachment: Bath Salts Ord. (1133 : Bath Salts Ordinance)



STAFF REPORT

TO: Public Safety Committee
FROM: Kim Hubbard, City Clerk
DATE: August 15, 2013
SUBJECT: Abandoned or Vacant Properties

Type of Item: *Policy*

Alderman Meyer asked what options were available to the City to acquire neglected/abandoned properties. Attached is a summary from City Attorney Mauer. Each option requires a financial investment by the City as well as time. The item has been added to the public safety committee for discussion as it is a safety related issue.

D. Discussion Item (ID # 1137)

Abandoned or Vacant Properties

Attachments:

Abandoned or Vacant Properties (PDF)

Zerger | Mauer^{LLP}

Steven E. Mauer
semauer@zergermauer.com

July 16, 2013

RECEIVED

JUL 18 2013

CITY OF HARRISONVILLE

Keith Moody
City Administrator
City of Harrisonville
300 East Pearl
Harrisonville, Missouri 64701

Re: Abandoned or Vacant Properties

Dear Keith:

Accompanying this letter is a memorandum regarding the potential for an urban homesteading program. Hopefully, this might address the issue presented regarding a way for the City to obtain ownership of vacant properties. Please let me know if you have any questions or comments. Thank you for your time and attention.

Very truly yours,



Steven E. Mauer

SEM/cdt:18514
Enclosure

Attachment: Abandoned or Vacant Properties (1137 : Abandoned or Vacant Properties)

Zerger &

Memorandum

To: Keith Moody, City Administrator for City of Harrisonville
From: Zerger & Mauer LLP
Date: 7/12/2013
Re: *Options for City to Acquire Ownership of Abandoned or Vacant Properties*

The City has inquired about ways it might be able to obtain ownership of vacant and abandoned properties within the City other than by purchasing them at foreclosure sale or negotiating a purchase with the owner or bank. We have provided one option below that might give the Board of Aldermen an alternative to these two well-established methods, as well as some thoughts about how to make the negotiation process with the absent owners/banks easier.

I. Urban Homesteading Program

Missouri law allows a municipality to create an Urban Homesteading Program. Portions of the relevant statutes related to the Urban Homesteading Program are attached. Through this program, the municipality may authorize any existing board, commission, department or agency, including a housing authority redevelopment agency or nonprofit community house development corporation to be the urban homesteading agency. See R.S.Mo. §99.877. The urban homesteading agency receives quarterly reports from the City's building inspector regarding abandoned properties.¹ The agency has authority to send notices to the owners of abandoned properties and set a date for a hearing. At the hearing the agency determines whether the owner is willing and able to rehabilitate or demolish the vacant structure on the abandoned property. The agency makes a determination, which is appealable to the Circuit Court. If the owner fails to appear or it is determined, after the hearing, the owner is unable or unwilling to rehabilitate the property within a reasonable time, the agency may recommend to the City that the property be acquired by purchase free and clear of liens for an amount not to exceed fair market value of the land and any improvements thereon as determined by the agency or by eminent domain. See R.S.Mo. § 99.879. Applicants may then bid on the property after notice is published. See

¹ Abandoned properties are defined as "any real property on which there is a vacant structure and on which real property taxes have been delinquent for one year or more and orders have been issued by the municipality's fire official, building official or health official and there has been no compliance with those orders within the prescribed time given by such official or within ninety days, whichever is longer, or the owner has declared in writing to the building official that his property is abandoned or there has been a determination by the municipality that the vacant structure contributes to housing blight.

CONFIDENTIAL – PROTECTED BY ATTORNEY-CLIENT PRIVILEGE

R.S.Mo. §99.881. The statute sets forth the priorities to consider for selecting qualified applicants (and prohibit discrimination based on race, religion, etc.). *See* R.S.Mo. §99.891.

This program gives the City an alternative for acquiring the property that allows the City to be proactive rather than waiting for a lender to foreclose on a vacant property. However, the City will need to consider whether the properties about which it is concerned rise to the level of “abandoned properties” as defined by the statute. We would be happy to provide a more detailed analysis of the Urban Homesteading Program if this is an avenue the City is interested in pursuing.

II. Other Options

We are not aware of other ways in which the City can acquire ownership of vacant properties besides the Urban Homesteading Program, bidding on the property at foreclosure sale, or negotiating with the property owner/lender. The City should be able to identify property owners and any lien holders by obtaining a title report on any property in question. Additionally, this information should be available from the County Register of Deeds.

While the City cannot obtain title to property through its dangerous building ordinance, the ordinance does give the City an avenue to exert additional pressure on absent owners and lenders by the imposition of additional fines. The City’s ordinance allows the declaration of a dangerous building if there is any violation of the City’s ordinances. Thus, if the property is allowed to become overgrown such that there is a violation of the City’s ordinance on weed height, the City can also declare the building to be dangerous allowing for the imposition of additional fines.

Attachment: Abandoned or Vacant Properties (1137 : Abandoned or Vacant Properties)

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99.875. Definitions, MO ST 99.875

Vernon's Annotated Missouri Statutes
 Title VII. Cities, Towns and Villages
 Chapter 99. Municipal Housing (Refs & Annos)
 Urban Homesteading Program

V.A.M.S. 99.875

99.875. Definitions

Currentness

As used in sections 99.875 to 99.912, the following terms mean:

- (1) **"Abandoned property"**, any real property on which there is a vacant structure and on which real property taxes have been delinquent for one year or more and orders have been issued by the municipality's fire official, building official or health official and there has been no compliance with those orders within the prescribed time given by such official or within ninety days, whichever is longer, or the owner has declared in writing to the building official that his property is abandoned or there has been a determination by the municipality that the vacant structure contributes to housing blight;
- (2) **"Building official"**, the person appointed by the municipality to oversee municipal building codes or housing;
- (3) **"Fire official"**, the fire chief or the municipal official authorized to administer the provisions of the municipal fire safety code;
- (4) **"Health official"**, the municipal official authorized to administer the provisions of any local health code;
- (5) **"Low- or moderate-income families"**, families or individuals who lack the amount of income necessary to rent or purchase adequate housing without financial assistance, as defined by such income limits as shall be established by the Missouri housing development commission for the purposes of determining eligibility under any programs aimed at providing housing for low- and moderate-income families or persons;
- (6) **"Municipality"**, any city, town or village;
- (7) **"Owner"**, any holder, as appears in the land records of the municipality, of title to real property and any mortgage or other secured or equitable interest in such property;
- (8) **"Rehabilitation permit"** and **"demolition permit"**, those permits obtained from a local building official for the purpose of rehabilitating or demolishing a structure;
- (9) **"Urban homesteader"**, any person, firm, partnership, corporation or other legal entity to which urban homestead program property is conveyed;
- (10) **"Urban homesteading agency"**, the agency designated by the legislative body of a municipality pursuant to sections

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Attachment: Abandoned or Vacant Properties (1137 : Abandoned or Vacant Properties)

99.875. Definitions, MO ST 99.875

99.875 to 99.912.

Credits

(L.1992, H.B. Nos. 1434 & 1490, § A(§ 2).)

V. A. M. S. 99.875, MO ST 99.875

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Attachment: Abandoned or Vacant Properties (1137 : Abandoned or Vacant Properties)

99.877. Municipalities may establish urban homesteading program..., MO ST 99.877

Vernon's Annotated Missouri Statutes
 Title VII. Cities, Towns and Villages
 Chapter 99. Municipal Housing (Refs & Annos)
 Urban Homesteading Program

V.A.M.S. 99.877

99.877. Municipalities may establish urban homesteading program and homesteading agency--members, qualifications, appointment, terms--secretary to be selected--staff--expenses

Currentness

Any municipality may, by ordinance, establish an urban homesteading program and may authorize any existing board, commission, department or agency, including a housing authority, redevelopment agency or any nonprofit community housing development corporation to be the urban homesteading agency or may, by ordinance, establish a new board, commission, department or agency to act as the urban homesteading agency. Such new "Urban Homesteading Agency" shall be composed of not less than three nor more than nine members, all of whom shall be residents of the municipality, appointed by the mayor with the approval of the governing body of the city. Those first appointed shall be designated to serve one, two and three years, respectively, and thereafter members shall be appointed annually to serve for three years. Each member shall serve until his successor is appointed and has qualified. Action by such an urban homesteading agency shall be taken by majority vote of members present, provided no action may be taken unless at least fifty percent of the members are present. An urban homesteading agency created pursuant to this section shall select a secretary, who may be a member of the agency and may elect or employ such other officers, agents, technical consultants, legal counsel and employees as the agency requires. The members shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their official duties out of funds provided by the governing body of the city.

Credits

(L.1992, H.B. Nos. 1434 & 1490, § A(§ 3).)

Editors' Notes

LIBRARY REFERENCES

Municipal Corporations § 267.
 Westlaw Topic No. 268.
 C.J.S. Municipal Corporations § 957.

V. A. M. S. 99.877, MO ST 99.877

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99.879. Abandoned property report on suitability for rehabilitation or..., MO ST 99.879

Vernon's Annotated Missouri Statutes
 Title VII. Cities, Towns and Villages
 Chapter 99. Municipal Housing (Refs & Annos)
 Urban Homesteading Program

V.A.M.S. 99.879

99.879. Abandoned property report on suitability for rehabilitation or construction, duties of building official
 notice to owners--hearing--right of owner to contest--decision, procedure--eminent domain action, when

Currentness

1. In any municipality adopting an ordinance pursuant to section 99.877, the building official shall certify to the urban homesteading agency all properties which are abandoned, together with a statement as to which structures are suitable for rehabilitation, and all municipally owned properties which are vacant, together with a statement as to which properties are suitable for construction. At least quarterly thereafter the building official shall certify to the urban homesteading agency any changes in the number or condition of the abandoned properties or the vacant municipally owned properties.

2. Upon receipt of the list of the abandoned properties pursuant to subsection 1 of this section, the urban homesteading agency shall serve notice to each owner of such properties by mailing to the owner by certified mail to the last known address of such owner, or, in the case of the owner who cannot be identified or whose address is unknown, by publishing a copy of such notice in a newspaper having general circulation in the municipality, stating such property has been determined to be abandoned and setting a date for a hearing before the urban homesteading agency, or any hearing examiner appointed by the urban homesteading agency, for the purpose of determining whether the owner is willing and able to rehabilitate or demolish the vacant structure on such abandoned property within a reasonable time. At such hearing the owner may contest the designation of such property as abandoned. A decision rendered by a hearing examiner after such hearing shall be in writing and shall be filed with the urban homesteading agency for its final decision. All decisions of the urban homesteading agency shall be in writing and shall be mailed, by certified mail, return receipt requested, to each owner and to all parties to the proceedings. A decision of the urban homesteading agency may be appealed by filing an action in circuit court within thirty days after notification of the decision is received.

3. In the event that an owner fails to appear, either personally or by an attorney, on the date set for the hearing or any adjourned date of such hearing, or in the event the urban homesteading agency, after holding the hearing pursuant to subsection 2 of this section, determines that the owner of such property is not willing or able to rehabilitate or demolish such property within a reasonable time, the urban homesteading agency may recommend to the governing body of the municipality that the urban homesteading agency be authorized to acquire the property, either by purchase of the property, free and clear of any liens, for an amount not in excess of fair market value of the land and any improvements thereon as determined by the urban homesteading agency, or by eminent domain, provided all eminent domain proceedings instituted under this section shall be undertaken by the urban homesteading agency in the same manner as provided by law for condemnation proceedings by the municipality, and title to all property acquired pursuant to this subsection shall be held in the name of the municipality; or the building official that he order the structure demolished; or the tax collector, if any liens for real property taxes are due to the municipality against the abandoned property, that he institute tax foreclosure proceedings as provided by law.

4. Notwithstanding any other provision of this section, an urban homesteading agency may, at any time, with the concurrence of the governing body of the city, accept free and clear title to an abandoned property upon which exists a structure deemed rehabilitable by a building official for such consideration not in excess of fair market value of the land and any improvements on such land as determined by the urban homesteading agency.

99.879. Abandoned property report on suitability for rehabilitation or..., MO ST 99.879

Credits

(L.1992, H.B. Nos. 1434 & 1490, § A(§ 4).)

Editors' Notes

LIBRARY REFERENCES

Municipal Corporations §§ 223, 267, 281.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations §§ 881, 957, 964.

RESEARCH REFERENCES

2013 Electronic Pocket Part Update.

Treatises and Practice Aids

17A MO Practice Series § 86.03-1, Persons Entitled to Condemn Property.

V. A. M. S. 99.879, MO ST 99.879

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99.881. Publications of available property notice, content--transfer to..., MO ST 99.881

Vernon's Annotated Missouri Statutes
 Title VII. Cities, Towns and Villages
 Chapter 99. Municipal Housing (Refs & Annos)
 Urban Homesteading Program

V.A.M.S. 99.881

99.881. Publications of available property notice, content--transfer to applicant, when--consideration for transfer rehabilitation on construction for residential use

Currenttoess

1. Upon acquisition of real property by the urban homesteading agency under section 99.879 or upon certification by the building official of vacant municipally owned property and approval of the governing body of the municipality, the urban homesteading agency shall publish at least twice a notice in a newspaper having general circulation in the municipality that such property is available. Such notice shall include the estimated purchase price, the qualifications for applicants, procedures for bidding on the property and the closing date for such bidding. The second notice shall be published not less than two weeks before such closing date.

2. Within thirty days after the closing date for bidding, the urban homesteading agency shall recommend to the legislative body the transfer of such property to a qualified applicant under such terms and conditions as are determined by the agency, provided the applicant shall be selected in accordance with priorities established under section 99.891.

3. The governing body of the city may, by resolution, vote to transfer the urban homesteading property with or without compensation to the applicant selected pursuant to subsection 2 of this section. Such transfer shall be made pursuant to a contract of sale and rehabilitation or construction which shall provide among other things that, as consideration for the transfer:

(1) The property transferred be rehabilitated or constructed predominantly for residential use and be brought into and maintained in conformity with applicable health, housing and building code standards;

(2) The rehabilitation or construction shall commence and be completed within a period of time as determined by the urban homesteading agency.

Credits

(L.1992, H.B. Nos. 1434 & 1490, § A(§ 5, subsecs. 1, 2, 3, subds. (1), (2)).)

Editors' Notes

LIBRARY REFERENCES

Municipal Corporations §225(3).
 Westlaw Topic No. 268.
 C.J.S. Municipal Corporations § 882.

99.881. Publications of available property notice, content--transfer to..., MO ST 99.881

V. A. M. S. 99.881, MO ST 99.881

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Attachment: Abandoned or Vacant Properties (1137 : Abandoned or Vacant Properties)

99.891. Applicants, priority for selection, MO ST 99.891

Vernon's Annotated Missouri Statutes
 Title VII. Cities, Towns and Villages
 Chapter 99. Municipal Housing (Refs & Annos)
 Urban Homesteading Program

V.A.M.S. 99.891

99.891. Applicants, priority for selection

Currentness

The urban homesteading agency shall select from among applicants for urban homestead program property those applicants who in the determination of the agency can acquire the necessary financial and technical resources to rehabilitate or construct, own and manage urban homestead program property. Such property shall be offered to such qualified applicants in accordance with the following priorities:

- (1) Persons displaced by governmental activities declaring in writing their intent to occupy the property for a period of not less than two years;
- (2) Low- and moderate-income families declaring in writing their intent to occupy the property for a period of not less than two years;
- (3) Families or persons providing the highest bid for the property;
- (4) Level of consideration bid for the property by such persons or families;
- (5) Municipal housing authority formed pursuant to this chapter;
- (6) Any other qualified applicant, provided the urban homesteading agency has certified that no qualified urban homesteaders of higher priority have applied.

Credits

(L.1992, H.B. Nos. 1434 & 1490, § A(§ 6).)

Editors' Notes

LIBRARY REFERENCES

Municipal Corporations § 225(5).
 Westlaw Topic No. 268.
 C.J.S. Municipal Corporations § 882.

V. A. M. S. 99.891, MO ST 99.891

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99.891. Applicants, priority for selection, MO ST 99.891

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