

## Chapter 500

### BUILDING REGULATIONS

#### ARTICLE I

#### Fire Limits, Plans And Permits

**Section 500.010. Fire Limits.** [CC 1992 § 42.010]

The following shall be and are hereby declared to be fire limits: all of Blocks numbered 100 to 700 in the original Town, now City of Center, Missouri.

**Section 500.020. Permit Required.** [CC 1992 § 42.020; Ord. No. 191 § 42.020, 8-3-2005]

- A. No wall, structure, building or part thereof shall hereafter be built, enlarged, or altered within said City until a plan of the proposed work, together with a statement of the materials to be used, shall have been submitted in writing in duplicate to the Building Inspector who shall, in accordance with the provisions herein contained, issue a permit for the proposed construction. No such permit shall be issued until the Building Inspector has examined the proposed plan and examined the proposed building site. The permit herein required shall be made in duplicate in such forms as may be adopted by resolution of the Board of Alderman, and one (1) copy thereof shall be kept on file in the office of the City Clerk. It shall be unlawful for any person, firm, or corporation, from and after the passage and approval of this Chapter, to erect any wall, structure or any part thereof within the limits of the City in violation of the provisions of this Chapter; and any wall, structure or other part thereof so erected shall be razed or removed as hereinafter provided. No building shall be moved until a permit has been obtained from the Building Inspector, and such official shall not issue such permit if, in his/her judgement, the proposed new location would seriously increase the fire hazard to the surrounding buildings. When any wall, structure, building, or part thereof shall be constructed within the fire limits of the City, contrary to the provisions of this Chapter, it shall be the duty of the Building Inspector to issue a written order requiring the owner or occupant in charge of the building thereof to cause such wall, structure, building, or other part thereof to be altered, taken down, or removed. If the person so notified shall refuse or neglect for the space of ten (10) days to comply with the requirements of the order of the Building Inspector as herein provided, then such officer shall notify the Street Commissioners (or other designated official) whose duty it shall be to forthwith cause such wall, structure, building, or part thereof to be taken down or removed, and the expense incident thereto shall be recovered by the owner of said property by a suit in a Court of competent jurisdiction.
- B. Before the issuance of a permit as required under this Section, the applicant must tender a permit fee in the amount of twenty-five dollars (\$25.00) for residential property or fifty dollars (\$50.00) for commercial property, payable to the City of Center.

- C. The Fire Chief of the City of Center shall serve as Building Inspector and shall be paid an annual salary for his/her services in an amount to be determined by the Board of Aldermen.

## ARTICLE II

### Construction And Equipment Of Buildings In General

**Section 500.030. Incombustible Walls, Cornices And Roof Covering Required Within Fire Limits.** [CC 1992 § 42.100]

Every building erected or enlarged within the fire limits as set out in Section 500.010 hereof shall be enclosed on all sides with walls constructed wholly of stone, brick, hollow building tile, concrete, or other equivalent incombustible materials, and shall have the roof, top and sides of all roof structures, including dormer windows, covered with incombustible materials. All cornices shall be of incombustible material. Buildings with wooden framework clad with sheet metal or stucco or veneered with brick or its equivalent shall be classed as frame buildings.

**Section 500.040. Permissible Wooden Structures Within Fire Limits.** [CC 1992 § 42.110]

- A. No frame or wooden structure shall hereafter be built within the fire limits as given herein, or as they may be hereafter established, except the following, and all roofs placed upon such buildings or structures shall have an incombustible covering.
1. Temporary one-story frame buildings for use of builders.
  2. Wooden fences not over ten (10) feet high.
  3. Piazzas or balconies not exceeding ten (10) feet in width, nor extending more than three (3) feet above the second story floor beams. No such structure shall extend beyond the lot line, nor be joined to any similar structure of another building.
  4. Bay windows when covered with incombustible material.
  5. Small outbuildings not exceeding one hundred fifty (150) square feet in area and eight (8) feet in height.
  6. One-story sheds not over fifteen (15) feet high, open on the long side, with sides covered with incombustible material, and with an area not exceeding five hundred (500) square feet.
  7. One-family residences.
  8. Brick or stone veneer buildings that have no party walls or common walls with any other building and are not joined at any point by any other building.

**Section 500.050. Repairing Frame Buildings Within Fire Limits.** [CC 1992 § 42.120]

Any existing frame building within the fire limits, which may hereafter be damaged by fire, decay or otherwise to an amount greater than one-half (1/2) of its present value, exclusive of foundation, shall not be repaired or rebuilt, but shall be removed.

**Section 500.060. Limits Of Area Within Fire Limits.** [CC 1992 § 42.130]

The floor areas between fire walls of non-fireproof buildings shall not exceed the following: When fronting on one (1) street, five thousand (5,000) square feet; when fronting on two (2) streets, six thousand (6,000) square feet; and when fronting on three (3) streets, seven thousand five hundred (7,500) square feet. These area limits may be increased under the following conditions as indicated: for non-fireproof buildings, fully equipped with approved automatic sprinklers, sixty-six and two thirds percent (66 2/3%); for fireproof buildings, fifty percent (50%).

**Section 500.070. Wall Thickness.** [CC 1992 § 42.140]

All exterior or division walls of buildings hereafter erected in the fire limits, except buildings of the dwelling house class, shall be not less than twelve (12) inches in thickness; for buildings exceeding one (1) story in height, the walls of the upper stories shall be not less than twelve (12) inches in thickness, increasing four (4) inches in thickness for each two (2) stories or fraction thereof below. In all buildings in the fire limits, party walls and fire walls which serve as bearing walls on both sides shall be four (4) inches thicker. Reinforced concrete walls with the steel reinforcement running both horizontally and vertically and weighing not less than one-half pound per square foot of wall may have a thickness four (4) inches less than that prescribed above. No two-story increment shall exceed thirty (30) feet in height. Fire walls shall be continuous from foundation to eighteen (18) inches on buildings four (4) stories and over, and shall be coped. Every building within the fire limits having an area of four hundred (400) square feet or over, except churches, dwellings, tenement houses, dormitories and lodging houses, shall have standard fire doors, shutters or wired glass in incombustible frames and sash on every exterior opening in any side wall, except where such wall faces a street at least forty (40) feet wide. Occupants of buildings shall close all exterior and interior fire doors, shutters and windows at the close of business each day.

**Section 500.080. Roof Covering.** [CC 1992 § 42.150]

Every building hereafter erected within the corporate limits of this City shall have a fire-resistive roof covering, and no existing wooden shingle roof, if damaged more than ten percent (10%), shall be renewed or repaired with other than fire-resistive covering.

**Section 500.090. Smoke Pipes.** [CC 1992 § 42.160]

No smoke pipe shall be within eighteen (18) inches of any woodwork or any wooden lath and plaster partition or ceiling. Where smoke pipes pass through a wooden lath and plaster partition, they shall be guarded by galvanized iron ventilated thimbles at least twelve (12) inches larger in diameter than the pipes, or by galvanized iron thimbles built in at least eight (8) inches of brick work or other incombustible material. No smoke pipe shall pass through any floor, side of building or a roof having wooden framework or covering.

**Section 500.100. Stoves, Ranges, Heating Furnaces Or Similar Appliances.** [CC 1992 § 42.170]

No kitchen range, stove, heating furnace or other similar appliance in any building shall be placed within eighteen (18) inches of any woodwork or wooden lath and plaster partition. Coal ranges, heating furnaces or similar appliances without legs shall rest upon eight-inch foundations built of incombustible materials supported within the thickness of the floor framing. Such hearths

shall extend at least eighteen (18) inches in front and eighteen (18) inches on the sides and back of the ranges or similar heating appliances. All coal stoves or ranges or similar appliances with legs shall be set out on incombustible material which shall extend at least eighteen (18) inches in front and twelve (12) inches at side and rear.

**Section 500.110. Electrical Installations.** [CC 1992 § 42.175]

All electrical installations shall conform to the requirements of the National Electrical Code.

**Section 500.120. Plumbing Installations.** [CC 1992 § 42.180]

All plumbing installations shall conform to the requirements of the National Plumbing Code.

**Section 500.130. Safety Design.** [CC 1992 § 42.185]

All parts of every building shall be designed to safely carry the loads to be imposed thereon, and shall in all other respects conform to good engineering practices.

ARTICLE III  
**Construction Of Chimneys, Flues And Fireplaces**

**Section 500.140. Scope Of Article.** [CC 1992 § 42.190]

This Article does not apply to chimneys for high-pressure boilers, furnaces used in manufacturing or for other heating appliances where high temperatures are maintained, but shall apply to all other chimneys which form a part of a building construction.

**Section 500.150. Construction Requirements.** [CC 1992 § 42.200]

The walls of all chimneys to which this Article applies, whether the fuel used be wood, coal, gas or oil, shall be built of solid brick of such thickness and construction as is hereafter specified. The walls of chimneys shall not be less than three and three-fourths (3 3/4) inches thick (width of a standard size brick), and shall be lined with fire clay flue lining. All brick work shall be laid in spread mortar, with all joints push-filled. Exposed joints shall be struck smooth. All mortar used in chimney construction shall be cement mortar proportioned as follows: two (2) bags of Portland Cement, not less than one hundred eighty-eight (188) pounds, and one (1) bag of dry hydrated lime, five hundred (500) pounds, thoroughly mixed dry. To this mixture shall be added three (3) times its volume of clean, sharp sand with sufficient water to produce proper consistency.

**Section 500.160. Flue Lining.** [CC 1992 § 42.210]

Fire clay flue linings shall be manufactured from suitable refractory clay, either natural or compounded, which has a softening point not lower than one thousand nine hundred ninety-four degrees Fahrenheit (1,994° F.), and shall be adapted to withstand high temperatures and flue gases. The lining shall be of standard commercial thickness, but not less than three-fourths (3/4) inch. The flue sections shall have the joints struck smooth on the inside. The masonry shall be built around each section of lining as it is placed, and all spaces between masonry and linings shall be completely filled with mortar. No broken flue lining shall be used. Flue lining shall start

at least four (4) inches below the bottom of smoke pipes, intakes of flue, or from the throats of fireplaces, and shall be continuous the entire height of the flues and project at least four (4) inches above chimney top to allow for a two-inch wash and a two-inch projection of lining. The wash or spray shall be formed of a rock cement mortar. To improve the draft, the wash surface should be concave wherever practical. Instead of the wash, a special chimney cap or capping may be used.

**Section 500.170. Chimney Surroundings.** [CC 1992 § 42.220]

Chimneys shall be built at least three (3) feet above flat roofs and two (2) feet above the ridges of peak roofs and shall be properly capped with stone, terra cotta, concrete, cast iron, or other approved material, but no such cap or capping shall decrease the required flue area. Chimneys shall not rest upon or be carried by wooden floors, beams or brackets, nor be hung from wooden rafters. Iron brackets or stirrups attached to wooded construction shall not be used to support chimneys. In frame buildings, chimneys shall always be built from the ground up or rest on basement walls. Chimneys shall be built upon concrete or masonry foundations properly proportioned to carry the weight imposed without danger of settlement or cracking. The foundation for an exterior chimney shall start below the frost line. The walls of brick chimneys may form part of a chimney, but the walls of the chimney shall be securely bonded into the walls of the buildings, and the flue shall be lined the same as an independent chimney. Flues in party walls shall not exceed beyond the center of the walls, and their locations shall be permanently indicated on the exposed side of the wall. No wall less than twelve (12) inches thick shall be used to support a corbeled chimney, such corbeling shall not project more than six (6) inches from the face of the wall, and in all such cases the corbeling shall consist of at least five (5) courses of brick. Irrespective of whether the fuel used be coal, wood or oil, the minimum area inside of chimney flue linings for various heating devices shall be as follows: for warm air furnaces, or low pressure steam or hot water heating boilers, not less than seventy-five (75) square inches for rectangular flues, or an inside diameter of seven (7) inches for round flues.

**Section 500.180. Combustible Materials Not To Be Placed Against Chimney.** [CC 1992 § 42.230]

No wooden beams, joists, or rafters shall be placed within two (2) inches of the outside face of chimneys, whether the same be for smoke, air or other purpose. No woodwork shall be placed within four (4) inches of the back wall of any fireplace. All spaces between chimneys and wooden joists or beams shall be filled with loose cinders, loose mortar refuse, gypsum block, or other porous incombustible material to form a fire stop. The incombustible material shall be supported by strips of sheet metal or metal lath set into the brickwork and nailed to the wooden beams, forming a buckled flexible joint between, or by similar strips of metal nailed to the woodwork with the inner edge close to the chimney. No wooden studding, furring, lathing or plugging shall be placed against any chimney or in the joints thereof, wooden constructions shall either be set away from the chimneys, or the plastering shall be directly on the masonry or on metal lathing or on incombustible furring material. Wood furring strips placed around chimneys to support base or other trim shall be insulated from the masonry by asbestos paper, at least one-eighth (1/8) inch thick, and metal wall plugs or approved incombustible nail holding devices attached to the wall surface shall be used for nailing.

**Section 500.190. Fireplaces.** [CC 1992 § 42.240]

The wall of fireplaces shall never be less than eight (8) inches thick, and if built of stone, the minimum thickness shall be twelve (12) inches. All fireplaces and chimney breasts shall have trimmer arches or other approved fire-resistive construction supporting hearths. The arches and hearths shall be at least twenty (20) inches wide measured from the face of the chimney breast. The arches shall be of brick, stone or hollow tile, not less than four (4) inches thick. A flat stone or a reinforced concrete slab may be used to carry the hearth instead of an arch if it be properly supported and a suitable fill be provided between it and the hearth. The length of trimmer arches and hearths shall be not less than twenty-four (24) inches longer than the fireplace opening. Hearths shall be of brick, stone, tile or concrete as may be specified. Wood centering under a trimmer arch shall be removed before plastering the ceiling beneath. No wooden mantel or other woodwork shall be placed within eight (8) inches of the side or within twelve (12) inches of the top of any open fireplace. No combustible summer pieces of fireboard shall be used.

#### ARTICLE IV Regulating Public Garages

**Section 500.200. Garage Defined.** [CC 1992 § 42.300]

For the purpose of this Chapter, the following term shall have the meaning indicated:

**PUBLIC GARAGE** — One in which there shall be housed or kept more than three (3) self-propelled vehicles or automobiles.

**Section 500.210. Location Restrictions.** [CC 1992 § 42.310]

No public garage shall be located within fifty (50) feet of any school, place of assemblage or place of detention.

**Section 500.220. Building Restrictions.** [CC 1992 § 42.320]

No public garage shall hereafter be located in any frame building or in any building used in part for other purposes, or in any building that does not have a concrete or equally fire-resistive floor.

**Section 500.230. Storage Room, Garage, Prohibited, When.** [CC 1992 § 42.330]

No room used for storage shall be permitted below a grade which prevents natural ventilation at the floor level.

**Section 500.240. Smoking Prohibited.** [CC 1992 § 42.340]

Smoking shall not be permitted in any public garage, and in every public garage signs to that effect shall be prominently displayed in three (3) or more places. Such signs shall have the words "No Smoking" in red letters at least four (4) inches high on white background, also the words "By Order of the Chief of the Fire Department" in black letters at least one (1) inch high.

**Section 500.250. Gasoline Prohibited In Drainage System.** [CC 1992 § 42.350]

In no instance shall gasoline or other volatile or flammable liquid be allowed to run upon the floor or to fall or pass into the drainage system of the premises. Self-closing metal cans shall be used for all oily waste or wasted oils.

**Section 500.260. Fire Extinguisher Required.** [CC 1992 § 42.360]

In every public garage, two (2) or more approved chemical fire extinguishers and four (4) or more pails of sand shall be kept convenient for quick use in case of fire.

ARTICLE V  
**Volatile Combustibles**

**Section 500.270. Storage Of Liquid Combustibles.** [CC 1992 § 42.400]

Gasoline, naphtha, benzene, benzole, and other like volatile combustibles or their compounds in excess of a total of five (5) gallons, exclusive of that in tanks of automobiles, in combustion engines, or in approved portable wheeled tanks in public garages, each not exceeding sixty (60) gallons capacity, shall not be kept within any building. A total of five (5) gallons or less shall be kept only in cans approved by the Chief of the Fire Department. Any quantity in excess of five (5) gallons shall be kept only in a tank or tanks placed not less than three (3) feet beneath the surface of the ground and approved by the Chief of the Fire Department, or in an outside tank or tanks aboveground and approved by the Chief of the Fire Department, located not less than fifty (50) feet from the line of any adjoining property which may be built upon; and no underground tanks shall be placed, constructed, or maintained under a public sidewalk or in a sidewalk area.

**Section 500.280. Smoking Prohibited.** [CC 1992 § 42.410]

Smoking shall not be permitted in any place storing, handling or dispensing gasoline, naphtha, benzene, benzole and other like volatile combustibles or their compounds, and signs to that effect shall be prominently displayed in three (3) or more places. Said signs shall conform to that described in Section 500.240 hereof.

**Section 500.290. Drainage.** [CC 1992 § 42.420]

In no instance shall gasoline, naphtha, benzene, benzole, and other like volatile combustibles or their compounds be allowed to run upon the floor or fall or pass into the drainage system of the premises. Self-closing metal cans shall be used for all oily waste or wasted oils.

ARTICLE VI  
**Explosives**

**Section 500.300. Storage Of Explosives Prohibited.** [CC 1992 § 42.450]

It shall be unlawful to store or keep any dynamite, nitro-glycerin, giant powder, or other explosives, other than gunpowder, in any storeroom, wareroom, building or any premises within the City limits of this City.

**Section 500.310. Storage Of Gunpowder.** [CC 1992 § 42.460]

Not more than five (5) pounds of gunpowder shall be kept in closed metal canisters in a store or wareroom away from artificial heat or light, and not more than fifty (50) pounds of gunpowder may be kept in a magazine of fireproof material or of wood covered with sheet iron and mounted on wheels and kept securely locked, except when necessarily opened for use by authorized persons, and not more than one thousand (1,000) blasting caps in a similar but separate

magazine. Said magazines shall be conspicuously labeled in red letters at least four (4) inches high "EXPLOSIVES" and located within the building on the floor nearest the street level and within ten (10) feet of the street entrance.

**Section 500.320. Permit To Store Gunpowder Necessary.** [CC 1992 § 42.470]

Any person, firm or corporation who shall sell or store gunpowder shall obtain a permit from the Chief of the Fire Department, who shall inspect the place where same is kept, and if found in compliance with the terms of this Chapter, may issue said permit.

ARTICLE VII  
**Building Inspection**

**Section 500.330. Fire Chief To Inspect Business Buildings.** [CC 1992 § 42.500]

It shall be the duty of the Chief of the Fire Department to inspect or to cause to be inspected by Fire Department Officers or members, as often as may be necessary but not less than twice a year, all buildings, premises and public thoroughfares, except private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire. A written report of every such inspection shall be filed with the City Clerk and Collector by the inspector. Whenever any officer or member shall find in any building, or upon the premises or other place, combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any other highly inflammable materials especially liable to cause fire, and which is so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the Fire Department, or egress of occupants, in case of fire, he/she shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings. It shall be the duty of the inspector to make a reinspection not later than forty-eight (48) hours after notice has been given to determine if said order has been complied with, and if upon such reinspection the inspector finds that his/her order has not been complied with, then it shall become his/her duty to file written information with the City Attorney setting out the name of the owner and/or occupant of the building, correct address of building and a true copy of conditions existing in violation of this Chapter. The City Attorney shall proceed at once to prosecute said owner and/or occupant upon such information as given him/her by the inspector, and if deemed guilty, such owner and/or occupant shall be liable as hereinafter set forth.

**Section 500.340. 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.

**Section 500.350. Violations And Penalties.** [CC 1992 § 42.520]

Any and all persons who shall violate any of the provisions of this Chapter or fail to comply therewith, or who shall violate or fail to comply with any order or regulation made thereunder, shall severally for each and every such violation or noncompliance respectively be deemed guilty



of an ordinance violation and, upon conviction thereof, be punished by a fine not exceeding one hundred dollars (\$100.00). The imposition of one (1) penalty for any violation of this Chapter shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violation or defect within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions, as provided in Section 500.020 of this Chapter.

ARTICLE VIII  
**Numbering Of Houses**

**Section 500.360. Legal Address To Be Displayed.** [Ord. No. 192, 10-5-2005]

The owner and occupant of any building, home, dwelling, or structure located within the City of Center shall visibly display the legal address of such home, dwelling, building, or structure as designated by Ralls County 911 in a manner readily visible to members of the general public.

**Section 500.370. Height Of Numbers.** [Ord. No. 192, 10-5-2005]

All letters and numbers used to display such address, as required pursuant to this Article, shall be a minimum of three (3) inches in height and shall be displayed on the mailbox or exterior of the residence.

**Section 500.380. Violations And Penalties.** [Ord. No. 192, 10-5-2005]

Failure to display an address as set forth in this Article constitutes an ordinance violation, and any person in violation hereof shall be fined a minimum of ten dollars (\$10.00), not to exceed one hundred dollars (\$100.00).

## 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 Center, Missouri.

#### Section 505.020. Dangerous Buildings Defined.

- A. 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.**

- A. 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 Fire Chief shall be the Building Inspector(s) within the meaning of this Chapter.

**Section 505.060. Duties Of Building Inspector — Procedure And Notice.**

- A. 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 Department 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 Ralls 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.
  - a. The notice required shall state that:
    - (1) 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.
    - (2) The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession.
    - (3) The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Ralls County may, at his/her own risk, repair, vacate or demolish the building and clean up the property or have such work done.
  - b. 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.
  - c. 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.
5. 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.
6. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.
7. 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.
  - a. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:
    - a. "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 Ralls County. It is unlawful to remove this notice until such notice is complied with."

- b. 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.**

- A. 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 person(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 Ralls 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 person(s) having an interest in said building as shown by the land records of the Recorder of Deeds of Ralls 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 Subsection (A)(1) 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 (A)(6) of Section 505.080. If the City has proceeded under the provisions of Subsection (A)(6) of Section 505.080, all monies in excess of that necessary to comply with the provisions of Subsection (A)(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 Ralls County may appeal such decision to the Circuit Court of Ralls 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 in accordance with Section 100.220 of this Code. Each day that a person fails to comply with an order of the Building Commissioner may be deemed a separate offense.



## **Chapter 510**

### **SIDEWALKS**

#### **Section 510.010. Petitioning.** [CC 1992 § 41.010]

Any ten (10) registered voters of the City of Center may petition the Board of Aldermen thereof to build a sidewalk along any property within the corporate limits of the City. Such petition shall be referred to a committee on streets and alleys, whose duty it shall be to examine the petition and make full investigation with regard to the proposed sidewalk and report to the Board of Aldermen at its next regular or special meeting. The report shall state the kind of material to be used in the construction of said sidewalk, which report may be adopted or rejected by a majority vote of all members elected to the Board of Aldermen.

#### **Section 510.020. Plans And Specifications.** [CC 1992 § 41.020]

When a sidewalk shall be ordered to be built, it shall be the duty of the Street Commissioner immediately thereafter to file with the City Clerk complete plans and specifications, including the material to be used, the length and breadth of the proposed sidewalk, and the amount of grading and excavating necessary to be done, and shall also submit to the Board of Aldermen an estimate of the probable cost to be incurred in building the same.

#### **Section 510.030. Advertising.** [CC 1992 § 41.030]

Immediately after receiving and filing the plans and specifications hereinabove provided, it shall be the duty of the City Clerk to advertise for bids on the same for one (1) week in some newspaper of general circulation in the City of Center, stating therein that such work shall be paid for in special tax bills as hereinafter mentioned, and such bids shall be received at the City Clerk's office, and reserving to the City the right to reject any and all bids. Such bids as may be received shall be submitted by the City Clerk to the Board of Aldermen at its next regular or special meeting.

#### **Section 510.040. Contracting.** [CC 1992 § 41.040]

The Board of Aldermen shall have the power to contract with the lowest and best bidder upon the plans and specifications above-mentioned requiring a contractor to enter into good and sufficient bond with the City for the due performance of his/her contract; provided the City shall in no event contract with any bidder whose bid exceeds the estimate made by the Street Commissioner.

#### **Section 510.050. Expense Of Building.** [CC 1992 § 41.050]

The expense of building any sidewalk as hereinbefore mentioned shall be paid in special tax bills

assessed against the abutting property liable therefor, as provided in Section 510.060 of this Chapter; and such tax bill shall constitute a lien upon such property until paid, and shall bear interest at the rate of eight percent (8%) per annum after thirty (30) days from date of issue. Such tax bill shall be assignable and collectable in any action brought in the name of the City, at the relation and to the use of the holder thereof, and shall in any action thereon be prima facie evidence of the regularity of the proceedings for such special assessment, of the validity of the bill, of the doing of the work, and of the furnishing of the materials charged and for such of the liability of the property to the charges stated in the bill. Such tax bills shall be signed and certified to by the Street Commissioner and attested by the City Clerk and shall become immediately due and collectable after date of issue.

**Section 510.060. Special Tax Bills.** [CC 1992 § 41.060]

Each lot, tract, parcel or piece of ground abutting on such sidewalk or along which such sidewalk shall be built or repaired, as hereinafter provided for, shall be liable for costs and expenses thereof in proportion to the front foot of same, provided the corner lots shall be liable for the extension of the sidewalk to the curb line each way. It shall be the duty of the Street Commissioner, as soon as any contract shall be let for the construction of any sidewalk, to measure the frontage of each lot, tract, piece or parcel of ground abutting thereon and report the same to the Board of Aldermen, who shall by ordinance assess the costs and expense of building such sidewalk as a special charge against the lot or tract of ground therefor.

**Section 510.070. The City May Construct, When And How.** [CC 1992 § 41.070]

Whenever the City shall advertise for bids for the construction of any new sidewalk or for the construction of any new sidewalks in the place of sidewalks condemned and no bids shall be received, the City may proceed to construct or reconstruct any such sidewalk at its own expense. It shall be the duty of the Street Commissioner in case such sidewalk is constructed or reconstructed by the City to keep an accurate account of the amount of expenses for labor and materials, including grading and filling opposite each lot or piece of ground, and present the same to the Board of Aldermen for assessment, and each lot or piece of ground abutting on such sidewalk shall be liable for the costs thereof as reported to the Board of Aldermen by the Street Commissioner in proportions of the front foot thereof, and special tax bills shall be issued for the amount thereof, which shall bear interest at the rate of eight percent (8%) per annum after thirty (30) days from date of issue; such tax bills shall be signed and certified to by the Street Commissioner and attested by the City Clerk and shall become immediately due and collectable after date of issue, and shall in any action thereon by the City be prima facie evidence of the regularity of the proceedings for special assessments, of the validity of the bill, of the doing of the work, of the furnishing of the materials charged for and of the liability of the property to the charge stated in the bill.

**Section 510.080. Collection Of Special Tax Bills.** [CC 1992 § 41.080]

All tax bills issued in accordance with this Chapter shall be placed in the hands of the City Collector. The City Collector shall proceed at once to collect same and pay all money so collected to the City Treasury and shall report to the Board of Aldermen all such tax bills which from any cause he/she is unable to collect, and it shall be the duty of the City Attorney to

institute suit upon the same when so ordered by the Board of Aldermen.

**Section 510.090. Specifications.** [CC 1992 § 41.090]

All sidewalks hereinafter made in the City of Center shall be constructed of granitoid and done in a workmanlike manner and subject to the approval of the Street Commissioner. All sidewalks shall not be less than forty (40) inches in width.

**Section 510.100. Repair.** [CC 1992 § 41.100]

It shall be the duty of each and every owner of lots or land in the City of Center to keep the sidewalks in front of his or her property in good repair at all times with the same material and constructed in the same manner as when originally built. The Street Commissioner shall have power, if he/she deems it necessary, to cause any such repairs to be made without giving notice to the owners, and shall keep an accurate account of the costs of such repairs and shall report the same to the Board of Aldermen for assessment. The Board of Aldermen shall assess the expense of repairs in the same manner as provided for in building new sidewalks, and special tax bills shall be issued therefor, and the abutting property shall be liable therefor as provided in case of building new sidewalks, and said tax bill shall constitute a lien on such property until paid. Such special tax bill shall bear interest at the rate of eight percent (8%) per annum after thirty (30) days from the date of issue of same and shall become immediately due and collectable from date of issue and shall be signed and certified by the Street Commissioner and attested by the City Clerk. In any action on such special tax bills by the City, the same shall be prima facie evidence of the regularity of the proceedings for such special assessment, of the validity of the bill, of the doing of the work, and of the furnishing of the materials charged for and of the liability of the property to the charge stated in the bill.

**Section 510.110. Prohibition.** [CC 1992 § 41.110]

No person shall construct or cause to be constructed in this City any platform or steps, cellar, grate, or window curbing so as to extend upon any sidewalk over two (2) feet. No person shall make or cause to be made a cellar door in any sidewalk so as to extend more than four (4) feet into the sidewalk, and such door shall be good and substantial and shall not rise above the sidewalk nor shall the hinges or latch rise above the door.

**Section 510.120. Penalty.** [CC 1992 § 41.120]

Whoever shall place any obstruction, as hereinbefore named, in or upon any sidewalk in this City or shall cause the same to be done by another, and whoever shall place or cause to be placed any obstruction in or upon any sidewalk or in any street or alley and shall fail or refuse to move the same at the request of the Street Commissioner, and whoever shall violate in any way any of the provisions of this Chapter, shall forfeit and pay to the City a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for every day he/she allows the same to remain after being requested to remove the same.