

Chapter 500

BUILDING REGULATIONS

Editor's Note — Ord. no. 429 §1, adopted February 19, 2013, repealed ch. 500 "building regulations" article I — V and enacted new provisions set out herein.

ARTICLE I Building Code

Section 500.010. Building Code Adopted. [Ord. No. 429 §1, 2-19-2013]

That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Clever, being marked and designated as "The International Building Code, 2000 Edition", including Appendix Chapters A through F, as published by the International Code Council, Inc., be and is hereby adopted as the Building Code of the City of Clever in the State of Missouri for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Building Code, 2000 Edition, are hereby referred to, adopted and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, prescribed in Section 500.015 of this Article.

Section 500.015. Additions, Insertions and Changes. [Ord. No. 429 §1, 2-19-2013]

The following Sections are hereby revised as follows:

Section 101.1. Insert: City of Clever.

Section 103.6. Insert: Fee Schedule set out in Section 500.110 of the Clever Municipal Code.

Section 1612.3. Insert: City of Clever

Section 1612.3. Insert: December 2011

Section 3409.2. Insert: June 3, 1956 and December 18, 2012

Section 500.020. Penalty. [Ord. No. 429 §1, 2-19-2013]

Any person violating any of the provisions of this Chapter or any of the codes adopted in this Chapter shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

ARTICLE II
Plumbing Code

Section 500.025. Adoption of Plumbing Code. [Ord. No. 429 §1, 2-19-2013]

That certain document, one (1) copy of which is on file in the office of the City Clerk and the City of Clever, being marked and designated as "The International Plumbing Code, 2000 Edition", including Appendix Chapters B through G, as published by the International Code Council, Inc., be and is hereby adopted as the code of the City of Clever for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Clever and providing for the issuance of permits and collection of fees therefor; and each and all the regulations, provisions, conditions and terms of said International Plumbing Code, 2000 Edition, published by the International Code Council on file in the office of the City Clerk of the City of Clever are hereby referred to, adopted and made a part hereof as if fully set out in this Article.

Section 500.030. Additions, Insertions and Changes. [Ord. No. 429 §1, 2-19-2013]

The following Sections are hereby revised as follows:

Section 101.1. Insert: City of Clever.

Section 106.5.2. Insert: Fee Schedule set out in Section 500.110 of the Clever Municipal Code.

Section 106.6.3. Insert: 0%, 0%, No Refunds

Section 108.4. Insert: Ordinance violation, \$500.00, 90 days

Section 108.5. Insert: \$0.00 up to \$500.00

Section 305.6.1 Insert: No Septic Tanks Allowed, #2: 20"

Section 904.1. Insert: 12"

Section 500.035. Penalty. [Ord. No. 429 §1, 2-19-2013]

Any person violating any of the provisions of this Chapter or any of the codes adopted in this Chapter shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

ARTICLE III
Mechanical Code

Section 500.040. Adoption of Mechanical Code. [Ord. No. 429 §1, 2-19-2013]

That certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Clever, being marked and designated as "The International Mechanical Code, 2000 Edition", as published by the International Code Council, Inc., be and is hereby adopted as the code of the City of Clever for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Clever and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said International Mechanical Code, 2000 Edition, published by the International Code Council, on file in the office of the City Clerk of the City of Clever are hereby referred to, adopted and made a part hereof as if fully set out in this Article.

Section 500.045. Additions, Insertions and Changes. [Ord. No. 429 §1, 2-19-2013]

The following Sections are hereby revised as follows:

Section 101.1. Insert: City of Clever.

Section 106.5.2. Insert: Fee Schedule set out in Section 500.110 of the Clever Municipal Code.

Section 106.5.3. Insert: 0%, 0%, No Refunds

Section 108.4. Insert: Ordinance violation, \$500.00, 90 days

Section 108.5. Insert: \$0.00 up to \$500.00

Section 500.050. Penalty. [Ord. No. 429 §1, 2-19-2013]

Any person violating any of the provisions of this Chapter or any of the codes adopted in this Chapter shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

ARTICLE IV
Electrical Code

Section 500.055. Adoption of Electrical Code. [Ord. No. 429 §1, 2-19-2013]

That certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Clever, being marked and designated as "The National Electrical Code (NEC) 2002", as published by the National Fire Protection Association (NFPA), be and is hereby adopted as the code of the City of Clever for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said National Electrical Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Article. The amendments for said Electrical Code are referenced herein and on file in the City offices.

Section 500.060. Penalty. [Ord. No. 429 §1, 2-19-2013]

Any person violating any of the provisions of this Chapter or any of the codes adopted in this Chapter shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

ARTICLE V
Fire Code

Section 500.070. Adoption of the Fire Code. [Ord. No. 429 §1, 2-19-2013]

That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Clever, being marked and designated as "The International Fire Code, 2000 Edition", including Appendix Chapters A through G, as published by the International Code Council, Inc., be and is hereby adopted as the code of the City of Clever for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Clever and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2000 Edition are hereby referred to, adopted and made a part hereof as if fully set out in this Article.

Section 500.075. Additions, Insertions and Changes. [Ord. No. 429 §1, 2-19-2013]

The following Sections are hereby revised as follows:

Section 101.1. Insert: City of Clever

Section 109.3. Insert: Ordinance violation, \$500.00, 90 days

Section 111.4. Insert: \$0.00 up to \$500.00

The limits referred to in certain Sections of the 2000 International Fire Code are hereby established as follows:

Section 3204.3.1.1. Add to last sentence: Storage of cryogenic fluids in stationary containers is prohibited in all residential zoned districts, but may be allowed under the Special Use Exception provisions of the Zoning Code in Business and Industrial Zoned Districts.

Section 3406.2.4.4. Add to last sentence: Storage of Class I and II liquids in aboveground tanks is prohibited in all residential zoned districts, but may be allowed under the Special Use exception provisions of the Zoning Code in Business and Industrial Zoned Districts.

Section 3804.2. Add to last sentence: Storage of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons in residential zoned districts, but may be allowed under the Special Use Exception provisions of the Zoning Code in Business and Industrial Zoned Districts.

Section 500.080. Penalty. [Ord. No. 429 §1, 2-19-2013]

Any person violating any of the provisions of this Chapter or any of the codes adopted in this Chapter shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

ARTICLE VI
Residential Code

Section 500.090. Residential One and Two-Family Code. [Ord. No. 429 §1, 2-19-2013]

That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Clever, being marked and designated as "The International Residential Code for One- and Two-Family Dwellings, 2000 Edition", including Appendix Chapters A through H and J through K, Tables, illustrations and additional references, as published by the International Code Council, Inc., be and is hereby adopted as the Residential Code for One- and Two-Family Dwellings of the City of Clever for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and town houses not more than three (3) stories in height in the City of Clever, and providing for the issuance of permits and collection of fees therefor.

Section 500.100. Penalty. [Ord. No. 429 §1, 2-19-2013]

Any person violating any of the provisions of this Chapter or any of the codes adopted in this Chapter shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

ARTICLE VII
General Inspections, Fees and Permits

Section 500.110. Building Permits Required — Fees — Inspections — Sewer Permit and Water Meters. [Ord. No. 194, 4-24-1995; Ord. No. 203, 10-9-1995; Ord. No. 218, 6-10-1996; Ord. No. 264, 3-8-1999; Ord. No. 406, 10-18-2010]

- A. Before commencing any construction, erection, alteration, remodeling, or repair of any building, house, or other similar improvement within the City, the person, firm, or corporation owning or legally responsible for commencement of the construction, erection, alteration, remodeling, or repair shall first obtain from the City Building Inspector a building permit and shall provide to the City Building Inspector such information as shall be reasonably required as to size, usage, manner of construction, materials, and other pertinent information relating to said proposed construction.
- A. The fee for the aforesaid review and permit shall be as follows:
1. For all new construction a plan review fee of twenty-five dollars (\$25.00).
 2. For all remodeling, repair, or renovation of existing structures that involve changes in the structure, electrical wiring including meter loop changes, plumbing, heating, air, water, and sewer a plan review fee of twenty-five dollars (\$25.00).
 3. The costs of a permit after approval of the plan review will be seven cents (\$0.07) per square foot of the total structure.
 4. Inspection fees are ten dollars (\$10.00) per inspection. A minimum of ten (10) inspections will be pre-paid for a residential (non-commercial) new construction dwelling at the time of purchasing a building permit (one hundred dollars (\$100.00)). A minimum of thirteen (13) inspections will be pre-paid for a new commercial building at the time of purchasing a building permit (one hundred thirty dollars (\$130.00)).
 4. When the construction fails an inspection and the inspector has to reinspect, there will be a fee of ten dollars (\$10.00) per reinspection payable before a final inspection is performed.
 5. *Water hookup permits.* Water hookup permits are one thousand dollars (\$1,000.00) each or an amount equal to City incurred costs, whichever is greater as determined by the City. Water hookups must be approved by the sewer treatment plant operator as well as the Building Inspector.
 6. *Sewer hookup permits.* Sewer hookup permits are one thousand five hundred dollars (\$1,500.00) each. Sewer hookups must be approved by the sewer treatment plant operator as well as the Building Inspector.
 7. *Water meters.* Water meters are available at a cost of three hundred fifty dollars (\$350.00) each.
 8. *Cost of signing (if applicable).*
 - a. *Stop signs.* Actual costs plus labor.
 - b. *Street name signs.* Actual costs plus labor.

Section 500.120. Inspection of Construction. [CC 1981 §3-5]

The City's Building Inspector, Fire Chief or other City Official designated by the Board of Aldermen to make such inspections shall have the power to enter into and inspect the premises where such proposed construction is to be made and may enter into and inspect such premises prior to, during or after such construction is completed for the purpose of carrying out the provisions of this Chapter.

Section 500.130. Termination or Refusal of City Services. [CC 1981 §3-7]

In the event that any structure fails to comply with the provisions of this Chapter, the City shall be authorized and may refuse to supply or may terminate any and all City utilities to such structure.

ARTICLE VIII
Miscellaneous

Section 500.140. Replacing or Restoring Street Pavement. [Ord. No. 216, 6-10-1996]

- A. In the event City streets are damaged or destroyed during the exercise of a building permit, the holder of the permit shall, within the time provided in the notice as set forth in Subsection (B) hereof, restore the street to at least its original condition before the issue of such permit.
- B. *Notice.*
1. Whenever the City shall ascertain or have knowledge through any of its representatives that a City street has been damaged or destroyed, it shall cause by its authorized representatives, written notice served in person or by the U.S. mail notifying the person in whose name the permit is issued to repair or replace such street within the time to be specified in such notice; provided that if such person in whose name the permit is issued is a non-resident, the said City shall notify the non-resident by posting a notice of its request of repair upon such house, building or premises for which the permit was issued and by sending a copy of such notice by registered mail to the last known address of the non-resident.
 2. No person notified as provided in this Section shall fail, neglect or refuse to comply with the same within the time specified in such notice. For every day thereafter that such person shall fail, neglect or refuse to comply with the same and for every day thereafter that such person shall fail, neglect or refuse to repair or replace such street, he/she shall be deemed guilty of a separate offense and shall be proceeded against as in the first (1st) instance.
- C. *City May Repair Or Replace.* If, upon trial for the violation of this Section or any part thereof, the Municipal Court shall find that a violation exists and that the defendant has failed to repair or replace the street, the judge of the Municipal Court shall, in addition to the penalty for violating this Section, make an order directing some representative of the City authorized so to do by the Board of Aldermen to repair or replace such street forthwith and immediately report the expense thereof to the judge of the Municipal Court who shall, as a part of the costs of such prosecution, render judgment against the defendant for the amount of such expense, which shall be collected as other fines and costs; provided that if the person who shall violate, neglect or fail or refuse to comply with any provision, regulation or requirement of this Section, is a non-resident, the City shall immediately repair or replace the street and report the expense thereof to the Judge of the Municipal Court, and the holder of such permit shall be civilly liable to the City for such costs.
- D. *Penalties.* Any person found guilty of violating this Section shall, upon conviction, be fined in a sum of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense.

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 Clever, 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 Building Inspector 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 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 Christian 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.

4. 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 Christian 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 Christian 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 hearing prescribed herein 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 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 Christian 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 Christian 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 Christian County may appeal such decision to the Circuit Court of Christian 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.

Chapter 510

SIDEWALK REGULATIONS

ARTICLE I

Sidewalk Care and Safety

Section 510.010. Removal of Snow, Ice and Accumulations. [Ord. No. 409, 4-26-2011]

It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. When the City receives a complaint that snow or ice or accumulations of snow or ice or any unsafe condition has remained on any sidewalk for twenty-four (24) hours or more, the City may notify the abutting property owners that such snow or ice or accumulations of snow or ice or unsafe conditions are to be removed by the abutting property owner within the next twelve (12) hours or that said abutting property owner shall be subject to criminal prosecution.

Section 510.020. Dumping of Snow. [Ord. No. 409, 4-26-2011]

It is unlawful for any persons to remove snow, ice and accumulations from private premises and to deposit the same upon any public highway, street, avenue, alley, public square and commons within the City.

Section 510.030. Added Safety Measures. [Ord. No. 409, 4-26-2011]

When ice has so formed upon any sidewalk that it cannot be removed, the owner, occupant or person in charge of abutting property shall keep such ice sprinkled with salt, ashes, sawdust or sand in such manner as to prevent such sidewalk from being dangerous to persons using the same.

Section 510.040. Fires on Sidewalks. [Ord. No. 409, 4-26-2011]

It is unlawful for a person to make a fire of any kind on any sidewalk.

Section 510.050. Fuel on Sidewalks. [Ord. No. 409, 4-26-2011]

It is unlawful for a person to place or allow any fuel to remain upon any sidewalk.

Section 510.060. Defacing. [Ord. No. 409, 4-26-2011]

It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

Section 510.070. Debris on Sidewalks. [Ord. No. 409, 4-26-2011]

It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

Section 510.080. Water Over Sidewalks. [Ord. No. 409, 4-26-2011]

It is unlawful for an abutting property owner to allow water from an improperly located eave or drain or from any roof to fall or drain onto a public sidewalk. No drain pipe, curbing and guttering or driveway shall be constructed that shall obstruct or interfere with the use of any sidewalk by pedestrians or that shall obstruct or interfere with the drainage of surface water upon any sidewalk.

Section 510.090. Responsibility for Maintenance. [Ord. No. 409, 4-26-2011]

It is the responsibility of the abutting property owner to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, any damaged, defective or broken sidewalks and to maintain in a safe and hazard-free condition all sidewalks outside the lot and property lines and inside the curb lines or traveled portion of the public street. If a sidewalk is deemed by the City to be unsafe and posing a public hazard, the City shall provide written notification to the abutting property owner that repair or efforts to repair said damage or condition to the sidewalk must be completed within thirty (30) days of the date of notification. Failure or refusal by the abutting property owner, upon due notification by the City, to take corrective action will be cause for civil action.

ARTICLE II
Sidewalk Construction and Repair

Section 510.100. Permit Required. [Ord. No. 409, 4-26-2011]

Any person desiring to construct, reconstruct or repair any sidewalk within the corporate limits of the City shall, before commencing such construction, reconstruction or repair, apply for a permit to the City's Building Department.

Section 510.110. Building Permit to Require Sidewalk. [Ord. No. 409, 4-26-2011]

Any person applying for a building permit for the purpose of erecting a new subdivision for occupancy shall also apply for a sidewalk permit covering the same premises set forth in the building permit. Such application shall include the full frontage on the street side of all lots and in the case of corner lots shall include both street sides of said lots. The requirements for a sidewalk permit in this Section shall be in addition to the requirements for the construction of sidewalks by a subdivider as set forth in the City's subdivision regulations. Where subdivisions are platted with rear lot walks, these walks shall be installed according to the requirements of the City's subdivision regulations. These improvements shall be paid for by the developer and said permit obtained by same. In the event that the sidewalk cannot be constructed at the time of the building permit, a bond or other surety may be required in lieu of sidewalk construction.

Section 510.120. Application. [Ord. No. 409, 4-26-2011]

- A. The application for a permit shall contain the following:
1. The name and address of the property owner of the property abutting the location where the sidewalk shall be constructed, reconstructed or repaired.
 2. A sketch or diagram showing the location, width and thickness of the sidewalk to be constructed, reconstructed or repaired and all entryways or driveways crossing the said sidewalk so as to provide access to the abutting property.
 3. The name of the contractor or party who is to perform the construction, reconstruction, or repair.

The Clerk shall assess and applicant shall pay before any permit is issued a fee in the sum of ten dollars (\$10.00) and in the case of rear lot walks the fee is eight dollars (\$8.00) per lot adjoining.

Section 510.130. Specifications for Sidewalks. [Ord. No. 409, 4-26-2011]

A complete set of specifications for all walks, including ramps for persons with disabilities at intersections, are available at City Hall.

Section 510.140. Sidewalk Inspections. [Ord. No. 409, 4-26-2011]

The Building Department personnel are authorized to inspect, approve or disapprove the application for and construction of all sidewalks located within the corporate limits of the City. The party constructing, reconstructing or repairing any sidewalk shall call for inspections by notifying the inspector of sidewalks of the City when the subgrade has been brought to the elevation and grade as established by the City, and the forms have been set. A further inspection shall be called for and required upon completion of the sidewalk and removal of the forms, but before the sidewalk is backfilled. Upon completion of all work and inspections as hereinbefore set out, the inspector of sidewalks for the City shall so certify upon the space provided on the permit to construct, reconstruct, or repair sidewalk and shall certify that the sidewalk has been completed in accordance with the specifications and plans of the City.

Section 510.150. Paid by Abutting Property Owner. [Ord. No. 409, 4-26-2011]

The actual cost of repairing broken or defective sidewalks shall be paid by the owner of the property abutting thereon and shall be assessed against such property. This also applies to rear lot sidewalks.

Section 510.160. Schedule of Assessments. [Ord. No. 409, 4-26-2011]

Whenever any sidewalk has been repaired as provided in this Chapter, the City Official shall cause to be prepared a schedule giving the name of the owner, so far as known, a description of the property, the date when the work was done, and the amount charged to each lot, and for what work and materials the charge was made. Such schedule shall include all the work done under the provisions of this Chapter for the twelve (12) month period ending on the thirty-first (31st) day of March of each year and as soon thereafter as practicable such schedule shall be filed with the City Clerk.

Section 510.170. Filing of Schedule of Assessments. [Ord. No. 409, 4-26-2011]

Upon the filing of the schedule of assessments for sidewalk repair with the Clerk, the Council shall, by resolution, set a date as the last date for filing written objections to the schedule of assessments, and the Clerk shall thereupon publish a notice in a newspaper of general circulation in the City, which notice shall be published at least twenty (20) days prior to the last day for filing written objections to the schedule of assessments, and which notice shall be in form and substance as follows:

NOTICE OF ASSESSMENT
FOR REPAIR OF SIDEWALK AND/OR
REMOVAL OF SNOW AND ICE

TO: The owners of the following described real estate situated in the City of Clever, Christian County, Missouri:

[Give legal description of real estate]

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that a schedule has been prepared and is now on file in the office of the City Clerk of the City of Clever, Missouri, showing assessments for the cost of repairing sidewalks in front of the above described real estate for the twelve (12) month period ending June 30, ____, and that said schedule shows the description of the said real estate to be assessed, the names of the owners thereof so far as known, the amount to be assessed to each parcel or lot or part thereof, and for what the assessments are made.

YOU ARE FURTHER NOTIFIED THAT any and all objections which you, or any of you, have to the said schedule of assessments, or any part thereof, must be filed in writing in the office of the City Clerk of the City of Clever, Missouri, on or before _____, _____; otherwise, any objections to the said schedule will be considered as waived.

YOU ARE FURTHER NOTIFIED that thereafter and at a meeting of the Board of Aldermen to be held at or before the first regular meeting of the Board of Aldermen in August, ____, the Board of Aldermen will adopt and approve a final schedule of assessments and cause such to be certified to the County Collector for collection as provided by law and ordinance.

CITY OF CLEVER, MISSOURI

By _____

City Clerk

Section 510.180. Objections to Schedule of Assessments. [Ord. No. 409, 4-26-2011]

The Council shall consider all objections to the schedule of assessments for repairing sidewalks duly filed, and shall, by resolution, at or before the first (1st) regular meeting in June finally approve a schedule of assessments.

Section 510.190. Adoption of Schedule of Assessments. [Ord. No. 409, 4-26-2011]

Upon adoption by the Council, the schedule of assessments for repairing sidewalks and the resolution approving such shall be certified by the Clerk to the County Auditor for collection in the manner provided by law.

Section 510.200. Cost of Repairing Sidewalks. [Ord. No. 409, 4-26-2011]

The cost of repairing sidewalks shall be paid from the proper fund and when collected shall be credited to such fund.

Section 510.210. Penalties. [Ord. No. 409, 4-26-2011]

Any violation of this Chapter, or any part thereof, violator will be sent a written notice of the violation and given five (5) business days to abate the violation. If the violation is not abated, on the sixth (6) business day a citation will be issued to appear in the Clever Municipal Court. If the Municipal Court shall find that a violation exists and that the defendant has had proper notice and has failed to comply, the judge of the Municipal Court shall impose a sentence of a fine from twenty-five dollars (\$25.00) up to five hundred dollars (\$500.00) and a maximum of ninety (90) days in the County Jail.