

**TITLE V. BUILDING AND CONSTRUCTION**

**CHAPTER 500: BUILDING CODES AND REGULATIONS**

**ARTICLE I. ADOPTION OF BUILDING CODES**

*Cross Reference—As to fire prevention code, see §205.020 of this code.*

**SECTION 500.010: INTERNATIONAL BUILDING CODE**

- A. *Adoption.* A certain standard code known as the "International Building Code", 2006 Edition, as published by the International Code Council, is hereby incorporated by reference and adopted as the Code of the City of Mount Vernon, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of property, buildings and structures in the City of Mount Vernon, Missouri. It shall be unlawful for any person, firm or corporation to construct or cause to be constructed or permit to remain constructed any such building which violates any provisions of this Section.
- B. *Marked Copies Of Standard Code Filed.* There shall be three (3) copies of the standard as adopted by this Section kept in the office of the City Clerk and said copies shall be marked "Official Copy of the City of Mount Vernon Building Code".
- C. *Liability.* This Section shall not be construed to relieve from responsibility or to lessen the responsibility of any person, firm or corporation owning, controlling or constructing buildings, nor shall the City of Mount Vernon, Missouri, be held as assuming any liability of any nature by reasons of the inspection authority hereby issued to the Code Enforcement Officer for inspection of buildings.
- D. *Penalty.* Any person, firm or corporation violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined in an amount not to exceed five hundred dollars (\$500.00). (Ord. No. 2.58 §§1–4, 5-8-01; Ord. No. 2.119 §1, 3-27-07)

**SECTION 500.020: INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS**

- A. *Adoption.* A certain standard code known as the "International Residential Code for One- and Two-Family Dwellings", 2006 Edition, as published by the International Code Council, is hereby incorporated by reference and adopted as the Code of the City of Mount Vernon, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of property, buildings and structures for one- and two-family dwellings in the City of Mount Vernon, Missouri. It shall be unlawful for any person, firm or corporation to construct or cause to be constructed or permit to remain constructed any such building which violates any provisions of this Section.
- B. *Marked Copies Of Standard Code Filed.* There shall be three (3) copies of the standard as adopted by this Section kept in the office of the City Clerk and said copies shall be marked "Official Copy of the City of Mount Vernon Residential Code for One- and Two-Family Dwellings".
- C. *Liability.* This Section shall not be construed to relieve from responsibility or to lessen the responsibility of any person, firm or corporation owning, controlling or constructing buildings, nor

shall the City of Mount Vernon, Missouri, be held as assuming any liability of any nature by reasons of the inspection authority hereby issued to the Code Enforcement Officer for inspection of buildings.

- D. *Penalty.* Any person, firm or corporation violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined in an amount not to exceed five hundred dollars (\$500.00). (Ord. No. 2.59 §§1–4, 5-8-01; Ord. No. 2.120 §1, 3-27-07)

### **SECTION 500.030: NATIONAL ELECTRICAL CODE**

- A. *Adoption.* A certain standard code known as the "National Electrical Code", 2005 Edition, also known as NFPA 70 as published by the National Fire Protection Association, is hereby incorporated by reference and adopted as the Code of the City of Mount Vernon, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems in the City of Mount Vernon, Missouri. It shall be unlawful for any person, firm or corporation to construct or cause to be constructed or permit to remain constructed any such building which violates any provisions of this Section.
- B. *Marked Copies Of Standard Code Filed.* There shall be three (3) copies of the standard as adopted by this Section kept in the office of the City Clerk and said copies shall be marked "Official Copy of the City of Mount Vernon Electrical Code".
- C. *Liability.* This Section shall not be construed to relieve from responsibility or to lessen the responsibility of any person, firm or corporation owning, controlling or constructing buildings, nor shall the City of Mount Vernon, Missouri, be held as assuming any liability of any nature by reasons of the inspection authority hereby issued to the Code Enforcement Officer for inspection of buildings.
- D. *Penalty.* Any person, firm or corporation violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined in an amount not to exceed five hundred dollars (\$500.00). (Ord. No. 2.60 §§1–4, 5-8-01; Ord. No. 2.121 §1, 3-27-07)

### **SECTION 500.040: INTERNATIONAL MECHANICAL CODE**

- A. *Adoption.* A certain standard code known as the "International Mechanical Code", 2006 Edition, as published by the International Code Council, is hereby incorporated by reference and adopted as the Code of the City of Mount Vernon, Missouri, 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 Mount Vernon, Missouri. It shall be unlawful for any person, firm or corporation to construct or cause to be constructed or any such building which violates any provisions of this Section.
- B. *Marked Copies Of Standard Code Filed.* There shall be three (3) copies of the standard as adopted by this Section kept in the office of the City Clerk and said copies shall be marked "Official Copy of the City of Mount Vernon Mechanical Code".
- C. *Liability.* This Section shall not be construed to relieve from responsibility or to lessen the responsibility of any person, firm or corporation owning, controlling or constructing buildings, nor shall the City of Mount Vernon, Missouri, be held as assuming any liability of any nature by reasons

of the inspection authority hereby issued to the Code Enforcement Officer for inspection of buildings.

- D. *Penalty.* Any person, firm or corporation violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined in an amount not to exceed five hundred dollars (\$500.00). (Ord. No. 2.87 §§1–4, 7-8-03; Ord. No. 2.122 §1, 3-27-07)

#### **SECTION 500.050: INTERNATIONAL PLUMBING CODE**

- A. *Adoption.* A certain standard code known as the "International Plumbing Code", 2006 Edition, as published by the International Code Council, is hereby incorporated by reference and adopted as the Code of the City of Mount Vernon, Missouri, 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 Mount Vernon, Missouri. It shall be unlawful for any person, firm or corporation to construct or cause to be constructed any such building which violates any provisions of this Section.
- B. *Marked Copies Of Standard Code Filed.* There shall be three (3) copies of the standard as adopted by this Section kept in the office of the City Clerk and said copies shall be marked "Official Copy of the City of Mount Vernon Plumbing Code".
- C. *Liability.* This Section shall not be construed to relieve from responsibility or to lessen the responsibility of any person, firm or corporation owning, controlling or constructing buildings, nor shall the City of Mount Vernon, Missouri, be held as assuming any liability of any nature by reasons of the inspection authority hereby issued to the Code Enforcement officer for inspection of buildings.
- D. *Penalty.* Any person, firm or corporation violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined in an amount not to exceed five hundred dollars (\$500.00). (Ord. No. 2.86 §§1–4, 5-8-01; Ord. No. 2.123 §1, 3-27-07)

#### **SECTION 500.060: INTERNATIONAL FUEL GAS CODE**

- A. *Adoption.* A certain document, being marked and designated as the International Fuel Gas Code, 2006 Edition, as published by the International Code Council, Inc., be and is hereby adopted as the Fuel Gas Code for the City of Mount Vernon, Missouri, for the control of building and structures and their fuel gas systems and gas-fired appliances as herein provided; and each and all of the regulations, provisions, penalties, condition and terms of said Fuel Gas Code are hereby referred to, adopted and made a part hereof as if fully set out in this Section.
- B. *Marked Copies Of Standard Code Filed.* There shall be three (3) copies of the standard as adopted by this Section kept in the office of the City Clerk and said copies shall be marked "Official Copy of the City of Mount Vernon".
- C. *Liability.* This Section shall not be construed to relieve from responsibility or to lessen the responsibility of any person, firm or corporation maintaining, constructing, altering, demolishing or in anyway affecting the fuel gas systems and gas-fired appliances as included in the International Fuel Gas Code described in Subsection (A) of this Section, nor shall the City of Mount Vernon, Missouri, be held as assuming any liability of any nature by reasons of the inspection authority hereby issued to the Code Enforcement Officer for inspection of such buildings and structures along with their fuel gas systems and gas-fired appliances as described on Subsection (A) of this Section.

- D. *Penalty.* Any person, firm or corporation violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined in an amount not to exceed five hundred dollars (\$500.00). (Ord. No. 2.67 §§1–4, 3-12-02; Ord. No. 2.87 §§1–4, 7-8-03; Ord. No. 2.124 §1, 3-27-07)

#### **SECTION 500.070: INTERNATIONAL PROPERTY MAINTENANCE CODE**

- A. *Adoption.* A certain standard code known as the International Property Maintenance Code, 2006 Edition, as published by the International Code Council, is hereby incorporated by reference and adopted as the Property Maintenance Code for the City of Mount Vernon, Missouri. The provisions of this Code shall apply to all existing residential and non-residential structures and all existing premises and constitute minimum requirements for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises and for administration, enforcement and penalties. This code shall be construed to ensure the public health, safety and welfare as they are affected by the continued occupancy and maintenance of structures and premises.
- B. *Marked Copies Of Standard Code Filed.* There shall be three (3) copies of the standard as adopted by this Section kept in the office of the City Clerk and said copies shall be marked "Official Copy of the City of Mount Vernon, Missouri".
- C. *Liability.* This Section shall not be construed to relieve from responsibility or to lessen the responsibility of any person, firm or corporation occupying or maintaining structures or premises as described in Subsection (A) of this Section, nor shall the City of Mount Vernon, Missouri, be held as assuming any liability of any nature by reasons of the inspection authority hereby issued to the Code Enforcement Officer for inspection of such structures and premises.
- D. *Penalty.* Any person, firm or corporation violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined in an amount not to exceed five hundred dollars (\$500.00). (Ord. No. 2.68 §§1–4, 4-9-02; Ord. No. 2.125 §1, 3-27-07)

### **ARTICLE II. MISCELLANEOUS BUILDING REGULATIONS**

#### **SECTION 500.080: MOVING OF BUILDINGS**

No person, company or corporation shall move a building across or upon the public streets and alleys within the corporate limits of the City of Mount Vernon, Missouri, without first obtaining a written permit from the City. (Ord. No. 12.03 §1, 9-3-40)

#### **SECTION 500.090: CONSTRUCTION, INSTALLATION OR REPLACEMENT OF MAILBOXES OR NEWSPAPER DELIVERY BOXES**

- A. It shall be unlawful for any person, firm or corporation to construct, install or replace mailboxes or newspaper delivery boxes made of brick or other "non-breakaway material" on the right-of-way of arterial streets and on the right-of-way of collector streets within the corporate limits of the City of Mount Vernon, Missouri.

- B. "Non-breakaway material" is defined as being material constructed, installed or replaced in such fashion so that the minimum strength supports exceeds the maximum strength standards more specifically shown on "Exhibit A" to this ordinance which is on file in the City offices and made a part hereof as though fully set forth herein.
- C. Any person, firm or corporation who shall violate any of the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined a sum not exceeding five hundred dollars (\$500.00) or imprisoned for a term not exceeding ninety (90) days, or by both such fine and imprisonment. (Ord. No. 10.42 §§1-3, 1-28-03)

**SECTION 500.100: THIRTY DAY NOTIFICATION PERIOD FOR CORRECTION OF VIOLATION**

Any person, firm or corporation found violating any of the adopted technical codes of this Chapter shall be given written notice to correct, abate or remove such violation within thirty (30) days of receipt of the notice. Should the violation be deemed an immediate hazard to the public, the Code Enforcement Officer shall be authorized to order immediate repairs or other measures to abate the violation. (Ord. No. 2.127 §1, 4-24-07)

**SECTION 500.110: CRAWL SPACE DRAINAGE REQUIREMENTS**

All newly constructed, occupied buildings having an under-floor area or crawl space that does not qualify as a basement shall be provided with grading of that area so as not to retain water. Grading shall be such that any ground water or stormwater infiltration into this area will be conducted into a sump location for discharge to the outside of the building by either gravity or mechanical means. Once the grading of the under-floor area has been completed, it shall be covered with a minimum of a six (6) mil plastic vapor barrier and covered completely by at least two (2) inches of clean gravel and installed securely against the perimeter footing or stem-wall and isolated pier footings. Discharge of ground water shall be such as not to create a nuisance to adjoining properties but in no case shall it be discharged less than five (5) feet from a property line or City right-of-way. (Ord. No. 2.128 §1, 4-24-07)

## **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 hereby exist in the City of Mount Vernon, Missouri. (Ord. No. 9.29 §1, 5-14-96)

### **SECTION 505.020: DANGEROUS BUILDINGS DEFINED**

All buildings that are detrimental to the health, safety or welfare of the residents of the City of Mount Vernon, Missouri, 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. (Ord. No. 9.29 §2, 5-14-96)

**SECTION 505.030: DANGEROUS BUILDINGS DECLARED NUISANCE**

All dangerous buildings, as defined by Section 505.020, are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided herein. (Ord. No. 9.29 §3, 5-14-96)

**SECTION 505.040: STANDARDS FOR REPAIR, VACATION OR DEMOLITION**

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

1. If the dangerous building reasonably can 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. (Ord. No. 9.29 §4, 5-14-96)

**SECTION 505.050: BUILDING INSPECTOR**

The Building Code Enforcement Officer is hereby authorized and directed to designate a person to act as Building Inspector within the meaning of this Chapter with said designation by the Mayor to be in writing and maintained by the City Clerk of the City of Mount Vernon, Missouri. (Ord. No. 9.29 §5, 5-14-96)

**SECTION 505.060: DUTIES OF BUILDING INSPECTOR—PROCEDURE AND NOTICE**

The Building Inspector 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 places 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 in writing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of this modes of service, then service may be had by

publication in a newspaper qualified to publish legal notices for two (2) successive weeks, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds for Lawrence County, Missouri, of any building found by him/her to be a dangerous building within the standards set forth in Section 505.020.

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 for the County wherein the land is located may, at his/her own risk, repair, vacate or demolish the building and clean up the property or have such work done, providing 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 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 building.
  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 for Lawrence County, Missouri. It is unlawful to remove this notice until such notice is complied with."

Provided however, that the order by the Building Commissioner and the posting of said notice shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein. (Ord. No. 9.29 §6, 5-14-96)

**SECTION 505.070: BUILDING COMMISSIONER**

The City Administrator is hereby designated as Building Commissioner under this Chapter.  
(Ord. No. 9.29 §7, 5-14-96)

**SECTION 505.080: DUTIES OF THE BUILDING COMMISSIONER**

The Building Commissioner shall have the power 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 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, the Building Commissioner shall hold a hearing giving the affected parties full and adequate hearing on the matter.

Written notice, either by personal service or by certified mail, return receipt requested, or by publication for two (2) successive weeks in a newspaper qualified to publish legal notices at least ten (10) days in advance of a 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 Lawrence County, Missouri, to 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.

3. Make written findings of fact from the evidence offered at said hearings as to whether or not the building in question is a dangerous building within the terms of Section 505.020.
4. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, 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 Lawrence County, Missouri, 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 the owner or any person having an interest in said building as shown by the land records of Lawrence County, Missouri, 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, no order shall be issued.

5. 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; and the Building Commissioner shall certify the cost of the work borne by the City for such repair, vacation or demolition or cleaned up to the City Clerk as a special assessment represented by a special tax bill against the real property affected; said tax bill shall be a lien upon said property and shall be deemed a personal debt against the property owner(s) 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 through 429.360, RSMo. Except as provided in Subsection (6) of this Section, at the request of the taxpayer this special tax bill may be paid in installments over a period of not more than ten (10) years; said assessment shall bear interest at the rate of nine percent (9%) per annum until paid.
6. As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if an order is issued by the Building Commissioner as provided in Subsection (4) of this Section and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner. 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 Subparagraphs (a) and (b) of 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.
  - a. 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 the Chapter.
  - b. The City shall release the proceeds and any interest that has accrued on such proceeds received under Subparagraph (a) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after the receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (5) of this Section. If the City has proceeded under the provisions of Subsection (5) of this Section, all monies in excess of that necessary to comply with the provisions of Subsection (5) of this Section 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.
7. If there are no proceeds of any insurance policy as set forth in Subsection (6) 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 date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.
8. Subsection (6) of this Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
9. Subsection (6) of 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.

10. The Building Commissioner may certify in lieu of payment of all or part of the covered claim under Subsection (6) 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 (6) 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 from this Subsection. (Ord. No. 9.29 §8, 5-14-96)

#### **SECTION 505.090: 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 Lawrence County, Missouri, may, within thirty (30) days from the receipt of the order of the Building Commissioner, appeal such decision to the Circuit Court of Lawrence County, Missouri, pursuant to the procedure established in Chapter 536, RSMo. (Ord. No. 9.29 §9, 5-14-96)

#### **SECTION 505.100: EMERGENCIES**

In cases where it reasonably appears that there is immediate danger to the health, life or safety 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 and clean up of the property. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Section 505.080(4). (Ord. No. 9.29 §10, 5-14-96)

#### **SECTION 505.110: VIOLATIONS—DISREGARDING NOTICES OR ORDERS**

- A. 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 shall be guilty of a misdemeanor and upon conviction shall be punishable as set forth in Section 505.120.
- B. Any person removing any notices provided for in this Chapter shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with Section 505.120. (Ord. No. 9.29 §11, 5-14-96)

#### **SECTION 505.120: PENALTIES**

Any person convicted of a violation of any provision of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined a sum not exceeding five hundred dollars (\$500.00) or imprisoned for a term not exceeding ninety (90) days, or by both such fine and imprisonment. (Ord. No. 9.29 §12, 5-14-96)

## **CHAPTER 510: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

### **ARTICLE I. SIDEWALKS, CURBS AND GUTTERS**

*Editor's Note—Ord. no. 10.50 §§1–14, adopted June 10, 2008, repealed sections 510.010, 510.030–510.150 and enacted new provisions set out herein. Former sections 510.010, 510.030–510.150 derived from ord. no. 10.01 §§1, 3–17, no date; ord. no. 10.38 §§1–5, 9-8-98.*

#### **SECTION 510.010: CONSTRUCTION TO CONFORM WITH ARTICLE PROVISIONS**

All sidewalks on the streets in the City of Mount Vernon hereafter erected, unless otherwise specially provided by ordinance, shall be constructed as hereinafter provided and maintained at the cost and expense of the owners of lots or property in front of which said sidewalk may be erected; provided, however, that any person or persons being desirous of erecting a sidewalk not in conformity with the provisions hereinafter set forth may, on application to the Board of Aldermen, be permitted by said Board to erect such sidewalks as they, the Board, may deem sufficient and necessary for public use in such locality. (Ord. No. 10.50 §1, 6-10-08)

#### **SECTION 510.020: UNIFORM WIDTH OF SIDEWALKS DESIGNATED ON CERTAIN STREETS**

All sidewalks on the east side of Hickory Street and the west side of Market Street situated between Water and Dallas Streets; and on the north side of Water Street and the south side of Dallas Street situated between Hickory and Market Streets shall have a uniform width of ten (10) feet; and all other sidewalks situate in, touching or fronting on any lot in Blocks numbered from One (1) to Eight (8), inclusive, of the original survey of the City of Mount Vernon shall have a uniform width of six (6) feet; and all other sidewalks in said City shall have a uniform width of four (4) feet. (Ord. No. 10.01 §2, No Date)

#### **SECTION 510.030: AUTHORITY TO CONSTRUCT, REPAIR OR CONDEMN AND REMOVE**

- A. Any sidewalk which the Public Works Director shall find to be unsafe, in poor repair or in violation of the City Code shall be reported to the Board of Aldermen who shall have the authority and may direct by ordinance the new construction of a sidewalk or the repair, or condemnation and removal of any existing sidewalk when in the judgment of the Board such action is necessary to keep the sidewalks in a reasonably safe condition for use of the public. Also, no person shall erect or cause any encroachment into or upon any sidewalk so as to cause an obstruction to the sidewalk, curbstones, gutter or crosswalk. The Public Works Director is hereby authorized to inspect, prohibit the placement or request the removal of any trees, shrubs, awnings, lampposts, awnings posts, electric or other utility construction or the making of excavations through and under any sidewalk within this City.
- B. Each ordinance so passed by the Board of Aldermen shall instruct the Director of Public Works, or authorized representative, to assess the site conditions. Once inspection is completed, the owner of any lot or tract on which a sidewalk has been deemed to be unsafe, in poor repair or in violation of the City Code shall be served with a notice by the City or by such notice being mailed to the last known address of such individual, that such conditions exist and that the owner shall have thirty (30)

days from the date of such service in which to submit a plan to remedy the violation stating time for completion of all repairs as approved by the Public Works Director. Notice provided for in this Section may be given by certified mail addressed to the last known address of the owner of record or by personal service upon the owner of record, and if there should be more than one (1) owner of record, then by mail or personal service to any one (1) of the owners. If the owner of the abutting property shall be unknown or his whereabouts unknown, notice shall be given by posting the same in the local newspaper in accordance with the procedure set forth in Section 88.877, RSMo. (Ord. No. 10.50 §2, 6-10-08)

#### **SECTION 510.040: CONSTRUCTION REQUIREMENTS**

Sidewalk construction shall comply with the City's Standard Specifications and Design Criteria for sidewalks, a copy of which shall be maintained at City Hall and available to the public during normal business hours. (Ord. No. 10.50 §3, 6-10-08)

#### **SECTION 510.050: NOTIFICATION TO OWNERS**

- A. Upon the passage of any ordinance for the construction of any sidewalk it shall be the duty of the City Clerk, within ten (10) days after its passage, to ascertain the names of all the property owners along or in front of whose property the proposed sidewalk is to be constructed and file a list of the names with the Mayor. The Mayor shall, upon receipt of such list, cause the owners or occupants of the property so mentioned in such list to be notified in writing of the provisions of such ordinance, and it shall be sufficient in such notice to refer to such ordinance by number, title, date of passage and adoption. And he shall notify such owners that by such ordinance they are required to build the sidewalk along or in front of their property within the time specified by such ordinance.
- B. If the owner or owners of the property shall be unknown or a non-resident of the City of Mount Vernon, or cannot be found within the limits of said City, such notice may be given in the manner described in Section 510.030(B), above, and Section 88.877, RSMo. (Ord. No. 10.50 §4, 6-10-08)

#### **SECTION 510.060: FAILURE TO CONSTRUCT WITHIN SPECIFIED TIME LIMIT**

On failure of any such owner to construct such sidewalk within the time specified by ordinance, after having received due notice of its passage, it shall be the duty of the Board of Aldermen to advertise the letting of a contract for the construction and completion of such sidewalk by local newspaper notice and a printed handbill posted in a public place in City Hall, not less than five (5) days prior to the letting of said contract. Such notices shall state the number of lineal feet and the width of the sidewalk to be constructed, the commencement and termination thereof, the kind of material to be used, the manner of construction and that the contract will be let to the lowest bidder, and shall also specify the time and place, when and where such bids will be received and opened. The Board shall award such contract to the lowest responsible bidder; provided, however, the said Board shall have the right to reject any and all bids upon the appearance to them of good and sufficient reason therefore. (Ord. No. 10.50 §5, 6-10-08)

#### **SECTION 510.070: BIDS AND SUPERVISION**

- A. All projects will be awarded to bids let and submitted according to the purchasing and procurement policies of the City of Mount Vernon.

- B. All sidewalks constructed under and by virtue of this Article shall be built and completed under the supervision of the Public Works Director and shall conform to the provisions of the ordinance providing for the erection of the same. (Ord. No. 10.50 §6, 6-10-08)

**SECTION 510.080: COSTS ALLOCATED TO PROPERTY OWNERS**

Upon the completion and acceptance of the work contracted to be done, and when the costs thereof shall be fully ascertained, the Board of Aldermen shall fix the amount due from each property owner chargeable with the cost of such work or any part thereof, charging each owner such a proportion of the entire cost as the frontage of the property by them owned and on which said sidewalk was erected bears to the entire length of the sidewalk so constructed and contracted, and shall issue and deliver to the City Collector tax bills for the amount that may be due from said property owners. (Ord. No. 10.50 §7, 6-10-08)

**SECTION 510.090: SPECIAL ASSESSMENT FOR COSTS**

Upon the delivery of any special tax bills to the City Clerk, he/she shall make demand for the payment thereof, and in case the person named in such tax bill as the owner of such property neglects or refuses to pay the same, or cannot be found within the said City of Mount Vernon, the said Collector shall report the tax bill back to the Board of Aldermen, who may order the City Attorney to proceed immediately to collect the same by civil action in the name of the City of Mount Vernon in any court of competent jurisdiction. (Ord. No. 10.50 §8, 6-10-08)

**SECTION 510.100: ARTICLE TO GOVERN REPAIRS**

All repairs of sidewalks shall be governed by the same provisions as are herein provided for the construction of sidewalks, provided, however, that no notice shall be given to the owners or occupants to repair the same, and provided further that, after the expiration of the time in which repairs are to be completed, the Board may contract for such repairs without the public letting of such work. (Ord. No. 10.50 §9, 6-10-08)

**SECTION 510.110: REMOVAL OF SIDEWALK NEEDING REPAIR**

A property owner may elect to remove said sidewalk and, with suitable grading, seed or sod the area with grass without penalty upon approval by the Public Works Director and the Board of Aldermen. (Ord. No. 10.50 §10, 6-10-08)

**SECTION 510.120: UNLAWFUL TO BREAK OR DESTROY CONSTRUCTION**

Any person who shall break, injure or destroy any sidewalk or any part thereof, which has been or hereafter shall be constructed, and not exceeding the width herein provided for the same, whether the same conforms to an established grade or not, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), together with the costs of such prosecution. (Ord. No. 10.50 §11, 6-10-08)

**SECTION 510.130: WHEN CONSTRUCTION, RECONSTRUCTION OR REPAIR IS DONE BY CITY**

Whenever the City shall advertise for bids for the construction of sidewalks of any kind or for the construction of new sidewalks in place of sidewalks condemned and shall receive no bids therefore, the City may proceed to construct or reconstruct any such sidewalk at its own expense and shall keep an accurate record of the amount expended 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 the sidewalks constructed or reconstructed shall be liable for the cost thereof as reported to the Board of Aldermen by the officer or committee having charge of the matter and special tax bills shall be issued for the amount thereof, and such tax bills shall be as valid in all respects whatever as the other special tax bills provided for in this Article, and shall be collected in the same way. (Ord. No. 10.50 §12, 6-10-08)

**SECTION 510.140: COSTS ASSESSED FOR WORK BY CITY**

No formality whatever shall be necessary for the repairing of sidewalks or for reconstructing same and making assessments therefore, but the proper officer or committee on improvements may, without notice, cause such work to be done, keeping an accurate account thereof and reporting the same to the Board of Aldermen for assessment, and each lot or parcel of ground abutting on such sidewalk shall be liable for its part of the cost of such work made along or in front of such lot or parcel of ground, as reported to the Board of Aldermen. All costs for the construction or repair of such sidewalks shall be paid in special tax bills against the abutting property liable therefore, and such tax bills shall constitute a lien on such property until paid, and shall bear interest at the rate of eight percent (8%) per annum from date of issue and shall be governed by the same provisions and liens as are provided in the case of new sidewalks. (Ord. No. 10.50 §13, 6-10-08)

**SECTION 510.150: RESERVED**

**ARTICLE II. PERMITS**

**SECTION 510.160: PERMIT REQUIRED PRIOR TO CONSTRUCTION OR EXCAVATION WORK**

It is hereby enacted that prior to any construction work or excavation in any street or alley by any property owner, occupant or other person, firm or corporation within the City, for the purpose of making connection with water mains, sewer, gas or any other purpose, he/she or it shall first obtain a permit from the City Clerk issued in each case upon authority of the Street and Alley Committee of Board of Aldermen, City of Mount Vernon, Missouri. A permit in writing must be displayed at each project. (Ord. No. 10.13 §1, 8-5-58)

**SECTION 510.170: DEPOSIT REQUIRED**

A deposit will be required before the issuance of any permit by the City Clerk, and the person applying therefor shall deposit sums with the City Clerk in the following amount depending upon the character of permit requested.

- Class 1: Five dollars (\$5.00) per square yard for any excavation over and upon a concrete street or alley, sidewalk, curb and gutter.
- Class 2: Thirty dollars (\$30.00) for any excavation crossing an entire street of bituminous asphalt surface.
- Class 3: Fifteen dollars (\$15.00) for any excavation extending to the center of any bituminous asphalt surface.
- Class 4: Ten dollars (\$10.00) for any excavation extending into or across any unpaved or graded street.
- Class 5: Five dollars (\$5.00) for any excavation in any unpaved alley.
- Class 6: One hundred dollars (\$100.00) blanket deposit for any multiple projects not to exceed four (4) in number.
- Class 7: Amount is determined by terms of permit under Section 510.180. (Ord. No. 10.13 §2, 8-5-58)

**SECTION 510.180: SPECIFICATIONS FOR ASPHALT AND PAVING**

Specification for all asphalt and paving requires that it be cut two (2) inches wider than the ditching, this prior to digging. All material removed from ditching is to be replaced and tamped in with a power tamper. Ditching of water and gas lines shall be as follows:

2 feet deep	4 inches wide
3 feet deep	6 inches wide
4 feet deep	8 inches wide
5 feet deep	18 inches wide

Ditching of sewer lines shall be as follows:

- 2 feet deep                      8 inches wide
- 4 feet deep                      12 inches wide
- 5 feet deep                      18 inches wide
- 6 feet deep                      24 inches wide
- No ditch to exceed in width 24 inches.
- All sewer taps will be inspected.

The deposit for ditching is designated at twenty-five dollars (\$25.00) and fifty cents (\$.50) per cubic foot thereafter. The deposit for curb and gutter is fifteen dollars (\$15.00) extra. Resurfacing is to be done by City standards under the supervision of the City Engineer. (Ord. No. 10.13 §2A, 8-5-58)

**SECTION 510.190: RESTORATION AFTER EXCAVATION**

Each such deposit shall be a guarantee to the City that the person making any such excavation will replace the pavement or material, after such excavation has been completed, in as good a condition as before the making of such excavation which matter shall be inspected by the City Engineer; thereafter a written report of said performance and restoration shall be delivered by the City Engineer to the City Clerk. Thereafter, if satisfactory performance is acknowledged, the deposit shall be refunded to the person or corporation making the deposit. (Ord. No. 10.13 §3, 8-5-58)

**SECTION 510.200: STREET OR ALLEY NOT PROPERLY RESTORED**

If any street or alley shall not have been properly restored hereunder, the matter may be referred by the City Clerk to the Street and Alley Committee of the Board of Aldermen, whereupon the Committee may direct replacement of said pavement or street, keeping account of the costs thereof, using the deposit for payment thereof and order the balance of the deposit, if any, returned to the person or corporation making the deposit. (Ord. No. 10.13 §4, 8-5-58)

**SECTION 510.210: EXCAVATIONS—BARRIERS, WARNING LIGHTS TO BE USED**

Any person making any excavation in any street in the City of Mount Vernon shall do so in a careful and prudent manner using barriers, danger signs and night lights to protect the persons using said streets. (Ord. No. 10.13 §5, 8-5-58)

**SECTION 510.220: EXCAVATIONS—FAILURE TO COMPLY WITH PROVISIONS**

Any person making any excavation in any street or alley in the City of Mount Vernon failing to observe any one (1) of the Sections of this Article as hereinbefore enacted and stated shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one dollar (\$1.00) and not more than one hundred dollars (\$100.00), together with the costs of prosecution. (Ord. No. 10.13 §6, 8-5-58)

§ 510.230

Streets, Sidewalks And Other Public Places

§ 510.230

**ARTICLE III. NEW STREET CONSTRUCTION**

**SECTION 510.230: NEW STREET CONSTRUCTION WIDTH**

All new streets to be constructed within the City of Mount Vernon, Missouri, shall be built in compliance with City of Mount Vernon Design Standards. (Ord. No. 10.25 §2, 1-9-79)