

## TITLE V. BUILDING AND CONSTRUCTION

### CHAPTER 500: CONSTRUCTION OR REMODELING OF BUILDINGS— BUILDING REGULATIONS

#### ARTICLE I. GENERAL PROVISIONS

*Editor's Note—Ord. No. 528-04 §§1–4, adopted March 9, 2004, repealed sections 500.010 "general contractors—license required", 500.020 "application—qualifications—bond", 500.030 "building inspector to approve and authorize issuance of license"; ord. no. 517-04 §1, adopted February 10, 2004, repealed sections 500.040 "fees—inspections and permits" and 500.050 "certification of compliance" and enacted new provisions set out herein. Former sections 500.010–500.030 derived from CC 1994 §§15.110–15.130; former sections 500.040–500.050 derived from CC 1994 §§4.100(6b,c), 15.320.*

#### **SECTION 500.010: CONTRACTORS DEFINED—LICENSE REQUIRED**

For the purposes of this Section, a "contractor" is defined as any person, entity, firm or company that performs, for pay, work for others and includes both those who work as a general contractor and those who work as a subcontractor. No person shall, either directly or indirectly, engage in the business of, or perform work as a contractor in connection with, building construction work, remodeling work, electrical work, mechanical work or plumbing work in the City until he/she has applied for and received a license from the Director of Community Development as a contractor. (Ord. No. 528-04 §1, 3-9-04)

#### **SECTION 500.020: APPLICATION FOR LICENSE—REQUIREMENTS**

- A. All applications for a contractor's license as provided for in this Chapter shall be submitted to the Director of Community Development on forms provided for the purpose. The applications shall certify that the applicant will abide by and be governed by the rules and regulations set forth in the various technical codes adopted in this Chapter applicable to the work he/she will perform.
- B. Each application shall be accompanied with a certificate of insurance in the amount specified. The applicant shall be listed as the insured on the certificate. All contractors, regardless of craft/trade, shall possess a general liability insurance policy in the amount of no less than five hundred thousand dollars (\$500,000.00). No license shall be issued until proof of insurance is provided.
- C. Each application shall be accompanied by a certificate of insurance for Workers' Compensation coverage or an affidavit, as required by Section 287.061, RSMo., signed by the applicant attesting that the contractor is exempt.

- D. No license granted under the provisions of this Code shall be transferable or assignable.
- E. The term of licenses for contractors shall run yearly on the same renewal schedule as general merchants' licenses found in Chapter 605 of the Municipal Code. (Ord. No. 528-04 §2, 3-9-04)

**SECTION 500.030: LICENSE FEES**

- A. A fee of twenty-five dollars (\$25.00) shall be paid annually for all contractors' licenses regardless of craft/trade. Fees for licenses will be prorated on the first (1st) year of issue.
- B. The City Collector shall collect all license fees and administer license renewals following their issuance by the Director of Community Development. (Ord. No. 528-04 §3, 3-9-04)

**SECTION 500.035: PENALTY**

Any person failing to comply with the requirements of this Chapter shall be referred to the City Attorney for prosecution in the Municipal Court for violation of the City Code and if found guilty, the punishment shall be a fine not exceeding five hundred dollars (\$500.00) for each offense. (Ord. No. 528-04 §4, 3-9-04)

**SECTION 500.040: BUILDING PERMIT FEES**

The following fee schedule shall apply for all building permits:

Building permits—new construction—primary residential structures

Single-family dwelling—seven cents (\$0.07) per square foot of gross floor area (excluding basement).

Two-family dwelling—seven cents (\$0.07) per square foot of gross floor area (excluding basement).

Building permits—new construction—accessory residential structures

Detached garages—twenty-five dollars (\$25.00).

Other accessory structures—fifteen dollars (\$15.00).

Building permits—new construction—multi-family, commercial and industrial structures

Multi-family dwelling—seven cents (\$0.07) per square foot of gross floor area.

New construction—ten thousand (10,000) square feet and under—eight cents (\$0.08) per square foot of gross area.

New construction—over ten thousand (10,000) square feet—eight and one-half cents (\$0.085) per square foot of gross area.

Plan review fee—a base fee of fifty dollars (\$50.00) shall apply in all cases except when plans are submitted for buildings whose physical gross area exceeds the base tabular area of Table 503 of the Building Code. Such plans are subject to plan review by the City Engineer. The applicant shall be responsible to pay the actual cost of plan review. Plan review fees shall not exceed five hundred dollars (\$500.00) in any case.

Note: Building permit fees for additions or substantial alteration of the above listed building types shall be based on the applicable fee schedule for new construction. (Ord. No. 517-04 §1, 2-10-04)

**SECTION 500.050: PLAN REQUIREMENTS–PLAN REVIEW**

- A. Applications for building permits shall be accompanied by plans and specifications of such detail as to adequately describe the structure proposed to be built. All plans submitted shall be reviewed by the Director of Community Development. No permit shall be issued until the required plans have been submitted and approved. The Director of Community Development shall determine the

appropriate types and level of detail of plans required for each type of permit issued. Plans for all structures, other than single- and two-family residential dwellings and accessory uses thereto, shall be prepared by a registered design professional licensed in the State of Missouri in accordance with the requirements of the Building Code adopted by this Chapter.

- B. Plans submitted for buildings, whose physical gross area exceeds the Base Tabular Area of Table 503 of the Building Code, are subject to plan review by the City Engineer. The permit applicant shall be responsible to pay the actual cost of plan review. Plan review fees shall not exceed five hundred dollars (\$500.00) in any case. (Ord. No. 517-04 §2, 2-10-04)

## ARTICLE II. ADMINISTRATION AND ENFORCEMENT

*Editor's Note—Ord. no. 517-04 §§3–4, adopted February 10, 2004, repealed sections 500.060 "building inspector—office created—appointment" and 500.070 "qualifications—term of office—compensation" in their entirety. These sections have been reserved for the city's future use. Section 500.080 "duties" was repealed and new provisions set out herein. Former sections 500.060–500.080 derived from CC 1994 §§15.210–15.230.*

**SECTIONS 500.060–500.070: RESERVED**

**SECTION 500.080: CODE OFFICIAL DESIGNATED**

The Director of Community Development is designated as the Code Official of the City of Park Hills and is authorized and directed to enforce all provisions of the ordinances pertaining to buildings, zoning and all other relevant provisions of this Chapter pertaining thereto. The Director of Community Development shall promulgate such policies and procedures he/she deems necessary, with the approval of the City Administrator, for the administration of the codes adopted by this Chapter. The titles of "Code Official", "Building Inspector" and "Zoning Administrator", as used elsewhere in this Code, shall all be construed to refer to the Director of Community Development or his/her designee. (Ord. No. 517-04 §4, 2-10-04)

## ARTICLE III. BUILDING CODE

**SECTION 500.090: ADOPTION OF THE INTERNATIONAL BUILDING CODE**

The 2006 Edition of the International Building Code, as published by the International Code Council (ICC), is hereby adopted as the Building Code of the City of Park Hills, Missouri, for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the said 2006 International Building Code are hereby referred to, adopted and made a part hereof, as if fully set out in

this Article, with the additions, insertions, deletions and changes, if any, prescribed by this code. (CC 1994 §15.310; Ord. No. 535-04 §§1–2, 4-13-04; Ord. No. 756-07 §1, 11-13-07; Ord. No. 762-07 §2, 12-11-07)

**SECTION 500.100: AMENDMENTS**

The following Sections of the 2006 International Building Code are hereby revised as follows:

1. Section 101.1 Insert: City of Park Hills, Missouri.
2. Section 101.4.1 Change: ICC Electrical Code to 2005 National Electric Code.
3. Section 101.4.5 Delete in its entirety.
4. Section 101.4.7 Delete in its entirety.
5. Section 103 Replace *Department of Building Safety* with Department of Community Development.
6. Section 105 Delete in its entirety.
7. Section 106.1.1.2 is added as a new provision to read as follows:

An application for permit for a single-family dwelling or residence or multi-unit dwelling of four (4) or fewer units shall be accompanied by the City's RESIDENTIAL FIRE SPRINKLER OPTION FORM signed by the builder and this purchaser affirming that a fire sprinkler system was offered to the purchaser prior to entering into the purchase contract in conformance with Section 903.1.2 of this Code. If there is no purchaser at the time of the permit application submittal, then said signed FORM shall be submitted as soon as there is a purchaser and prior to the issuance of a certificate of occupancy for the new residence. The provisions of this Section shall expire on December 31, 2011.

8. Section 109.3.7 Delete in its entirety.
9. Section 112 Replace *Board of Appeals* with Board of Adjustment.
10. Section 903.1.2 is added as a new provision to read as follows:

*Offer to Install.* Notwithstanding the provisions of the Building Code and International Building Code, as amended and adopted by the City of Park Hills, Missouri, a builder of single-family dwellings or residences or multi-unit dwellings of four (4) or fewer units shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling, residence or unit. Notwithstanding any other provision of law to the contrary, no purchaser of such a single-family dwelling, residence or multi-unit dwelling shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or residence being purchased. The provisions of this Section shall expire on December 31, 2011.

11. Section 903.2.7 Add the following:

Exception 1: One- and Two-Family Dwellings.

Exception 2: Apartment buildings in use group R2 which contain no more than sixteen (16) dwelling units and do not exceed two (2) stories above grade, provided that 2-hour rated separations are provided between occupancies.

12. Section 1609.4.3 Add the following:

Exception: The Wind Exposure Category shall be assumed to be Exposure B unless sufficient data is provided to the Building Official to support a determination other than Exposure B. When, in the opinion of the Building Official, the site conditions exceed those of Exposure B, the Building Official may request engineering documentation to support classification of the site as other than Exposure B.

13. Section 1612.3 Insert: City of Park Hills, Missouri.

14. Section 1612.3 Insert: April 1, 2004.

15. Section 1613.5.5 Add the following:

Exception: Category I and II buildings or structures, as defined by Table 1604.5 of the Building Code, shall be permitted to be assigned to Seismic Design Category C, regardless of the Seismic Design category determined by this Section.

16. Section 1613.5.6 Add the following:

Exception: Category I and II buildings or structures, as defined by Table 1604.5 of the Building Code, shall be permitted to be assigned to Seismic Site Class C, regardless of the Seismic Site Class determined by this Section. (CC 1994 §15.325; Ord. No. 435-02 §1, 10-8-02; Ord. No. 535-04 §§1–2, 4-13-04; Ord. No. 756-07 §1, 11-13-07; Ord. No. 762-07 §2, 12-11-07; Ord. No. 879-10 §1, 1-12-10)

**SECTIONS 500.110–500.120: RESERVED**

*Editor's Note—Ord. no. 517-04 §5, adopted February 10, 2004, repealed sections 500.110 "failure to comply" and 500.120 "penalty" in their entirety. Former sections 500.110–500.120 derived from CC 1994 §15.330. At the editor's discretion, these sections have been reserved for the city's future use.*

**ARTICLE IV. ELECTRICAL CODE**

**SECTION 500.130: ADOPTION OF NATIONAL ELECTRICAL CODE**

The 2005 Edition of the National Electric Code, as published by the National Fire Prevention Association (NFPA), is hereby adopted as the Electric Code of the City of Park Hills, Missouri, for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, penalties, conditions, appendices and terms of the said 2005 National Electric Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed by this code. (CC 1994 §15.410; Ord. No. 535-04 §3, 4-13-04; Ord. No. 756-07 §2, 11-13-07; Ord. No. 762-07 §3, 12-11-07)

**ARTICLE IV-A. FUEL GAS CODE**

**SECTION 500.140:                    ADOPTION OF THE FUEL GAS CODE**

The 2006 Edition of the International Fuel Gas Code, as published by the International Code Council (ICC), is hereby adopted as the Fuel Gas Code of the City of Park Hills, Missouri, for the control

of buildings and structures as therein provided; and each and all of the regulations, provisions, penalties, conditions, appendices and terms of the said 2006 International Fuel Gas Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed by this code. (Ord. No. 756-07 §3, 11-13-07; Ord. No. 762-07 §4, 12-11-07)

### **SECTION 500.150: AMENDMENTS**

The following Sections of the 2006 International Fuel Gas Code are hereby revised:

1. Section 101.1 Insert: City of Park Hills.
2. Section 106 Delete in its entirety.
3. Section 108.4 Insert: Violations, \$500.00, 30.
4. Section 108.5 Insert: \$1.00, \$500.00.
5. Section 109.1 Replace *Board of Appeals* with Board of Adjustment.
6. Section 109.2–109.7 Delete in its entirety. (Ord. No. 756-07 §3, 11-13-07; Ord. No. 762-07 §4, 12-11-07)

### **SECTIONS 500.160–500.190: RESERVED**

*Editor's Note—Ord. no. 528-04 §5, adopted March 9, 2004, repealed sections 500.140 "electrical contractors, electricians—licenses required", 500.150 "application—qualifications—examination", 500.160 "license fee—bonds", 500.170 "building inspector to approve and authorize issuance of license", 500.180 "transfer, assignment, revocation" and 500.190 "penalty" in their entirety. Former sections 500.140–500.190 derived from CC 1994 §15.420–15.460. At the editor's discretion, these sections have been reserved for the city's future use. Subsequently Ord. No. 756-07 set out the fuel gas code.*

## **ARTICLE V. PLUMBING CODE**

### **SECTION 500.200: ADOPTION OF INTERNATIONAL PLUMBING CODE**

The 2006 Edition of the International Plumbing Code, as published by the International Code Council (ICC), is hereby adopted as the Plumbing Code of the City of Park Hills, Missouri, for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, penalties, conditions, appendices and terms of the said 2006 International Plumbing Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed by this code. (CC 1994 §15.510; Ord. No. 535-04 §4, 4-13-04; Ord. No. 756-07 §4, 11-13-07; Ord. No. 762-07 §5, 12-11-07)

**SECTION 500.210:                    AMENDMENTS**

The following Sections of the 2006 International Plumbing Code are hereby revised:

1. Section 101.1 Insert: City of Park Hills.

2. Section 106 Delete in its entirety.
3. Section 108.4 Insert: Violations, \$500.00, 30.
4. Section 108.5 Insert: \$1.00, \$500.00.
5. Section 109.1 Replace *Board of Appeals* with Board of Adjustment.
6. Section 109.2–109.7 Delete in its entirety.
7. Section 305.6.1 Insert: 24 inches, 24 inches.
8. Section 410.1 Add the following:

Exception: In buildings or tenant spaces with an occupant load of fifty (50) or less, a bottled water dispenser, water cooler or other approved means shall be allowed in lieu of the required drinking fountain.

9. Section 416.5 Delete in its entirety.
10. Section 607.1 Delete the following language:

Tempered water shall be supplied through a water temperature limiting device that conforms to ASSE 1070 and shall limit the tempered water to a maximum of 110 F (43 C). This provision shall not supersede the requirements for protective shower valves in accordance with Section 424.3.

11. Section 904.1 Insert: 12 inches. (CC 1994 §15.520; Ord. No. 535-04 §4, 4-13-04; Ord. No. 756-07 §4, 11-13-07; Ord. No. 762-07 §5, 12-11-07)

**SECTION 500.220–500.270: RESERVED**

*Editor's Note—Ord. no. 528-04 §5, adopted March 9, 2004, repealed sections 500.220 "plumbing contractors, plumbers—licenses required", 500.230 "application—qualifications", 500.240 "license fees—bonds", 500.250 "building inspector to approve and authorize issuance of licenses", 500.260 "transfer, assignment, revocation of licenses" and 500.270 "penalty" in their entirety. Former sections 500.220–500.270 derived from CC 1994 §15.530–15.570. At the editor's discretion, these sections have been reserved for the city's future use.*

**ARTICLE VI. MECHANICAL CODE**

**SECTION 500.280: ADOPTION OF INTERNATIONAL MECHANICAL CODE**

The 2006 Edition of the International Mechanical Code, as published by the International Code Council (ICC), is hereby adopted as the Mechanical Code of the City of Park Hills, Missouri, for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, penalties, conditions, appendices and terms of the said 2006

International Mechanical Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed by this code. (CC 1994 §15.610; Ord. No. 535-04 §5, 4-13-04; Ord. No. Ord. No. 756-07 §5, 11-13-07; Ord. No. 762-07 §6, 12-11-07)

**SECTION 500.290: AMENDMENTS**

The following Sections of the 2006 International Mechanical Code are hereby revised:

1. Section 101.1 Insert: City of Park Hills.
2. Section 106 Delete in its entirety.
3. Section 108.4 Insert: Violations, \$500.00, 30.
4. Section 108.5 Insert: \$1.00, \$500.00.
5. Section 109.1 Replace *Board of Appeals* with Board of Adjustment.
6. Section 109.2–109.7 Delete in its entirety. (CC 1994 §15.620; Ord. No. 535-04 §5, 4-13-04; Ord. No. 756-07 §5, 11-13-07; Ord. No. 762-07 §6, 12-11-07)

**SECTION 500.300: RESERVED**

*Editor's Note—Ord. no. 517-04 §5, adopted February 10, 2004, repealed section 500.300 "penalty" in its entirety. At the editor's discretion, this section has been reserved for the city's future use.*

**ARTICLE VII. FIRE PREVENTION CODE****SECTION 500.310: ADOPTION OF INTERNATIONAL FIRE PREVENTION CODE**

The 2006 Edition of the International Fire Prevention Code, as published by the International Code Council (ICC), is hereby adopted as the Fire Prevention Code of the City of Park Hills, Missouri, for the control of buildings, structures and premises as therein provided; and each and all of the regulations, provisions, penalties, conditions, appendices and terms of the said 2006 International Fire Prevention Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed by this code. (Ord. No. 169-97 §1, 12-9-97; Ord. No. 535-04 §6, 4-13-04; Ord. No. 756-07 §6, 11-13-07; Ord. No. 762-07 §7, 12-11-07)

**SECTION 500.320: AMENDMENTS**

The following Sections of the 2006 International Fire Prevention Code are hereby revised as follows:

1. Section 101.1 Insert: City of Park Hills.
2. Section 108.4 Insert: Violations, \$500.00, 30.
3. Section 108.5 Insert: \$1.00, \$500.00. (Ord. No. 169-97 §3, 12-9-97; Ord. No. 535-04 §6, 4-13-04; Ord. No. 756-07 §6, 11-13-07; Ord. No. 762-07 §7, 12-11-07)

**SECTION 500.330: RESERVED**

*Editor's Note—Ord. no. 517-04 §5, adopted February 10, 2004, repealed section 500.330 "severability" in its entirety. Former section 500.330 derived from ord. no. 169-97 §4, 12-9-97. At the editor's discretion, this section has been reserved for the city's future use.*

**ARTICLE VIII. RESIDENTIAL CODE**

**SECTION 500.340: ADOPTION OF INTERNATIONAL RESIDENTIAL CODE**

The 2006 Edition of the International Residential Code, as published by the International Code Council (ICC), is hereby adopted as the Residential Code of the City of Park Hills, Missouri, for the control of one- and two-family residential buildings and structures as therein provided; and each and all of the regulations, provisions, penalties, conditions, appendices and terms of the said 2006 International Residential Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed by this code. (Ord. No. 170-97 §§1–3, 12-9-97; Ord. No. 535-04 §7, 4-13-04; Ord. No. 756-07 §7, 11-13-07; Ord. No. 762-07 §8, 12-11-07)

**SECTION 500.350: AMENDMENTS**

The following Sections of the 2006 International Residential Code are hereby revised:

1. Section R101.1 Insert: City of Park Hills.
2. Section R102.5 Add the following Subsection:

R102.5.1 Appendix "E", Manufactured Housing used as Dwellings.
3. Section R103 Replace *Department of Building Safety* with Department of Community Development.
4. Section R105.2 Delete in its entirety.
5. Section R106.1.1 is renumbered to be Section R106.1.1.1.
6. Section R106.1.1.2 is added as a new provision to read as follows:

An application for permit for a single-family dwelling or residence or multi-unit dwelling of four (4) or fewer units shall be accompanied by the City's RESIDENTIAL FIRE SPRINKLER OPTION FORM signed by the builder and the purchaser affirming that a fire sprinkler system was offered to the purchaser prior to entering into the purchase contract in conformance with Section R325.1 of this code. If there is no purchaser at the time of the permit application submittal, then said signed FORM shall be submitted as soon as there is a purchaser and prior to the issuance of a certificate of occupancy for the new residence. The provisions of this Section shall expire on December 31, 2011.

7. Section R107.3 Change: *ICC Electrical Code* to 2005 National Electric Code.

8. Section R112 Replace *Board of Appeals* with Board of Adjustment.
9. Table R301.2(1) Insert the following values:

Ground Snow Load: 20 psf

Wind Speed: 90 mph

Seismic Design Category: C

Weathering: Severe

Frost Line Depth: 30 inches

Termite: Slight to Moderate

Winter Design Temp: 10°F

Ice Barrier Underlayment Required: NO

Flood Hazards:

a) January 1, 1994

b) FIRM 2-18-98

Air Freezing Index: 750

Mean Annual Temperature: 55°F

10. Section R301.2.2.1 Delete and replace with the following:

*Determination of Seismic Category.* Any building or structure shall be assigned to Seismic Design Category "C" regardless of the seismic design category determined in accordance with Figure R301.2(2).

11. Section R301.2.1.4 Add the following:

The Wind Exposure Category shall be assumed to be "Exposure B" unless sufficient data is provided to the Building Official to support a determination other than Exposure B. When, in the opinion of the Building Official, the site conditions exceed those of Exposure B, the Building Official may request engineering documentation to support classification of the site as other than Exposure B.

12. Section 325.1 is added as a new provision to read as follows:

*Sprinklers in Residential Structures.* Notwithstanding the provisions of the Building Code and International Residential Code, as amended and adopted by the City of Park Hills, Missouri, a builder of single-family dwellings or residences or multi-unit dwellings of four (4) or fewer units shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling, residence or unit. Notwithstanding any other provision

of law to the contrary, no purchaser of such a

single-family dwelling, residence or multi-unit dwelling shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or residence being purchased. The provisions of this Section shall expire on December 31, 2011.

13. Section R404.1 Delete in its entirety and replace with the following:

R404.1 *Concrete and masonry foundation walls.* Concrete and masonry foundation walls shall be selected and constructed in accordance with the provisions of this Section or in accordance with ACI 318, NCMA TR68-A or ACI 530/ASCE 5/TMS 402 or other approved structural standards. When ACI 318 or ACI 530/ASCE 5/TMS 402 or the provisions of this Section are used to design concrete or masonry foundation walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for design, unless otherwise required by the State law of the jurisdiction having authority.

R404.1.1 *Masonry foundation walls.* Concrete masonry and clay masonry foundation walls shall be constructed as set forth in Tables R404.1.1(1), R404.1.1(2), R404.1.1(3) and R404.1.1(4) and shall also comply with the provisions of this Section and the applicable provisions of Sections R606, R607 and R608. In Seismic Design Categories D1 and D2, concrete masonry and clay masonry foundation walls shall comply with Section R404.1.4. Rubble stone masonry foundation walls shall be constructed in accordance with Sections R404.1.8 and R606.2.2. Rubble stone masonry walls shall not be used in Seismic Design Categories D1 and D2.

R404.1.2 *Concrete foundation walls.* Concrete foundation walls shall be constructed as set forth in Tables R404.1.1(1), R404.1.1(2), R404.1.1(3) and R404.1.1(4) and shall also comply with the provisions of this Section and the applicable provisions of Section R402.2. In Seismic Design Categories D1 and D2, concrete foundation walls shall comply with Section R404.1.4.

R404.1.3 *Design required.* A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundation walls when any of the following conditions exist:

1. Walls are subject to hydrostatic pressure from ground water.
2. Walls supporting more than forty-eight (48) inches (1,219 mm) of unbalanced backfill that do not have permanent lateral support at the top and bottom.

R404.1.4 *Seismic Design Categories D1 and D2.* In addition to the requirements of Table R404.1.1(1), plain concrete and plain masonry foundation walls located in Seismic Design Categories D1 and D2, as established in Table R301.2(1), shall comply with the following:

1. Minimum reinforcement shall consist of one (1) No. 4 (No. 13) horizontal bar located in the upper twelve (12) inches (305 mm) of the wall.
2. Wall height shall not exceed eight (8) feet (2,438 mm).
3. Height of unbalanced backfill shall not exceed four (4) feet (1,219 mm).

4. A minimum thickness of seven and one-half ( $7\frac{1}{2}$ ) inches (191 mm) is required for plain concrete foundation walls except that a minimum thickness of six (6) inches (152 mm) shall be permitted for plain concrete foundation walls with a maximum height of four (4) feet six (6) inches (1,372 mm).

5. Plain masonry foundation walls shall be a minimum of eight (8) inches (203 mm) thick.

Vertical reinforcement for masonry stem walls shall be tied to the horizontal reinforcement in the footings. Masonry stem walls located in Seismic Design Categories D1 and D2 shall have a minimum vertical reinforcement of one (1) No. 3 bar located a maximum of four (4) feet (1,220 mm) on center in grouted cells. Foundation walls located in Seismic Design Categories D1 and D2, as established in Table R301.2(1), supporting more than four (4) feet (1,219 mm) of unbalanced backfill or exceeding eight (8) feet (2,438 mm) in height shall be constructed in accordance with Table R404.1.1(2), R404.1.1(3) or R404.1.1(4) and shall have two (2) No. 4 (No. 13) horizontal bars located in the upper twelve (12) inches (305 mm) of the wall.

R404.1.5 *Foundation wall thickness based on walls supported.* The thickness of concrete and masonry foundation walls shall not be less than the thickness of the wall supported, except that foundation walls of at least eight (8) inch (203 mm) nominal thickness shall be permitted under brick veneered frame walls and under ten (10) inch wide (254 mm) cavity walls where the total height of the wall supported, including gables, is not more than twenty (20) feet (6,096 mm), provided the requirements of Sections R404.1.1 and R404.1.2 are met.

R404.1.5.1 *Pier and curtain wall foundations.* Except in Seismic Design Categories D and E, pier and curtain wall foundations shall be permitted to be used to support light-frame construction not more than two (2) stories in height, provided the following requirements are met:

1. All load-bearing walls shall be placed on continuous concrete footings placed integrally with the exterior wall footings.
2. The minimum actual thickness of a load-bearing masonry wall shall be not less than four (4) inches (102 mm) nominal or three and three-eighths ( $3\frac{3}{8}$ ) inches (92 mm) actual thickness and shall be bonded integrally with piers spaced in accordance with R606.8.
3. Piers shall be constructed in accordance with Section R606.5 and Section R606.5.1 and shall be bonded into the load-bearing masonry wall in accordance with Section R608.1.1 or Section R608.1.1.2.
4. The maximum height of a four (4) inch (102 mm) load-bearing masonry foundation wall supporting wood framed walls and floors shall not be more than four (4) feet (1,219 mm) in height.
5. Anchorage shall be in accordance with Section R403.1.6 or as specified by engineered design accepted by the Building Official.
6. The unbalanced fill for four (4) inch (102 mm) foundation walls shall not exceed twenty-four (24) inches (610 mm) for solid masonry or twelve (12) inches (305 mm) for hollow masonry.

R404.1.6 *Height above finished grade.* Concrete and masonry foundation walls shall extend above the finished grade adjacent to the foundation at all points a minimum of four (4)

inches (102 mm) where masonry veneer is used and a minimum of six (6) inches (152 mm) elsewhere.

R404.1.7 *Backfill placement.* Backfill shall not be placed against the wall until the wall has sufficient strength and has been anchored to the floor above or has been sufficiently braced to prevent damage by the backfill.

Exception: Such bracing is not required for walls supporting less than four (4) feet (1,219 mm) of unbalanced backfill.

R404.1.8 *Rubble stone masonry.* Rubble stone masonry foundation walls shall have a minimum thickness of sixteen (16) inches (406 mm), shall not support an unbalanced backfill exceeding eight (8) feet (2,438 mm) in height, shall not support a soil pressure greater than thirty (30) psf (481 kg/m<sup>2</sup>) and shall not be constructed in Seismic Design Categories D1 or D2 as established in Figure R301.2(2).

Tables R404.1.1(1), R404.1.1(2), R404.1.1(3) and R404.1.1(4) are as follows:

TABLE R404.1.1(1) PLAIN CONCRETE AND PLAIN MASONRY FOUNDATION WALLS							
Maximum Wall Height (feet)	Maximum Unbalanced Backfill Height <sup>c</sup> (feet)	Plain Concrete Minimum Nominal Wall Thickness (Inches)			Plain Masonry <sup>a</sup> Minimum Nominal Wall Thickness (Inches)		
		Soil Classes <sup>b</sup>					
		GW, GP, SW and SP	GM, GC, SM, SM-SC and ML	SC, MH, ML-CL and Inorganic CL	GW, GP, SW and SP	GM, GC, SM, SM-SC and ML	SC, MH, ML-CL and Inorganic CL
5	4	6	6	6	6 solid <sup>d</sup> or 8	6 solid <sup>d</sup> or 8	6 solid <sup>d</sup> or 8
	5	6	6	6	6 solid <sup>d</sup> or 8	8	10
6	4	6	6	6	6 solid <sup>d</sup> or 8	6 solid <sup>d</sup> or 8	6 solid <sup>d</sup> or 8
	5	6	6	6	6 solid <sup>d</sup> or 8	8	10
	6	6	8 <sup>g</sup>	8 <sup>g</sup>	8	10	12
7	4	6	6	6	6 solid <sup>d</sup> or 8	8	8
	5	6	6	8 <sup>g</sup>	6 solid <sup>d</sup> or 8	10	10
	6	6	8	8	10	12	10 solid <sup>d</sup>
	7	8	8	10	12	10 solid <sup>d</sup>	12 solid <sup>d</sup>
8	4	6	6	6	6 solid <sup>d</sup> or 8	6 solid <sup>d</sup> or 8	8
	5	6	6	8	6 solid <sup>d</sup> or 8	10	12
	6	8 <sup>h</sup>	8	10	10	12	12 solid <sup>d</sup>
	7	8	10	10	12	12 solid <sup>d</sup>	Footnote e
	8	10	10	12	12	12 solid <sup>d</sup>	Footnote e

9	4	6	6	6	6 solid <sup>d</sup>	6 solid <sup>d</sup>	8
	5	6	8 <sup>g</sup>	8	or 8	or 8	12
	6	8	8	10	8	10	12 solid <sup>d</sup>
	7	8	10	10	10	12	Footnote e
	8	10	10	12	12	12 solid <sup>d</sup>	Footnote e
	9	10	12	Footnote f	12 solid <sup>d</sup>	Footnote e	Footnote e

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square inch = 6.895 Pa.

- a. Mortar shall be Type M or S and masonry shall be laid in running bond. UngROUTED hollow masonry units are permitted except where otherwise indicated.
- b. Soil classes are in accordance with the Unified Soil Classification System. Refer to Table R405.1.
- c. Unbalanced backfill height is the difference in height of the exterior and interior finish ground levels. Where an interior concrete slab is provided, the unbalanced backfill height shall be measured from the exterior finish ground level to the top of the interior concrete slab.
- d. Solid grouted hollow units or solid masonry units.
- e. Wall construction shall be in accordance with Table R404.1.1(2) or a design shall be provided.
- f. A design is required.
- g. Thickness may be 6 inches, provided minimum specified compressive strength of concrete,  $f_c$ , is 4,000 psi.
- h. For the purposes of this Chapter, use the column labeled "SC, MH, ML-CL and Inorganic CL Soils", unless a soils investigation report is provided.

TABLE R404.1.1(2) REINFORCED CONCRETE AND MASONRY <sup>a</sup> FOUNDATION WALLS				
Maximum Wall Height (feet)	Maximum Unbalanced Backfill Height <sup>e</sup> (feet)	Minimum Vertical Reinforcement Size And Spacing <sup>b,c</sup> For 8-Inch Nominal Wall Thickness		
		Soil Classes <sup>d</sup>		
		GW, GP SW and SP Soils	GM, GC, SM, SM-SC and ML Soils	SC, MH, ML-CL and Inorganic CL Soils
6	5	#4 at 48" o.c.	#4 at 48" o.c.	#4 at 48" o.c.
	6	#4 at 48" o.c.	#4 at 40" o.c.	#5 at 48" o.c.
7	4	#4 at 48" o.c.	#4 at 48" o.c.	#4 at 48" o.c.
	5	#4 at 48" o.c.	#4 at 48" o.c.	#4 at 40" o.c.
	6	#4 at 48" o.c.	#5 at 48" o.c.	#5 at 40" o.c.
	7	#4 at 40" o.c.	#5 at 40" o.c.	#6 at 48" o.c.
8	5	#4 at 48" o.c.	#4 at 48" o.c.	#4 at 40" o.c.
	6	#4 at 48" o.c.	#5 at 48" o.c.	#5 at 40" o.c.
	7	#5 at 48" o.c.	#6 at 48" o.c.	#6 at 40" o.c.
	8	#5 at 40" o.c.	#6 at 40" o.c.	#6 at 24" o.c.
9	5	#4 at 48" o.c.	#4 at 48" o.c.	#5 at 48" o.c.
	6	#4 at 48" o.c.	#5 at 48" o.c.	#6 at 48" o.c.
	7	#5 at 48" o.c.	#6 at 48" o.c.	#6 at 32" o.c.
	8	#5 at 40" o.c.	#6 at 32" o.c.	#6 at 24" o.c.
	9	#6 at 40" o.c.	#6 at 24" o.c.	#6 at 16" o.c.

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

- Mortar shall be Type M or S and masonry shall be laid in running bond.
- Alternative reinforcing bar sizes and spacings having an equivalent cross-sectional area of reinforcement per lineal foot of wall shall be permitted provided the spacing of the reinforcement does not exceed 72 inches.
- Vertical reinforcement shall be Grade 60 minimum. The distance from the face of the soil side of the wall to the center of vertical reinforcement shall be at least 5 inches.
- Soil classes are in accordance with the Unified Soil Classification System. Refer to Table R405.1.
- Unbalanced backfill height is the difference in height of the exterior and interior finish ground levels. Where an interior concrete slab is provided, the unbalanced backfill height shall be measured from the exterior finish ground level to the top of the interior concrete slab.
- For the purposes of this Chapter, use the column labeled "SC, MH, ML-CL and Inorganic CL Soils", unless a soils investigation report is provided.

TABLE R4.4.1.1(3) REINFORCED CONCRETE AND MASONRY <sup>a</sup> FOUNDATION WALLS				
Maximum Wall Height (feet)	Maximum Unbalanced Backfill Height <sup>e</sup> (feet)	Vertical Reinforcement Size And Spacing <sup>b,c</sup> For 12-Inch Nominal Wall Thickness		
		Soil Classes <sup>d</sup>		
		GW, GP, SW and SP Soils	GM, GC, SM, SM-SC and ML Soils	SC, MH, ML-CL and Inorganic CL Soils
7	4	#4 at 72" o.c.	#4 at 72" o.c.	#4 at 72" o.c.
	5	#4 at 72" o.c.	#4 at 72" o.c.	#4 at 72" o.c.
	6	#4 at 72" o.c.	#4 at 64" o.c.	#4 at 48" o.c.
	7	#4 at 72" o.c.	#4 at 48" o.c.	#5 at 56" o.c.
8	5	#4 at 72" o.c.	#4 at 72" o.c.	#4 at 72" o.c.
	6	#4 at 72" o.c.	#4 at 56" o.c.	#5 at 72" o.c.
	7	#4 at 64" o.c.	#5 at 64" o.c.	#4 at 32" o.c.
	8	#4 at 48" o.c.	#4 at 32" o.c.	#5 at 40" o.c.
9	5	#4 at 72" o.c.	#4 at 72" o.c.	#4 at 72" o.c.
	6	#4 at 72" o.c.	#4 at 56" o.c.	#5 at 64" o.c.
	7	#4 at 56" o.c.	#4 at 40" o.c.	#6 at 64" o.c.
	8	#4 at 64" o.c.	#6 at 64" o.c.	#6 at 48" o.c.
	9	#5 at 56" o.c.	#7 at 72" o.c.	#6 at 40" o.c.

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

- Mortar shall be Type M or S and masonry shall be laid in running bond.
- Alternative reinforcing bar sizes and spacing having an equivalent cross-sectional area of reinforcement per lineal foot of wall shall be permitted provided the spacing of the reinforcement does not exceed 72 inches.
- Vertical reinforcement shall be Grade 60 minimum. The distance from the face of the soil side of the wall to the center of vertical reinforcement shall be at least 8.75 inches.
- Soil classes are in accordance with the Unified Soil Classification System. Refer to Table R405.1.
- Unbalanced backfill height is the difference in height of the exterior and interior finish ground levels. Where an interior concrete slab is provided, the unbalanced backfill height shall be measured from the exterior finish ground level to the top of the interior concrete slab.

TABLE R404.1.1(4) REINFORCED CONCRETE AND MASONRY <sup>a</sup> FOUNDATION WALLS				
Maximum Wall Height (feet)	Maximum Unbalanced Backfill Height (feet)	Minimum Vertical Reinforcement Size And Spacing <sup>b,c</sup> For 10-Inch Nominal Wall Thickness		
		Soil Classes <sup>d</sup>		
		GW, GP, SW and SP Soils	GM, GC, SM, SM-SC and ML Soils	SC, MH, ML-CL and Inorganic CL Soils
7	4	#4 at 56" o.c.	#4 at 56" o.c.	#4 at 56" o.c.
	5	#4 at 56" o.c.	#4 at 56" o.c.	#4 at 56" o.c.
	6	#4 at 56" o.c.	#4 at 48" o.c.	#4 at 40" o.c.
	7	#4 at 56" o.c.	#5 at 56" o.c.	#5 at 40" o.c.
8	5	#4 at 56" o.c.	#4 at 56" o.c.	#4 at 48" o.c.
	6	#4 at 56" o.c.	#4 at 48" o.c.	#5 at 56" o.c.
	7	#4 at 48" o.c.	#4 at 32" o.c.	#6 at 56" o.c.
	8	#5 at 56" o.c.	#5 at 40" o.c.	#7 at 56" o.c.
9	5	#4 at 56" o.c.	#4 at 56" o.c.	#4 at 48" o.c.
	6	#4 at 56" o.c.	#4 at 40" o.c.	#4 at 32" o.c.
	7	#4 at 56" o.c.	#5 at 48" o.c.	#6 at 48" o.c.
	8	#4 at 32" o.c.	#6 at 48" o.c.	#4 at 16" o.c.
	9	#5 at 40" o.c.	#6 at 40" o.c.	#7 at 40" o.c.

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

- a. Mortar shall be Type M or S and masonry shall be laid in running bond.
- b. Alternative reinforcing bar sizes and spacing having an equivalent cross-sectional area of reinforcement per lineal foot of wall shall be permitted provided the spacing of the reinforcement does not exceed 72 inches.
- c. Vertical reinforcement shall be Grade 60 minimum. The distance from the face of the soil side of the wall to the center of vertical reinforcement shall be at least 6.75 inches.
- d. Soil classes are in accordance with the Unified Soil Classification System. Refer to Table R405.1.
- e. Unbalanced backfill height is the difference in height of the exterior and interior finish ground levels. Where an interior concrete slab is provided, the unbalanced backfill height shall be measured from the exterior finish ground level to the top of the interior concrete slab.

(Ord. No. 535-04 §8, 4-13-04; Ord. No. 733-07 §1, 6-12-07; Ord. No. 756-07 §8, 11-13-07; Ord. No. 762-07 §9, 12-11-07; Ord. No. 879-10 §2, 1-12-10)

## **CHAPTER 505: HOUSING CODE**

### **SECTION 505.010: APPLICABILITY**

This Chapter shall be applicable to all dwellings now in existence or hereinafter constructed in the City and to all dwellings which become incorporated into the City because of annexation; provided that the construction of new dwellings and the remodeling of existing dwellings in the City shall comply with the provisions of this Chapter and with the provisions of all other applicable codes and ordinances of the City. (CC 1994 §12.100; Ord. No. 54-94 §12.100, 12-19-94; Ord. No. 518-04 §1, 2-10-04)

### **SECTION 505.020: ADMINISTRATION**

The Director of Community Development is hereby designated to administer and enforce this Chapter. The Director of Community Development may assign any duties herein to an authorized representative. (CC 1994 §12.105; Ord. No. 54-94 §12.105, 12-19-94; Ord. No. 518-04 §2, 2-10-04)

### **SECTION 505.030: PROMULGATION OF RULES AND PROCEDURES**

The Director of Community Development is hereby authorized to make and adopt such rules and procedures as may be necessary for the proper enforcement of the provisions of this Chapter. All such rules and procedures promulgated shall be subject to the approval of the City Administrator. (CC 1994 §12.110; Ord. No. 54-94 §12.110, 12-19-94; Ord. No. 518-04 §3, 2-10-04)

### **SECTION 505.040: DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of this Chapter:

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

*BUILDING CODE:* The 2006 International Building Code adopted by the City of Park Hills.

*CITY:* The City of Park Hills, Missouri.

*DWELLING:* Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.

*DWELLING UNIT:* Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking and eating.

*ELECTRIC CODE:* The 2005 National Electric Code adopted by the City of Park Hills.

*EXTERMINATION:* The control and elimination of insects, rodents, vermin or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as

their food; by poisoning, spraying, fumigating, trapping; or by any other recognized legal pest control methods.

*FIRE CHIEF*: The Chief of the Fire Department of the City or his/her authorized representative.

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

*HABITABLE ROOM*: A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, toilet room, laundries, pantries, foyers, communicating corridors, closets, storage spaces and basement rooms used only for recreational purposes.

*HOUSING COMMITTEE*: For the purposes of this code, the Housing Committee shall be composed of the members of the Code Enforcement Committee of the City Council.

*INFESTATION*: The presence within or around a dwelling of any insects, rodents, vermin or other pests.

*MECHANICAL CODE*: The 2006 International Mechanical Code adopted by the City of Park Hills.

*OCCUPANT*: Any person living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

*OWNER*: Any person who, alone or jointly or severally with others:

1. Shall record legal title to any dwelling or dwelling unit with or without accompanying actual possession thereof; or
2. Shall have charge, care or control of any dwelling or dwelling unit as owner or agent of the owner or as executor, executrix, administrator, administratrix trustee or guardian of the estate of the owner. Any such person representing the owner shall be bound to comply with the provisions of this Chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he/she were the owners.

*PERSON*: A natural person for the purposes of the occupancy standards hereof and for other purposes shall mean a natural person or a legal entity, such as a firm, corporation, association, partnership or limited liability company.

*PLUMBING*: Includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and other similar supplied fixtures, together with all connections to water, sewer or fuel lines.

*PLUMBING CODE*: The 2006 International Plumbing Code adopted by the City of Park Hills.

*PREMISES*: A lot, plot or parcel of land including the dwelling and structures located thereon.

*RESIDENTIAL CODE:* The 2006 International Residential Code adopted by the City of Park Hills.

*SUPPLIED:* Paid for, furnished or provided by or under the control of the owner or operator.

*TEMPORARY HOUSING:* Any trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than thirty (30) consecutive days.

*TRASH:* Combustible and non-combustible waste materials, except garbage and sewage, normally produced by occupants of a dwelling; it shall include, but not be limited to, household wastes and yard and tree trimmings.

*MEANING OF CERTAIN WORDS:* Whenever the words "*dwelling*", "*dwelling unit*", "*rooming house*", "*rooming unit*", "*premises*" are used in this Chapter, they shall be construed as though they were followed by the word "or any part thereof". (CC 1994 §12.115; Ord. No. 54-94 §12.115, 12-19-94; Ord. No. 518-04 §4, 2-10-04; Ord. No. 880-10 §§1-2, 1-12-10)

### **SECTION 505.050: OCCUPANCY PERMIT REQUIRED**

No person shall occupy, rent or lease to another for occupancy any dwelling, dwelling unit, rooming unit or temporary housing without an occupancy permit. An occupancy permit shall not be issued until the premises has been inspected for compliance with this Chapter and all applicable inspection fees paid. Premises presently occupied by owner, being leased or rented shall not require an occupancy permit until such time as there is a change in the present occupant. (CC 1994 §12.120; Ord. No. 54-94 §12.120, 12-19-94; Ord. No. 518-04 §5, 2-10-04)

### **SECTION 505.055: OCCUPANCY PERMIT/INSPECTION FEES**

The following fee schedule shall apply for all inspections under the provisions of this Chapter:

Initial occupancy inspection (including first (1st) reinspection)—thirty dollars (\$30.00).

Second (2nd) reinspection—forty dollars (\$40.00).

Third (3rd) and subsequent reinspections—fifty dollars (\$50.00) each. (Ord. No. 518-04 §6, 2-10-04)

### **SECTION 505.060: MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES**

No person shall occupy or let to another for occupancy any dwelling or dwelling units, for the purpose of living therein, which does not comply with the following requirements:

1. Every dwelling unit shall contain a kitchen sink in good working condition which is properly connected to a water and sewer system.
2. Every dwelling unit shall contain a room separate from the habitable rooms which affords privacy to a person within said room and which is equipped with a flush water closet and lavatory basin. Such lavatory basin may be located outside the room containing the flush water closet, provided it is convenient to said room and such

location is approved.

3. Every dwelling unit shall contain a room separate from the habitable rooms which affords privacy to a person within said room and which is equipped with a bathtub or shower.

4. Every kitchen sink, lavatory basin and bathtub or shower installed in a dwelling unit shall be supplied with hot water from an approved water heating appliance. All water heating appliances shall be supplied with a temperature/pressure relief valve and be installed in accordance with the Plumbing Code.
5. All plumbing fixtures shall be in good working condition and properly connected to a water system and to a sewage system. All such fixtures shall be installed in accordance with the Plumbing Code.
6. Every dwelling unit shall be supplied with adequate trash storage facilities and have adequate garbage disposal facilities or garbage storage containers.
7. Every dwelling unit shall have a safe, unobstructed direct means of egress leading to safe and open space at ground level which is accessible to a public street or alley.
8. Every dwelling unit shall contain at least one (1) smoke/fire detector in operating condition for each floor of living area and, if applicable, one (1) carbon monoxide (CO) detector shall be provided for each floor of living area in dwellings served by or equipped with combustion equipment.
9. The address of every dwelling unit shall be clearly and accurately displayed in the manner listed in the Residential Code. (CC 1994 §12.125; Ord. No. 54-94 §12.125, 12-19-94; Ord. No. 518.04 §7, 2-10-04)

**SECTION 505.070:                    MINIMUM STANDARDS FOR LIGHT, VENTILATION,  
HEATING AND EMERGENCY EGRESS**

No person shall occupy or let to another for occupancy any dwelling or dwelling units, for the purpose of living therein, which does not comply with the following requirements:

1. Every bedroom shall have at least one (1) operable window for emergency egress. Said window opening shall have a height of at least twenty-four (24) inches and a width of at least twenty (20) inches when fully open. Said window shall have a sill height no greater than forty-four (44) inches above the floor. Every habitable room shall have at least one (1) operable window or other approved means of ventilation. All windows shall face the outdoors.
2. Every bathroom and toilet room shall comply with the ventilation requirements for habitable rooms, except that no window shall be required in bathrooms and toilet rooms equipped with an approved room ventilation system.
3. Every dwelling shall be supplied with electricity. Every habitable room shall contain at least two (2) separate wall type electric convenience outlets and one (1) ceiling light fixture. Every laundry room, furnace room and public hall shall contain at least one (1) ceiling or wall type electric light fixture. Every bathroom or toilet room shall contain at least one (1) ceiling or wall type electric light fixture and one (1) wall type electric convenience outlet. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power in a safe manner. All receptacles located within six (6) feet of a water source or within wet areas, as identified by the Electric Code, shall have GFCI protection. All lighting fixtures located in closets shall have an enclosed lamp. Repairs

to electrical components shall be done in a workmanlike manner and be in accordance with the Electric Code.

4. Every dwelling and dwelling unit shall have heating equipment which is installed in an approved manner, maintained in safe and good working condition and is capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located herein to a temperature of at least seventy degrees Fahrenheit (70°F). Such heating equipment shall be adequate to maintain a temperature in all habitable rooms of seventy degrees Fahrenheit (70°F), a distance of three (3) feet above floor level, under ordinary winter conditions. Repairs to mechanical system components shall be done in a workmanlike manner and be in accordance with the Mechanical Code.
5. Every public hall or stairway in or leading into a dwelling containing (2) or more dwelling units shall be adequately lighted and equipped with one (1) smoke detector.
6. Every window, vent or other opening to a basement or crawl space which might provide an entry for rodents shall be supplied with a screen or other such device as will effectively prevent their entrance. (CC 1994 §12.130; Ord. No. 54-94 §12.130, 12-19-94; Ord. No. 518-04 §8, 2-10-04)

**SECTION 505.080:                   GENERAL REQUIREMENTS FOR CONSTRUCTION  
AND  
MAINTENANCE**

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

1. Every foundation, exterior wall and roof shall be reasonably watertight, weathertight and rodentproof and shall be kept in sound condition and good repair; provided that all wood, composition and metal siding shall be surface-coated as required to prevent deterioration.
2. Every floor, interior wall and ceiling shall be kept in sound condition and good repair and constructed of a building material recognized for that purpose.
3. Every window and exterior door shall be reasonably watertight, weathertight and rodentproof and shall be kept in sound working condition and in good repair. All doors and windows shall be equipped with working locking devices for the security of the inhabitants. No doors or windows shall be made inoperable or unopenable. The locking devices installed shall comply with the provisions of the Residential Code.
4. Every inside and outside stair, every porch and every appurtenance thereto shall be capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. Structurally sound handrails shall be provided on any steps containing four (4) risers or more. Porches, stairs, patios and/or balconies located more than thirty (30) inches higher than the adjacent area shall have structurally sound protective guardrails. Guardrails and handrails shall comply with the provisions of the Residential Code.
5. Every plumbing fixture and water and waste pipe shall be properly installed and in good sanitary working condition, free from defects, leaks and obstruction. Repairs to plumbing components shall be done in a workmanlike manner and be in accordance with the Plumbing Code.

6. Every toilet room floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

7. Every supplied facility, piece of equipment or utility shall be so constructed and installed that it will function safely and effectively and shall be maintained in satisfactory working condition. (CC 1994 §12.135; Ord. No. 54-94 §12.135, 12-19-94; Ord. No. 518-04 §9, 2-10-04)

**SECTION 505.090: MINIMUM SPACE, USE AND LOCATION REQUIREMENTS**

No person shall occupy or let to another for occupancy any dwelling or dwelling units, for the purpose of living therein, which does not comply with the following requirements:

1. Every dwelling unit shall contain at least one hundred fifty (150) feet of floor space for the first (1st) occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
2. Every habitable room shall have a ceiling height of a least seven (7) feet; any part of the floor area or any room of less than the required height shall not be considered in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
3. No basement shall be used as an habitable room or dwelling unit unless, in addition to complying with Subsection (B), it complies with the following requirements:
  - a. The floor and walls are impervious to leakage of underground and surface runoff water and are free from dampness.
  - b. The window area in each room is equal to the minimum window area required in Section 505.070 (A) of this Chapter; and such required window area is located entirely above the grade of the ground adjoining such window areas; provided, that the window area below grade may be acceptable according to the provisions and design of a window well as determined by the Director of Community Development.
  - c. The facilities for ventilation in each room are equal to at least the minimum as required under Section 505.070 of this Chapter, except where there is supplied some other device according adequate ventilation and approved by the Director of Community Development. (CC 1994 §12.140; Ord. No. 54-94 §12.140, 12-19-94; Ord. No. 518-04 §10, 2-10-04)

**SECTION 505.100: RESPONSIBILITIES OF OWNERS AND OCCUPANTS**

- A. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof. The owner shall keep the shared or public areas of the premises free of litter, trash, salvage materials, junk and, unless stored properly, building materials. The owner shall keep such premises reasonably free of breeding, harboring and feeding places for rodents and insects and shall maintain such premises free of weed nuisances.
- B. Every occupant of a dwelling shall keep in a clean and sanitary condition that part of the

dwelling, dwelling unit and premises thereof which he/she occupies and controls. The occupant shall keep such premises free of litter, trash, salvage materials, building materials, unless they are stored properly, and junk and keep such premises free of breeding, harboring and feeding places for

rodents and insects and shall keep such premises free of weed nuisances. Every occupant shall dispose of all his/her trash and garbage in a clean and sanitary manner.

- C. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his/her dwelling unit is the only one infested and there is no infestation in common areas. Notwithstanding the foregoing provisions of this Section, whenever infestation is caused by the failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner or operator. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner or operator. (CC 1994 §12.145; Ord. No. 54-94 §12.145, 12-19-94; Ord. No. 518-04 §11, 2-10-04)

**SECTION 505.110: RESERVED**

*Editor's Note—Ord. no. 518-04 §12, adopted February 10, 2004, repealed section 505.110 "rooming houses" in its entirety. Former section 505.110 derived from CC 1994 §12.150; ord. no. 54-94 §12.150, 12-19-94. At the editor's discretion, this section has been reserved for the city's future use.*

**SECTION 505.120: RIGHT OF ENTRY**

The Director of Community Development is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the City in order that he/she may perform his/her duty of safeguarding the health and safety of the occupants of dwellings and of the general public and in order that he/she may ascertain that the standards for dwellings, as set forth in this Chapter, are properly maintained. For the purposes of making such inspection, the Director of Community Development is hereby authorized to enter, examine and survey at any reasonable time all dwellings, dwelling units, rooming units and premises with permission of the occupant for the purpose of inspection, examination and survey. In the event of necessity the Director of Community Development shall procure right to entry and inspection by application to and proper orders from a court of competent jurisdiction. Every occupant of a dwelling or dwelling unit shall give the owner thereof or his/her agent or employee access to any part of such dwelling units or its premises at all reasonable times for the purpose of making such repairs or alterations that are necessary to effect compliance with the provisions of this Chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Chapter. (CC 1994 §12.155; Ord. No. 54-94 §12.155, 12-19-94; Ord. No. 518-04 §13, 2-10-04)

**SECTION 505.130: RESERVED**

*Editor's Note—Ord. no. 518-04 §14, adopted February 10, 2004, repealed section 505.130 "dwellings unfit for human habitation—nuisances" in its entirety. Former section 505.130 derived from CC 1994 §12.160; ord. no. 54-94 §12.160, 12-19-94. At the editor's discretion, this section has been reserved*

*for the city's future use.*

**SECTION 505.140: ENFORCEMENT**

- A. Whenever the Director of Community Development determines that there has been a violation of any provision of this Chapter, notice of such alleged violation shall be given to the person or persons responsible therefore as hereinafter provided. Such notice shall:
1. Be in writing.
  2. Particularize the violations alleged to exist or to have been committed.
  3. Allow a reasonable time for the correction of the violation particularized.
  4. Be addressed to and seined upon the owner of the property and the occupant of the dwelling unit or rooming unit concerned if the occupant is or may be responsible for the violations; provided, that such notice shall be deemed to be properly served upon such owner, operator or occupant if a copy thereof is served upon him/her personally or if a copy thereof is sent by certified or registered mail to his/her last known address. If the notice cannot be conveniently served by the aforesaid, service of the notice may be made upon such person or persons by posting the notice in a conspicuous place in or about the dwelling affected by the notice, in which event the Director of Community Development shall make a statement for inclusion in the record as to why such posting was necessary. Such notice may contain an outline of remedial action which, if taken, will effect correction of the particularized alleged violations.
  5. Statement that occupancy will be revoked unless the alleged violation is corrected.
- B. In addition to giving notice of alleged violations as herein provided, the Director of Community Development may appropriately placard such dwellings, dwelling units and rooming units that have been determined to be in violation of any provisions of this Chapter. The placard shall include, but not be limited to, a statement that the dwelling, dwelling unit or rooming unit is in violation of provisions of the minimum standards for dwelling of the City of Park Hills, Missouri. The Director of Community Development shall remove such placard whenever the violations particularized in the notice have been corrected. No unauthorized person shall deface, remove or obscure any placard affixed under the provisions of the Subsection. If the dwelling, dwelling unit or rooming unit is vacant at the time of placarding, it shall not be used for human habitation until the violations particularized in the notice have been corrected and written approval secured from and placard removed by the Director of Community Development. (CC 1994 §12.165; Ord. No. 54-94 §12.165, 12-19-94; Ord. No. 518-04 §15, 2-10-04)

**SECTION 505.145: MEANS OF APPEAL**

- A. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this Chapter, who is aggrieved thereby and who believes the same to be contrary to the policies or regulations of the City may request and shall be granted a hearing on the matter before the Housing Committee, provided that such person shall file in the office of the City Clerk a written request for such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the notice was served. Upon receipt of such petition, the Housing Committee shall set a time and place for such hearing and shall give the petitioner notice that he/she shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. After such hearing, the Housing

Committee may sustain, modify or withdraw the notice, depending upon their finding as to whether the provisions of the Chapter have been complied with. If the Housing Committee sustains or modifies such notice, it shall be deemed to be an order. Any notice

served pursuant to this Chapter shall become an order if a written petition for a hearing is not filed in the office of the City Clerk within ten (10) days after such notice is served.

- B. After a hearing in the case of any notice suspending any permit required by this Chapter, when such notice has been sustained by the Housing Committee, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the City Clerk within ten (10) days after such notice is served.
- C. The proceedings at such hearing before the Housing Committee shall be recorded and the findings and decision of the Housing Committee shall be reduced to writing and entered as a matter of public record in the office of the Director of Community Development. Such record shall also include a copy of every notice or order issued in connection with the matter. (Ord. No. 518-04 §16, 2-10-04)

#### **SECTION 505.150: CONFLICT WITH OTHER ORDINANCES**

This Chapter establishes minimum standards for dwelling units and other residential buildings and does not replace or modify standards otherwise established for the construction, replacement or repair of buildings. (CC 1994 §12.170; Ord. No. 54-94 §12.170, 12-19-94; Ord. No. 518-04 §17, 2-10-04)

#### **SECTION 505.155: PENALTY**

Any person failing to comply with a final order of the Director of Community Development or his/her authorized representative or Housing Committee shall be referred to the City Attorney for prosecution in the Municipal Court for violation of the City Code and if found guilty, the punishment shall be a fine not exceeding five hundred dollars (\$500.00) for each offense and each and every day of such failure to comply shall be deemed a separate offense. (Ord. No. 518-04 §18, 2-10-04)



## **CHAPTER 510: DANGEROUS BUILDINGS**

### **ARTICLE I. PURPOSE AND DEFINITION**

#### **SECTION 510.010: PURPOSE AND SCOPE**

It is the purpose of this Chapter to provide a just, equitable, and practicable method for 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 Park Hills. (CC 1994 §45.105)

#### **SECTION 510.020: DANGEROUS BUILDINGS DEFINED**

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

1. Interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
2. Show thirty-three percent (33%) or more, of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
4. Damaged by fire, wind, or other causes so as to have become dangerous, to life, safety, or the general health and welfare of the occupants or the people of the City.
5. Dilapidated, decayed, unsafe, unsanitary which 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, morals, safety, or general welfare of those living therein.
6. Light, air, and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.
7. Inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of evacuation.
8. Parts thereof which are so attached that they may fall and injure members of the public or property.
9. Because of their conditions are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the people of this City.

10. Those buildings existing in violation of any provision of the Building Code of this City, or any provision of the Fire Prevention Code, or other ordinances of this City.

11. Any residential building which by reason of physical damage or failure to maintain is no longer habitable. (CC 1994 §45.110)

**SECTION 510.030: DANGEROUS BUILDINGS DECLARED NUISANCE**

All dangerous buildings, as defined in this Chapter, are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished as provided herein. (CC 1994 §45.115)

**SECTION 510.040: STANDARDS FOR REPAIR, VACATION, OR DEMOLITION**

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

1. If the dangerous building can be reasonably repaired so that it will no longer 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. (CC 1994 §45.120)

**ARTICLE II. BUILDING INSPECTOR**

**SECTION 510.050: DUTIES OF BUILDING INSPECTOR—PROCEDURE AND NOTICE**

The City Building Inspector shall:

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

4. Notify in writing, either by personal service or certified mail, 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) successive weeks, the owner, occupant, lessee,

mortgagee, agent, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of St. Francois, of any building found by him/her to be a "dangerous building and public nuisance" within the standards set forth in this Chapter.

5. 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.
6. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous building and public nuisance.
7. 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 and public nuisance 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. Francois County. It is unlawful to remove this notice until such notice is complied with."

Provided however, that the order by the Building Inspector and the posting of said notice, shall not be construed to deprive all persons entitled thereto by this Chapter of the notice and hearing prescribed herein. (CC 1994 §45.210)

#### **SECTION 510.060: NOTICE REQUIRED**

The notice required shall state:

1. 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;
2. The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession.
3. The mortgagee, agent, or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of St. Francois may at his/her own risk repair, vacate, or demolish said building or have such work or act done; provided, that any person notified under this Section to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty (30) days to commence the required work.
4. A description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building and public nuisance and an order requiring the designated work to be commenced within the time provided for in this Chapter.

(CC 1994 §45.215)

**ARTICLE III. BUILDING COMMISSIONER****SECTION 510.070: BUILDING COMMISSIONER**

The City Administrator shall act as Building Commissioner under this Chapter. (CC 1994 §45.305)

**SECTION 510.080: DUTIES OF THE BUILDING COMMISSIONER**

The Building Commissioner shall have the power to:

1. Supervise all inspections and inspectors 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 and public nuisance exists in the City, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his/her duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other City Department or retain services of an expert whenever the Building Commissioner deems such service necessary.
2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent, or other person(s) having interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, the Building Commissioner shall hold a hearing giving the affected parties full and adequate hearing on the matter.
  - a. Written notice, either by personal service or by certified mail, return receipt requested, or by publication for two (2) successive weeks, in a newspaper qualified to publish legal notices for ten (10) days in advance of a hearing date, to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Francois County to appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building and public nuisance 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.
  - b. Any party may be represented by counsel and all parties shall have an opportunity to be heard.
3. Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building and public nuisance within the terms of this Chapter.
4. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building and public nuisance, the Building Commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent, or other person(s) having an interest in said

building as shown by the land records of St. Francois County to repair, vacate, or demolish any building found to be a dangerous building and public nuisance and to clean up the property, provided that any person so notified, shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this City or the owner or any person having

an interest in said building as shown by the land records of St. Francois County wherein the land is may vacate and demolish said dangerous building and public nuisance at his/her own risk to prevent the acquiring by the City of the lien against the land where the dangerous building and public nuisance stands. If the evidence does not support a finding that a building or structure is a dangerous building and public nuisance, no order shall be issued.

5. If the owner, occupant, mortgagee, or lessee fails to comply with the order within thirty (30) days, the Building Commissioner shall cause such building or structure to be repaired, vacated, or demolished and the property cleaned up as the facts may warrant; and the Building Commissioner shall certify the cost of the work borne by the City for such repair, vacation, or demolition or clean up to the City Clerk as a special assessment represented by a special tax bill against the real property affected; said tax bill shall be a lien upon said property and shall be deemed a personal debt against the property owner(s) unless the building or structure is demolished, secured, or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building and public nuisance is located. The contractor may enforce this lien as provided in the Revised Statutes of Missouri. Except as provided in this Section, at the request of the taxpayer this special tax bill may be paid in installments over a period of not more than ten (10) years; said assessment shall bear interest at the rate of eight percent (8%) per annum until paid.
6. As to damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, if an order is issued by the Building Commissioner as provided in Subsection (5) of this Section, and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds, as set forth in this Section. This Section shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure.
  - a. The insurer shall withhold from the covered claim payment up to ten percent (10%) of the covered claim payment, and shall pay such monies to the City to deposit into an interest-bearing account.

Any named mortgagee on the insurance policy shall maintain priority over any obligation under the ordinance.
  - b. The City shall release the proceeds and any interest that has accrued on such proceeds received under this Section to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after the receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (5) of this Section. If the City has proceeded under the provisions of Subsection (5) of this Section, all monies in excess of that necessary to comply with the provisions of Subsection (5) of this Section for the removal, securing, repair, and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.
7. If there are no proceeds of any insurance policy as set forth in Subsection (6) of this Section, at the request of the taxpayer, the tax bill may be paid in installments over a

period of not more than ten (10) years. The tax bill from date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.

8. Subsection (6) of this Section shall apply to fire, explosion, or other casualty loss claims arising on all buildings and structures.
9. Subsection (6) of this Section does not make the City a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
10. The Building Commissioner may certify in lieu of payment of all or part of the covered claim under Subsection (6) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild, or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (6) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided from this Subsection. (CC 1994 §45.310)

#### **SECTION 510.090: APPEAL**

Any owner, occupant, lessee, mortgagee, agent, or any other person(s) having an interest in a dangerous building and public nuisance as shown by the land records of the Recorder of Deeds of the County wherein the land is located, may, within thirty (30) days from the receipt of the order of the Building Commissioner, appeal such decision to the Circuit Court of the County wherein the land is located, pursuant to the procedure established in Chapter 536 of the Revised Statutes of Missouri. (CC 1994 §45.315)

#### **SECTION 510.100: EMERGENCIES**

In cases where it reasonably appears that there is immediate danger to the health, life, or safety of any person unless a dangerous building and public nuisance, as defined herein, is immediately repaired, vacated, or demolished and the property is cleaned up, the Building Inspector shall report such facts to the Building Commissioner and the Building Commissioner may cause the immediate repair, vacation, or demolition of such dangerous building and public nuisance and clean up of the dangerous building and public nuisance. The cost of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Section 510.080(5). (CC 1994 §45.320)

### **ARTICLE IV. VIOLATION AND PENALTIES**

#### **SECTION 510.110: VIOLATIONS—DISREGARDING NOTICES OR ORDERS**

- A. The owner, occupant, or lessee in possession of any dangerous building and public nuisance who shall fail to comply with the order to repair, vacate, or demolish said building given by the Building Commissioner shall be guilty of a misdemeanor and upon conviction shall be punishable as set forth in this Chapter.
- B. Any person removing any notices provided for in this Chapter shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with this Chapter. (CC 1994 §45.325)

**SECTION 510.120: PENALTIES**

Any person violating the provisions of this Chapter is guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00). Each day that a person fails to comply with an order of the Building Commissioner may be deemed a separate offense.

(CC 1994 §45.330)



## **CHAPTER 515: STREETS, SIDEWALKS, AND CONDEMNATION**

### **ARTICLE I. GENERAL PROVISIONS**

#### **SECTION 515.010: CONDEMNATION OF PRIVATE PROPERTY**

Whenever the City Council shall deem it necessary to condemn or appropriate private property and to assess the cost thereof against property in a benefit district, said legislative body shall enact an ordinance setting forth the general nature or purpose of the use to which such private property is to be put and declare it to be necessary to take and appropriate private property therein described for such purpose and define the limits of a benefit district within which private property shall be deemed benefitted or assessed to pay for such improvements, and the time and mode of payment of such assessment and the penalty for failure to pay the same when due. (CC 1994 §16.105)

#### **SECTION 515.020: CONDEMNATION—PROCEDURES FOR**

The City Attorney, in the name of the City, shall apply to the St. Francois County Circuit Court, by petition, setting forth the limits of the benefit district, a correct description of the property that is sought to be acquired or condemned, the use for which such land is to be taken and dedicated or the general nature of the improvements proposed to be made, the names of the owners of the several lots, tracts or parcels of land if known, or if unknown a correct description of the parcels whose owners are unknown, and praying the appointment of three (3) disinterested commissioners, who are residents of the City, to assess the damages which the owners may severally sustain by reason of the appropriation and condemnation of such real estate by the City for any of the purposes described in this Section, and to assess the property especially benefitted by the improvements within the benefitted district, in proportion to the benefits accruing to each from the proposed improvements. (CC 1994 §16.110)

#### **SECTION 515.030: DEFENDANTS**

The owners of property to be appropriated or damaged shall be made defendants by name, but it shall not be necessary to name any defendants except the owners of a freehold in the property to be appropriated. If the proceedings seek to affect lands of persons under conservatorship, the conservators must be made parties defendant. If the possessor of land to be affected has an estate less than a fee the person having the next vested estate in remainder or reversion must, if known, be made a party defendant. It shall not be necessary to name any person defendant who is neither in actual possession nor record owner of the property to be appropriated, but any person holding an interest in the property or who is damaged by such appropriation may be made a party thereto by appearing therein and shall have just compensation allowed and paid to him/her in such proceedings. (CC 1995 §16.115)

#### **SECTION 515.040: ASSESSMENT OF A LIEN**

A. Said assessments for benefits shall be a lien from the date of the taking effect of the

initiatary ordinance and shall continue until the assessment against such lot, tract or parcel of land has been fully paid or a sale made thereunder. No assessment shall be defeated or affected by any irregularity affecting only other assessments. In case of failure of the proceedings as to any part of the land to

be condemned supplementary proceedings may be had as to such part. Damages allowed and benefits assessed shall bear interest from the date of final judgement until paid at the rate of six percent (6%) per annum, but in case of any deficiency in the interest collected upon benefit assessments, the City shall pay the deficit. In case of failure to collect any assessments in full or in part by failure of the property to sell for a sufficient price to fully pay same and costs of sale, or otherwise, the City shall pay the amount of such deficit or loss. The City may pay all or any part of the assessments and have execution therefor in its own right.

- B. Special executions may be issued against any property assessed for benefits at the instance of the City or of any party entitled to damages under the judgment, and such special execution shall be entitled as the case is docketed without naming any owner of the property, and proceedings thereon and sale thereunder shall be governed by the ordinary rules applicable to special executions against real estate. Payments shall be made to the Clerk of the Court in which the judgement is rendered, and if made at different times the Clerk may disburse the same by prorating the amount or amounts so received by him/her among the various lots, tracts or parcels of land for which damages have been allowed, in proportion to the allowance for each, and paying the respective amounts to the owner thereof. (CC 1994 §16.120)

#### **SECTION 515.050: POSSESSION**

The City of Park Hills shall have the right to advance the amount of damages awarded on the filing of the report assessing the damages and thereupon enter upon and take possession of such property and proceed with the public improvements for which such property is sought to be taken or damaged, and to be reimbursed from the benefits assessed when the same are collected. Any subsequent proceedings shall affect only the amount of compensation to be allowed for the property taken or damaged and shall not in any way interfere with the right of the City to the property sought to be acquired or damaged for public purposes. (CC 1994 §16.125)

#### **SECTION 515.060: RIGHT TO CONDEMN LAND**

The City shall have the right to condemn lands under the provisions of this Article and pay for the same out of any funds available out of the City Treasury without any assessments for benefits, or to advance the amount of damages awarded at the time pending the proceedings and thereupon take possession of the property and to be reimbursed from the benefits assessed when the same are collected. (CC 1994 §16.130)

### **ARTICLE II. BUILDING, MAINTENANCE, IMPROVEMENTS, TAX LIENS**

#### **SECTION 515.070: SIDEWALKS—POWER OF CITY COUNCIL**

The City Council is hereby given the power to regulate and control sidewalks along any of the streets, avenues or other highways within the City, as provided in RSMo. Sections 88.863 to 88.913. (CC 1994 §16.205)

**SECTION 515.080:                    DEFINITIONS**

A. The term "*approaches*" or "*sidewalk approaches*" as used in this Article shall be understood to mean

the extension of sidewalks at corner lots from the property line each way to the street curb line, and being in fact the connection across the parkway or intervening space between the corner of the property and the crossing in the street.

- B. The words "*City Engineer*" shall be construed to mean the person appointed, authorized or employed by the City Council to exercise and perform the duties and functions commonly appertaining to such officer. (CC 1994 §16.210)

**SECTION 515.090: CONDEMNATION OF SIDEWALKS**

The City Council may, by ordinance, condemn any sidewalk which they may deem to be in a dangerous or defective condition or out of repair, or any sidewalk which is not located upon the established grade and line for sidewalks on the street on which it is located, as provided by the ordinances of the City of Park Hills, or any sidewalk which does not conform to the specifications and requirements for sidewalks in this City, as provided by the ordinances of this City, and to provide for the removal of any sidewalk so condemned. (CC 1994 §16.215)

**SECTION 515.100: COUNCIL MAY REGULATE BUILDING SIDEWALKS AND PARKWAYS**

The City Council may, by ordinance, regulate the building, construction, reconstruction or repair of sidewalks, and may adopt plans and specifications for sidewalks and parkways, which parkways shall include all of the space between curbstone and the building or property line, or any space in the center of a street which may be set aside as a parkway, and prescribe and require certain materials to be used, and the manner and form of doing said work, including the kind of shade trees to be planted and the manner of their care and preservation. (CC 1994 §16.220)

**SECTION 515.110: SIDEWALK MAINTENANCE BY OWNER**

The City Council may, by ordinance, provide that the owner of any lot or tract shall build and construct, or rebuild or reconstruct or repair, a sidewalk lying along and adjacent to his/her said property, and may require said owner to grade, fill or park that portion of the street lying between the property line and the street curb line, and to build approaches as defined in Section 515.080 (A) and may provide for the serving of notice to do said work by delivering a written order to said property owner, or his/her representatives, or by publication, and may provide, by ordinance, that any person who shall, after having been notified as above, fail, neglect or refuse to comply with said order, shall be guilty of an offense, and shall be punished by a fine of not less than five dollars (\$5.00) and not more than one hundred dollars (\$100.00) for each offense. (CC 1994 §16.225)

**SECTION 515.120: SIDEWALK CONSTRUCTION**

- A. The City Council may, by ordinance, provide for the building of any sidewalk or for the rebuilding and reconstruction of the same, including grading and filling therefor, and including the removal of any obstructions, and including approaches (as defined in Section 515.080 (A) at corner lots, and including the grading or parking of that portion of the street lying between the property line and the street curb line, by contract, and levy a special

assessment against each lot or tract along which such work is done, for the cost thereof, as provided in Section 515.140 provided, however, that no such contract shall be let until the plans and specifications for said work have been adopted by ordinance

provided that such adoption may be by reference to general plans and specifications, which have already been adopted by ordinance by the City of Park Hills.

- B. No contract shall be let until an advertisement for bids for the doing of said work has been published in at least one (1) issue of a weekly newspaper or at least two (2) consecutive issues of a daily newspaper, published in the City of Park Hills, or if there is no paper published in Park Hills, in some newspaper published in the County in which said City is located, and the date for the opening of said bids shall be at least ten (10) days after the date of the first publication of said advertisement for bids; and provided further, that before the said bids are opened, the City Engineer, or other proper person designated by ordinance by the City Council, shall prepare and file an estimate showing the estimated quantities of grading, filling and of the various materials required for the sidewalk in front of each separate lot, tract or parcel of ground, and an estimate of the cost of said work per cubic yard or per square yard, as the case may be, and an estimate of the cost of the removal of any obstruction; and no contract shall be let for a price in excess of the said estimate of the cost.
- C. After the bids are opened by the City Council, the City Council shall let the contract for said work to the lowest and best responsible bidder, and in case there are no bids received, or that all bids are rejected for any reason, the City Council may re-advertise for bids for said work, or may, by ordinance, order and require the City Engineer or other proper person to build and construct said sidewalk or do the other work as herein contemplated, according to the specifications adopted therefor (provided, however, that the cost of said work shall not exceed the estimate of the City Engineer previously filed), keeping an accurate account of the cost of the separate items thereof, and the City Council shall pay for the labor and material and all other costs of said work out of any funds which they may have on hand available for such purpose; and at the completion of said work (either by contract or by the City, as last provided) shall levy the cost thereof as a special assessment against the lot, tract or parcel of ground along which each of said sidewalks or other improvements is made in the manner as provided in Section 515.140. (CC 1994 §16.230)

#### **SECTION 515.130:                   SIDEWALK MAINTENANCE BY THE CITY**

The City Council may, by ordinance, provide for the repairing or reconstruction of any sidewalk by the City Engineer or other proper person designated in said ordinance, paying the cost thereof as provided in this Article, and may assess and levy the cost thereof as a special assessment, as specified in this Article. (CC 1994 §16.235)

#### **SECTION 515.140:                   SIDEWALK IMPROVEMENT—ASSESSMENT**

The cost of any of the work or improvements contemplated in this Article that are made and done either by contract or by the City Engineer or other proper person acting for the City as above provided (except the cost of condemnation and removal of sidewalks, which shall be paid by the City) shall be levied as a special assessment against the lot, tract or parcel of ground along and in front of which said improvement is made; and the cost of the approaches, as defined in this Article, shall be levied as a special assessment against the corner lots which said approaches abut and connect with. Said assessment shall be levied by ordinance, in which ordinance shall be set out separately the number and title of the ordinance under authority of which the work will be done, a separate description of each lot, tract or parcel of ground assessed, the name of the owner thereof, the number of front feet therein abutting on said improvement, the separate items of cost of said improvement and

the total amount thereof; and said assessment ordinance shall further provide for the making out of tax bills by the City Engineer, or other proper person therein designated, in

evidence of said assessments, payable to the contractor doing the work, and for the delivery of said tax bills in payment for said work, or if the work was done by the City Engineer or other person acting for the City as provided in this Article, the tax bills shall be made payable to such engineer or other person and for and to the use of the City, and shall be collected the same as other tax bills. (CC 1994 §16.240)

**SECTION 515.150:                   SIDEWALK MAINTENANCE–TAX BILLS**

A separate tax bill shall be issued against each lot or tract against which an assessment has been made, and shall state therein the name of the owner of record of the lot or tract assessed, an adequate description of said lot or tract, the number of front feet therein abutting on the improvement, the number of the improvement ordinance under which the work was done, and the number of the assessment ordinance under which the tax bills are issued, the different items of improvement and total cost thereof; and shall be payable to the contractor doing the work, or to the City Engineer or other person to and for the City, as the case may be. Said tax bills shall be due in thirty (30) days after the date of issue thereof, and may bear interest as provided by ordinance, after said thirty (30) days, at a rate not to exceed eight percent (8%) per annum. (CC 1994 §16.245)

**SECTION 515.160:                   SIDEWALK IMPROVEMENT–CERTAIN TAX BILLS A LIEN**

Any and all real property shall be liable for the cost of the improvements contemplated in this Article, whether owned by a person, company, corporation, railroad corporation or company, church, charitable institution, educational institution, eleemosynary institution, cemetery or cemetery association, or any other institution or association whatever, except real estate owned by the State of Missouri or by any State Institution, or by the United States, or by any County, Township or City, and the tax bills so issued on any and all property, except those last named and excepted, shall be and constitute a first and prior lien against the property described therein, and second only to the lien of State, County and City taxes, and said lien shall continue for a period of three (3) years after the maturity of each or any of said tax bills, or until the final determination of any legal proceedings to collect the same. (CC 1994 §16.250)

**SECTION 515.170:                   SIDEWALK IMPROVEMENTS–ASSESSMENT OF GOVERNMENT PROPERTY**

Any real estate owned by the State of Missouri or by State Institutions, or owned by any County, Township or City, shall be liable for the cost of any of the improvements contemplated and provided for in this Article, the same as other property, and an assessment shall be made thereon and tax bills issued in the same manner as tax bills against other property provided for in this Article, and said tax bills shall be a valid and subsisting claim against such State, State Institutions, County, Township or City, the same as any other debt or demand against such State, State Institution, County, Township or City, and shall be paid for out of funds appropriated by them for such purposes, and shall bear interest at a rate not to exceed eight percent (8%) per annum from thirty (30) days after the date of issue until paid. (CC 1994 §16.255)

**SECTION 515.180: SPECIAL TAX BILLS PRIMA FACIE EVIDENCE**

Any special tax bills, issued under the provisions of this Article shall, in actions thereon, be prima

facie evidence of the regularity of the proceedings for such special assessment, of the validity of the bill, of the doing of the work, and of the furnishing of the materials charged for, and of the liability of the property to the charge stated in the bill. (CC 1994 §16.260)

**SECTION 515.190: CERTIFICATION OF TAX BILLS**

All of the tax bills as provided in this Article, shall be certified as correct by the City Engineer or other person who has made the computation under authority of the City Council, and shall be signed by the Mayor, attested by the City Clerk under the Seal of the City. (CC 1994 §16.265)

**SECTION 515.200: RECORDING OF TAX BILLS**

All such tax bills shall be recorded by the City Clerk in a book kept by him/her for such purpose before the delivery of said tax bills. The City Clerk shall release said tax bills on the margin of the record thereof, upon presentation of the tax bills duly marked "paid" by the holder or assignee, or upon presentation of other suitable evidence that such tax bill has been paid in full.  
(CC 1994 §16.270)

**SECTION 515.210: SUIT TO ENFORCE COLLECTION OF SPECIAL TAX BILLS**

In any suit or proceedings to enforce the collection of any special tax bill issued under the provisions of this Article, it shall only be necessary for the owner thereof to charge in the petition that such amount is due by the defendant to the plaintiff for a certain improvement made by virtue of certain ordinances, giving their title and date of adoption; provided, that nothing in said Sections shall be so construed as to prevent any defendant from pleading and proving in reduction of any bill any mistake or error in the amount thereof, or that the work therein mentioned was not done in a good and workmanlike manner; and provided further, that if any party shall plead any mistake or error in the amount of the bill, or that the work was not done in a workmanlike manner, and that such party, before the commencement of the suit, tendered to the contractor, or holder of the bill, the full value of the work done, and shall establish the same on the trial, the recovery shall only be in the amount so tendered, and judgment for costs shall be rendered against the plaintiff; provided further, that if it be pleaded and proved that the work for which the bill was issued was not done according to the terms of the contract made by the contractor with the City, then the plaintiff or plaintiffs shall recover thereon only the actual value of the work done, with interest at six percent (6%) from date, if of any value; and if not of any value, the judgment shall be for the defendant. No suit for the collection of any tax bill shall be defeated or affected by any irregularity affecting any other bill, or matter rendering any other bill invalid in whole or in part; provided further, that if at any time it is found that there has been any error in the issuance of any tax bills or in any assessment, or in the mode or manner of any assessment, the same shall be corrected and a reassessment made (if necessary to correct the mistake) by the proper officials, and said reassessment shall be as binding and in all respects the same as if no previous assessments had been made or tax bills issued.  
(CC 1994 §16.275)

**ARTICLE III. STREETS**

**SECTION 515.220: STREET GRADING**

- A. In all cases where the proper authorities of the City have graded or regraded, or may hereafter grade

or change the grade or lines of any street or alley, or in any way alter or enlarge the same, or construct any public improvement, thereby causing damage to private property for public use, within the meaning of Section 26 of Article I of the State Constitution, without the consent of the owner of such property, or in case they fail to agree with the owner thereof for the proper compensation for the damages so done, or likely to be done or sustained by reason thereof, or if by reason of the legal incapacity of such owner, no such compensation can be agreed upon, the Circuit Court having jurisdiction over the territory embraced in the City on application by petition, either by the City Council or the owner of the property for which damage is claimed, or any one on behalf of either, shall appoint three (3) disinterested residents of the City, who shall meet upon the premises at a time by them to be appointed, of which they shall give personal notice to the owners, or their agents, of the land affected, if they can be found, as well as five (5) days notice by advertisement in the local newspaper; and having first been duly sworn to perform their duties justly and impartially, and a true report to make, shall view the street or alley or improvement and premises affected by the change or enlargement or construction thereof, having due regard to and making just allowances for the advantages which have resulted or which may seem likely to result to the owner or owners of property for which damages may be allowed or claimed, and after such comparison shall estimate and determine whether any, and if any, how much damages such property may have sustained, or seems likely to sustain by reason thereof, and make report of the same, and if no exceptions be filed within ten (10) days thereafter, or in the event exceptions are filed and overruled, the court shall confirm the report and enter judgment thereon with costs, from which judgment either or any party shall be entitled to an appeal or writ of error, as in other cases.

- B. If the proceedings seek to affect the lands of persons under conservatorship, the conservators must be made parties; if the lands of married persons, their spouses must be made parties; if the possessor of lands to be affected has an estate less than a fee, the person having the next vested estate in remainder or reversion must, if known, be made a party. It shall not be necessary to make any persons parties in respect to their ownership unless they are in actual possession of the premises to be affected, or have a title to the premises appearing of record.
- C. The petition shall set forth the general nature of the work or improvement causing damage to private property for public use as aforesaid, together with all the facts necessary to give the court jurisdiction in the premises, the names of the owners of the several lots or parcels of land to be affected thereby, if known, or if unknown, a correct description of the parcels whose owners are unknown. The petition may be presented to the Circuit Court.
- D. Upon filing the petition a summons shall be issued, giving the defendants at least ten (10) days notice of the time when the petition will be heard, which summons shall be served in the same manner as writs of summons are or may be by law required to be served. If the name or residence of the defendants, or any of them, be unknown, or if they, or any of them, do not reside within the State, notice of the time of hearing the petition, reciting the substance of the petition, and the day fixed for the hearing thereof, shall be given by publication for four (4) weeks consecutively prior to the time of the hearing of the petition, in the local newspapers, and the court on being satisfied that due notice of the pending of the petition has been given, shall make the above appointment.
- E. The City Council shall, before the filing of such petition, define by ordinance the limits within which private property is deemed benefitted by the change, enlargement, grading, regrading or improvement aforesaid, and the owners of the private property within such limits shall be made parties defendants, as provided in this Section, and served with notice and process as provided in this Section. (CC 1994 §16.305)

**SECTION 515.230: BENEFITS, ASSESSMENTS—LIEN ON PROPERTY**

It shall be the duty of the appointed commissioners, in every case where damages are allowed as aforesaid, to provide for the payment of such damages by assessing against the City the amount of benefit, if any, to the public generally by reason of the change, enlargement or improvement aforesaid, and the balance, if any, against all property which shall, in the opinion of the commissioners, be especially benefitted by the proposed change, enlargement or improvement, to the amount that each lot or tract of ground shall be benefitted thereby. The sum to be paid by the owners of the property especially benefitted as aforesaid shall be a lien on the property charged from the date of the final decree of the Circuit Court, and the court, when it makes such decree and confirms the report of the commissioners, shall render a special judgment against each tract or parcel of private property assessed in said report for benefits, to the amount assessed against each tract and parcel, which judgment shall be a special judgment and bind the property and the interests of the defendant therein. If said judgment is not paid within ten (10) days thereafter, then there shall be issued from said court in favor of the City a special execution against each tract or parcel separately, and the same shall be sold in the same manner as is now provided by law for sales of real estate under execution. Said judgment shall bear fifteen percent (15%) interest from ten (10) days from the rendition thereof; and the cost of such execution and proceedings thereunder shall be taxed against the defendants. (CC 1994 §16.310)

**SECTION 515.240: PUBLIC IMPROVEMENT**

All real property, including rights-of-way, yards and depot grounds, situated within the corporate limits of Park Hills, of any railroad company which now owns or operates, or which may hereafter own or operate, any railroad or part of a railroad within the corporate limits of Park Hills, shall be subject to special assessments for public improvements made by the City, in the same manner and to the same extent in all respects as the real property of any other person or corporation therein. And all laws which now or which may hereafter be in force for the making, enforcement and collection of such special assessments against the real property of other persons and corporations in Park Hills, shall apply to and govern the making, collection and enforcement of such special assessments against such real property of any such railroad company in the same manner and to the same extent as to such special assessments against the real property of other persons and corporations therein. (CC 1994 §16.315)

**SECTION 515.250: CONDEMNATION OF PRIVATE PROPERTY**

Private property may be taken by the City of Park Hills for public use for the purpose of establishing, opening, widening, extending or altering any street, avenue, alley, wharf, creek, river, watercourse, market place, public park or public square, and for establishing market houses, and for any other necessary public purpose. (CC 1994 §16.320)

**SECTION 515.260: APPROPRIATION OF PRIVATE PROPERTY**

As soon as practicable after the confirmation of any verdict rendered under this Article by the City Council in the proceedings for the condemnation of private property, the City Clerk shall file a full record, in a book provided for that purpose, of such proceedings, which record shall contain correct copies of all ordinances constituting part of the proceedings, the

notices to the parties to the proceedings, and returns thereon; all notices published and the proofs thereof, all orders by the Mayor, the names of the jurors and when impaneled, and the verdict of the jury, and such other

documents and matters as the ordinances of the City may require. The Mayor shall examine such final record of such proceedings, and if it be correct, sign the same; and thereafter such record, or copy thereof, certified by the City Clerk, under his/her hand and the Seal of the City, shall be competent evidence in all courts of this State of facts stated therein. The original papers shall be carefully preserved by the City Clerk. (CC 1994 §16.325)

**SECTION 515.270: POWER TO LEVY AND COLLECT TAXES FOR  
GENERAL REVENUE  
PURPOSES, AND TO IMPROVE STREETS, ALLEYS,  
SIDEWALKS, AND  
BRIDGES**

The City of Park Hills shall have full power and authority, under the following conditions, to do the following things: To levy and collect taxes, for general revenue purposes, on all property within the limits of the City, taxable according to the laws of this State. To grade, pave (the word "pave" as herein used meaning to improve with all kinds of street paving, including macadamizing), gutter, curb and otherwise improve streets and alleys, and parts of same, and to reconstruct and repair any paving, grading, guttering and curbing, and to make and repair sidewalks, bridges, culverts and crosswalks, and to condemn and destroy any sidewalk deemed unfit for use, and replace the same with a new one of the same or different material, and to exercise control over streets and alleys, and establish and re-establish grades thereon. The cost of bridges, culverts and footwalks across streets and alleys shall be paid for out of the general revenue funds of the City. The cost of grading streets and alleys shall be charged against the lots and tracts of land fronting or abutting on the street or alley, or part of same, so improved, and on the improvement, in proportion to the number of fronting or abutting feet. The City shall have the power to grade all, or any part of any street, or alley, but when the sidewalk part of any street, that is the part between the curb line and the street line, is graded exclusive of the other parts of same, the cost of the grading shall be charged against the lots and tracts of land fronting or abutting on the side of the street so improved, and on the improvement, in proportion to the number of fronting or abutting feet. The cost of making curbing and sidewalks shall be charged against the lots and tracts of land fronting or abutting on the improvement in proportion to the fronting or abutting feet, except that in making sidewalks, corner lots shall be charged with the cost of extending the sidewalk to the curb lines of intersecting streets, and in making curbing, corner lots shall be charged with the cost of extending the curbing to the curb lines of intersecting streets, and curbing and extending the curbing back to the street line at intersecting streets and alleys. The cost of repairing sidewalks and curbing shall be charged against the particular lot or tract of land fronting or abutting on the part repaired. The cost of paving, guttering and otherwise improving any alley and the roadway part of any street, that is, the part between curb lines, including street intersections, shall be charged against the lots and tracts of land fronting or abutting on the street or alley so improved along the distance improved, in proportion to the number of fronting or abutting feet. When the paving or guttering on any street or alley is only repaired ("*repaired*" as here used shall not include any improvement where the entire surface of a paving is renewed, but such renewal shall be considered as paving), the cost of such repairing shall be charged in the following manner, namely: The street or alley shall be divided into sections, a section being the distance from the center line of one (1) cross or intersecting street to the center line of the next cross or intersecting street, and the cost of repairing each section shall be charged against the lots and tracts of land fronting or abutting on that section in proportion to the number of fronting or abutting feet. (CC 1994 §16.330)

**SECTION 515.280:                   ASSESSMENT OF PUBLIC PROPERTY—STREET  
IMPROVEMENTS—  
HOW PAID—SPECIAL TAX BILLS**

- A. All lands owned by any County or other political or Municipal subdivisions, cemeteries and railroad

rights-of-way, fronting or abutting on any of said improvements shall be liable for their proportionate part of the cost of such improvement, and tax bills shall be issued against such property as against other property, and any County, City or other political or Municipal subdivision that shall own any such property shall out of the general revenue funds or other funds pay any such tax bill, and in any case where any County, City or other political or Municipal subdivision, cemetery company or owners or railroad company, shall fail to pay any such tax bill, the owner or holder of same may sue such County, City or other political or Municipal subdivision, cemetery company or owners or railroad company on such tax bill, and be entitled to recover a general judgment against such County, City or other political or Municipal subdivision, cemetery company or owners or railroad company.

- B. Any of said street improvements may be paid for in whole or part by the City out of general revenue funds, or other funds which the City may have for such purposes if the Council so desires, but all such improvements shall be paid for with special tax bills, unless the proceedings of the City for same specify that payment will be out of the general revenue funds or other funds in whole or part.
- C. The charges made against lands for all of said improvements shall be known as special assessments or taxes, for improvements, and shall be charged and assessed by issuing special tax bills against the lands chargeable with the cost of the improvements; each special tax bill so issued shall be a special lien on the land against which it is issued. (CC 1994 §16.335)

**SECTION 515.290:                   DECLARATION OF NECESSITY FOR IMPROVEMENT  
                                                  TO BE  
                                                  PUBLISHED—PROTESTS**

- A. Before the City Council shall be authorized, under the provisions of this Article, to grade or pave any alley, or to grade, pave or gutter the roadway part of any street, when the improvement is to be paid for with special tax bills, they shall, by resolution, declare that they deem such improvement necessary to be made, and shall cause such resolution to be published in some newspaper printed and published in the City, for two (2) consecutive insertions in a weekly paper, or seven (7) consecutive insertions in a daily paper, and if a majority of the resident owners of the lands that would be liable for the cost of the improvement, at the date of the passage of the resolution, who shall own a majority of the front feet owned by residents of the City, abutting on the street or part of street proposed to be improved, shall not within ten (10) days after the date of the last publication file with the City Clerk their protest against such improvement, then the Council shall have the power to cause the improvement to be made; and if the Council shall find and declare by ordinance that no such majority have so filed such protest, such finding and declaration shall be conclusive, after the execution of the contract for the making of the improvement, and thereafter no special tax bill shall be held invalid for the reason that a protest sufficiently signed was filed with the Clerk.
- B. The Council shall have full power to make all provisions deemed necessary for the making of contracts by the City, for the doing of all the work necessary in making the improvements herein specified, but all such contracts shall be let to the lowest and best bidder, upon advertisement for bids, published by two (2) consecutive insertions in a weekly paper or seven (7) consecutive insertions in a daily paper in some newspaper published in the City.
- C. But before the City shall make any contract for any of said improvements excepting repairs, an estimate of the cost thereof shall be made by the City Engineer, and in case there be no

City Engineer, such estimate shall be made by some other person designated by ordinance. Such estimate shall be filed with the City Clerk and no contract shall be made for a price exceeding such estimate.

- D. The Council shall have the power to require any contractor doing work to guarantee that an improvement will last for a specified term of years, and during such term will be kept in repair, and to require the contractor to give to the City approved bonds for the faithful performance of any obligation.
- E. The Council shall have the power to repair any sidewalk, curbing, guttering or paving without letting any contract for such work, but can have such work done in such manner as may be provided for by ordinance. When such work is done by the City, not through a contractor, the tax bills shall be issued to the City and the City shall have the same power to collect such tax bills as other owners of tax bills. (CC 1994 §16.340)

**SECTION 515.300: CERTAIN STREET IMPROVEMENTS—PROTEST, HOW HEARD AND DETERMINED**

When the City Council shall deem it necessary to pave, macadamize, gutter, curb, grade or otherwise improve the roadway of any street or avenue for a distance not more than twelve hundred (1,200) feet in length so as to connect at both ends with paving, macadamizing, guttering, curbing, grading or other improvement either on the same street or avenue or on other streets or avenues, or on the same street or avenue and another street or avenue, the Council shall declare such work to be necessary to be done and shall cause the same proceedings to be had as are provided in this Article, except that no protest may be filed. The resolution passed and published shall state the fact that anyone desiring to do so may appear before the Council at a time stated therein and be heard on the question of the necessity of the work sought to be done, and if anyone does so appear he/she shall be heard, and the Council shall by resolution state the result of such hearing to be a re-affirmance of the necessity for the doing of such work or the contrary, as the Council may then decide. If no one appears, or if the Council reaffirms the necessity of the doing of such work and improvement, then it shall proceed with such work and improvement in the manner provided in RSMo. Sections 88.497 to 88.647 for such work and improvement when no sufficient protest against such improvement is filed within the time limited therefor. (CC 1994 §16.345)

**SECTION 515.310: IMPROVEMENTS, COSTS—LIMITATIONS AND PAYMENT**

- A. The Council shall have power to limit the cost to be assessed as a special tax against the abutting property for street improvement as provided in Section 515.290 of this Chapter. If the Council shall, in the resolution provided for by said Section, declare that the cost of the proposed work, not to exceed an amount per front foot to be stated in the resolution, shall be charged to the abutting property and limited to such amount, and the balance, if any, shall be charged to the City, then any cost in excess of such stated amount shall be borne by the general revenue, and only that part of the cost limited to such stated amount per front foot shall be charged against the abutting property.
- B. In proceeding under this Section the Council may let the work to contract as provided in Sections 88.497 to 88.647, RSMo., or have the same done by its Street Superintendent under such supervision as it may direct by ordinance. In either case, the whole cost shall be paid out of the general revenue, and special tax bills shall then be assessed by ordinance against the abutting property for its part of the cost when the work is completed, and special tax bills

issued therefor, made payable to the City, signed by the Mayor and attested by the City Clerk with the Seal of the City affixed. Said special tax bills, when due and after demand of payment, may be sued upon for nonpayment whenever the Council shall so order. Said tax bills shall be delivered and charged by the City Clerk to the City Collector for collection, and the Collector shall be entitled to two and one-

half percent (2½%) upon the amount of such collections made by him/her for his/her service in collecting the same.

- C. All of the provisions of this Article, relating to the assessment, issue, rate of interest, lien, abstracting, collection, releasing and cancellation of special tax bills for improvements mentioned in said Section 515.290, so far as applicable and not inconsistent with the provisions of this Section, shall apply to tax bills issued in pursuance of this Section. (CC 1994 §16.350)

#### **ARTICLE IV. REGULATIONS AND RESTRICTIONS OF THE USE OF SIDEWALKS, STREETS, ALLEYS, THOROUGHFARES**

##### **SECTION 515.320: CITY MAY CONTROL STREETS AND SIDEWALKS**

The Council may prohibit and prevent all encroachments into and upon the sidewalks, streets, avenues, alleys and other public places of the City, and may provide for the removal of all obstructions from the sidewalks, curbstones, gutters and crosswalks at the expense of the owners or occupants of the ground fronting thereon, or at the expense of the person causing the same; the Council may also regulate the planting of shade trees, erecting of awnings, hitching posts, lamp posts, awning posts, telephone, telegraph and electric light poles, and the making of excavations through and under the sidewalks or in any public street, avenue, alley or other public place within the City. The Council may prevent and punish for all horse racing or other racing, fast driving or training in the streets, highways, avenues, alleys, or over bridges or through tunnels in the City, and all games, practices or amusements therein likely to result in damage to any person or property, and to regulate, prevent and punish for the riding, driving, leading, standing, hitching or passing of horses, mules, oxen or other teams or stock or animals or any vehicle over or upon or across or along any sidewalk, street, avenue or alley of the City. Other provisions governing skating or bicycle riding on sidewalks, operating heavy equipment on curbsings, and sports in streets can be found in Titles I and II of this Code. (CC 1994 §16.405)

##### **SECTION 515.330: SIDEWALK REPAIR BY LANDOWNERS**

- A. The word, "*Owner*" as used in this Section shall be construed to mean every person having an interest in real estate, other than a security interest, either individually, as a joint tenant, tenants by the entirety, or as a tenant in common.
- B. Every owner of real estate within the City limits shall maintain the sidewalks lying along and adjacent to his/her said property in a reasonably safe and serviceable condition, free from holes, cracks, depressions, indentations, and rough or broken surfaces.
- C. When any sidewalk within the City limits is found to be maintained in violation of this Section, the Chief of Police or such other City Official designated by the City Administrator, shall give the owner or owners of the property along and adjacent to such sidewalk, no less than ten (10) days notice that a hearing before said officer will be held to determine if such sidewalk constitutes a nuisance and is being maintained in violation of this Section and to show cause why such sidewalk should not be repaired.
- D. If the Chief of Police or other designated City Official finds at said hearing that such

sidewalk is being maintained in violation of this Section, he/she shall declare such sidewalk to be a nuisance and shall deliver a written order to the owner to abate same within ten (10) days by setting forth the

repairs to be made. Said order may be served on owner by delivering a copy personally to the owner or by depositing same in the United States mail addressed to the owner at the address shown on the City tax records or by publication in a newspaper distributed within the City.

Hearing Officer shall at the same time, order the sidewalk maintained in violation of this Section closed to the public until repairs are made and notify the public of such closing by signs on the sidewalk premises.

- E. Any owner who, after being served with a notice to repair, fails to make the repairs ordered by the Hearing Officer within the time specified, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined no less than five dollars (\$5.00) and no more than one hundred dollars (\$100.00) for each offense.
- F. Should any owner fail to make the repairs called for by the notice in the time specified, the Chief of Police, or other City Official designated by the City Administrator, shall have the repairs made by an independent contractor or by City employees and shall certify the cost of such repairs to the City Clerk, who shall then cause a special tax bill to be issued against the property laying along and adjacent to such sidewalk. Said special tax bill shall then be delivered to the City Collector on or before the first (1st) day of June and shall be collected with other taxes against said property. Said tax bill, if not paid when due, shall bear interest at the rate of eight percent (8%) per annum. Said tax bill shall be a first (1st) lien on said property from the date of issuance.
- G. Should any person suffer injury or death by reason of a sidewalk being maintained in violation of this Section after a notice to repair has been issued, then the owner of the land laying along and adjacent to said sidewalk shall be liable to the City for any damages or costs adjudged against the City by reason of such injury or death. (CC 1994 §16.410)

#### **SECTION 515.340:                   AWNINGS TO EXTEND OVER SIDEWALK**

All awnings erected in the City shall be required to extend entirely over the sidewalk on which they are constructed; provided, movable awnings may be erected over doors, or windows, but they shall be at least seven (7) feet from the sidewalk at the lowest point. (CC 1994 §16.420)

#### **ARTICLE V. REGULATION OF RIGHTS-OF-WAY**

*Editor's Note—Ord. no. 820-08 §1, adopted March 1, 2009, repealed article V "regulation of rights-of-way" sections 515.350–515.420 and enacted new provisions set out in Sections 515.350–515.520. Former sections 515.350–515.420 derived from ord. no. 355-01 §1, 3-13-01; ord. no. 359-01 §§2–6, 4-10-01.*

#### **SECTION 515.350:                   DEFINITIONS**

For the purposes of Article V of this Chapter, the following terms, phrases, words and abbreviations shall have the meanings given herein, unless otherwise expressly stated. When not inconsistent with the context, words used in the present tense include the future

tense and vice versa, words in the plural number include the singular number and vice versa and the masculine gender includes the feminine gender and vice versa. The words "*shall*" and "*will*" are mandatory and "*may*" is permissive. Unless otherwise expressly stated or clearly contrary to the context, terms, phrases, words and abbreviations not defined herein shall be given the meaning set forth in the City Code

and, if not defined therein, their common and ordinary meaning.

*APPLICANT:* The person applying for and the person receiving a permit under Article V of this Chapter and any person on whose behalf an application is made or received.

*APPLICATION:* That form designed by the Director of Public Works which an applicant must use to obtain a permit.

*CITY:* The City of Park Hills, Missouri.

*CITY ADMINISTRATOR:* The City Administrator or his designee.

*DIRECTOR OF PUBLIC WORKS:* The Director of Public Works or his designee.

*EXCAVATION:* Any act by which earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground is cut into, dug, uncovered, drilled, bored, removed or otherwise displaced by means of any tools, equipment or explosives.

*FACILITIES:* Any conduit, duct, line, pipe, wire, hose, cable, culvert, tube, pole, receiver, transmitter, satellite dish, micro call, Pico cell, repeater, amplifier or other device, material, apparatus or medium usable (whether actually used for such purpose or not) for the transmission or distribution of any service or commodity installed below or above ground within the public rights-of-way of the City, whether used privately or made available to the public.

*PERMIT:* A permit granted by the Director of Public Works to excavate within the public rights-of-way.

*PERSON:* An individual, partnership, association, joint stock company, trust, organization, limited liability company, corporation or other entity or any lawful successor thereto or transferee thereof, but such term does not include the City. (Ord. No. 820-08 §1, 3-1-09)

#### **SECTION 515.360: APPLICABILITY—PERMIT REQUIRED**

No person or department of the City shall excavate within, through or under the improved portion of any public street, alley, curb or sidewalk within the City for any purpose whatsoever without first obtaining a permit for same from the Director of Public Works. A permit shall be obtained prior to the start of work. (Ord. No. 820-08 §1, 3-1-09)

#### **SECTION 515.370: APPLICATION TO BE MADE**

All applications for a permit shall be on the forms provided for the purpose. Applications shall clearly state the street address most adjacent to the proposed work; the purpose of the proposed work; the type of machinery to be used for excavation; the name, address and telephone number of the applicant; the name, address and telephone number of the person, firm or company performing the work; the width, length and depth of all proposed excavation; the proposed start date of the work; and a sketch showing the location of the proposed work. Applications shall be signed by the applicant and shall not be assignable or transferable. The applicant, as stated on the application, shall be responsible for compliance with the regulations set forth in this Article and shall be solely responsible for all fees, bonds

and penalties. (Ord. No. 820-08 §1, 3-1-09)

**SECTION 515.380: PERMIT FEE**

The sum of twenty dollars (\$20.00) shall be charged for each permit issued under the provisions of this Section. Permit fees shall be non-refundable. Public utilities operating under a franchise agreement and departments of the City of Park Hills shall not be charged a permit fee when conducting work with their own employees and equipment. Contractors or subcontractors of the City of Park Hills or any public utility shall not be exempt from the permit fees set out herein. (Ord. No. 820-08 §1, 3-1-09)

**SECTION 515.390: BOND REQUIRED**

- A. A bond shall be required for all work under permit to assure the proper repair of the street, alley, curb, sidewalk or public place. Bonds shall be in the form of cash, check or bank draft made payable to the City of Park Hills. Bond amounts shall be determined based upon the area to be disturbed and shall be calculated to the nearest square foot based upon the type of surface being disturbed by the proposed work. The following values shall be used for calculation of bond amounts:

Type of Surface	Bond Amount
Gravel	\$4.50/S.F.
Asphalt	\$6.00/S.F.
Concrete	\$7.50/S.F.
Curb/sidewalk	\$15.00/S.F.

- B. Public utilities operating under a franchise agreement and departments of the City of Park Hills shall not be required to post a bond when conducting work with their own employees and equipment. Contractors or subcontractors of the City of Park Hills or any public utility shall not be exempt from the requirements to post a bond as set out herein.
- C. The full value of the bond shall be refunded to the applicant following inspection and acceptance of the work by the Director of Public Works. Failure to make acceptable repairs to the disturbed surface will result in forfeiture of the bond amount. (Ord. No. 820-08 §1, 3-1-09)

**SECTION 515.400: TIME TO COMPLETE WORK UNDER PERMIT**

All work under a permit shall be fully completed and the right-of-way surface shall be fully restored within thirty (30) days from the start of work. One (1) extension, not exceeding fifteen (15) additional days, may be granted by the Director of Public Works for good cause shown. Excavations not repaired within forty-five (45) days from the start of work shall be repaired by the City and the cost of said repair shall be the full responsibility of the applicant. The cost of repair shall be calculated based on the actual cost of materials and labor used and the allowable Federal reimbursable rates for machinery and equipment on an hourly basis plus a fee of one hundred dollars (\$100.00) less any posted bond amount on file. Failure to fully pay the City for repairs shall result in the denial of future permits and other action to collect as allowed by law. (Ord. No. 820-08 §1, 3-1-09)

**SECTION 515.410: WORKMANSHIP REQUIRED—REPAIR RESPONSIBILITY**

All work shall be performed continuously and without undue delay and in a manner consistent with good workmanship and the requirements of this Article. The applicant shall bear full responsibility for repair of all surfaces disturbed under a permit for a period of one (1) year from the date of completion and shall warrant all work for a period of one (1) year. (Ord. No. 820-08 §1, 3-1-09)

**SECTION 515.420: EMERGENCY WORK BY FRANCHISED OR PUBLIC UTILITIES**

Nothing in this Article shall be construed to prevent franchised or public utilities from making such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe or for making repairs of damaged utility facilities; provided that the person making such excavations shall apply to the Director of Public Works for such permit on the first (1st) working day after such work is commenced. (Ord. No. 820-08 §1, 3-1-09)

**SECTION 515.430: DENIAL OR MODIFICATION OF PERMIT**

- A. The Director of Public Works may deny an application, if denial is deemed to be in the public interest, for the following reasons:
1. Delinquent fees, costs or expenses owed by the applicant/contractor from previous permits;
  2. Failure to provide information requested by the application;
  3. Failure to properly repair a previous excavation under permit, provided that the Director may require the repair of a previous excavation prior to the issuance of a permit for a new excavation;
  4. Other reasons deemed valid by the Director of Public Works with the approval of the City Administrator.
- B. The Director of Public Works may require that the application be modified in scope, method, timing, equipment to be used or method of repair for the following reasons:
1. Public safety;
  2. Traffic safety, flow or congestion;
  3. Proposed public improvements to the area where the excavation is proposed;
  4. Where proposed work will seriously impact the usable life of the roadway surface;
  5. Other reasons deemed valid by the Director of Public Works with the approval of the City Administrator. (Ord. No. 820-08 §2, 3-1-09)

**SECTION 515.440:                    FAILURE TO OBTAIN PERMIT–ADDITIONAL FEE**

Failure to obtain a permit prior to the start of work shall be subject to a fee of one hundred dollars (\$100.00) in addition to the normal permit fee. (Ord. No. 820-08 §2, 3-1-09)

**SECTION 515.450: CUTTING OR BREAKING THROUGH PAVEMENTS**

All paved surfaces shall be sawed full depth prior to removal of the surfacing material. Saw cuts shall be in straight lines. Hydraulic or impact breakers shall not be used to cut pavement surfaces without first sawing the area to be removed. Curbing and sidewalks removed during excavation shall be removed to the nearest control joint with said joint being sawed full depth to prevent damage to adjoining sections. Curbing and sidewalks shall not be undermined by excavations and left in place. (Ord. No. 820-08 §2, 3-1-09)

**SECTION 515.460: BACKFILLING**

All excavations shall be backfilled with compacted clean granular material, in lifts not exceeding six (6) inches in depth. All backfill shall be tamped in place and well compacted. Broken rock removed from excavations shall not be placed back in the trench as backfill. (Ord. No. 820-08 §2, 3-1-09)

**SECTION 515.470: PREPARATION OF PAVEMENT EDGES**

All pavement edges shall be neatly trimmed to a vertical face and aligned with the center of the excavation. Unstable pavement surfaces shall be removed over cave-outs and over breaks and the sub-grade shall be treated as the main excavation trench. Cut-outs outside of the normal line of the trench shall be parallel to the trench. (Ord. No. 820-08 §2, 3-1-09)

**SECTION 515.480: REPAIR OF SURFACES—METHOD**

- A. *Gravel Surfaces.* All excavations in gravel surfaces (such as alleys or roadway shoulders) shall be repaired by means of full depth compacted granular fill. The surface of the area disturbed shall match the grade of the areas immediately adjacent.
- B. *Asphalt Surfaces.* All excavations in asphalt surfaces shall be repaired by means of compacted granular fill being placed to within eight (8) inches of the top of the excavation. Six (6) inches of the remaining depth shall be filled with a Portland cement mix concrete consisting of a five (5) bag mix. High-early type concrete may be used in areas where high traffic volume warrants, with the approval of the Director of Public Works. Portland cement mix concrete shall be allowed to cure a minimum of twenty-four (24) hours. The remaining two (2) inches of the excavation shall be filled with commercial hot-mix asphalt and rolled. No excavation shall be narrower than two (2) feet in width.
- C. *Concrete Surfaces.* All excavations in concrete surfaces shall be repaired by means of compacted granular fill being placed to within seven (7) inches of the top of the excavation. The remaining seven (7) inches shall be filled with a Portland cement mix concrete consisting of a five (5) bag mix. High-early type concrete shall be used in areas where high traffic volume warrants, at the direction of the Director of Public Works. Portland cement mix concrete shall be allowed to cure a minimum of twenty-four (24) hours prior to being placed under traffic loads. Concrete street or roadway pavement will be repaired by full-depth sawing the pavement in a straight line a minimum of twelve (12) inches on each side of the excavation. No excavation shall be narrower than four (4) feet in width (inclusive of the required twelve (12) inch over-sawing required). If the cut is within four (4) feet of a longitudinal or transverse joint or crack, the cut will be extended to that joint or crack. The existing pavement edges shall be drilled and #4 rebar dowels shall be inserted every twelve (12) inches around the perimeter of the cut.

- D. *Curbing.* Curbing removed or damaged during excavation shall be replaced to the nearest control joint. Curbing shall be constructed of Portland cement mix concrete of a six (6) bag mix and shall match the existing curbing in depth, height and profile.
- E. *Sidewalks.* Sidewalks removed or damaged during excavation shall be replaced to the nearest control joint. Sidewalks shall be constructed of Portland cement mix concrete of a five (5) bag mix and shall match the existing sidewalk in thickness, width and grade. In no case shall sidewalks be less than four (4) inches in thickness. (Ord. No. 820-08 §2, 3-1-09)

#### **SECTION 515.490: INSPECTION REQUIRED**

The repair of all surfaces is subject to an inspection during backfilling and during the placement of concrete. The Director of Public Works shall be notified a minimum of four (4) hours prior to the backfilling of any excavation or the placement of any concrete in order that an inspection of the work can be made. Required notice must be made during normal working hours of the Department of Public Works and may be made via telephone or in person. Failure to obtain an inspection shall result in the forfeiture of the bond amount and rejection of the work. (Ord. No. 820-08 §2, 3-1-09)

#### **SECTION 515.500: TRAFFIC CONTROL—PROTECTIVE MEASURES**

Any and all excavations made shall be barricaded in such a manner as to adequately protect traffic, both vehicular and pedestrian. All excavations, barricades, excavated materials, tools, supplies or equipment at the excavation site shall be lighted with proper and suitable danger signals in such a manner that all traffic may be amply and duly warned of the existence of the excavations, barricades, materials, tools, supplies or equipment and in conformity with the Manual on Uniform Traffic Control Devices. The Director of Public Works may require additional traffic control measures to protect the traveling public, should it be deemed necessary. (Ord. No. 820-08 §2, 3-1-09)

#### **SECTION 515.510: RELOCATION OF FACILITIES**

Whenever, by reason of any change in the grade of a street or any widening of a street or any change in the location or manner of constructing a street, curb, sidewalk, retaining wall, water main, drainage channel, drainage pipe, sewer main or other City-owned underground or above ground structure, it is deemed necessary by the City to move, alter, change or adapt any underground or above ground facility, the owner of each such facility and each user of each such facility shall have a joint and several obligation to make the moves, alterations, changes and adaptations on the right-of-way or on an alternative right-of-way provided by the City, at the City's option, as soon as practicable after being so ordered in writing by the City Administrator without claim for reimbursement or damages against the City. Prior to the issuance of any order under this Section, the City Administrator shall afford opportunity to be heard as is required by law. (Ord. No. 820-08 §2, 3-1-09)

#### **SECTION 515.520: VIOLATION AND PENALTY**

Any person violating the provisions of this Article is guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). (Ord. No. 820-08 §2, 3-1-09)

**APPENDIX I. RIGHT-OF-WAY PERMIT FEES**

Minimum charge for any right-of-way work: Twenty dollars (\$20.00).

Charge per square foot based upon surface type:

Gravel	Asphalt	Concrete street	Curb or sidewalk
\$3.00	\$4.00	\$5.00	\$10.00

(Ord. No. 355-01 §1, 3-13-01)



## CHAPTER 520: MOBILE HOME PARKS

### ARTICLE I. DEFINITIONS

#### SECTION 520.010: DEFINITIONS

For the purposes of this Chapter, certain terms and words are hereby defined. Words used in the present tense include the future; the singular number includes the plural and vice versa; reference to the male gender includes the female, and reference to any person or animal without specifying gender includes both male and female; and the word "*shall*" is mandatory and not directory.

*LICENSEE*: Any person licensed to operate and maintain a mobile home park under the provisions of this Chapter.

*MOBILE HOME*: A factory built structure or structures more than eight (8) body feet in width and thirty-two (32) feet or more in length, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon may be moved from time to time at the convenience of the owner. A mobile home means a mobile home which has a flush toilet and a bath or shower.

*MOBILE HOME PARK*: An area or plot of ground upon which four (4) or more mobile homes, occupied for dwelling or sleeping purposes, are located or intended to be located regardless of whether or not a charge is made for such accommodation.

*MOBILE HOME SPACE*: A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.

*MOBILE HOMES INSPECTOR*: The person or persons designated by the City Council to issue permits, make inspections and perform duties as set out in this Chapter.

*NATURAL OR ARTIFICIAL BARRIER*: Any pond, canal, fence, hedge or similar feature.

*PARK*: Mobile home park.

*PERMITTEE*: Any person to whom a temporary permit is issued to maintain or operate a mobile home park under the provisions of this Chapter.

*PERSON*: Any natural individual, firm, trust, partnership, association or corporation.

*TRAVEL TRAILERS*: A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than three hundred twenty (320) square feet, including built-in equipment (such as wardrobes, closets, kitchen units or fixtures) and bath and toilet room. (CC 1994 §24.100)

**ARTICLE II. LICENSE AND TEMPORARY PERMIT****SECTION 520.020: LICENSE AND TEMPORARY PERMIT**

- A. It shall be unlawful for any person to maintain or operate a mobile home park within the limits of the City of Park Hills, Missouri, unless such person shall first obtain a license therefor.
- B. Any mobile home park now in existence shall be permitted to operate as it is operating on February 2, 1986, provided however, that the owner or operator of said mobile home park shall within three (3) months of said date submit in duplicate to the City Clerk a plat of said mobile home park showing the location of the mobile homes now existing and also where proposed mobile home spaces are to be placed, also all roadways, water, sewer and gas connections as now located or proposed. In the event no such plat is furnished within three (3) months, the said mobile home park shall be subject to all the rules and regulations provided for in this Chapter pertaining to a newly established mobile home park. (CC 1994 §24.200)

**SECTION 520.030: LICENSE FEES**

The annual fee for such license shall be twenty-five (\$25.00) plus five dollars (\$5.00) for each mobile home space over five (5) spaces for which accommodations exist. If the number is increased this shall be reported to the City Clerk and the additional fee, if any, necessitated by such increase shall be paid before such additional spaces are put to use. When a license is applied for or accommodations are increased during the license year, the fee shall be pro-rated on the basis of the number of months remaining in the license year. A license year shall be from July first (1st) to June thirtieth (30th). (CC 1994 §24.205)

**SECTION 520.040: APPLICATION FOR LICENSE**

- A. *Application For Initial License.* Application for an initial mobile home park license shall be filed with and issued by the City Mobile Home Inspector. The application shall be in writing, signed by the applicant and shall include the following:
1. The name and address of the applicant;
  2. The location and legal description of the mobile home park;
  3. A complete plan of the park in conformity with the requirements of this Chapter;
  4. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the mobile home park;
  5. Such further information as may be requested by the City Mobile Home Inspector to enable him/her to determine if the proposed park will comply with legal requirements.

The application and all accompanying plans and specifications shall be filed in triplicate. The City Mobile Home Inspector shall investigate the applicant and inspect the application and the proposed plans and specifications. If the applicant is of good moral character, and the proposed mobile home park will, when constructed or altered in accordance with such plans and specifications, be in compliance with all provisions of this Code and all other applicable ordinances

and Statutes, the City Mobile Home Inspector shall approve the application, and upon completion of the park according to the plans, shall issue the license.

- B. *Application For Renewal License.* Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, the City Mobile Home Inspector shall issue a certificate renewing such license for another year.
- C. *Application For Transfer Of License.* Upon application, in writing, for transfer of a license and payment of the transfer fee of five dollars (\$5.00), the City Mobile Home Inspector shall issue a transfer if the transferee is of good moral character. (CC 1994 §24.210)

### ARTICLE III. GENERAL

#### SECTION 520.050: LOCATION OUTSIDE OF MOBILE HOME PARKS

- A. It shall be unlawful within the limits of the City of Park Hills, Missouri, for any reason to park any mobile home on any street, alley, or highway or any public place or on any tract of land owned by a person, occupied or unoccupied, within the City of Park Hills, Missouri, except as provided in this Chapter and in the Zoning Code of the City of Park Hills.
- B. Emergency or temporary stopping or parking is permitted on any street, alley, or highway for not longer than two (2) hours, subject to any further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
- C. No person shall park or occupy any mobile home on the premises of any occupied dwelling, or on any lot which is situated outside of an approved mobile home park after the passage of this Chapter, except as provided in the Zoning Code of the City of Park Hills, Missouri.
- D. Any mobile home located on an individual lot outside of an approved mobile home park on the effective date of this Chapter, shall be considered as a non-conforming use under the provisions of the Zoning Code of the City of Park Hills.
- E. The replacement of any non-conforming mobile home with a newer mobile home (no older than five (5) years) shall be allowed upon application to the City Planning Commission; provided however, the replacement is made within a three (3) month period of removal of the existing non-conforming mobile home and/or damaged non-conforming mobile home that has been rendered uninhabitable. If extenuating circumstances develop, an extension of time beyond the three (3) month period may be granted with approval from the City Council. The Planning Commission may require any improvements in location, clearance, utility services, access, or similar features which it may deem necessary to protect the health and welfare of the occupants of the neighborhood in general.
- F. Travel trailers intended primarily for recreational or camping use may be parked or stored on the premises of any dwelling occupied by the trailer owner, provided that such parking or storage shall not constitute any obstruction to proper traffic movement and that such trailer shall not be occupied for other than overnight sleeping purposes on a periodic basis. (CC 1994 §24.300; Ord. No. 104-96 §1, 7-18-96)

**SECTION 520.060: PERMANENT USE**

- A. It shall be unlawful, hereafter, to locate a mobile home any place within the City of Park Hills except at a mobile home park as defined in Section 520.010 of this Chapter, except as provided herein and in the Zoning Code of the City of Park Hills, Missouri.
- B. It shall be unlawful to occupy for sleeping or other residential purposes any mobile home which has been rendered immobile by the removing of wheels or by placing the same on a foundation or the ground unless such mobile home is constructed and located so that it complies with all the ordinances of the City of Park Hills, including the provisions of this Code. (CC 1994 §24.305)

**SECTION 520.070: MOBILE HOME PARK PLAN**

The mobile home park shall conform to the following requirements:

- 1. The park shall be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools of water.
- 2. The minimum area for a mobile-home park and the minimum lot size permitted for mobile homes and other structures shall be as follows:
  - a. Each mobile-home park shall contain a minimum area of not less than fifteen thousand (15,000) square feet and a width at the front lot line of not less than seventy-five (75) feet.
  - b. Each mobile home in a mobile-home park shall occupy a designated space having at least the following minimum area:

<i>Space</i>	<i>Length of Mobile Home</i>	<i>Unit Minimum Designated</i>
	Up to 50 feet.....	3,500 square feet
	50 to 60 feet.....	4,000 square feet
	Over 60 feet.....	4,500 square feet

- 3. Mobile homes shall be so harbored on each space that there shall be at least twenty (20) feet of clearance between mobile homes.
- 4. All mobile home spaces shall abut upon a driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a public street, alley or highway.
- 5. Walkways not less than two (2) feet wide shall be provided from the mobile home spaces to the service buildings.
- 6. All driveways and walkways within the park shall be hard surfaced and lighted at night with a minimum of (0.1) footcandle.
- 7. Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts, AC, 100 Amperes.
- 8. All internal streets and surfaced roadways shall be paved with concrete or asphalt no

less than twenty-four (24) feet in width and the right of way shall be twelve and one-half (12½) feet on each side of the road. (CC 1994 §24.310)

**SECTION 520.080: WATER SUPPLY**

All water supply connections shall be made to and exclusively supplied through the City of Park Hills Water System. (CC 1994 §24.315)

**SECTION 520.090: SERVICE BUILDINGS**

Each park accommodating dependant mobile homes shall be provided with the following:

All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant of the public or constitute a nuisance. (CC 1994 §24.320)

**SECTION 520.100: SEWAGE AND REFUSE DISPOSAL**

- A. Waste from showers, bath tubs, flush toilets, urinals, lavatories, slop sinks and laundries in service and other buildings within the park shall be discharged into a public sewer system in compliance with applicable ordinances.
- B. Each mobile home shall be provided with a leak proof sewer connection at least four (4) inches in diameter, which shall be connected to receive the waste from the shower, bath tub, flush toilet, lavatory and kitchen sink of the mobile home harbored in such space and having any or all of such facilities. The sewer in each space shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinances. (CC 1994 §24.325)

**SECTION 520.110: GARBAGE RECEPTACLES**

Disposal facilities shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than three hundred (300) feet from any mobile home space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage can shall not overflow. (CC 1994 §24.330)

**SECTION 520.120: FIRE PROTECTION**

Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the park as to satisfy the needs of the mobile home park. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time. (CC 1994 §24.335)

**SECTION 520.130: ANIMALS AND PETS**

No owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance within the limits of any mobile home park. In mobile home parks, such pets shall be licensed by the City and comply with City requirements. (CC 1994 §24.340)

**SECTION 520.140: REGISTER OF OCCUPANTS**

- A. It shall be the duty of each licensee and permittee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:
1. The name and address of each mobile home occupant;
  2. The name and address of the owner of each mobile home and motor vehicle by which it is towed;
  3. The make, model, year and license number of each mobile home and motor vehicle;
  4. The State, territory or Country issuing such licenses;
  5. The date of arrival and of departure of each mobile home;
- B. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.  
(CC 1994 §24.345)

**SECTION 520.150: SUPERVISION**

The licensee or permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this Chapter to which the licensee or permittee is subject. (CC 1994 §24.350)

**SECTION 520.160: REVOCATION OF LICENSE**

The City Mobile Home Inspector may revoke any license to maintain and operate a park when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this Chapter. After such conviction, the license may be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with law. (CC 1994 §24.355)

**SECTION 520.170: POSTING OF LICENSE AND TEMPORARY PERMIT**

The license certificate or temporary permit shall be conspicuously posted in the office of or on the premises of the mobile home park at all times. (CC 1994 §24.360)

**SECTION 520.180: PENALTY**

Any person who violated any provision of this Chapter shall upon conviction be punished by a fine of not more than five hundred dollars (\$500.00) and each days failure of compliance

with any such provision shall constitute a separate violation. (CC 1994 §24.365)

## CHAPTER 525: TRAILER PARKS

### ARTICLE I. DEFINITIONS

#### SECTION 525.010: DEFINITIONS

The following regulations shall apply to any person, firm, trust, partnership, institution, association or corporation maintaining or offering for use within the corporate limits of Park Hills, Missouri, any trailer coach park of whatever kind kept, used maintained or advertised or held out to the public to be a place where trailer coach parking space is furnished for pay to transient or permanent guests in which two (2) or more spaces for trailer coach parking are furnished for the accommodation of guests. For the purpose of these regulations the definitions of the terms used are as follows:

*DEPARTMENT OF HEALTH:* The Department of Health of the City of Park Hills.

*DEPENDENT TRAILER COACH:* A trailer coach which does not have a toilet and a bath or shower.

*DIVISION OF HEALTH:* The Division of Health of the Department of Public Health and Welfare of Missouri.

*INDEPENDENT TRAILER COACH:* A trailer coach that has a toilet and a bath or shower.

*NATURAL OR ARTIFICIAL BARRIER:* Any river, pond, canal, railroad, levee, embankment, fence, hedge, or public road.

*PARK:* Trailer coach park providing space for two (2) or more trailer coaches.

*PERSON:* Any natural individual, firm, trust, partnership, institution, association or corporation.

*TRAILER COACH:* Any vehicle or similar portable structure having no foundation other than wheels or jacks and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

*TRAILER COACH SPACE:* A plot of ground within a trailer coach park designed for the accommodation of one (1) trailer coach and has sewer and water connections designed to accommodate the toilet and bath or shower contained in trailer coach. (CC 1994 §25.100)

### ARTICLE II. PERMITS

#### SECTION 525.020: PERMIT REQUIRED

No trailer park shall be maintained in the City, except as provided in this Chapter and without first securing a permit. Said permit shall not be construed to replace the occupation license hereinafter provided. After proper inspection and approval by the City Health Officer, the City Clerk shall issue a permit for each trailer unit in said trailer park and said permit shall be good for one (1) year and must be renewed each year on the anniversary date

of said permit. (CC 1994 §25.200)

**SECTION 525.030: APPLICATION FOR TRAILER PARK PERMIT**

- A. The applicant for a permit to maintain and operate a trailer park shall, in his/her application, agree to observe all regulations of the City relating to trailers and trailer parks at all times. Such attendant shall supervise the park and, together with the holder of the permit, shall be responsible for any violation of the provisions of this Chapter which may occur in the operation of such trailer park.
- B. With each application a park plan indicating the information required by this Code shall be submitted to the City Council for inspection and approval. The application for a license must include the name and address of the applicant and a legal description and complete plan of the proposed park, containing the information required by this Code. (CC 1994 §25.205)

**SECTION 525.040: REQUIREMENTS FOR APPLICATION FOR TRAILER PARK PERMITS**

The Park Plan required shall provide a legal description and map clearly setting out the following information:

1. The extent and area to be used for park purposes;
2. Driveways at entrances and exits, roadways and walkways;
3. Location of sites for trailer coaches;
4. Location and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, laundry drying space, and utility rooms;
5. Method and plan of sewage disposal;
6. Method and plan of garbage disposal;
7. Plan of water supply;
8. Plan of electric lighting. (CC 1994 §25.210)

**ARTICLE III. GENERAL****SECTION 525.050: LOCATION AND PARK SITE**

- A. Trailer coach parks shall not be located where adequate surface drainage is impracticable. Sufficient area shall be available for all parking space, roadway, walkway, service building, water supply, sewage disposal and other sanitary and service requirements.
- B. *Satisfactory Compliance.* This item shall be deemed to have been satisfied if:
  1. Each boundary of the park is at least two hundred (200) feet from any permanent residential building located outside the park unless separated therefrom by a natural or artificial barrier, or unless a majority of the property owners according to area within said two hundred (200) feet, consent in writing to the establishment of the park.

2. Trailer parks shall be permitted only in places specially zoned therefor by the Council of the City, and the method of such special zoning shall be the same as is provided in the Zoning Code.
3. Area is sufficient to provide desirable isolation with adequate area and facilities for all parking space, roadway, walkway, service building, water supply, sewage disposal and other sanitary and service requirements.
4. Topography of site is such that slopes are moderate but steep enough to permit rapid drainage of surface water during rains.
5. Soil is sufficiently porous to maintain a reasonably dry park site.
6. Trailer coach spaces are provided consisting of a minimum of one thousand (1,000) square feet for each space which shall be at least twenty-five (25) feet wide and clearly defined. Trailer coaches are so harbored on each space that there shall be at least fifteen (15) foot clearance between trailer coaches. No trailer coach is located closer than ten (10) feet from any permanent building.
7. All trailer coach spaces abut upon a driveway of not less than twenty (20) feet in width which shall have unobstructed access to a public street, alley or highway. All driveways are hard surfaced, well marked in daytime and lighted at night with lamps of not less than forty (40) watts at intervals of one hundred (100) feet located approximately fifteen (15) feet from the ground.
8. Walkways not less than two (2) feet wide are provided from the trailer coach spaces to the service buildings. The walkways are hard surfaced, well marked in the daytime and lighted at night, lamps not less than forty (40) watts at intervals of one hundred (100) feet located approximately fifteen (15) feet from the ground.
9. An electrical outlet supplying at least one hundred and ten (110) volts is provided for each trailer coach space.
10. The park provides service buildings to house toilet facilities, bathing facilities, laundry facilities and other sanitary facilities hereinafter more particularly prescribed.
11. Buildings are located in an area affording sufficient shade to reasonably protect same from direct sunrays.
12. The park site, buildings and surroundings are maintained in a neat and presentable manner.
13. Sanitary connections approved by the Department of Health for water supply and sewage disposal are provided at each independent trailer coach space. (CC 1994 §25.300)

**SECTION 525.060: WATER SUPPLY**

- A. An adequate accessible supply of potable drinking water approved by the Health Officer shall be provided at all trailer coach parks. Water from a source other than a Municipal supply shall not be used until it has been approved by the Department of Health. No unsafe water supply shall be available on the park grounds. No common drinking cups shall be

allowed.

- B. The water shall be distributed from approved outlets; cold water supply shall be located at each trailer coach space. An adequate supply of hot water at a temperature of not less than one hundred forty degrees (140°) F shall be available at all times in the service buildings provided for bathing, washing and laundry purposes.
- C. *Satisfactory Compliance.* This item shall be deemed to have been satisfied if:
1. Water supply is obtained from a public water supply if a public supply is available, or,
  2. If an approved public water supply is not available, water supply is obtained from a properly protected private water supply approved by the Department of Health. (Construction of such private water supply shall be essentially in accordance with details outlined in Division of Health Standards.)
  3. The safety of water obtained from such properly protected water supply has been confirmed by satisfactory bacteriological analysis.
  4. There is no sub-surface installation of well pumping machinery.
  5. The water is easily obtainable and adequate to meet the needs of the park by means of an approved outlet at each trailer coach space and both hot and cold water in the service building for bathing, washing, and laundry purposes.
  6. Containers for dispensing drinking water are for individual use only and no common drinking facilities are available. Paper cups, if provided, shall be for individual use only, and shall be properly protected.
  7. Drinking fountains, if provided, are of angle jet type, approved by the Division of Health. (See Division of Health Form E 1.05 titled, "Essential Features in the Design of Sanitary Drinking Fountains.")
  8. No water of unsafe supply is available on the premises for possible usage by patrons. (Springs and other supplies of questionable nature, shall be conspicuously placarded with a sign reading, "Unsafe Water - Do Not Drink." Such a placard, if sufficiently conspicuous, can be accepted as satisfactory compliance is not available, especially in those cases where it would be unreasonable or exorbitantly expensive to make the supply inaccessible to the public.)  
(CC 1994 §25.305)

**SECTION 525.070: TOILET FACILITIES**

- A. Adequate flush toilet facilities shall be provided at all trailer coach parks and maintained in a clean and sanitary condition at all times. Separate flush toilets which are readily accessible and plainly indicated by sign shall be provided for each of the sexes.
- B. *Satisfactory Compliance.* This item shall be deemed to have been satisfied if:
1. Separate toilet rooms plainly indicated by sign are provided for each sex. Toilet facilities for men and women are either in separate buildings at least twenty (20) feet apart or separated, if in the same building by a four (4) inch masonry wall.

2. A minimum of two (2) flush toilets that are easily accessible and conveniently located are provided for each sex.
3. Toilet facilities for women consist of not less than one (1) flush toilet for every ten (10) dependent trailer coach spaces. Each toilet is in a private compartment.
4. Toilet facilities for men consist of not less than one (1) flush toilet and one (1) urinal for every fifteen (15) dependent trailer coach spaces. Each toilet is in a private compartment.
5. The toilet rooms, toilets, urinals and other plumbing fixtures are kept clean and sanitary.
6. All toilet room fixtures are of a design approved by the Health Officer. Frost-proof type toilets are not installed.
7. Buildings housing the toilet facilities, other sanitation facilities and service facilities, and toilet rooms are well lighted and ventilated and provided with artificial light for night use.

Toilet rooms are equipped with toilet paper, lavatory facilities, soap in dispensers, and individual towels.

8. Windows, doors and other outer openings of buildings housing the toilet facilities, other sanitation facilities and service facilities are screened with sixteen (16) mesh wire cloth and all screen doors are self-closing and open outward.
9. Buildings housing the toilet facilities are permanent structures, substantially constructed and maintained in good repair at all times, complying with all applicable ordinances and Statutes regulating the building, electrical installations and plumbing and sanitation systems, and are located not closer than ten (10) feet to any trailer coach space, nor farther than two hundred (200) feet from any dependent trailer coach.
10. Buildings housing the toilet facilities, other sanitation facilities and service facilities are constructed of moisture-proof material, including painted woodwork, as shall permit repeated cleaning and washing, and are maintained at the temperature of at least sixty-eight degrees (68°) F, during the period from October first (1st) to May first (1st). The floors are of water-impervious materials and sloped to a floor drain connected with the sewer system.
11. Buildings housing toilet facilities are constructed and maintained in accordance with the requirements contained in this Code. (CC 1994 §25.310)

**SECTION 525.080: PLUMBING AND SEWAGE DISPOSAL**

- A. All trailer coach parks shall be properly plumbed and all buildings in which plumbing fixtures are installed shall be plumbed, lighted and ventilated with strict regard to the health, comfort and safety of the guests. Adequate disposal of sewage shall be provided by discharge into a public sanitary sewer, provided a public sanitary sewer is now or shall hereafter be available, or if a public sanitary sewer is not available, by discharge into a suitable sewage treatment device, said sewage treatment devices to be constructed and operated in a manner approved by the Division of Health.
- B. *Satisfactory Compliance.* This item shall be deemed to have been satisfied if:

1. All plumbing is installed in a manner approved by the Department of Health and in accordance with City Plumbing Regulations.

2. All plumbing fixtures are of a type approved by the Department of Health.
3. There is no physical connection between the potable water distribution system and a system containing water of questionable safety.
4. There is no direct connection between potable water distribution system and the waste disposal system.
5. Supply lines to all tubs, lavatories, sinks, and other reservoir fixtures terminate at least two (2) diameters above the rim of the fixture.
6. Waste lines from trailer coaches are connected to the trailer coach park sewers in a manner approved by the Department of Health.
7. Waste lines in service buildings are not carried above areas used for storage, processing or serving of food or storage and handling of dishes and utensils.
8. Sewage wastes from sanitation facilities and plumbing fixtures installed in trailer coaches and from toilets, showers, bath tubs, lavatories, slop sinks, laundries, kitchens and other sanitation fixtures and service fixtures are discharged into an approved public sewage system, if available.
9. There is no approved public sewage system available and the sewage wastes are discharged into a suitable individual sewage treatment device constructed and operated in a manner approved by the Department of Health.
10. The individual sewage treatment device provides adequate primary and secondary treatment, and disposal is in such a manner that no nuisance nor health hazard will result. (CC 1994 §25.315)

**SECTION 525.090: BATHING FACILITIES**

- A. Adequate lavatory and bathing facilities shall be provided at all trailer coach parks and maintained in a clean and sanitary condition at all times. Separate facilities which are readily accessible and plainly indicated by sign shall be provided for each of the sexes.
- B. *Satisfactory Compliance.* This item shall be deemed to have been satisfied if:
  1. Separate bathing facilities plainly indicated by sign are provided for each sex. Bathing facilities for men and women are either in separate buildings at least twenty (20) feet apart or separated, if in the same building by a four (4) inch masonry wall.
  2. A minimum of two (2) lavatories and two (2) showers or bath tubs that are easily accessible, and conveniently located are provided for each sex.
  3. Lavatory and bathing facilities for women consist of one (1) shower or bath tub for every ten (10) dependent trailer coach spaces, and one (1) lavatory for every twenty (20) dependent trailer coach spaces. Each shower or bath tub is in a private compartment.
  4. Lavatory and bathing facilities for men consist of one (1) shower or bath tub for every ten (10) dependent trailer coach spaces, and one (1) lavatory for every ten (10) dependent trailer coach spaces. Each shower or bath tub is in a private compartment.

5. Each shower or tub shall be in a space of not less than nine (9) square feet with a dressing compartment adjacent of not less than twelve (12) square feet.
6. The lavatory and bath rooms, lavatories, showers, bath tubs, and other plumbing fixtures are kept clean, sanitary and free from flies.
7. All lavatory and bathing fixtures are of a design approved by the Department of Health.
8. Buildings housing lavatory and bathing facilities are plumbed, lighted, ventilated, screened, heated, equipped, wired, constructed, maintained and located in accordance with the requirements contained in Chapter 500 of this Code.
9. Soap and towels are provided for individual use only. An approved mechanical dispensing unit is provided for continuous cloth or roller towels.
10. Bathhouse and shower floors are cleaned daily and disinfected with an approved fungicide. (A chlorine solution containing not less than two hundred (200) parts per million of available chlorine is recommended for this purpose.)
11. Waste water is disposed of in a manner approved by the Department of Health. (Ponding, pooling, and conditions conducive to insect breeding should be considered the result of unsatisfactory bathing waste water disposal, and the method of waste water disposal, consequently not approved. It is recommended that, where feasible, bathing waste water, especially where central bath houses are utilized, be precluded from the individual sewage disposal system. Such practice will result in a substantial decrease in the volume of wastes to be handled. This is particularly significant where soil absorption is depended upon for secondary sewage treatment. Where bathing waste water is precluded from the sewage system, adequate provisions must be made for its disposal.)
12. The swimming pool is constructed and operated in a manner approved by the Department of Health. (For Department of Health minimum requirements for the construction and operation of bathing places, see Division of Health approved Minimum Standards for Design and operation of Public Bathing Places.) (CC 1994 §25.320)

**SECTION 525.100: LAUNDRY FACILITIES**

- A. Adequate laundry facilities shall be provided at all trailer coach parks and maintained in a clean and sanitary condition at all times. Laundry facilities shall be readily accessible and conveniently located.
- B. *Satisfactory Compliance.* This item shall be deemed to have been satisfied if:
  1. Laundry facilities are provided in the ratio of one (1) double laundry tub and ironing board for every twenty (20) trailer coach spaces.
  2. An electrical outlet supplying current sufficient to operate an iron which is located conveniently near the ironing board.
  3. Drying spaces are provided sufficient to accommodate the laundry of the trailer coach occupants.

4. Buildings housing laundry facilities are plumbed, lighted, ventilated, screened, heated, equipped, wired, constructed, maintained, and located in accordance with the requirements contained in Chapter 500 of this Code.
5. If no local means of collection of trailer home waste is provided, then slop sinks shall be provided properly connected to the sewage system at a maximum distance of not more than one hundred (100) feet from any trailer unit. (CC 1994 §25.325)

**SECTION 525.110: GARBAGE AND REFUSE**

- A. All garbage and refuse shall be stored in tight metal cans with tight fitting covers and shall be removed from the premises and disposed of through the City Garbage Collector.
- B. *Satisfactory Compliance.* This item shall be deemed to have been satisfied if:
  1. All garbage is kept in tight, metal, and easily washable containers provided with close-fitting lids. (Containers should be of an approved type, adequate in number and conveniently located. Close-fitting insect-proof lids shall be provided and used at all times.)
  2. Garbage containers are located not farther than two hundred (200) feet from any trailer coach space.
  3. All garbage containers are washed when emptied, and treated with a disinfectant if necessary to prevent nuisance.
  4. All garbage, trash and other waste materials are removed from the premises as frequently as may be necessary to prevent nuisance and unsightliness, and are disposed of in a manner approved by the Department of Health.
  5. No evidence of accumulation of garbage and refuse or evidence of unsatisfactory disposal is apparent. (CC 1994 §25.330)

**SECTION 525.120: PROTECTION OF FOOD FOR SALE**

- A. All food offered for sale or sold for human consumption shall be kept in containers or cabinets so constructed that it will be adequately protected from dust, insects and other contamination. All perishable food shall be kept at a temperature of fifty degrees Fahrenheit (50°F) or below. All food sold or offered for sale for human consumption shall in every respect comply with the State Food Laws. All milk sold or offered for sale for human consumption shall comply with the Division of Health Regulations governing the labeling of milk. All milk shall be served to consumers in the original container in which it is received from the distributor.
- B. *Satisfactory Compliance.* This item shall be deemed to have been satisfied if:
  1. Department of Health and Division of Health Regulations governing eating and drinking establishments are complied with in each and every detail. (For information regarding regulations governing food handling establishments see "Food and Drug Laws in the State of Missouri," which can be obtained free of charge from the Division of Health.)

2. All milk is labeled strictly in accordance with Division of Health Regulations governing the labeling of milk, and the milk used represents the highest grade of milk reasonably available in the community. (The Division of Health, or its authorized representative, shall be the sole judge as to the highest grade of milk available in a given community. Grade A Pasteurized Milk, where available, shall in every instance constitute the highest available grade of milk.)
3. All milk and fluid milk products are served to the consumer in the original container in which they were received from the distributor.
4. Milk is maintained at a temperature not to exceed fifty degrees (50°) F, while on the premises.
5. Milk is stored in such a manner as to preclude possible contamination. (Bottled milk shall not be submerged in water for cooling because the contraction of the contents accompanying the cooling process may create a sufficient vacuum within the bottle to suck the water around the edge of the cap. Tests have shown that milk may thus be contaminated.) (CC 1994 §25.335)

**SECTION 525.130: CONSTRUCTION OF BUILDINGS**

- A. All structures located on trailer coach parks for service buildings, housing of facilities, and storage, preparation and serving of food shall be substantially constructed and maintained in a sanitary manner. All doors and windows shall be properly screened with screen wire no larger than sixteen (16) meshes to the inch. All buildings shall be constructed and maintained in a rat proof and rat free manner.
- B. *Satisfactory Compliance.* This item shall be deemed to have been satisfied if:
  1. All buildings provided for sanitation facilities, service facilities and storage, preparation and storage of food are properly located, sufficiently large for the intended use, and substantially constructed, and are in good repair.
  2. The buildings are constructed and equipped so that proper sanitation can be and is maintained.
  3. The buildings are lighted, ventilated, and heated to provide for the health, comfort and safety of the trailer park occupants.
  4. All outer openings are effectively screened with no less than sixteen (16) mesh cloth and all screen doors are self-closing and open outward.
  5. Screen doors close readily and door and window screens fit properly so as to prevent possible entrance of insects between the screen frame and the casing.
  6. All cracks, construction joints, and miscellaneous openings are stripped or otherwise made fly tight.
  7. Heating appliances, except electrical, are properly vented to the outside of the building.
  8. All enclosed spaces within double walls, between ceilings and floors, beneath floors, and in fixtures and equipment, which provide harborage and potential breeding places

for rodents, have been eliminated by the removal of the sheathing or interior walls which form the enclosed spaces; or all exposed edges of such walls, floors, and sheathing have been protected against gnawing by rats by the installation of approved ratproof materials, and all openings in walls,

floors, and ceilings through which pipes, electric cables, and other conduits pass have been properly sealed with snugly fitting collars of metal or other approved ratproof material securely fastened in place and so maintained; and propagation of rats and invasion and infestation of the premises by them has been permanently prevented.

9. All supplementary means necessary for the elimination of flies, roaches, and rodents are employed. (For the elimination of flies, fly repellent fans, flypaper, fly traps, or fly-killing sprays or powders may be used. All poisonous compounds used in the extermination of rodents or insects shall be so colored as to be easily identified; however, poisonous substances should be used with extreme caution and compounds harmless to humans should be substituted wherever possible.) (CC 1994 §25.340)

#### **SECTION 525.140: DISEASE**

- A. Whenever a case of communicable disease shall occur in any trailer coach park, it shall be the duty of the person in charge to immediately notify the Health Officer having jurisdiction. Isolation shall be maintained in a manner approved by said Health Officer. The person in charge shall not allow the case to leave or be removed from such trailer coach park without the permission of the Health Officer having jurisdiction.

- B. It shall be the duty of the person in charge to enforce Section II (a) Book IV Missouri Public Health Manual, reading as follows:

*When No Physician is in Attendance.* Superintendents, or persons in charge of hospitals, sanitariums, dispensaries, schools, (public, private or parochial) or other institutions, nurses, midwives, teachers, dairy managers, heads of private households, proprietors and keepers of hospitals, boarding houses, restaurants, lodging houses and cabs, masters of vessels and heads of industrial establishments, or any other person or persons either attending or having knowledge of a reportable disease, shall communicate such fact to the Health Officer having jurisdiction.

- C. *Satisfactory Compliance.* This item shall be deemed to have been satisfied if:
  1. Communicable disease is promptly reported to the Health Officer having jurisdiction, and
  2. All necessary steps are taken to properly isolate cases of communicable disease as outlined in Missouri Public Health Manual Book IV, "Control Communicable and Other Diseases Dangerous to Public Health."
  3. No Federal or State Law, Division of Health Regulation, or local ordinance governing Sanitation and Public Health is violated. (CC 1994 §25.345)

#### **SECTION 525.150: FIRE PROTECTION**

- A. Suitable and adequate precautions shall be taken to eliminate and control all possible fire hazards. Suitable and adequate first aid fire appliances shall be provided and maintained.

- B. *Satisfactory Compliance.* This item shall be deemed to have been satisfied if:

1. Open fires are not permitted at any place which would endanger life or property.

2. All fires and fuel burning equipment are attended by a competent person.
3. The trailer coach park is equipped with one (1) fire extinguisher of soda and acid or water and pump type, of two and one-half (2½) gallons capacity, or equivalent, in good working order for every ten (10) trailer coach spaces and conveniently located not farther than two hundred (200) feet from each trailer coach.
4. In addition to the above requirements for fire extinguishers, one (1) conveniently located fire extinguisher of soda and acid or water and pump type, of two and one-half (2½) gallons capacity, or equivalent, is provided for each two thousand (2,000) square feet of floor area or fraction thereof in every building located on the park.
5. Each fire extinguisher is supported in a vertical position at all times and is properly recharged at intervals not to exceed twelve (12) months. Fire extinguishers bear the seal of approval of "Underwriters Laboratories, Inc.". the date of recharging, and the signature of the servicing agency or person.
6. No fire hazards are maintained on the premises; all State Laws and local ordinances governing fire control, protection and safety are complied with; and such other precautions as may be recommended by the Department of Health are carried out. (CC 1994 §25.350)

**SECTION 525.160: ANIMALS AND FOWLS**

- A. Suitable and adequate measures shall be taken for the control of animals and fowls.
- B. *Satisfactory Compliance.* This item shall be deemed to have been satisfied if:
  1. Owners or persons in charge of any dog, cat or other animal or fowl do not permit it to run at large, cause any nuisance, or create unsanitary conditions within the limits of the trailer coach park.
  2. Animals or fowls are not bred or raised within the limits of the trailer coach park. (CC 1994 §25.355)

**SECTION 525.170: REGISTRATION**

- A. The park owner or operator shall keep a record of all guests.
- B. *Satisfactory Compliance.* This item shall be deemed to have been satisfied if:
  1. The name and address of each occupant will be kept in a permanent file with,
  2. The license number and State issuing such licenses of each trailer and car and,
  3. The date of arrival and departure of occupant,
  4. Number or location of trailer spaces occupied. The operator of the park shall keep a copy of the registry available for inspection at any time by any authorized person and shall not destroy such a registry until the expiration of twelve (12) months following the date of registration. (CC 1994 §25.360)

**SECTION 525.180: MISCELLANEOUS PROVISIONS**

- A. It shall be unlawful within the corporate limits of Park Hills, Missouri, for any person to park any trailer coach of any kind on any street, alley, highway, or other public place within the limits of Park Hills, Missouri, for longer than twelve (12) hours at any place and then only in conformity with the provisions of the Traffic Code of Park Hills, Missouri.
- B. No trailer coach shall be parked, used or occupied on any tract of ground within Park Hills, Missouri, except as provided in this Code.
- C. All plumbing and electrical installation and all construction work, alteration, or repair in the park shall be done in accordance with the provisions of the Electrical and Plumbing Regulations of the City of Park Hills, Missouri.
- D. No permanent additions of any kind whatsoever shall be built onto or become a part of the trailer coach. (CC 1994 §25.365)

**SECTION 525.190: INSPECTION**

Before any renewal of trailer coach parking or trailer park license, an inspection shall be made to determine that all the requirements of this Chapter have been complied with. (CC 1994 §25.370)

**SECTION 525.200: REVOCATION OR SUSPENSION OF PERMIT**

The City Administrator, County or State Department of Health or City Health or Sanitary Inspector Agent shall have the authority at any reasonable time to enter upon and inspect for health and sanitary purposes any facility licensed under this Chapter. If upon inspection, it shall be found that the holder of a permit has violated any provision of the foregoing Sections relating to trailers or trailer parks, the Director of Health shall have the power to revoke or suspend any permit and order the trailer removed or the trailer park closed after proper notice and hearing. (CC 1994 §25.375)

**SECTION 525.210: PENALTY**

Any person found guilty of violating any provision of this Chapter shall be punished by a fine of not more than five hundred dollars (\$500.00). Each days violation of any provision of this Chapter shall constitute a separate offense. (CC 1994 §25.380)

**SECTION 525.220: PERMIT FEES**

No person shall operate, maintain or offer for use any trailer coach park without first obtaining from the City Clerk a license as herein provided and the annual license charge shall be twenty-five dollars (\$25.00) for from two (2) to ten (10) trailer coach spaces and five dollars (\$5.00) for each additional trailer coach space more than ten (10) in number. The licensee shall file with the City Clerk an affidavit stating the number of trailer coach spaces that will be offered for use for the length of the license. (CC 1994 §25.385)

**SECTION 525.230:                    ADDITIONAL TRAILER COACH SPACES**

No additional trailer coach space shall be built or used during the length of the license without first notifying the City Clerk and obtaining the necessary licenses. (CC 1994 §25.390)

**SECTION 525.240:                    NO REFUND**

In case any license issued hereunder is revoked, surrendered or forfeited by the licensee, not used or used only for a portion of the license period, after the effective date of such license, no refund of any license charge or part thereof shall be made. (CC 1994 §25.395)



## **CHAPTER 530: FENCE REGULATIONS**

### **SECTION 530.010: GENERAL FENCE REGULATIONS**

No person shall construct a fence in the City of Park Hills without first obtaining a building permit to construct the said fence. The cost of said building permit shall be fifteen dollars (\$15.00).  
(CC 1994 §15.710)

### **SECTION 530.020: APPLICATION**

All applications for the construction of a fence shall specifically state the following:

1. Name and address of the owner of the property;
2. Name and address of the person building the fence;
3. A sketch of the area the fence will enclose;
4. Materials that will be used in construction of the fence;
5. The reason for the said fence. (CC 1994 §15.715)

### **SECTION 530.030: REQUIREMENTS FOR BUILDING A FENCE**

- A. All fences constructed in the City shall harmonize with its surroundings. The fence should be level with the ground if the ground is fairly level, and it should either step down or follow the contour of a steep slope. The size of the fence should be in proportion to the site, neither dominating nor being dwarfed by its setting. The materials shall be in keeping with the house on the lot.

Fences constructed in the City shall be:

1. No more than six (6) feet in height except within thirty (30) feet of the intersection of two (2) street lines, in which case the fence shall be no more than thirty (30) inches in height, unless, due to special circumstances approved by the Building Inspector. Those special circumstances shall be documented by the issuance of a special permit for the fence to be erected to a greater height than provided herein.
2. The following types of fences shall be allowed to be constructed and all other fences must receive a special permit and approval by the Building Inspector. In all cases the Building Inspector may require additional information, but generally the following are guidelines for the types of fences to be constructed:
  - a. Picket fence - this fence should be of a smaller height than six (6) feet;
  - b. Stacked rails - the rails can be four x four (4 x 4), six x six (6 x 6), and they are stacked on top of each other and either spiked together or threaded onto vertical pipes, or re-bar. The rails are to be staggered for stability;

- c. Post and rail fence - may be built from split or dimensional lumber;

- d. Grapestake fence - normally made of split redwood;
- e. Wire fence - may be a chain link fence or a welded wire fabric;
- f. Lattice fence.

B. The above list of types of fences is not meant to be all inclusive, however, the Building Inspector must approve the type of fence and issue a permit, and it must meet the requirements of Subsection (A) of this Section. (CC 1994 §15.720)

**SECTION 530.040: NO FENCE WITHIN THIRTY FEET OF AN INTERSECTION**

In any residential district or area zoned residential, no fence structure or planking shall be maintained within thirty (30) feet of any street intersection. (CC 1994 §15.725)

## **CHAPTER 535: SIGNS AND ADVERTISING**

### **SECTION 535.010: PERMIT REQUIRED BEFORE ERECTING A BILLBOARD, POSTING OF ADVERTISEMENTS OR ERECTING A SIGN**

No person shall erect a billboard, post advertisements, or erect a sign unless a permit has first been obtained from the Building Inspector. Prior to granting any such permit, it shall be the duty of the Building Inspector to determine if the request meets the City Code and if it does not, then he/she must reapply and have endorsed on the permit, the approval of the majority of the members of the Planning and Zoning Commission. The cost of said permit shall be twenty-five dollars (\$25.00). (CC 1994 §15.810)

### **SECTION 535.020: SIGN REQUIREMENTS OTHER THAN IN DOWNTOWN DISTRICT**

All signs other than in the downtown district shall meet the following requirements:

1. Shall contain only the name of the business, address, and telephone number of the principal business conducted on the premises;
2. Signs may be free-standing, not attached to the building, but shall not:
  - a. Project above the principal roof of a building;
  - b. Shall not block any vision upon the streets of the City or adjoining lot's vision of the street.
3. Signs may be attached flat adjacent or painted in a parapet-wall extending not more than three (3) feet above such roof line.
4. No mobile signs shall be used unless for a special event and in that case, must be approved by the Building Inspector and shall not last more than fourteen (14) days. If the Building Inspector denies approval then the person requesting the license may request the majority of the members of the Planning and Zoning Commission to approve the sign.
5. When any sign is illuminated, the light or lights shall be shaded or concealed so that they will not interfere with the vision of motor vehicles, vehicle operators, and will not shine directly on residential property located in any residential district. (CC 1994 §15.820)

### **SECTION 535.025: SPECIAL SIGN DISTRICT—SOUTH SIDE OF EAST MAIN STREET BETWEEN FLAT RIVER DRIVE AND SPRUCE STREET**

Signage shall be allowed to be constructed in the City right-of-way, provided the following conditions are met:

1. The signage is constructed at least fifteen (15) feet from the edge of the driving lanes of

East Main Street.

2. The sign shall only be located immediately adjacent to and in front of the advertised property.



## **CHAPTER 540: GENERAL EXEMPTIONS**

### **SECTION 540.010: GENERAL EXEMPTIONS—FEDERAL OR STATE PARK**

Notwithstanding the regulations appearing elsewhere in the Code, Federal or State parks and lands, as defined in Section 400.010, are exempt from the regulations set forth in Chapters 500, 505, 510, 515, 520, 525, 530, and 535 of Title V of this Code. (Ord. No. 161-97 §1, 10-14-97)



**CHAPTER 545: RESERVED**

**SECTION 545.010: RESERVED**

*Note: Per City we removed this section 545.010 "housing site demolition and re-use program" in its entirety. Former section 545.010 derived from ord. no. 313-00 §§1-3, 3-14-00.*

