

Chapter 500

BUILDING CODES AND REGULATIONS

Cross References — As to dangerous buildings, see ch. 505.

ARTICLE I Building Codes

Section 500.010. International Residential Code/International Building Code/International Property Maintenance Code. [Ord. No. 07-936 §1, 6-19-2007; Ord. No. 17-08 § 1, 5-9-2017]

- A. Certain documents, three (3) copies of which are on file in the office of City of La Plata City Hall, being marked and designated as International Residential Code including Appendix Chapters as published by the International Code Council be and is hereby adopted as the code of the City of La Plata 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 townhouses not more than three stories in height in the City of La Plata, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2015 Edition, published by the International Residential Council on file in the office of the City of La Plata City Hall are hereby referred to, adopted and made a part hereof as if fully set out in this Section.
- B. The following sections are hereby revised:
 - B. Section R101.1 Insert: City of La Plata.
 - B. Table R301.2(1) Insert: Snow load = 25, Wind speed 90 mph, Seismec design category = 33, Weathering - severe, Frost depth = 48 inches, Termite = Moderate to heavy, Decay = Light to moderate, Winter design = temp, Flood hazard = N/A.
- C. Certain documents, three (3) copies of which are on file in the office of City of La Plata City Hall, being marked and designated as International Building Code 101.2.1, 2015 as published by the International Code Council, Inc., be and is hereby adopted as the Building Code of the City of La Plata, in the State of Missouri; for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with additions, insertions, deletions and changes, if any, prescribed by this Section.
- D. The following sections of the Building Code are hereby revised:
 - D. Section 101.1 Insert: City of La Plata.
 - D. Section 103.6 Insert: _____

- D. Section 303.1.4 Insert: _____
- D. Section 602.3 Insert: _____
- D. Section 602.4 Insert: _____
- D. Section 1612.3 Insert: City of La Plata.
- D. Section 1612.3 Insert: _____
- D. Section 3409.2 Insert: May 9, 2016.
- E. Penalty. Any person violating any of the provisions of the code hereby adopted shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the 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.
- F. If any section, subsection, sentence, clause or phrase of this International Residential, International Building Code and International Property Maintenance Code are, for any reason, held to be unconstitutional, and such decision shall not affect the validity of the remaining portions of these International Building Code, Residential International Building Code and International Property Maintenance Code, the Board of Aldermen hereby declares that it would have passed this, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.
- G. This Section shall be in full force and effect from its passage and approval.

Section 500.020. National Electrical Code.

- A. *Adoption Of National Electrical Code.* The National Electrical Code, 1999 Edition, as published by the National Fire Protection Association, is hereby adopted as the Electrical Code of this City to the same extent and with like effect as though set forth verbatim in this Section.
- B. *Penalty.* Any person violating any of the provisions of the Code hereby adopted shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the 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.

Section 500.030. International Plumbing Code.

- A. That certain documents, three (3) copies of which are on file in the office of the City Clerk and the City of La Plata, Missouri, being marked and designated as *International Plumbing Code*, including Appendix Chapters (fill in the applicable Appendix Chapters. [See *International Plumbing Code* Section 101.2, 1997 edition]), as published by the International Code Council be and is hereby adopted as the code of the City of La Plata,

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 La Plata, Missouri, and providing for the issuance of permits and collection of fees therefor; and each and all the regulations, provisions, conditions and terms of such *International Plumbing Code*, 1997 edition, published by the International Code Council on file in the office of the City of La Plata, Missouri, are hereby referred to, adopted and made a part hereof as if fully set out in this Section.

- B. *Additions, Insertions And Changes.* The following Sections are hereby revised:
- B. Section 101.1. Insert: (City of La Plata).
- B. Section 106.5.2. Insert: (Appropriate schedule).
- B. Section 106.5.3. Insert: (Percentages in two locations).
- B. Section 108.4. Insert: (Misdemeanor, \$500.00, 90).
- B. Section 108.5. Insert: (\$0.00; \$500.00).
- B. Section 305.6.1. Insert: (42 inches; .025 inch).
- B. Section 904.1. Insert: (96 inches).
- B. Chapter 14, Codes. Insert: (BOCA National Building Code; International Fuel Gas Code; International Mechanical Code).
- C. *Penalty.* Any person violating any of the provisions of the Code hereby adopted shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the 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.

Section 500.040. Boca National Fire Prevention Code.

- A. That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of La Plata, Missouri, being marked and designated as "The BOCA National Fire Prevention Code, Eleventh Edition, 1999" as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Fire Prevention Code of the City of La Plata, in the State of Missouri; for the control of buildings, structures and premises as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Fire Prevention Code 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 Subsection (B) of this Section.
- B. *Additions, Insertions And Changes.* The following sections are hereby revised as follows:
- B. Section F-101.1. Insert: City of La Plata, Missouri.
- B. Section F-107.2.3. Insert: No is to be inserted on each line in the column headed "Permit

required" and \$0.00 on each line in the columns headed "Permit fee" and "Inspection fee".

- C. *Penalty.* Any person violating any of the provisions of the Code hereby adopted shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the 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.

Section 500.050. International Fuel Gas Code.

- A. That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of La Plata, Missouri, being marked and designated as "The International Fuel Gas Code, 1997" as published by the International Code Council (ICC), be and is hereby adopted as the Fuel Gas Code of the City of La Plata, in the State of Missouri; for the protection of the public health, safety and welfare; control of buildings, structures and premises as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Fuel Gas Code, 1997 are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section.
- B. *Penalty.* Any person violating any of the provisions of the Code hereby adopted shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the 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.

Section 500.060. International Energy Conservation Code.

- A. That certain documents, three (3) copies of which are on file in the office of the City Clerk and the City of La Plata, Missouri, being marked and designated as the *International Energy Conservation Code*, as published by the International Code Council, be and is hereby adopted as the code of the City of La Plata, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the building envelope, mechanical, lighting and power systems in the City of La Plata, Missouri, and providing for the issuance of permits and collection of fees therefor; and each and all the regulations, provisions, conditions and terms of such *International Conservation Code*, 1998, published by the International Code Council, on file in the office of the City of La Plata, Missouri, are hereby referred to, adopted and made a part hereof as if fully set out in this Section.
- B. *Additions, Insertions And Changes.* The following Section is hereby revised:
- B. Section 101.1. Insert: (City of La Plata).
- C. *Penalty.* Any person violating any of the provisions of the Code hereby adopted shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the 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.

Section 500.070. International Mechanical Code.

- A. That certain documents, three (3) copies of which are on file in the office of the City Clerk and the City of La Plata, Missouri, being marked and designated as the *International Mechanical Code*, including Appendix Chapters [fill in the applicable Appendix Chapters. (See *International Mechanical Code Section 101.2.1, 1998 edition*)], as published by the International Code Council, be and is hereby adopted as the code of the City of La Plata, 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 La Plata, Missouri, and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *International Mechanical Code*, 1998 edition, published by the International Code Council, on file in the office of the City of La Plata, Missouri, are hereby referred to, adopted and made a part hereof as if fully set out in this Section.
- B. *Additions, Insertions And Changes.* The following section is hereby revised:
 - B. Section 101.1. Insert: (City of La Plata, Missouri).
- C. *Penalty.* Any person violating any of the provisions of the Code hereby adopted shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the 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

Building Permits and Code Enforcement

Section 500.080. Policy. [CC 1984 §49.010]

This Article describes the manner in which the Building Codes of the City are to be enforced. The Codes themselves are found in this Chapter. The fees for inspections, and the manner of inspection in the individual Building Codes are combined into one (1) method of inspection. Insofar as the provisions of Articles I and IV conflict with this Article II, this Article II will prevail.

Section 500.090. Application for Permit. [CC 1984 §49.020]

- A. Prior to any construction, an application for a building permit shall be filed with the City and a permit obtained. Any person who commences any construction without first obtaining a permit shall be guilty of a misdemeanor and shall be reported by the Building Inspector to the City Attorney, for such action as may be appropriate.
 - 1. The application for the permit shall be on a form provided by the City. Attached to such application will be a simple sketch or drawing indicating the proposed

construction, with a general description of the proposed work.

- 2. Included with the application shall be an estimate as to the cost of the construction, which estimate shall be used for the initial determination of the fee to be charged for the permit.

Section 500.100. Fee. [CC 1984 §49.030]

No permit shall be issued except on payment of the appropriate fee. The initial determination of the fee shall be made upon the application, which will be adjusted as required upon the final inspection. The fee shall be fifteen dollars (\$15.00).

Section 500.110. Permit. [CC 1984 §49.040]

If the proposed construction meets the requirements of the City's zoning and subdivision ordinances (Chapters 400 and 405 of this Code) and the application indicates the likelihood that the construction will be done in a manner consistent with the City's Building Code in this Chapter 500, the City shall issue a building permit upon payment of the fee.

Section 500.120. Form of Permit. [CC 1984 §49.050]

The permit shall be in substantially the following form:

**APPLICATION FOR BUILDING PERMIT
CITY OF LA PLATA, MISSOURI**

Date Received _____, _____ No. _____

Application is hereby made for a permit to _____ a structure or structures located at

Address or Description of Location
on land zoned as District _____ to be used as a _____

Describe Use and Construction

The applicant hereby agrees to abide and comply with all the conditions and provisions of the Zoning Ordinance of La Plata, Missouri.

Square Feet in Building _____

Fee: Amount \$ _____

Applicant's (Contractor's) Signature

Paid _____, _____

Date

Address

BUILDING PERMIT NO. _____

(To be filled in by Building Inspector)

Zoning District

Location Of Property

Front) Feet _____ Side) Feet _____ Inches _____ Rear) Feet _____

Yard) Inches _____ Yard) Feet _____ Inches _____ Yard) Inches _____

Height of Structure: Feet _____ Inches _____

Application for Building Permit No. _____

Remarks: _____

Section 500.130. Permit to Be Posted. [CC 1984 §49.060]

After the permit has been obtained, it shall be posted in a conspicuous location at the construction site until after the final inspection, and the connection of utility service.

Section 500.140. Inspections. [CC 1984 §49.070]

A. The construction work shall be inspected at a minimum of four (4) times. These inspections shall be after completion of all foundation and footing work; after completion of rough framing prior to insulation or interior covering; after completion of electrical and plumbing rough work; and after completion of all construction.

1. It shall be the responsibility of the contractor to notify the City Building Inspector at the time inspections are desired. All work shall cease until the inspection has been completed, or until the Inspector has given written authorization for construction work to proceed without immediate inspection.
2. Should building inspection reveal defects in the construction, the Inspector shall refuse to sign the building permit and shall notify the contractor of the deficiencies. The contractor shall make the required corrections, or may appeal the decision as provided in the various Building Codes.
3. Should the Building Inspector think it necessary, he/she may require additional inspections of the construction work, or he/she may waive any inspection. No such decision will be made without a written statement of the reasons underlying his/her action.

Section 500.150. Use as Certificate of Occupancy. [CC 1984 §49.080]

- A. When the construction is completed the building permit (with signature of the Building Inspector indicating the four (4) inspections have been completed satisfactorily) shall be used as a certificate of occupancy. The completed certificate will be presented to the City offices before any municipal utility service will be connected to or commenced at the completed structure.
- B. No utility subject to a franchise within the limits of the City shall provide utility service unless first a certificate of occupancy is presented thereby permitting the commencement of such service.

Section 500.160. Building Permit — Term. [Ord. No. 565 §49.090, 10-14-1986]

A building permit shall expire if building construction is not commenced within one (1) year after the date the permit is received or if the construction of the structure is not complete within one (1) year after the date construction is commenced.

Section 500.170. Violation. [Ord. No. 565 §49.100, 10-14-1986]

Violation of Sections 500.090, 500.100, 500.130, or 500.140 shall be a misdemeanor and shall be punishable by a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00).

ARTICLE III
Building Inspector

Section 500.180. Building Inspector — Office Created and How Filled — Powers and Duties Generally. [CC 1984 §40.010]

The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall appoint a Building Inspector for the City. The rate of compensation for the Building Inspector shall be established by the Mayor and Board of Aldermen at the time of his/her appointment. The Building Inspector shall have the powers and perform the duties prescribed for him/her by this Code and applicable provisions of State law and as further prescribed from time to time by the Board of Aldermen by ordinance, resolution, or ordered entered in its journal. During any period of time when the office of Building Inspector is vacant or is filled by an appointee on a part-time basis only, or when a qualified person is not available for appointment to such office, the Mayor, subject to approval of the Board of Aldermen, may designate one (1) or more other City Officers to perform the duties and exercise the powers of the Building Inspector, and any such other officer so designated and approved shall be deemed to be Building Inspector within the meaning of this Title.

Section 500.190. Building Inspector — Inspections During Building Construction — Stop Work Orders. [CC 1984 §40.020]

The Building Inspector shall inspect all buildings or structures during construction to see that the provisions of this Title are complied with. Whenever in his/her opinion, by reason of defective or illegal work in violation of a provision of this Title, the continuance of a building operation is contrary to public welfare, he/she may order all further work to be stopped and may require

suspension of work until each condition in violation has been remedied.

ARTICLE IV
City Construction Services

Section 500.200. Fees Established. [CC 1984 §48.010]

The following fees are hereby established to be charged by the City for special construction services, equipment usage, and materials sold, other than scrap or salvage.

Section 500.210. (Reserved) ¹

Section 500.220. (Reserved) ²

Section 500.230. Materials. [CC 1984 §48.040]

Materials shall be billed at cost plus transportation plus fifteen percent (15%).

Section 500.240. Exceptions. [CC 1984 §48.050]

A. The following shall be exceptions to Sections 500.210 through 500.230 of this Article:

1. No charge for hauling and spreading gravel for alleys.
2. No charge for hauling gravel for driveways (driveway spreading to be billed by the hour as per above).
3. No charge for assisting La Plata Special Road District (material to be charged at cost).
4. No charge for installation of driveway culverts (all materials to be furnished or billed as above).
5. No charge for trimming or removal of trees between sidewalk and streets or to clear electric lines (all other tree work to be billed).

Section 500.250. Driveways, Culverts Required. [CC 1984 §48.060]

All newly constructed or reconstructed driveways shall have a culvert installed of a size approved by the Street Superintendent. All installations shall be overseen by the Street Superintendent and shall be constructed in such a fashion as to receive the Superintendent's approval.

ARTICLE V
Miscellaneous Building Regulations

1. Editor's note — Ord. no. 758 §1, adopted January 16, 2001, repealed section 500.210, "Labor", in its entirety. Former section 500.210 derived from CC 1984 §48.020 and ord. no. 736 §§1 — 2, 5-9-2000.

2. Editor's note — Ord. no. 758 §2, adopted January 16, 2001, repealed section 500.220, "Equipment", in its entirety. Former section 500.220 derived from CC 1984 §48.030 and ord. no. 735 §§1 — 2, 5-9-2000.

Section 500.260. Earthquake and Seismic Design Requirements.

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

Section 500.270. Numbering of Buildings and Houses. [Ord. No. 663 §§I —; IV, 1994]

A. Duty Of Owner.

1. It shall be the duty of the owner, agent, lessor, renter or occupant of every house or other building, except barns, garages and other buildings which are part of the same property with a numbered house or building, to place on every such building its proper street number. Numbers shall be placed on such houses and buildings within sixty (60) days of passage of this Section and its announcement in the local newspaper.
2. Numbers shall be placed in a conspicuous place at the front entrance of such buildings. Said numbers shall not be less than two and one-half (2½) inches in height (standard), the color of the numbers to be in contrast to the immediate background, and shall be placed so as to be in full view from the opposite side of the street. Arabic numerals are to be used, Roman numerals and/or script numbers are not acceptable.

B. Numbering Of New Construction. It is necessary to obtain a permit before beginning any construction in the City of La Plata. Therefore, when such permit is issued, the City Clerk, in consultation with the City Building Inspector and Postmaster, will designate the number or numbers assigned to said building or dwelling on said permit. The owner or owners shall have the duty of placing numbers on said building or dwelling prior to occupancy or use of said buildings or dwellings as required by Subsection (A) of this Section.

C. Discrepancies. If any discrepancies or questions arise regarding the numbering of buildings or dwellings in the City of La Plata, they shall be settled by the City Clerk in consultation with the City Building Inspector and Postmaster.

D. Penalty. Any person, owner or owners, agents, lessor, renter or occupant violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and punished by a fine not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) plus any costs assessed by the Municipal Court.

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 La Plata, 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. [CC 1984 §41.040]

All City Police Officers and all other City employees so designated by the Mayor 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 Macon 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 Macon 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 Macon County. It is unlawful to remove this notice until such notice is complied with."

Provided however, that the order by the Building Commissioner and the posting of said notice, shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein.

Section 505.070. Building Commissioner. [CC 1984 §41.060]

The Mayor or such person appointed by the Mayor with consent of the Board of Aldermen from time to time 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 Macon 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 Macon 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 Macon County, may appeal such decision to the Circuit Court of Macon 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 a misdemeanor 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.

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I General Provisions

Section 510.010. Placing Obstructions on Streets, Sidewalks and Public Places. [CC 1984 §49a.010]

No person shall, in this City, place or throw, or cause to be thrown or placed into or upon any street, sidewalk or other public place, any article whatever so as to obstruct the free passage thereon.

Section 510.020. Grating and Doors, Etc., on Sidewalks to Be Secure. [CC 1984 §49a.020]

No person shall, in this City, keep or leave open any cellar door, or the grating of any window or vault in any street or sidewalk, suffer or permit any door or grating belonging to the premises owned or occupied by him/her opening in or through any street or alley to be left in an insecure condition, whereby any person may be in danger of falling through such door or grating; and no person in this City shall construct or maintain or permit to be constructed or maintained on his/her premises any door or grate abutting on any sidewalk or so nearly abutting thereon which swings outward so as to obstruct the free passage of persons along the sidewalk.

Section 510.030. Sidewalks to Be Kept Clean From Snow, Mud and Ice. [CC 1984 §49a.030]

The owners, agents and occupants of real property within the City, owned by them, under their charge or occupied by them, shall keep the sidewalks along and in front of and adjoining their property reasonably clear from mud, filth, snow or ice, and after a fall of snow, such owners, occupiers or agents shall within one (1) day from the time such snow ceases to fall, cause the snow to be removed and cleaned off the sidewalk, along and in front and adjoining the property owned by them, under their charge, or occupied by them.

Section 510.040. Protection of Excavations Adjoining Streets, Sidewalks and Public Places. [CC 1984 §49a.040]

It shall be unlawful for any person to dig any excavation adjoining any street, sidewalk or public place without erecting and maintaining such barriers, warning signs and lights and without taking all such other precautions as may be necessary to adequately safeguard life, limb and property endangered by such excavation.

ARTICLE II Excavations

Section 510.050. Permit Required. [CC 1984 §49a.050]

It shall be unlawful for any person to dig up or in any manner make excavation in any street, sidewalk or public place in the City without first having obtained a permit from the City Clerk so to do.

Section 510.060. Application for and Issuance of Permit. [CC 1984 §49a.060]

Any person desiring an excavation permit shall make written application therefor to the City Clerk which shall designate the place of such excavation with reasonable certainty and the reason a necessity exists for such digging or excavation. If such digging or excavation is intended to be made for a necessary and lawful purpose, the City Clerk shall issue such permit.

Section 510.070. Permittee's Duty to Backfill. [CC 1984 §49a.070]

By his/her acceptance of an excavation permit the permittee agrees to properly backfill any excavation made by him/her pursuant to his/her permit.

Section 510.080. Restoration Fees. [CC 1984 §49a.080; Ord. No. 830 §1, 10-22-2002; Ord. No. 08-900 §1, 3-10-2005]

The Board of Aldermen and/or City Administrator shall prepare a schedule of fees to be paid by applicants for an excavation permit in such amounts as the Board and/or City Administrator may determine to be necessary to cover the costs of restoring the surface after correctly backfilling the excavations or repairs, but in no event shall the fee/bond be less than two hundred fifty dollars (\$250.00). When the surface is restored by permittee in a manner satisfactory to the sewer and/or street personnel and no problems exist from work performed, and after one (1) year, the fee paid by such permittee shall be refunded to such permittee; and if the surface is restored or problems were corrected by the City, such fee shall be applied toward the cost of restoration/repairs and the excess, if any, shall be refunded to permittee; and if the fee is insufficient to cover the cost of restoration of the surface or repairs by the City, the permittee shall be liable to the City to the extent that the costs to the City exceed the amount of the fee.

Section 510.082. Bond/Fee. [Ord. No. 830 §2, 10-22-2002; Ord. No. 08-900 §2, 3-10-2005]

- A. Bond/fee shall be in the form of cash or other valid security as determined by the City Clerk and shall be held for seventy-two (72) hours before deposited in the City accounts.
- B. Unless directed by the City Inspector, all excavations made within the City street and/or alleys shall be backfilled in the following manner: From the bottom of the ditch to within two (2) feet of the top of the ground level; shall be sand or chips first twelve (12) inches, then be one (1) inch clean gravel remainder to within two (2) feet. Then one (1) foot of clay or suitable material to form a compact water seal, then one (1) inch clean gravel, with street/alley top layer, being of the same material and thickness as existing street or alley.
- C. All excavations made within two (2) feet of a sewer main, sewer manhole or water main requires a bond/fee of one thousand dollars (\$1,000.00). All work performed next to or within two (2) feet of the sewer main, City personnel will supervise the sewer/water main and/or sewer manhole as work is being performed. All or a portion of the bond/fee payment shall be retained by the City of La Plata if damage has occurred to the sewer main, manhole or water main.
- D. Any work/excavations that requires a City Inspector (zoning, water, sewer, street or electrical) after normal hours or weekends shall be paid by the permittee at the actual cost to the City for that employee.

- E. Any bonding and/or any cost incurred to the City, that the permittee has not posted or paid, shall be added to the resident's utility bill where the work is being performed.

Section 510.090. Protection of Persons and Property. [CC 1984 §49a.090]

Permittees under this Chapter shall erect and maintain such barriers, warning signs and lights, and take such other precautions as may be necessary to adequately safeguard life, limb and property; and shall comply with any lawful requirements which the Board of Aldermen or the City Clerk may impose for this purpose.

Section 510.100. Work Done Under Permit to Be Prosecuted Diligently. [CC 1984 §49a.100]

All work done pursuant to an excavation permit shall be prosecuted diligently and without avoidable delay, to the end that all excavations shall be backfilled and the repair and restoration work completed within a reasonable time. Whenever, in the opinion of the City Clerk, a permittee fails to meet the requirements of this Section, he/she shall notify the delinquent permittee that the work must be completed and the excavation backfilled within a period of time to be stated in the notice; and failure of permittee to comply with such notice shall constitute a violation of this Section.

**ARTICLE III
Sidewalks**

Section 510.110. Condemnation of Defective Sidewalks. [CC 1984 §91.010; Ord. No. 17-07 § 1, 5-9-2017]

Whenever the Board of Aldermen shall find and determine any sidewalk, or any portion thereof, within the corporate limits of the City of La Plata to be defective, the Board of Aldermen may by resolution condemn the same.

Section 510.120. Notice to Owner of Abutting Property. [CC 1984 §91.020; Ord. No. 17-07 § 1, 5-9-2017]

When the Board of Aldermen shall condemn any sidewalk or any portion thereof, the owner of the property abutting thereon shall be immediately notified by the City Clerk of that fact; and it shall be the duty of such abutting property owner within a period of ninety (90) days after such condemnation, to repair, or construct such sidewalks to specifications established by the Board of Aldermen in Section 510.170 of this Article, or to remove the condemned residential sidewalk and landscape the area to an acceptable appearance which will pass inspection by the Street Commissioner of La Plata, Missouri.

Section 510.130. Repair and Construction of Sidewalks by City. [CC 1984 §91.030; Ord. No. 17-07 § 1, 5-9-2017]

When, after condemnation by the Board of Aldermen of any sidewalk or portion thereof, and notice of such condemnation to the abutting property owner, such abutting property owner shall fail within a period of ninety (90) days after such condemnation, to repair, construct or reconstruct such sidewalk or to remove the condemned residential sidewalk and landscape the area to an acceptable appearance, the City shall have authority to repair, construct or reconstruct

the same or to remove the condemned residential sidewalk and landscape the area to an acceptable appearance, keeping an accurate account of the amount expended for labor and material, including grading and filling opposite each lot or piece of ground, and each lot or piece of ground abutting on said sidewalk, so repaired, constructed/reconstructed, or remove and landscaped to an acceptable appearance, shall be liable for the actual costs thereof as reported to the Board of Aldermen by the Street Commissioner or a committee authorized by the Board of Aldermen to have charge of the matter, and special tax bills shall be issued for the amount thereof, which said special tax bills shall be a lien against the respective lots and pieces of ground therein described, as in the case of other special tax bills issued by said City.

Section 510.140. through Section 510.160. (Reserved) ³

Section 510.170. Sidewalk Specifications. [CC 1984 §91.070; Ord. No. 17-07 § 1, 5-9-2017]

All new sidewalks hereafter built or old ones rebuilt within the corporate limits of the City of La Plata, Missouri, shall be built under the direction and supervision of the Street Commissioner or a committee authorized by the Board of Aldermen to have charge of the matter, and shall be of concrete, and shall be a minimum of three (3) inches thick, and shall be of the following width: On the streets around the public square, not less than eight (8) feet; and on all other streets in said City, not less than four (4) feet.

Section 510.180. Removal of Sidewalks. [Ord. No. 837 §1, 12-10-2002; Ord. No. 17-07 § 1, 5-9-2017]

No sidewalk within the corporate City limits shall be permanently removed without the direct and written authorization of the Board of Aldermen. However, in residential area of town, a property owner may remove the condemned sidewalk and landscape the area to an acceptable appearance which will pass inspection by the Street Commissioner of La Plata, Missouri.

Section 510.190. (Reserved) ⁴

3. Editor's Note: Former Sections 510.140, Construction Of New Sidewalks, adopted and/or amended by CC 1984 § 91.040; 510.150, Notice To Owner Of Abutting Property, adopted and/or amended by CC 1984 § 91.050; 510.160, Construction Of New Sidewalks By The City, adopted and/or amended by CC 1984 § 91.060, were repealed 5-9-2017 by Ord. No. 17-07 § 1.

4. Editor's Note: Former Section 510.190, Shared Cost Sidewalk Replacement Policy, adopted and/or amended by Ord. No. 837 § 2, 12-10-2002, was repealed 5-9-2017 by Ord. No. 17-07 § 1.