

outline is defined and used in this document

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: BUILDING REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 500.010: EARTHQUAKE AND SEISMIC DESIGN REQUIREMENTS

All construction in the City shall comply with the requirements of Sections 319.200 through 319.207, RSMo., and any amendments thereto, relating to earthquakes and seismic construction requirements.

ARTICLE II. CONSTRUCTION PERMITS

SECTION 500.020: OBTAINING CONSTRUCTION PERMIT FOR CONNECTIONS

No sewer or water main extension or facility, construction or service connection shall be commenced without filing a construction permit application with the City of Marthasville on forms provided and subsequently receiving a construction permit from the City of Marthasville. The City shall withhold approval of the construction permit until permits are first obtained by applicant from any other pertinent regulating agency including, but not limited to, the Missouri Department of Natural Resources, U.S. Army Corp of Engineers and U.S. Environmental Protection Agency. (Ord. No. 249 §II, 1-9-01)

SECTION 500.030: COMPLIANCE OF SEWER AND WATER WORKS

All sewer and water works main extensions and service connections shall comply with the current "City of Marthasville, Water and Sewer Works Design Requirements" manual as duly approved by the City of Marthasville. (Ord. No. 249 §III, 1-9-01)

SECTION 500.040: FINAL INSPECTION—PENALTIES

The City may refuse to accept final dedication, maintenance responsibilities or ownership of any water or sewer main, facility or service unless and until all requirements of the current "City of Marthasville, Water and Sewer Works Design Requirements" are met including final inspection and approval procedures. Any person connecting to any water or sewer main, facility or service without obtaining a final inspection approval in writing from the appropriate City personnel prior to such connection shall be guilty of an offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding ninety (90) days, or by both fine and imprisonment. (Ord. No. 270 §IV, 3-11-03)

ARTICLE III. STREET SPECIFICATIONS**SECTION 500.050: PERMIT REQUIRED**

It shall be unlawful for any person, firm or corporation to construct or reconstruct any street or driveway in the City of Marthasville which serves two (2) or more residences or any commercial or industrial facility, including apartments and condominiums, without obtaining a construction permit from the City. (Ord. No. 246 §I, 8-8-00)

SECTION 500.060: PERMIT–APPLICATION–ISSUANCE

- A. Application for said construction permit shall be made on a form provided by the City Clerk. Said application shall be accompanied by a fee of twenty dollars (\$20.00) and a scale drawing one (1) inch to one hundred (100) feet showing length of roadway, right-of-way or easement width, property lines, location of sewer, water, utility lines or easements, construction setback distances and any other pertinent information requested by the City.
- B. Upon issuance of permit, the City shall determine whether said street shall be considered primary or secondary.
- C. All new streets shall be cut to grade and inspected by the City Street Commissioner prior to application of crushed limestone base. If found satisfactory, construction may proceed according to corresponding specifications for primary or secondary streets.
- D. A primary street shall be one which provides a common link to secondary streets or has the potential to provide such a link. Further, primary streets are those which carry the main flow of traffic through or from a given area or subdivision. Any street exceeding the following standards shall be considered a primary street:
 - 1. A street carrying vehicular traffic in excess of forty (40) vehicles in twenty-four (24) hours;
 - 2. Any street exceeding six hundred (600) feet in length;
 - 3. Any street serving as a link to more than two (2) intersecting through (non cul-de-sac or dead end) streets;
 - 4. Any street providing access to more than fifteen (15) homes;
 - 5. Any street carrying or intended to carry commercial or industrial traffic. (Ord. No. 246 §II, 8-8-00)

SECTION 500.070: REFUSAL OF FINAL DEDICATION OR MAINTENANCE RESPONSIBILITIES

The City shall refuse to accept final dedication or maintenance responsibilities for new streets within the City limits until they meet the following specifications and only if a permit is obtained from the City prior to construction.

1. Right-of-way for primary streets shall be fifty (50) feet minimum width with a forty (40) foot paved driving surface centered in the right-of-way. Driving surface shall be measured from edge of curb to edge of curb.
2. Right-of-way for secondary streets shall be forty (40) feet minimum width with a thirty (30) foot paved driving surface centered in the right-of-way. Driving surface shall be measured from edge of curb to edge of curb.
3. The Board of Aldermen may adjust pavement thickness as necessary to accommodate a particular situation. Example situations may include construction staging for budget reasons, or a new residential street that will be subjected to minimal construction traffic.
 - a. Pavement requirements indicated herein are minimum thicknesses, based on soils having a Minimum California Bearing Ratio of 3.0. If it is determined that poorer soils exist, pavement depths must be adjusted as necessary.
4. After streets have been cut to grade, soil shall be compacted to a minimum eighty-five percent (85%) per the modified Proctor Test, ASTM Method D1557 for the top twelve (12) inches. Streets will then be inspected before any further construction.
 - a. Asphalt streets will be constructed as follows:

A rock base of State specification, two (2) inch minus crushed limestone, shall be applied to a minimum thickness of six (6) inches after compaction. Over this shall be applied a layer of State specification one (1) inch minus crushed limestone to a minimum thickness of two (2) inches after compaction. An intermediate layer of asphaltic composition surface may be applied until construction and compaction are complete. A finish layer of hot mix asphalt shall then be applied to a thickness of not less than three (3) inches.
 - b. Concrete streets will be constructed as follows:

A rock base of State specification two (2) inches minus crushed limestone shall be applied to a minimum thickness of six (6) inches after compaction. A finish layer of concrete will be applied to a thickness of not less than six (6) inches.
 - c. Both concrete and asphalt streets shall be constructed so the centerline of the street will be crowned in the amount of three-sixteenths (3/16) inch of drop, per lineal foot, from the centerline to the edge of the driving surface.
5. Concrete curbing shall be incorporated at each edge of the paved surface. Curbing is to be thirty (30) inches wide, six (6) inches thick at street edge and twelve (12) inches thick on the outside edge. Curbing in residential areas is to be double radius face and straight vertical face in commercial/industrial areas. Concrete curbing shall not be incorporated as part of the driving surface. Example, a secondary street will be constructed with a minimum thirty (30) foot driving surface making the distance from back of curb to back of curb thirty-five (35) feet.
6. Sidewalks, if provided, shall be poured separate from curbs, minimum four (4) inches thick. Expansion joints shall be provided evenly ten (10) foot maximum and expansion grooves every five (5) feet maximum. All sidewalks shall be minimum three (3) feet wide. Sidewalks in commercial areas or along primary streets to be minimum four (4) feet wide.

7. Those same specifications shall apply to any curbing or sidewalks voluntarily built on existing streets or right-of-ways.
8. City may by majority vote make permanent exceptions to the above specifications, for street surface width only, on any existing City street right-of-way.
9. Any culvert placed under or beside the street shall be at least twelve (12) inches in diameter. All culverts used must conform to current standards of Missouri State Highway Department. All plastic culverts must have a minimum compacted cover of eighteen (18) inches. If larger culverts are necessary, size shall be determined after consultation with Street Commissioner or, alternatively, by the City Board after written application thereof. No culvert may be constructed or installed without a written permit from the Street Commissioner or the City Board. Minimum length of any culvert under a private drive or road entering a City street must be twenty (20) feet.
10. Culverts or drains placed on street right-of-way such as under intersecting private driveways or private streets are to be installed at expense of owner installing driveway or private street or drains. After acceptance by the City said culverts become public property and maintenance or replacement costs shall become the City's. Should any existing driveway, parking area, or private streets entering or on public right-of-ways require a culvert or drain and does not have existing drains, the culvert or drain may be installed by the City at property owner's expense. (Ord. No. 246 §III, 8-8-00)

SECTION 500.080: DITCHES OR TRENCHES

Ditches or trenches, which must be dug across any existing street in the City, shall be dug only after obtaining written permission from the Street Commissioner or the City Board. A monetary deposit or cash bond in an amount determined by the Street Commissioner or the City Board, sufficient to guarantee returning the street to its original condition, shall be deposited with the City Clerk prior to the beginning of the excavation. This cash bond shall be a minimum of ten dollars (\$10.00) per lineal foot of pavement crossed. The individual or contractor doing the excavating shall be totally responsible for any and all cost incurred in rebuilding the street. Any excess funds remaining after completion and inspection of the damaged area shall be refunded to the depositor within thirty (30) days after completion. When crossing an existing hot mix asphalt paved surface, the trench outline plus six (6) inches on each side of same shall be cut by saw or jackhammer with paving cutter blade. After excavation and disposal of pavement material, backfill around utility item shall be carefully performed with one (1) inch minus State specification crushed limestone compacted in maximum eight (8) inch lifts. Patching with cold mix asphalt composition shall be acceptable unless previously determined otherwise by the City. (Ord. No. 246 §IV, 8-8-00)

SECTION 500.090: UTILITY LINES

All water mains, sewer lines, electric lines or other utility lines shall be laid within a strip not exceeding five (5) feet lying outside of and adjacent to the right-of-way. All utility lines crossing a City street shall cross at a ninety degree (90°) angle; unless determined by the Street Commissioner or the City Board in writing that such crossing is not practical or reasonable. All utility lines shall be a minimum of thirty (30) inches deep. (Ord. No. 246 §V, 8-8-00)

CHAPTER 505: DANGEROUS BUILDINGS

SECTION 505.010: PURPOSE AND SCOPE

It is the purpose of this Chapter to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or the general public, and this Chapter shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the City of Marthasville, Missouri.

SECTION 505.020: DANGEROUS BUILDINGS DEFINED

All buildings or structures that are detrimental to the health, safety or welfare of the residents of the City and that have any or all of the following defects shall be deemed "*dangerous buildings*":

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members or fifty percent (50%) damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Those that have improperly distributed loads 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.
4. Those that have 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 people of the City.
5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.
6. Those having 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.
7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.
8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.
9. Those that because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this City.

SECTION 505.030: DANGEROUS BUILDINGS DECLARED NUISANCE

All dangerous buildings or structures, as defined by Section 505.020 of this Chapter, are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided herein.

SECTION 505.040: STANDARDS FOR REPAIR, VACATION OR DEMOLITION

The following standards shall be followed in substance by the Building Inspector and the Building Commissioner in ordering repair, vacation or demolition of any dangerous building.

1. If the dangerous building can reasonably be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be ordered repaired.
2. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.
3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be demolished.
4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Chapter or any ordinance of this City or Statute of the State of Missouri, it shall be repaired or demolished.

SECTION 505.050: BUILDING INSPECTOR

The designated City Official or an agent acting as contractor for the City shall be the Building Inspector(s) within the meaning of this Chapter.

SECTION 505.060: DUTIES OF BUILDING INSPECTOR—PROCEDURE AND NOTICE

The Building Inspector(s) shall have the duty under this Chapter to:

1. Inspect or cause to be inspected, as often 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 render such place to be a dangerous building when he/she has reasonable grounds to believe that any such building is 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 Chapter, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.
3. Inspect any building, wall or structure reported by the Fire or Police Departments of this City as probably existing in violation of this Chapter.
4. Notify the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building or structure, as shown by the land records of the Recorder of Deeds of Warren

County, of any building or structure found by him/her to be a dangerous building or structure within the standards set forth in Section 505.020. Such notice shall be in writing and shall be given either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) consecutive weeks.

The notice required shall state that:

- a. The owner must vacate, vacate and repair, or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Chapter.
- 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 Warren County may, at his/her own risk, repair, vacate or demolish the building and clean up the property or have such work done;

provided, that any person notified under this Subsection to repair, vacate or demolish any building or clean up the property shall be given such reasonable time not exceeding thirty (30) days to commence the required work.

5. The notice provided for in this Section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building, a statement indicating that as a dangerous building said building or structure constitutes a nuisance, and an order requiring the designated work to be commenced within the time provided for in the above Subsection.
6. Report in writing to the City Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay.
7. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.
8. Immediately report to the Building Commissioner concerning any building found by him/her to be inherently dangerous and that he/she determined to be a nuisance per se. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee 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 Warren County. It is unlawful to remove this notice until such notice is complied with."

Provided however, that the order by the Building Commissioner and the posting of said notice

shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein.

SECTION 505.070: BUILDING COMMISSIONER

The Mayor shall act as Building Commissioner under this Chapter.

SECTION 505.080: DUTIES OF THE BUILDING COMMISSIONER

The Building Commissioner shall have the powers and duties pursuant to this Chapter to:

1. Supervise all inspections required by this Chapter and cause the Building Inspector to make inspections and perform all the duties required of him/her by this Chapter. Upon receiving a complaint or report from any source that a dangerous building exists in the City, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his/her duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other City department or retain services of an expert whenever the Building Commissioner deems such service necessary.
2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other persons(s) having an interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, hold a hearing giving the affected parties full and adequate hearing on the matter.
3. Give written notice of said hearing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of those modes of service, then by publication in a newspaper qualified to publish legal notices, at least ten (10) days in advance of the 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 Warren County who may appear before the Building Commissioner 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 Building Inspector's notice as provided herein. Any party may be represented by counsel and all parties shall have an opportunity to be heard.
4. 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 within the terms of Section 505.020 of this Chapter.
5. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building and a nuisance and detrimental to the health, safety or welfare of the residents of the City, the Building Commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other persons(s) having an interest in said building as shown by the land records of the Recorder of Deeds of Warren County to repair, vacate or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified shall have the

privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this City, or may vacate and demolish said dangerous building at his/her own risk to prevent the acquiring by the City of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building or a nuisance or detrimental to the health, safety or welfare of the residents of the City, no order shall be issued.

6. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Building Commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant. If the Building Commissioner or other designated officer or officers issues an order whereby the building or structure is demolished, secured or repaired, or the property is cleaned up, the cost of performance shall be certified to the City Clerk or officer in charge of finance who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the City Collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. Except as provided in Section 505.090, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid. Said tax bill or assessment shall bear interest at a rate of eight percent (8%) per annum until paid.

SECTION 505.090: INSURANCE PROCEEDS—HOW HANDLED

- 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, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds as set forth in this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:
 1. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment and shall pay such monies to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Chapter.
 2. The City shall release the proceeds and any interest that has accrued on such proceeds received under Subdivision (1) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (6) of Section 505.080. If the City has proceeded under the provisions of Subsection (6) of Section 505.080, all monies in excess of that necessary to comply with the provisions of Subsection (6) of Section 505.080 for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.
- B. If there are no proceeds of any insurance policy as set forth in Subsection (A) of this Section, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten

- (10) years. The tax bill from the date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.
- C. This Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
- D. This Section does not make the City a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
- E. The Building Commissioner may certify that in lieu of payment of all or part of the covered claim payment under Subsection (A) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (A) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided for in this Subsection.

SECTION 505.100: APPEAL

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the Recorder of Deeds of Warren County may appeal such decision to the Circuit Court of Warren County, as provided for in Sections 536.100 to 536.140, RSMo., if a proper record as defined in Section 536.130, RSMo., is maintained of the hearing provided for in Section 505.080 hereof. Otherwise, the appeal shall be made pursuant to the procedures provided for in Section 536.150, RSMo.

SECTION 505.110: EMERGENCIES

In cases where it reasonably appears that there is immediate danger to the health, life, safety or welfare of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished and the property is cleaned up, the Building Inspector shall report such facts to the Building Commissioner and the Building Commissioner may cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Sections 505.080 and 505.090.

SECTION 505.120: VIOLATIONS—DISREGARDING NOTICES OR ORDERS

The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Building Commissioner or who shall fail to proceed continuously without unnecessary delay; and any person removing any notices provided for in this Chapter; and any person violating any other provisions of this Chapter shall be guilty of an ordinance violation and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00). Each day that a person fails to comply with an order of the Building Commissioner may be deemed a separate offense.