

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: BUILDING CODES AND BUILDING REGULATIONS

ARTICLE I. BUILDING CODES

Cross Reference—As to placement of apparel or bedding on or around windows, see §210.740.

SECTION 500.010: ADOPTION OF COUNTY CODES

The Saint Louis County Building, Mechanical, Electrical, Plumbing, Explosives, Property Maintenance and Land Disturbance Codes as amended by the County of Saint Louis through date of last amendatory ordinances:

- 11 Building (County Ordinance 20311 Adopted December 21, 2000)
- A.2. Mechanical (County Ordinance 20694 Adopted November 14, 2001)
- A.3. Electrical (County Ordinance 21553 Adopted September 17, 2003)
- A.4. Plumbing (County Ordinance 20312 Adopted December 21, 2000)
- A.5. Property Maintenance (County Ordinance 20851 Adopted April 4, 2002)
- A.6. Explosives (County Ordinance 18693 Adopted November 6, 1997)
- A.7. Land Disturbance (County Ordinance 21578 Adopted October 13, 2003)

Code(s) respectively are hereby adopted as the Building, Mechanical, Electrical, Plumbing, Explosives, Property Maintenance and Land Disturbance Codes of the City of Moline Acres, Missouri, as if fully set out herein. (Ord. No. 905 §1, 9-14-04)

SECTION 500.020: ENFORCEMENT OF COUNTY CODES

A contract agreement with St. Louis County, Missouri, for enforcement of the City Amusements, Building, Electrical, Elevators, Explosives, Mechanical, Plumbing and Land Disturbance Codes is hereby approved and on file in the City offices. (Ord. No. 890, 7-13-04; Ord. No. 891, 7-13-04; Ord. No. 903 §1, 9-14-04; Ord. No. 904 §1, 9-14-04)

SECTION 500.030: RESERVED

Editor's Note—Ordinance no. 905 set out in Sections 500.010–500.020 superseded the provisions of this section 500.030 "Adoption Of Building Code" which formerly derived from ord. no. 519 §2, 1986 and ord. no. 807 §§1–2, 1-14-03. At the editor's discretion we have left this section reserved for the city's future use.

SECTION 500.040: PENALTY

Any person violating any of the provisions of this Chapter or any of the Codes adopted in this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1,000.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

ARTICLE II. BUILDING INSPECTOR

SECTION 500.050: BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

- B. *Appointment.* There is hereby created the appointed position of City Building Inspector/Code Enforcement Officer.
- C. *Salary.* The salary for this position shall be as set by ordinance by the Board of Alderpersons from time to time, payable periodically consistent with City's payroll practices.
- D. *Authority.* The Building Inspector/Code Enforcement Officer shall have the authority to inspect all property within the City for housing, building, sanitation and health violations and to issue summonses and other violation notices regarding the same. (Ord. No. 703 §§1-3, 5-17-99)

ARTICLE III. MISCELLANEOUS BUILDING

REGULATIONS

SECTION 500.060: 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 500.070: CONSTRUCTION AND ERECTION OF FENCES, WALLS OR SCREENS

- A. No person, firm or corporation shall hereafter construct or erect any fence, wall or screen without first having obtained a permit from the Building Commissioner. No permit shall be issued for the construction of any fence, wall or screen unless plans for the proposed fence, wall or screen are in accordance with the provisions hereinafter set forth.
- B. Application for a permit to construct any fence, wall or screen must be made in writing upon forms provided by the City of Moline Acres. Said application shall contain the name and address of the

person, firm or corporation making application; the name of the contractor or person who is to construct said fence, wall or screen; any plans showing the dimensions, location and type of

materials to be used in constructing said fence, wall or screen shall accompany and form part of the said application for building permit.

- C. At the time the applicant applies for a permit to erect and construct any fence, wall or screen, a building permit fee shall be paid by the applicant. The building permit fee shall be the same as prescribed by other regulations and ordinances of the City of Moline Acres as elsewhere defined and set forth in accordance with the cost of the proposed construction.
- D. It shall hereafter be unlawful to erect any division fence or screen which is in whole or part to be constructed of cloth, canvas or other like materials, nor shall any solid wooden division fence or screen be erected. However, a metal chain-link division fence not exceeding six (6) feet in height in areas zoned "R-1", "R-2", "R-3" or "R-4" or on or adjoining any properties which abut upon said residential classifications may be erected. If such fence is constructed, fence cannot be privacy, i.e., latticed.
- E. No division fence between lots, or any other fence, wall or screen, shall be erected or constructed on any lot where any part of said proposed or planned fence would lie between the front building line of said lot and the front property line; for the purpose of applying the provisions of this Section to a corner lot in the case of a house which has been built, or will be built, the front of which faces the side lot line (the long dimension), then the front building line referred to in this Section shall be respected on both streets bounding said corner lot.
- F. The foregoing restrictions and regulations shall be in full force and effect throughout the City of Moline Acres. However, they shall not enlarge upon more restrictive regulations as may be in effect for any particular area subject to deed restrictions, the latter of which shall be controlling insofar as specifications for the erection of fences is concerned provided said deed restrictions are more restrictive than the regulations herein set forth. However, said restrictions as may be or are already in existence as to any area lying within the City of Moline Acres shall not obviate or alleviate the obligation upon any person, firm or corporation to obtain the necessary building permit and pay the fee required for the erection thereof.
- G. Any person, firm, or corporation who shall violate any of the provisions of this Section shall upon conviction be fined not more than one thousand dollars (\$1,000.00) for each such offense, and a separate offense shall be deemed committed for each day during or on which a violation occurs or continues. (Ord. No. 234 §§1-7, 2-2-65; Ord. No. 714 §§1-2, 6-8-99)

SECTION 500.080: MOVING OF HOMES OR OTHER STRUCTURES OVER CITY STREETS

- A. Any person, firm, partnership, corporation, association or any other entity applying for a permit to move a dwelling, house or other structure over the streets of the City of Moline Acres shall, prior to the issuance of any permit, supply the City of Moline Acres with evidence satisfactory to the City Clerk of the City of Moline Acres that such applicant has in effect public liability insurance covering bodily injury in the amount of fifty thousand dollars (\$50,000.00) for each person injured and one hundred thousand dollars (\$100,000.00) for all injuries arising out of any one (1) accident and public liability property damage insurance in the amount of twenty-five thousand dollars (\$25,000.00) for each accident, with an aggregate of fifty thousand dollars (\$50,000.00) for all

property damage claims. In lieu of insurance such applicant may furnish the City of Moline Acres with securities or deposit equal to the above set forth limitations.

- B. The fee for such a permit shall be twenty-five dollars (\$25.00) per dwelling, house or other structure, plus ten dollars (\$10.00) per hour while the dwelling, house or other structure is on the

streets of the City of Moline Acres.

- C. Any person, firm, partnership, corporation or association who shall violate any of the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one thousand dollars (\$1,000.00). (Ord. No. 130 §§1–3, 4-7-59)

SECTION 500.090: LOCATION, CONSTRUCTION AND INSTALLATION OF DISH AND/OR SATELLITE ANTENNAS

- A. *Regulation Of Location, Construction And Installation Of Dish And/Or Satellite Antennas.* A permit may be issued for a dish and/or satellite antennae in accordance with the provisions of this Chapter, provided that:
- A.1. The dish and/or satellite antennae is not located on the roof of a residential or commercial building.
 - A.2. The dish and/or satellite structure does not exceed twenty (20) feet in height from the ground.
 - A.3. The dish and/or satellite structure is located in the rear yard provided that when on a corner lot it cannot be closer to the side street than is the main building permitted to be located.
 - A.4. All parts of the dish and/or satellite structure are a minimum of five (5) feet in distance from any rear or side property line.
 - A.5. The dish and/or satellite structure and its attachment to a building or the ground meet the applicable requirements of the Building Code.
 - A.6. The base assembly shall be adequately anchored to the steel pipe support so as not to constitute a hazard in winds of eighty (80) miles per hour velocity. Structural design for dish and/or satellite base assembly, steel pipe support and concrete foundation shall conform to applicable Building Code requirements in existence at the time of application for permit. All plans, computations and specifications required for such design work shall be prepared and sealed by a registered architect or engineer in the State of Missouri.
 - A.7. Shall be ground-mounted and all associated wiring must be placed underground.
 - A.8. Year-round screening shall be provided to avoid viewing the dish and/or satellite antennae from the adjoining street.
 - A.9. All dish and/or satellite antennae installations shall require a special permit issued by the City of Moline Acres.
- B. Any person convicted of violating this Section shall be fined no more than one thousand dollars (\$1,000.00); each day constituting a separate offense. (Ord. No. 498A §§1–2, 6-11-85)

**SECTION 500.100: TEMPORARY REMOVAL, RAISING OR LOWERING OF TELEPHONE
OR ELECTRIC WIRES AND CABLES**

- A. All persons, firms, companies or corporations now or hereafter engaged in the business of furnishing exchange telephone service or in the business of supplying electricity or electrical service or power

or other services provided by overhead wires in the City of Moline Acres, on the request of any person, shall remove or raise or lower its wires temporarily to permit the moving of houses or other bulky structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting such raising or lowering of wires, and payment in advance may be required. Not less than forty-eight (48) hours' advance notice shall be given to arrange for such temporary wire changes.

- B. The right is hereby granted to all such persons, firms, companies or corporations mentioned in Subsection (A) to trim trees, brush or hedges upon and overhanging the streets, alleys, sidewalks and public places of said City so as to prevent such foliage from coming in contact with telephone or electric wires and cables, all of said trimming to be done under the supervision and direction of the Governing Body of said City or of any City Official to whom said duties have been or may be delegated.
- C. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the St. Louis County Jail for a term not to exceed ninety (90) days, or by both such fine and jail sentence. (Ord. No. 178 §§1-2, 8-1-61; Ord. No. 325 §1, 5-2-72)

SECTION 500.110: RESIDENTIAL BALCONY STORAGE

- A. This Section shall apply to any building within the City of four (4) or more stories in height offering residential units for rent to the general public and in which one (1) or more of said units has a balcony exposed to public view.
- B. No building as defined in above Subsection (A) nor any residential unit in such a building shall permit storage or display upon a balcony of any items visible to the general public, except for:
 - B.1. Two (2) sitting chairs or one (1) lounge chair;
 - B.2. A small table to seat no more than two (2) persons; and
 - B.3. One (1) barbecue grill.

All of the foregoing permitted items shall occupy no more than fifty percent (50%) of the square footage of the balcony. (Ord. No. 743 §§1-2, 9-00)

SECTION 500.120: OWNERS OF REAL PROPERTY—PERMITS AND INSPECTIONS REQUIRED

- A. All owners of real property in the City of Moline Acres and/or their agents or designees shall be required to obtain all proper municipal permits and/or inspections set out in the City of Moline Acres Municipal Code before leasing, renting and/or selling any real property within the City limits of Moline Acres, Missouri.

- B. Any person violating this Section shall be guilty of a misdemeanor, punishable by a fine of no more than one thousand dollars (\$1,000.00), incarceration in the County Jail for not more than ninety (90) days or both fine and incarceration. (Ord. No. 921 §§1–2, 9-15-05)

SECTION 500.130: STORAGE CONTAINERS—PLACEMENT—FEES

- A. Any owner or occupant of real property who causes a storage container of any size to be placed on a public right-of-way or upon real property zoned residential shall first pay a fee of fifteen dollars (\$15.00) and obtain a permit from the City of Moline Acres, Missouri.
- B. The permit shall be issued for a period of thirty (30) days. Upon the expiration of said permit, the owner or occupant shall remove the container.
- C. Any person violating this Section shall be subject upon conviction to a fine not to exceed one thousand dollars (\$1,000.00) and imprisonment of up to ninety (90) days or both fine and imprisonment. (Ord. No. 968 §§1–3, 11-13-07)

SECTION 500.140: ABANDONED SIGNS PROHIBITED

- A. For the purpose of this Section, an "*abandoned sign*" shall mean any sign which no longer identifies or advertise a bona fide business, lessor, service, owner, product or activity and/or for which said sign is not in substantially the same condition as when the City of Moline Acres authorized it to be erected.
- B. It shall be unlawful for any person or business to allow an abandoned sign to be situated upon any commercial property.
- C. Any person violating this Section shall be subject to a fine in the amount of one dollar (\$1.00) to one thousand dollars (\$1,000.00) and/or imprisonment for a period not to exceed ninety (90) days.
- D. The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the City Clerk. (Ord. No. 984 §§1–4, 2-12-08)

SECTION 500.150: CHANGING ALUMINUM WIRING

- A. The City of Moline Acres Electrical/Municipal Code shall be amended to only authorize the following methods by which to affect changes to existing aluminum electrical wiring in residential and commercial buildings:
 - A.1. Totally removing all aluminum electrical wiring and replace with the correct sized copper wiring.
 - A.2. Change the wiring at the receptacle utilizing the cop alum crimping method.
- B. Any person violating this Section shall be subject to a fine in the amount of one dollar (\$1.00) to one thousand dollars (\$1,000.00) and/or imprisonment for a period not to exceed ninety (90) days. (Ord. No. 985 §§1–2, 2-12-08)

SECTION 500.160: CARBON MONOXIDE DETECTORS REQUIRED

- A. The residential property owners and/or tenants of any real property in the City of Moline Acres, Missouri, who has upon their property a fossil fuel powered heating unit contained within the

interior of a building or structure shall install and maintain not less than one (1) approved carbon monoxide detector outside the area of sleeping rooms.

- B. The owner of every building or structure within the City of Moline Acres which is intended to be occupied for residential purposes by more than one (1) family and every multiple-family residential building or structure which is heated by a fossil fuel powered heating unit which is fully contained within the interior of the building or structure shall install not less than one (1) approved carbon monoxide detector in each unit of said building or structure.
- C. Any person violating this Section shall be subject to a fine in the amount of one dollar (\$1.00) to one thousand dollars (\$1,000.00) and/or imprisonment for a period not to exceed ninety (90) days.
- D. A carbon monoxide detector is deemed approved for the purpose of this Section if it complies with all applicable State and Federal regulations and bears the label of a nationally recognized standard testing laboratory and meets the revised standard of at least UL 2034 dated October 1, 1995 and subsequent revisions or its equivalent. (Ord. No. 986 §§1–4, 2-12-08)

SECTION 500.170: PERMIT REQUIRED FOR PAINTING EXTERIOR OF HOME

- A. Any resident wanting to paint the exterior of their home must first obtain a permit from City Hall.
- B. Exterior painting permit cost is one dollar (\$1.00).
- C. Residents must bring a sample of the actual color to be placed on the exterior of the building to City Hall to obtain a permit.
- D. The color to be placed on the siding of the building may be white or any shade in pastel colors.
- E. Trim, shutters and gutters may be painted with any shade preferred by the resident excluding any fluorescent shades. (Ord. No. 911 §§1–5, 9-14-04)

SECTION 500.180: MAINTAINING SCREEN DOORS, STORM DOORS AND WINDOW SCREENS

- A. Property owners and/or occupants of real property shall be jointly and severally responsible for maintaining all screen doors, storm doors and window screens in reasonable repair of the real property that they either occupy or own.
- B. It shall be unlawful for any property owner to allow his/her property within the City to be in a condition that is inconsistent with this Section.
- C. Any person violating this Section shall be subject to a fine, upon conviction, of up to one thousand dollars (\$1,000.00) and/or incarceration up to ninety (90) days. (Ord. No. 1020 §§1–3, 3-10-09)

SECTION 500.190: PRIVATE FENCES IN EVERY RESIDENTIAL AND COMMERCIAL ZONING

- A. The City of Moline Acres hereby amends the Municipal Code for the City of Moline Acres to allow for private fences in every residential and commercial zoning within the City.

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B. No privacy fence shall exceed six (6) feet in height. (Ord. No. 1023 §§1–2, 3-10-09)

**APPENDIX A TO CHAPTER 500
PERMIT AND LICENSE FEES**

As of November 14, 2007, these are the fees which Moline Acres will be charging for permits and licenses. All fees are **non-refundable** and may be subject to change. The **first re-inspection** will be included with the original fee. There will be a fee for any additional inspections. All transactions done with **Debit/Credit** will be charged a **four dollar (\$4.00) fee**. **There is a return check fee of twenty-five dollars (\$25.00).**

PERMIT TYPE	FEE AMOUNT
Inspection (for residential occupancy permit only)	\$95.00 (1st and 2nd inspection) \$25.00 (additional inspections)
Residential Occupancy Permit	\$25.00 (original) \$10.00 (update)
Commercial Occupancy Permit	\$95.00 (1st and 2nd inspection) \$60.00 (additional inspections)
Conditional Use Permit	\$150.00
Dog License	\$5.00 (annually)
Garage Sale Permit (1st and 2nd free for resident)	\$15.00
Yard Sale Permit (1st and 2nd free for resident)	\$15.00
Vending Machine Permit	According to Ordinance
COMMERCIAL TYPE (\$35.00 for additional re-inspection after 1st re-inspection)	
Building Permit (Must have plans and contract) inspection	Includes 1 inspection and 1 re- \$80.00 (additional inspection)
Electrical Permit (Must have plans and contract) inspection	Includes 1 inspection and 1 re- \$80.00 (additional inspection)
Plumbing Permit (Must have plans and contract) inspection	Includes 1 inspection and 1 re- \$80.00 (additional inspection)
Mechanical Permit (Must have plans and contract) inspection	Includes 1 inspection and 1 re- \$80.00 (additional inspection)

Demolition Permit (Must have plans and contract) inspection	Includes 1 inspection and 1 re- \$80.00 (additional inspection)
Excavation Permit (Must have plans and contract)	\$35.00
Zoning Approval Permit	\$20.00
Pre-Approval Application for Business License	\$25.00
Background Check	\$25.00

LICENSE TYPE		FEE AMOUNT
Business License		According to Ordinance
Vendor's License		\$60.00 (annually)
*Late fee		\$60.00/month
Liquor License	\$150.00 (annually)	
*Late fee		Sunday sales additional \$300.00

PERMIT EXTENSION FEE IS ONE-HALF (½) OF THE ORIGINAL PERMIT FEE

(Ord. No. 966 §1, 11-13-07)

CHAPTER 505: DANGEROUS BUILDINGS

SECTION 505.010: PURPOSE AND SCOPE

It is the purpose of this Chapter to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or the general public, and this Chapter shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the City of Moline Acres, 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/Code Enforcement Officer shall be the Building Inspector(s) 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 interest in the building or structure, as shown by the land records of the Recorder of Deeds of St. Louis 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 St. Louis 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 St. Louis 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

The City Clerk or such other person as the Mayor may designate 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 St. Louis 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 St. Louis 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:
 - A.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.
 - A.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 St. Louis County may appeal such decision to the Circuit Court of St. Louis 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 one thousand dollars (\$1,000.00). Each day that a person fails to comply with an order of the Building Commissioner may be deemed a separate offense.

CHAPTER 510: STREETS, SIDEWALKS AND

OTHER PUBLIC PLACES

ARTICLE I. EXCAVATIONS

SECTION 510.010: PERMIT REQUIRED

No person, firm or corporation shall make or cause to be made any excavation on any public street, highway, alley or other public thoroughfare without written permission of the Street Commissioner so to do, except public work done under the authority of the Board of Alderpersons. (Ord. No. 55 §1, 2-1-55)

SECTION 510.020: PERMIT REQUIREMENTS, FEES

Before the Street Commissioner shall issue any such permit, the person desiring to make such excavation shall make application in writing setting out the location and size of the proposed excavation and approximately when the same will be commenced and at the same time shall pay for the benefit of the General Revenue Fund the following fees: For excavation between curb lines or where the same necessitates disturbance of sidewalks or curbs, twenty-five dollars (\$25.00) for each excavation and one dollar (\$1.00) additional for each square foot of excavation above ten (10) square feet in area; and for excavating in unpaved portions back of curb lines, ten dollars (\$10.00) for each excavation and fifty cents (\$.50) additional for each square foot of excavation above ten (10) square feet in area. The fees aforesaid shall include cost of issuing permit, making inspections and replacing and restoring the surface so excavated and removed. Before issuing any permit hereunder, the Street Commissioner shall satisfy himself/herself that applicant has complied with the laws and ordinances, and the Street Commissioner shall inspect the excavation as may be required, and when the work is completed shall with due diligence and at the cost of the City restore and resurface the area so excavated with a surface similar to its original state. (Ord. No. 55 §2, 2-1-55)

SECTION 510.030: DEPOSIT—RESTORATION AND REPAVING OF AREAS

Any person, firm or corporation having occasion to make frequent excavations in the streets, highways, alleys and other public thoroughfares, in lieu of the payments provided for in Section 510.020 of this Chapter, at its option may deposit with the Treasurer, prior to the issuance of any permits, cash or a bond in an amount approximating two hundred percent (200%) of the cost of the excavation project to be determined by the Street Commissioner, which deposit shall be held by the City Treasurer as a standing deposit to secure the performance of all the provisions of this Article. Any such person, firm or corporation having such standing deposit, on making application for permit as provided for in Section 510.020 of this Article, shall state in writing the location and approximate size of the proposed excavation and approximately when the same will be commenced and when said work of excavation is completed shall, except in the case of concrete, asphaltic or bituminous macadam and sheet asphalt paving with concrete base, forthwith refill said excavation and, within a reasonable time thereafter or on notice from the Street Commissioner so to do, at its own cost and expense forthwith restore the surface of the area of such street, highway, alley or other public place to its former condition. All deficiencies in material shall be made good by the person

making the excavation. Such refilling, restoration and resurfacing shall be made under the supervision and inspection of the Street Commissioner and to his/her satisfaction. In the event the Street Commissioner on inspection shall not be satisfied with the restoration and repaving of the same, it shall be the duty of the Street Commissioner, after five (5) days notice in writing to such person,

firm or corporation, to restore and repave said areas and to assess all necessary expense therefor from said deposit. The standing deposit referred to in this Section shall at all times be kept to the amount specified, and in the event it becomes reduced in amount or depleted, no new permit shall be issued to such person, firm or corporation unless and until additional deposit is made to bring the same to specified amount. (Ord. No. 55 §3, 2-1-55)

SECTION 510.040: EMERGENCY CASES

The provisions of this Article relating to issuance of permit prior to commencement of work of excavation shall not apply in case of emergency where the public safety or health is endangered, but in such case the work may proceed immediately and the permit applied for as soon as practicable after the work is commenced. (Ord. No. 55 §4, 2-1-55)

SECTION 510.050: WORK DONE BY CITY

In the case of the excavation by a person, firm or corporation having a standing deposit, of any public street, highway, alley or other thoroughfare which has been previously paved with concrete, asphaltic or bituminous macadam or sheet asphalt with concrete base, the restoration and repaving shall, in all cases, be made by the Street Commissioner at the cost and expense of the person making such excavation. The Street Commissioner shall render a statement to such person, firm or corporation for the actual cost to the City for the restoration and repavement and demand payment of same and, if not paid within a reasonable time, the amount of such bill shall be assessed from the deposit of the person making the excavation. (Ord. No. 55 §5, 2-1-55)

SECTION 510.060: STREET COMMISSIONER TO KEEP RECORD OF PERMITS

It shall be the duty of the Street Commissioner to keep a full and complete account in a book provided for that purpose of all permits issued showing the date, party to whom issued, location and money collected on account thereof, which money shall be turned over to the City Treasurer when and as received and become a part of the General Revenue Fund. The Street Commissioner shall, at the first (1st) monthly meeting of the Board of Alderpersons in each month, make report to the Board of Alderpersons showing the number of permits issued and fees collected and amounts turned over to the City Treasurer. (Ord. No. 55 §6, 2-1-55)

SECTION 510.070: FAILURE TO COMPLY WITH PROVISIONS

Any person, firm or corporation who shall excavate in any street, highway, alley or other public thoroughfare in the corporate limits of the City of Moline Acres, who shall fail to comply with any of the provisions of this Article, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars (\$1,000.00) for each offense. (Ord. No. 55 §7, 2-1-55)

SECTION 510.080: ACTING STREET COMMISSIONER

In the event a Street Commissioner is not appointed by the Board of Alderpersons, or in the event there is a vacancy in such office, the Mayor shall act as Street Commissioner hereunder. (Ord. No. 55 §8, 2-1-55)

CHAPTER 515: SEWER LATERAL REPAIR

ASSESSMENT

SECTION 515.010: ASSESSMENT OF FEE

- A. There is hereby assessed the fee of seven dollars (\$7.00) quarterly on all residential property within the City of Moline Acres having six (6) or less dwelling units to provide funds to pay the cost of certain repairs of defective lateral sewer service lines of those dwelling units.
- B. The St. Louis County Collector shall collect said fee quarterly by adding same to the general tax bills issued to property owners within the City of Moline Acres.
- C. Said revenues, including any interest generated therefrom, shall be used only for the purpose of reimbursing the owners of residential properties containing not more than six (6) dwelling units for the repair of defective lateral sewer service lines serving such property. (Ord. No. 696 §1, 1-12-99)

SECTION 515.015: RESIDENTIAL SANITARY SEWER LATERAL REPAIR PROGRAM

- A. The owner of a single-family home, duplex, condominium building or multi-family building containing not more than six (6) dwelling units may recover fifty percent (50%) of the authorized costs (up to five thousand dollars (\$5,000.00)) in repairing defective lateral sewer service lines serving the property of the owner in compliance with the City of Moline Acres Residential Sanitary Sewer Lateral Repair Program policy and procedures governing this program. The policy and procedures stated in this document must be followed in order to benefit from the program.
- B. Commercial and industrial properties cannot participate in the program. Multi-family and condominium developments that contain more than six (6) dwelling units per building are not eligible for this program.
- C. All property referenced in this Section shall be within the City limits of the City of Moline Acres, Missouri. (Ord. No. 928 §§1–3, 12-13-05; Ord. No. 1005 §§1–3, 12-9-08)

SECTION 515.020: CONDOMINIUM OWNERS SHALL NOT PARTICIPATE

- A. Condominium owners shall not be eligible to participate in the City of Moline Acres Sewer Lateral Program.
- B. No sewer lateral fee shall be billed nor charged to owners of condominiums in the City. (Ord. No. 994 §§1–2, 3-11-08)

