

outline is defined and used in this document

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: BUILDING CODES AND BUILDING REGULATIONS

ARTICLE I. ADOPTION OF BUILDING CODES

Cross Reference—As to one- and two-family dwellings code, §515.020.

SECTION 500.010: BUILDING CODE

- A. A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of New Franklin, Missouri, being marked and designated as "The BOCA National Building Code, Thirteenth Edition, 1996" as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Building Code of the City of New Franklin, Missouri for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and term of said BOCA National Building 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:

Section 101.1.	Insert: City of New Franklin
Section 112.3.	Insert: See local ordinance
Section 116.4.	Insert: See local ordinance
Section 117.2.	Insert: See local ordinance
Section 3408.2.	Insert: September 15, 1996

(Ord. No. 604 §§1, 3, 9-9-96)

SECTION 500.015: VIOLATION AND PENALTY

Any person who shall violate any provision of the Building Code adopted in Section 500.010, or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan of or directive of the Code Official, or of a permit or certificate issued under the provision of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 500.020: PROPERTY MAINTENANCE CODE

- A. A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of New Franklin, Missouri, being marked and designated as "The BOCA National Property
[The next page is 655]

Maintenance Code, Fifth Edition, 1996" as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Property Maintenance Code of

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the City of New Franklin in the State of Missouri for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Property Maintenance 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 BOCA National Property Maintenance Code is amended and revised in the following respects:

Section PM-101.1	Insert:	City of New Franklin, Missouri
Section PM-106.2	Insert:	\$50.00, \$200.00, respectfully
Section PM-106.2	Insert:	30

Section PM-110.3	Deleted in its entirety.
Section PM-110.3	Added: New Section as follows:

Section 110.3 Failure to Comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be certified to the City Clerk or other officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, and shall be collected in the same manner and procedure as for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on property until paid.

Section PM-111.0	Added as follows:
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Section 111.0 Board of Appeals.

1. The Mayor shall act as Building Commissioner under this Section.
2. Any person affected by a decision of the code official or a notice or order issued under this Code shall have the right to appeal to the Building Commissioner, provided that a written application for appeal is filed within twenty (20) days after the day the decision notice or order was served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means.
3. The Mayor (Building Commissioner) shall:
4. Upon receipt of the report of the Building Inspector as provided in Ordinance No 603 give written notice 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 the County to appear before him 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 statements and particulars set forth on the Building Inspectors notice provided for herein in Ordinance No. 603.

[The next page is 655]

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5. Hold a hearing and hear such testimony as the Building Inspector, or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the land records of the County shall offer relative to the "dangerous building".
6. Make written findings of fact from the testimony offered pursuant to Subsection (5) as to whether or not the building in question is a "dangerous building".
7. Issue an order based upon findings of fact from the testimony offered pursuant to Subsection (6) commanding the owner, occupant, mortgage, lessee, agent and all other persons having an interest in said building as shown by the land records of the County, to repair, vacate, or demolish any building found to be a "dangerous building" within the terms of this Section and provided that any person so notified shall have the privilege of either vacating or repairing said dangerous building; or any person not the owner of said dangerous building; but having an interest in said building as shown by the land records of the County may demolish said dangerous building at no risk to prevent the acquiring of a lien against the land upon which said "dangerous building" stands by the City, as provided in Subsection (8).
8. If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in Subsection (7) hereof, within thirty (30) days, the Board of Aldermen then shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided for and shall with the assistance of the City Attorney cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner; provided that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, safety, or general welfare of the people of this City, the Board shall notify the City Attorney to take legal action to force the owner to make all necessary repairs or demolish the building.
9. Report to the City Attorney the names of all persons not complying with the order provided for.
10. At the request of the taxpayer, the special tax bill provided for may be paid in installments over a period of not more than ten (10) years; said assessment shall bear interest at the rate of eight percent (8%) per annum until paid.
11. *Appeal to Circuit Court.* Any owner, occupant, lessee, mortgagee, agent, or any other person having an interest in a "dangerous building" as shown by the land records of the Recorder of Deeds of the County may, within thirty (30) days from the receipt of the order of the Mayor (Building Commissioner) provided for by this Code appeal such decision to the Circuit Court of the County wherein the land is located, pursuant to the procedure established in Chapter 536, RSMo.

Section PM-304.15
 Section PM-602.2.1
 Section PM-602.3

Insert: April 1 to September 30
 Insert: October 1 to April 30
 Insert: November 1 to March 30

(Ord. No. 603 §§1, 3, 9-9-96; Ord. No. 614 §§1–2, 9-22-97; Ord. No. 619 §§1–11, 1-26-98)

SECTION 500.025:

VIOLATION AND PENALTY

Any person who shall violate a provision of the Property Maintenance Code adopted in Section 500.020 or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan of or directive of the Code Official, or of a permit or certificate issued under the provision of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE II. BUILDING REGULATIONS

SECTION 500.030:

DEMOLITION WORK REQUIRES PERMIT

- A. All demolition work in the City of New Franklin requires a permit as set out in this Section.
- B. Demolition and application fee is fifteen dollars (\$15.00) for a small non-resident or non-commercial structure with no water or sewer connections and thirty-five dollars (\$35.00) minimum, one hundred thirty-five dollars (\$135.00) maximum for a resident or commercial structure with water and sewer connections. The fee will be determined by the Building Inspector. A two hundred fifty dollar (\$250.00) or five hundred dollar (\$500.00), respectively, refundable deposit is due when the permit is issued.
- C. *Additional Requirements.*
 - 1. Disconnect letter from AmerenUE for electricity and gas.
 - 2. Contact DIG-RITE and request location of utilities in any rights-of-way.
 - 3. Proof of sewer cap.
 - 4. City of New Franklin Water Department will disconnect the water service.
 - 5. Asbestos inspection by City of New Franklin Building Inspector and proof of asbestos removal if asbestos is present.
 - 6. *Wells.* Wells will be located by the contractor, clearly marked and reported to the City of New Franklin.
 - 7. *Propane tanks.* Propane tanks are the property of the propane company named on the tank. It is the contractor's responsibility to contact these companies and have them properly disconnected and removed from the premises.
 - 8. Letter from the property owner certifying designated contractor to demolish structure.
 - 9. Certification of required insurance by demolition contractor.

D. *Work Specifications.*

1. All utility connections must be properly disconnected. Sewer and water shutoffs must be secured. Copies certifying proper disconnection of water, sewer, gas and electricity must be obtained before demolition permit will be issued.
2. Obtain demolition permit from New Franklin City Clerk.
3. Remove all combustible material from premises. Break out footing, foundation and basement floor. Fill in basement, cistern or septic tank cavities with non-combustible solid fill material. Call for inspection to verify removal of floor and fill material. If concrete is being buried on the premises, the owner must approve and sign the application.
4. *Grading of lot.* When a building has been demolished and building replacement has not been projected or approved, the vacant lot shall be filled, graded, maintained in conformity to the established street grades at curb level. Non-graded areas are to be marked. The lot shall be maintained free from the accumulation of rubbish and all other unsafe or hazardous condition which endanger the life or health of the public. Provision shall be made to prevent the accumulation of water or damage to any foundations on the premises of the adjoining property.
5. *Completion of work.* Demolition of work shall start within fifteen (15) days after the date of issuance of the demolition permit and shall be completed within thirty (30) days of such issuance date. The Building Inspector may, after receiving a written request from the applicant, extend this permit one (1) or more additional period(s), if, in his/her opinion, conditions, such as weather, may have prevented the completion of the work within the prescribed allotted time.

- E. The deposit will be funded within five (5) business days of the Building Inspector's final inspection and approval. (Ord. No. 693 §§1-5, 10-25-04)

[The next page is 655]

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 New Franklin, Missouri.

SECTION 505.020: DANGEROUS BUILDINGS DEFINED

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

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

SECTION 505.030: DANGEROUS BUILDINGS DECLARED NUISANCE

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

SECTION 505.040: STANDARDS FOR REPAIR, VACATION OR DEMOLITION

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

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

SECTION 505.050: BUILDING INSPECTOR

The Building Inspector shall be the Building Inspector within the meaning of this Chapter.

SECTION 505.060: DUTIES OF BUILDING INSPECTOR—PROCEDURE AND NOTICE

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

1. Inspect or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such place to be a dangerous building when he/she has reasonable grounds to believe that any such building is dangerous.
2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.
3. Inspect any building, wall or structure reported by the Fire or Police Departments of this City as probably existing in violation of this Chapter.
4. Notify the owner, occupant, lessee, mortgagee, agent and all other persons having an

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interest in the building or structure, as shown by the land records of the Recorder of Deeds of Howard County, of any building or structure found by him/her to be a dangerous building or structure within the standards set forth in Section 505.020. Such notice shall be in writing and shall be given either by personal service or by certified mail, return receipt requested, or if service

cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) consecutive weeks.

The notice required shall state that:

- a. The owner must vacate, vacate and repair, or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Chapter.
- b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession.
- c. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Howard 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 Howard 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.

[The next page is 655]

SECTION 505.070:

BUILDING COMMISSIONER

The City Administrator shall act as Building Commissioner under this Chapter.

SECTION 505.080:

DUTIES OF THE BUILDING COMMISSIONER

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

1. Supervise all inspections required by this Chapter and cause the Building Inspector to make inspections and perform all the duties required of him/her by this Chapter. Upon receiving a complaint or report from any source that a dangerous building exists in the City, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his/her duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other City department or retain services of an expert whenever the Building Commissioner deems such service necessary.
2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other persons(s) having an interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, hold a hearing giving the affected parties full and adequate hearing on the matter.
3. Give written notice of said hearing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of those modes of service, then by publication in a newspaper qualified to publish legal notices, at least ten (10) days in advance of the hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Howard 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 Howard 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.

[The next page is 655]

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 Howard County may appeal such decision to the Circuit Court of Howard County, as provided for in Sections 536.100 to 536.140, RSMo., if a proper record as defined in Section 536.130, RSMo., is maintained of the hearing provided for in Section 505.080 hereof. Otherwise, the appeal shall be made pursuant to the procedures provided for in Section 536.150, RSMo.

SECTION 505.110: EMERGENCIES

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

SECTION 505.120: VIOLATIONS—DISREGARDING NOTICES OR ORDERS

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

OTHER PUBLIC PLACES

CHAPTER 510: STREETS, SIDEWALKS AND

ARTICLE I. SIDEWALKS

SECTION 510.010: CONSTRUCTION OF SIDEWALKS

- A. No person shall construct any sidewalk or curbing or do any grading upon any of the streets of the City, except under contract with the City or under written permission from the City Services Director or the Board of Aldermen.
- B. Private driveways across sidewalks may be made only under permit from the City Services Director and must conform to the specifications made by him/her. No such driveway shall be made, except upon the written request of the owner of the property, for the benefit of which such driveway shall exist and the costs therefor shall be included in the tax bills issued against the property for the benefit of which the driveway is made.
- C. No person shall do any of the following acts in the City without first obtaining a permit from the Board of Aldermen or the City Services Director.
 - 1. Change the surface level or grade of any street, parkway or sidewalk.
 - 2. Alter, mutilate or destroy any roadway, curbing or part thereof.
 - 3. Lay concrete or other hard surfacing material on any street, parkway or part thereof.

It shall be the duty of the City Services Director to restore and reconstruct any sidewalk, roadway, curbing or street parkway which has been altered or changed in violation of this Section, and the expense of such work of restoration shall constitute a charge in favor of the City of New Franklin against the person or persons, severally and collectively, responsible for such alteration or change. (CC 1996 §500.010)

ARTICLE II. CONSTRUCTION OF STREETS

SECTION 510.020: STREET CONSTRUCTION SPECIFICATIONS FOR SEVEN INCH PENETRATION BASE

All streets of the City of New Franklin, hereafter constructed including streets dedicated to public use as a part of any subdivision hereafter accepted by the City, shall be built in such a manner as to conform to the following minimum specifications and requirements:

- 1. *Description.*
 - a. The asphalt macadam base shall consist of mineral aggregate and asphalt cement combined

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as hereinafter specified and shall be laid upon the prepared subbase to a finished thickness of not less than seven (7) inches.

[The next page is 655]

- b. The method of construction shall proceed substantially as follows:
 - (1) One (1) inch to three-fourth ($\frac{3}{4}$) inch covering of screens shall be placed and rolled.
 - (2) A three (3) inch lift of coarse aggregate shall be placed and spread to an even contour, rolled and treated with hot asphalt cement.
 - (3) A second (2nd) three (3) inch lift of coarse aggregate shall be spread and brought to an even contour, rolled and checked to insure the finished base has a thickness of seven (7) inches and then it shall be treated with hot asphalt cement applied as hereinafter specified.
 - (4) The surface voids shall be filled by applying and rolling in sufficient fine aggregate.
 - (5) A two (2) inch layer of hot mix asphaltic concrete shall be applied by means of an approved asphalt finishing machine.
 - c. All materials and methods of construction shall conform to the requirements of those specifications.
2. *Materials.* The mineral aggregate shall consist of crushed limestone. It shall be reasonably uniform quality throughout and shall be clean and free from an excess of dust and flat or elongated stone. The crushed limestone shall have a percent of wear by the Los Angeles abrasion machine test of not more than fifty (50).
 3. *Approval of materials.* Prior to use, samples of all materials proposed to be employed under those specifications shall be submitted to the City Services Director for test and analysis and no material shall be used until it has been approved by the City Services Director.
 4. *Construction.*
 - a. Prior to the construction of the surface course, the base shall be brought to a uniform grade, plus or minus one-tenth ($\pm 1/10$) of a foot and cross-section. It shall be thoroughly compacted ninety-five percent (95%) and shall be cleaned of loose material and foreign matter.
 - b. Any soft spots shall be removed. Then, one (1) inch to three-fourth ($\frac{3}{4}$) inch covering of screening shall be placed and rolled. The coarse aggregate of 3" to 2½" stone shall then be spread upon the subbase in a uniformly loose layer of correct thickness three (3) inches. Suitable precautions shall be taken to prevent the aggregate from becoming mixed or coated with dirt or other objectionable matter before and after spreading.
 - c. The coarse aggregate shall then be dry rolled with a power driven steel wheel roller weighing not less than ten (10) tons and with a minimum weight of three hundred (300) pounds per inch width of rear wheel. Rolling shall start longitudinally at the sides and proceed toward the center of the pavement, overlapping on successive trips by at least one-half ($\frac{1}{2}$) of the width of the rear wheel. The compacted coarse aggregate shall then be tested to insure that it possesses a firm, even surface, true to cross sections shown on the plans and presents a texture which will allow uniform penetration of the asphalt cement. If any irregularities appear during or after rolling, they shall be remedied by loosening the

surface and removing or adding coarse aggregate, as may be required, after which the area disturbed, including the surrounding surface, shall be rolled until compacted satisfactorily to a uniform surface. All coarse aggregate which becomes coated or mixed with dirt or foreign substances prior to the application of asphalt cement shall be removed and replaced with clean aggregate of the same kind and compacted as specified.

- d. The pressure distributor used for applying asphalt cement shall be equipped with pneumatic tires and shall be so designed and operated as to distribute the asphalt cement in a uniform spray without atomization in the amount and between the limits of temperature specified. It shall be equipped with a fifth (5th) wheel speed tachometer registering feet per minute and so located as to be visible to the truck driver to enable him/her to maintain the constant speed required for application at the specified rate.
- e. The pump shall be operated by a separate power unit or by the truck power unit. It shall be equipped with a tachometer registering gallons per minute passing through the nozzles and readily visible to the operator. Suitable means for accurately indicating at all times the temperature of the asphalt cement shall be provided. The thermometer well shall be so placed as not to be in contact with a heating tube.
- f. The distributor shall be so designated that the normal width of application shall be not less than six (6) feet, with provision for the application of lesser width when necessary. If provided with heating attachments, the distributor shall be so equipped and operated that the asphalt cement shall be circulated or agitated throughout the entire heating process.
- g. Upon each lift of rolled coarse aggregate, 85–100 penetration asphalt cement shall be applied uniformly at the rate of two (2) gallons per square yard at application temperature with an allowable tolerance of one-tenth (0.1) gallon either way. Asphalt cement shall be applied only when the course is thoroughly dry for its entire depth and, unless otherwise permitted by the City Services Director, when the air temperature in the shade is not less than forty degrees Fahrenheit (45°F). Application of the asphalt cement shall be made by means of a pressure distributor as described above.
- h. The asphalt cement shall be heated in tanks designed to secure uniform heating of the entire contents and, immediately prior to application, shall be brought to a temperature of three hundred fifty degrees Fahrenheit (350°F) to four hundred degrees Fahrenheit (400°F) as directed by the City Engineer. The contractor shall provide all necessary facilities for determining the temperature of the asphalt cement during heating and prior to application. A narrow spout pouring pot or hand spray shall be used to apply asphalt cement necessary to touch up all spots unavoidably missed by the distributor.
- i. The second (2nd) lift of crushed stone shall be put in place exactly as the first (1st) lift as described above, the one (1) exception being the size of stone shall be 2" to 1½" rather than 3" to 2½" as used in the first (1st) lift. Asphalt requirements shall be the same as upon the first (1st) lift. Immediately after the asphalt cement has been applied to the second (2nd) lift of coarse aggregate, there shall be spread over its surface a light sprinkling of clean, dry three-fourth (¾) inch aggregate at fifteen (15) pounds to the square yard and drag broomed. The rolling shall continue, not exceeding maximum rolling speed of three (3) miles per hour, until the pavement is firmly bound together and the surface is hard and smooth and shows no perceptible movement under the roller. The aggregate for this purpose shall be applied by means of a mechanical spreader and shall be ready for

immediate use before any asphalt cement shall be applied. It shall be applied ahead of truck or roller wheels.

5. *Mix.* The asphalt concrete surfacing shall consist of two (2) inches, after compaction, hot mix asphaltic concrete to meet the specifications that follow:

Type of Material	Specification Limit
$\frac{3}{4}$ – $\frac{1}{2}$	100
$\frac{1}{2}$ – $\frac{3}{8}$	0–25
$\frac{3}{8}$ –4	20–45
4–10	7–20
10–40	7–20
40–80	5–20
80–200	5–18
–200	4–10
Asphalt (70–85 AC)	4–7

6. *Type of equipment.* All equipment to meet the Missouri State Highway Department specifications, including the mix plant, the roller (ten (10) ton) and the asphalt finishing machine.
7. *Method of rolling.* Break down rolling shall be immediately behind the finishing machine. After mix has cooled, rolling to continue until roller marks are removed. (CC 1996 §505.010)

CHAPTER 515: MINIMUM HOUSING

STANDARDS

SECTION 515.010: DEFINITIONS

- A. *Scope.* Unless otherwise stated, the following definitions shall for the purposes of this Code have the meanings indicated.
- B. *Interchangeability.* Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular numbers include the plural and the plural numbers include the singular.
- C. *Applied Meaning Of Words And Terms.* As used in this Chapter, the following terms shall have these prescribed meanings:

APARTMENT: A room or suite of rooms occupied or intended or designed to be occupied by one (1) individual, family or household for housekeeping purposes.

APPROVED: Approved by the Building Inspector of the City of New Franklin or by his/her administrative official authorized by him/her.

BASEMENT OR CELLAR: The portion of a dwelling between the floor and the ceiling which is partly or wholly below grade.

BOARD: The local unit of government or such board appointed by the Mayor for a period of three (3) years.

CENTRAL HEATING BOILERS AND FURNACES: Heating furnaces and boilers shall include warm air furnaces, floor mounted, direct fired unit heaters, hot water boilers and steam boilers operating not in excess of fifteen (15) pounds of gauge pressure used for heating of buildings or structures.

CHIMNEY: A vertical shaft of masonry, reinforced concrete or other approved, non-combustible, heat-resistant material enclosing one (1) or more flues for the purpose of removing products of combustion from solid liquid or gas fuel.

CITY: The City of New Franklin.

DWELLING: Any building or mobile home or other structure which is wholly or partly used or intended to be used for living or sleeping by human occupants. This does not include temporary housing which is designed to be portable and is not attached to the ground, another structure or any utilities system on the same premises for more than thirty (30) days.

EFFICIENCY APARTMENT: Any room having cooking facilities used for combined living, dining and sleeping purposes and meeting the requirements of this Code.

EXTERIOR PROPERTY AREAS: Open space on the premises and on adjoining property under the control of owners or operators of such premises.

[The next page is 655]

EXTERMINATION: Control and elimination of insects, rodents and other pests by eliminating their

[The next page is 655]

harborage place; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination method.

FLUE: A vertical passageway for products of combustion.

GARBAGE: The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE ROOM: A room or enclosed floor space arranged for living, eating and sleeping purposes (not including bathrooms, water closet compartment, laundries, pantries, foyers, hallways and other accessory floor spaces or basement rooms used for recreational purposes).

HEATING: The definitions following under this paragraph shall apply to heating installations.

INFESTATION: The presence within or contiguous to a structure or premises of insects, rodents, vermin or other pests.

OCCUPANT: Any person over one (1) year of age living and sleeping in a dwelling unit or having actual possession of said dwelling unit.

OPENABLE AREA: That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR: The person who has charge, care and control of a structure or premises which are let or offered for occupancy.

OWNER AND OWNER OCCUPANT: Any person herein defined who, alone, jointly or severally with others, shall have record legal title to any dwelling as herein defined.

PERSON: An individual, firm, corporation, association or partnership.

PLUMBING OR PLUMBING FIXTURES: Water heating facilities, water pipes, gas pipes, garbage and disposal units, waste lavatories, bathtubs, shower baths and washing machines or other similar equipment, catch basins, drains, vents or other similarly supplied fixtures together with all connections to water, gas, sewer or vent lines.

PUBLIC NUISANCE:

1. Any public nuisance known at common law or in equity jurisprudence.
2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building or upon an unoccupied lot. This includes an abandoned well, shafts, basements or excavation; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove hazardous.
3. Whatever is dangerous to human life or is detrimental to health as determined by the Building Official or Administrator.
4. Inadequate or unsanitary sewage or plumbing facilities.

[The next page is 655]

[The next page is 655]

ROOMING UNIT: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or heating purposes.

SPACE HEATER: A self-contained, venter heating appliance of the circulating type or the radiant type and intended primarily to heat only one (1) room.

STRUCTURE: Assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, open sheds, coal bins, shelters, fences and display signs.

SUPPLIED: Installed, furnished or provided by the owner or operator.

TRASH OR RUBBISH: Combustible and non-combustible water materials, except garbage. The term shall include the residue from the burning of wood, coal, cokes and other combustible materials, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials.

VENT PIPE: As applied to heating, means a pipe for removing products of combustion from gas appliances.

VENTILATION: The process of supplying and removing air by natural or mechanic means to or from any space.

WATER HEATER: A device for the heating and storage of water to be used for other than heating or industrial purposes.

WORKMANLIKE: When the words "*workmanlike state of maintenance and repair*" are used, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

YARD: An open unoccupied space on the same lot with the building extending along the entire length of a street or rear or interior lot line. (CC 1996 §510.010)

SECTION 515.020:

ONE- AND TWO-FAMILY DWELLINGS

The One- and Two-Family Dwelling Code, Second Edition, 1975, a copy of which is on file in the office of the City Clerk, is adopted as to be controlling within the City except that Section R-109 of said code shall not apply in the City of New Franklin. Any person violating the code shall be guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued and permitted. (CC 1996 §510.020)

SECTION 515.030:

SANITARY FACILITIES AND CONDITIONS

A. Facilities.

1. Every dwelling unit shall have a flush toilet in a separate, private room.

2. Every dwelling unit shall have a fixed basin and a shower or tub in proper operating condition with hot and cold running water.
3. Hot and cold running water shall be present in the dwelling unit.
4. Every kitchen sink, lavatory basin, bathtub, shower and toilet shall be connected to either a public or private approved water and disposal system.

B. *Conditions.*

1. The dwelling unit and its equipment shall be free of vermin and rodent infestation.
2. The owner shall be responsible for maintaining sanitary conditions in all public or common areas. If infestation occurs in the rental units, the landlord shall be responsible for extermination.
3. The tenants shall be responsible for maintenance of the occupied unit in a clean and non-destructive manner.
4. Every dwelling unit shall be provided with a closed receptacle accepted by the City for the disposal of garbage and trash. (CC 1996 §510.030)

SECTION 515.040:

FOOD PREPARATION

Each kitchen shall have a kitchen sink in proper operating condition with hot and cold running water. Water and drainage to be connected to an approved public or private system and each dwelling shall contain an "adequate" space for storage and preparation and serving of food. (CC 1996 §510.040)

SECTION 515.050:

LIVING SPACE

Except for efficiency living units, each dwelling unit shall have:

1. Living room;
2. Kitchen area;
3. Bathroom with toilet in separate, private room; and
4. One (1) bedroom or living room of "appropriate" size. (CC 1996 §510.050)

SECTION 515.060:

THERMAL ENVIRONMENT

- A. Every dwelling unit shall contain safe heating facilities in proper operating condition.
- B. Adequate heating to each room appropriate for the climate must be assured. Room heaters which burn wood, gas, oil or kerosene must be properly vented. (CC 1996 §510.060)

[The next page is 655]

SECTION 515.070: SAFETY AND ACCESS

- A. Exterior doors and windows shall be lockable.
- B. Access to a dwelling unit must not be through other dwelling units. An alternative means of leaving the dwelling in the case of fire shall be provided. (CC 1996 §510.070)

SECTION 515.080: ILLUMINATION AND ELECTRICITY

- A. The dwelling shall be free from dangerous levels of air pollution, such as carbon monoxide, sewer gas, fuel gas, dust and harmful air pollution.
- B. All living rooms and sleeping rooms shall have at least one (1) window which can be opened.
- C. One (1) electric outlet on each wall shall be present and operable in living room and each bedroom.
- D. A ceiling or wall-type light fixture shall be present and working in the bathroom and kitchen area. In addition, at least one (1) electrical outlet is required.
- E. Bathroom areas shall have one (1) operable window or other adequate exhaust ventilation.
- F. Windows shall be glazed and fit properly and have adequate locks or safety. (CC 1996 §510.080)

SECTION 515.090: STRUCTURAL CONDITION

- A. Each foundation shall adequately support the building at all points, be maintained in a workmanlike state of maintenance and repair and exclude rodents. The roof structure shall be firm and weather-tight. The exterior wall structure and wall surface shall not have any serious defects such as buckling, serious leaning, sagging, cracks or holes, loose siding or other serious damage. Painting will be required where paint is peeling off and sluffing and wood is exposed.
- B. *Interior Structural Condition.* The dwelling unit must be free of severe bulging, leaning, large holes, loose surface materials, noticeable movement under walking stress, sever buckling, missing parts or other serious damage in ceilings and walls or floors. The floors shall be capable of supporting normal loads. Inside and outside stairways, halls, porches and walkways shall present no danger of tripping or falling. (CC 1996 §510.090)

SECTION 515.100: INSPECTION

It shall be the responsibility of the Building Inspector of the City of New Franklin or his/her designee to make inspections of all residential structures and premises to safeguard the safety, health and welfare of the public. Inspections may be made on any dwelling for which a written complaint is filed by any person to the effect that the dwelling or building is or may be in violation of standards herein established. (CC 1996 §510.100)

SECTION 515.110: REFUSAL TO GRANT ACCESS

In the event the owner, operator or occupant shall refuse to grant access to any dwelling which is or may be in violation of the minimum housing standards herein, the person authorized to make inspections shall make application to a court of competent jurisdiction for permission to inspect such dwelling. This shall be taken only if access has first been refused. (CC 1996 §510.110)

SECTION 515.120: NOTICE

When the Building Inspector or his/her designee determines that there are reasonable grounds to believe that there has been a violation of any provisions of these standards, he/she will give notice of such alleged violation to the person or persons responsible therefor. Such notice shall be in writing and shall contain the following:

1. The street address and legal description of the premises.
2. The conditions found which do not comply with the standards herein set out.
3. A statement of the action required by the City stating that repairs shall be started within twenty (20) days and completed within sixty (60) days. Extension of time may be given.
4. Service of notice required hereunder shall be by registered mail. (CC 1996 §510.120)

SECTION 515.130: FAILURE TO COMPLY

- A. Dwellings failing to comply with the minimum standards herein set out shall be declared public nuisances and shall be abated by repairing, reconditioning, vacating or demolishing. Failure to abate said nuisance shall be a misdemeanor. Upon conviction of same, the owner of said dwelling shall be fined a minimum of twenty-five dollars (\$25.00) per day to a maximum of one hundred dollars (\$100.00) per day until such time as said nuisance is abated.
- B. Upon non-compliance of this Chapter, the City shall:
 1. Demolish dilapidated buildings declared to be a public nuisance where the owner fails to demolish the same and approve special tax bills against said property in a sufficient amount to pay for said demolition.
 2. Require certificates of occupancy to indicate compliance with this Chapter prior to occupancy of any dwelling once declared a public nuisance. (CC 1996 §510.130)

SECTION 515.140: JUDICIAL APPEAL

Any party aggrieved by any act or determination or order of the City of New Franklin, as pertaining to this Chapter, may appeal to the court of competent jurisdiction. (CC 1996 §510.140)

SECTION 515.150:

APPLICABILITY

Every residential structure and the premises on which it is situated shall comply with these standards whether or not such structures shall have been constructed before or after the adoption of these standards. (CC 1996 §510.150)

[The next page is 655]