

Chapter 500

GENERAL BUILDING PROVISIONS

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Cross Reference — As to numbering of buildings, §500.140 of this Code.

ARTICLE I Building Code Adoption

Section 500.010. BOCA Building Code Incorporated by Reference.

[CC 1995 §500.010; CC 1974 §45.010]

A certain standard code known as the "BOCA Building Code", 1993 Edition, and all editions thereto, published by the Building Officials Conference of America, Inc., 1313 East 60th Street, Chicago, Illinois 60637, is hereby incorporated by reference as the Article setting forth the minimum building standards for the City. It shall be unlawful for any person, firm, or

corporation to construct, or cause to be constructed, or permit to remain constructed any such building which violates any provisions of the code.

Section 500.020. Marked Copies of Standard Code Filed.

[CC 1995 §500.020; CC 1974 §45.020]

There shall not be less than three (3) copies of the standard code as adopted by this Article kept in the office of the City Clerk and said copies shall be marked "Official Copy of the City of Anderson Building Code."

Section 500.030. Liability.

[CC 1995 §500.020; CC 1974 §45.030]

This Building Code shall not be construed to relieve from responsibility or to lessen the responsibility of any person, firm, or corporation owning, controlling or constructing buildings, nor shall the City be held as assuming any liability of any nature by reasons of the inspection authority hereby issued to the City Building Inspector for inspection of buildings.

ARTICLE II

Fire Prevention Code Adoption

Section 500.040. Fire Prevention Code Incorporated by Reference.

[CC 1995 §500.040; CC 1974 §78.010]

A certain standard code known as the "Fire Prevention Code", 1993 Edition, and all editions thereto, published by the American Insurance Association, Engineering and Safety Department, 85 John Street, New York, New York 10038, is hereby incorporated by reference as the Article setting forth the minimum fire prevention standards for the City. It shall be unlawful for any person, firm, or corporation to violate or cause to be violated any provisions of the code.

Section 500.050. Marked Copies of Standard Code Filed.

[CC 1995 §500.050; CC 1974 §78.020]

There shall not be less than three (3) copies of the standard code as adopted by this Article kept in the office of the City Clerk and said copies shall be marked "Official Copy of the City of Anderson Fire Prevention Code".

Section 500.060. Liability.

[CC 1995 §500.060; CC 1974 §78.030]

This Fire Prevention Code shall not be construed to relieve from responsibility or to lessen responsibility of any person, firm, or corporation liable under the provisions of this Article,

nor shall the City be held as assuming any liability of any nature by reasons of the inspection authority hereby issued to the City Building Inspector for inspection of fire prevention.

ARTICLE III Plumbing Code Adoption

Section 500.070. National Plumbing Code Incorporated by Reference.

[CC 1995 §500.070; CC 1974 §46.010]

A certain standard code known as the "National Plumbing Code", 1993 Edition, and all editions thereto, published by the American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017, is hereby incorporated by reference as the Article setting forth the minimum plumbing standards for the City. It shall be unlawful for any person, firm, or corporation to install, or cause to be installed, or permit to remain installed any plumbing which violates any provisions of the code.

Section 500.080. Marked Copies of Standard Code Filed.

[CC 1995 §500.080; CC 1974 §46.020]

There shall not be less than three (3) copies of the standard code as adopted by this Article kept in the office of the City Clerk and said copies shall be marked "Official Copy of the City of Anderson Plumbing Code".

Section 500.090. Liability.

[CC 1995 §500.090; CC 1974 §46.030]

This Plumbing Code shall not be construed to relieve from responsibility or to lessen the responsibility of any person, firm, or corporation owning, controlling or constructing buildings, nor shall the City be held as assuming any liability of any nature by reasons of the inspection authority hereby issued to the City Building Inspector for inspection of plumbing.

ARTICLE IV Electrical Code Adoption

Section 500.100. National Electrical Code Incorporated by Reference.

[CC 1995 §500.100; CC 1974 §48.010]

A certain standard code known as the "National Electrical Code", 1993 Edition, and all editions thereto, published by the National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts, is hereby incorporated by reference as the Article setting person, firm, or corporation to install, or cause to install, or permit to remain installed any such wiring which violates any provisions of the code.

Section 500.110. Marked Copies of Standard Code Filed.**[CC 1995 §500.110; CC 1974 §48.020]**

There shall not be less than three (3) copies of the standard code as adopted by this Article kept in the office of the City Clerk and said copies shall be marked "Official Copy of the City of Anderson Electrical Code".

Section 500.120. Liability.**[CC 1995 §500.120; CC 1974 §48.030]**

This Electrical Code shall not be construed to relieve from responsibility or to lessen the responsibility of any person, firm, or corporation owning, controlling or installing electrical wiring, equipment, or devices nor shall the City be held as assuming any liability of any nature by reasons of the inspection authority hereby issued to the City Building Inspector for inspection of electrical wiring.

ARTICLE V
Miscellaneous Provisions

Section 500.130. Permanent Structures Placed Over City-Owned or -Maintained Conduits.**[CC 1995 §500.130; Ord. No. 711-94, 8-8-1994]**

A. *Definitions.* The following words, when used in this Section, shall have the following meanings:

CONDUIT — Any cylindrical or non-cylindrical vessel utilized for the conveyance or storage of water, wastewater, or storm water.

PERMANENT STRUCTURE — Any building, fence or wall, etc., (signs) such as cannot be removed without damage from proximity to a conduit a sufficient distance as to allow excavating or other machinery working access to the conduit within one (1) hour of verbal or written notice given to the owner or responsible party of the structure.

- B. It shall be unlawful for any person or persons to place or construct, or allow to be placed or constructed, any permanent structure over a City-owned and/or maintained conduit unless the person or persons desiring to do so first secure written approval by the City Engineer and Board of Aldermen and post permanent bond or such other security as may be warranted as determined by the City Engineer in consideration of future (or immediate) costs in relocating (or replacing) said conduit to preserve, replace, or restore normal operation of the conduit.
- C. If in the opinion of the City Engineer and Board of Aldermen such an arrangement is advisable, replacement upgrading of the conduit prior to placement of the permanent structure at the builder's expense may also be required.
- D. Any or all of these conditions may be waived or modified by the Board of Aldermen.

- E. It shall be the responsibility of the person or persons ordering or authorizing construction or installation of the permanent structure or their legal agents to determine the accurate location of all existing underground utilities that will be in the vicinity of the permanent structure prior to construction or installation of the structure and to advise the owners or maintainers of the utilities no less than ten (10) days prior to commencement of construction/installation if it is determined that the utility conduits will be underneath the permanent structure.
- F. *Penalty.*
1. Failure to adhere to any of the aforementioned conditions may result in the imposition of a fine in the amount of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) plus one hundred dollars (\$100.00) per day every day a permanent structure remains over a utility conduit after it has been ordered to be removed by the Board of Aldermen. The owner and/or constructor or installer of the structure will also be liable for any expenses incurred by the City to replace or relocate the conduit.
 2. Persons responsible for placing or allowing to be placed any permanent structure over a Cityowned or maintained utility conduit prior to August 8, 1994 shall in no way be exempt from future liability for replacement or relocation expenses of the conduit incurred by the City.

Section 500.140. Numbering of Buildings.

[CC 1995 §100.110; CC 1974 §§74.020 — 74.040]

- A. Any individual, firm, partnership, or corporation owning any buildings within the City of Anderson, Missouri, may cause the same to be numbered under the following terms and conditions:
1. By making application to the City Clerk designating such building or buildings for which a number is requested;
 2. The location of said building or buildings; and
 3. By following and abiding by the instructions contained in the permit received after action by the Board of Aldermen.
- B. *Contrary Numbering Prohibited.* No individual, firm, partnership or corporation shall place any number on any building or buildings intended to designate said building or buildings by street number without first having obtained a permit as provided for in Subsection (A) of this Section.

Section 500.150. Property Assessed Clean Energy Act.

[Ord. No. 21616 §1, 2-17-2015]

- A. *Purpose.* To enable the City to join and participate in the Missouri Clean Energy District pursuant to Sections 67.2800 to 67.2835, inclusive, RSMo., for the development,

production, and efficient use of clean energy and renewable energy, as well as the installation of energy efficiency improvements to publicly and privately owned real property.

B. *Title.* This Section shall be known and may be cited as "The City of Anderson, Missouri Property Assessed Clean Energy (PACE) Ordinance."

C. *Definitions.* Except as specifically defined below, word and phrases used in this Section shall have their customary meanings. Words and phrases defined in Section 67.2800.2, RSMo., as amended, shall have their defined meanings when used in this Section. As used in this Section, the following words and phrases shall have the meanings indicated:

MISSOURI CLEAN ENERGY DISTRICT or DISTRICT — The Missouri Clean Energy District.

PACE ASSESSMENT — A special assessment made against qualifying property in consideration of PACE funding.

PACE FUNDING — Funds provided to the owner(s) of qualified property by the District for an energy efficiency improvement.

QUALIFYING PROPERTY — Real property located in the City of Anderson, Missouri.

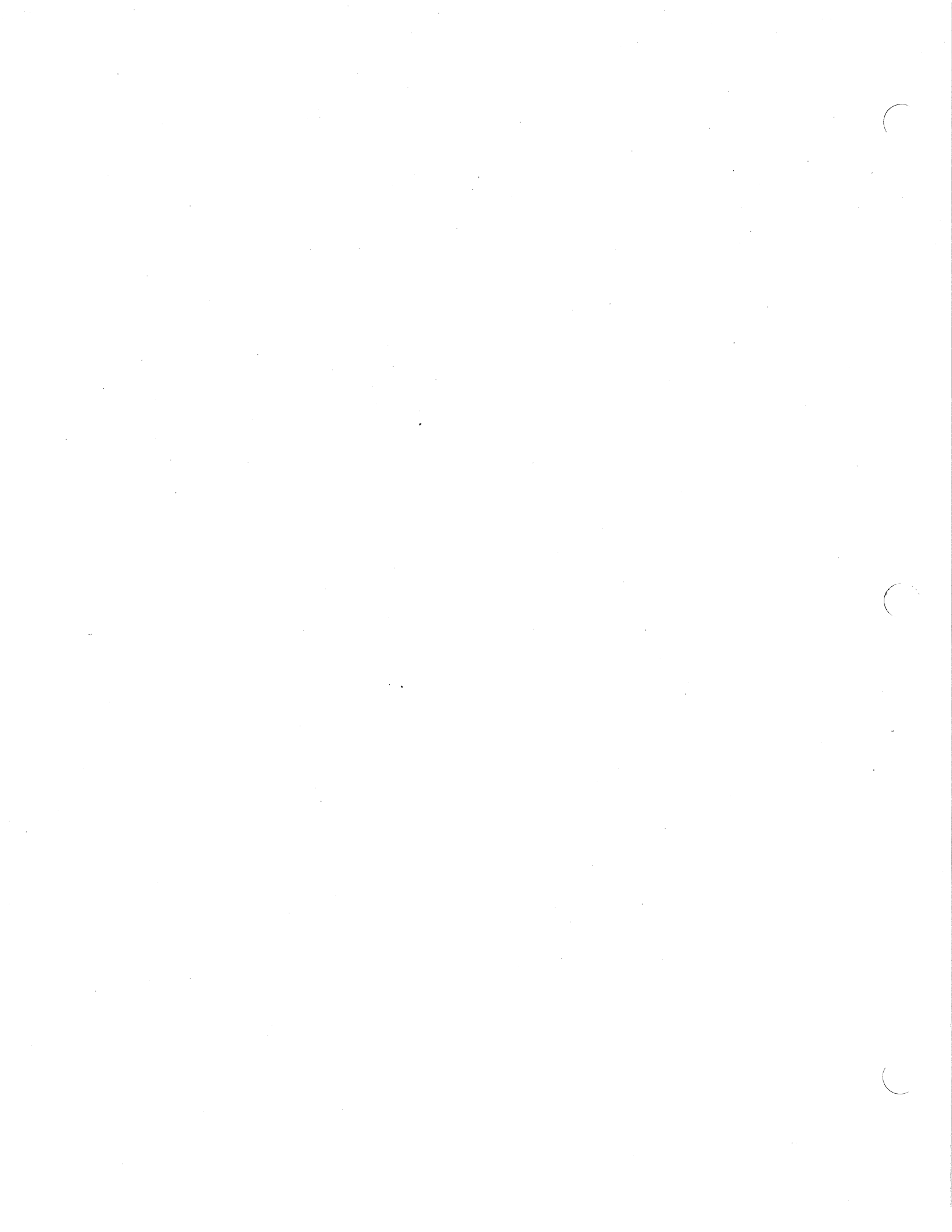
D. *Program Administration.* The Missouri Clean Energy District shall administer the functions of the PACE Program within the City by:

1. Providing property owners with an application in order to apply for PACE funds;
2. Developing standards for the approval of projects submitted by property owners;
3. Reviewing applications and select qualified projects;
4. Entering into assessment contracts with property owners;
5. Providing a copy of each executed notice of assessment to the County Assessor and causing a copy of each such notice of assessment to be recorded in the real estate records of the Recorder of Deeds for the County;
6. Authorizing and disbursing the PACE funds to the property owners;
7. Receiving the PACE assessment from the County Collector;
8. Recording any lien, if needed, due to non-payment of a PACE assessment; and
9. Exercising all powers granted by Section 67.2810.2, RSMo., as amended, including, but not limited to, the power to levy and collect special assessments under an assessment contract with a property owner.

E. *Liability Of City Officials And City.* Notwithstanding any other provision of law to the contrary, officers and other officials of the City, the District and the County in which the City is located shall not be personally liable to any person for claims of whatever kind or nature, under or related to the City's participation in the District's PACE Program, including without limitation, claims for or related to uncollected PACE assessments. The

City has no liability to a property owner for or related to energy savings improvements funded under a PACE Program. The District shall for all purposes be considered an independent entity and shall not be considered a political subdivision of the City of Anderson.

- F. *Authority.* The Mayor of the City is hereby authorized to deliver a duly executed copy of Ordinance No. 21616 to the Board of Directors of the District or its designee, together with the jurisdictional and geographic boundaries of the City for inclusion in the jurisdictional and geographic boundaries of the District.
- G. *Mayor As Board Member.* The City does hereby request that the Mayor of the City or the City's appointee be approved by the Board of Directors of the District as a duly authorized member of the Advisory Board of Missouri Clean Energy District.



Chapter 505

DANGEROUS BUILDINGS

Section 505.010. Purpose and Scope.

Section 505.020. Dangerous Buildings Defined.

Section 505.030. Dangerous Buildings Declared Nuisance.

Section 505.040. Standards for Repair, Vacation or Demolition.

Section 505.050. Building Inspector.

Section 505.060. Duties of Building Inspector — Procedure and Notice.

Section 505.070. Building Commissioner.

Section 505.080. Duties of the Building Commissioner.

Section 505.090. Insurance Proceeds — How Handled.

Section 505.100. Appeal.

Section 505.110. Emergencies.

Section 505.120. Violations — Disregarding Notices or Orders.

Section 505.010. Purpose and Scope.

It is the purpose of this Chapter to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or the general public, and this Chapter shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the City of Anderson, Missouri.

Section 505.020. Dangerous Buildings Defined.

- A. All buildings or structures that are detrimental to the health, safety or welfare of the residents of the City and that have any or all of the following defects shall be deemed "dangerous buildings":
1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
 2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members or fifty percent (50%) damage or deterioration of the non-supporting enclosing or outside walls or covering.
 3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or that have insufficient strength to be reasonably safe for the purpose used.

4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the City.
5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.
6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.
8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.
9. Those that because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this City.

Section 505.030. Dangerous Buildings Declared Nuisance.

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

Section 505.040. Standards for Repair, Vacation or Demolition.

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

Section 505.050. Building Inspector.

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

Section 505.060. Duties of Building Inspector — Procedure and Notice.

[CC 1995 §505.060]

- A. The Building Inspector(s) shall have the duty under this Chapter to:
1. Inspect or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such place to be a dangerous building when he/she has reasonable grounds to believe that any such building is dangerous.
 2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.
 3. Inspect any building, wall or structure reported by the Fire or Police Departments of this City as probably existing in violation of this Chapter.
 4. Notify the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building or structure, as shown by the land records of the Recorder of Deeds of McDonald County, of any building or structure found by him/her to be a dangerous building or structure within the standards set forth in Section 505.020. Such notice shall be in writing and shall be given either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) consecutive weeks.

The notice required shall state that:

- a. The owner must vacate, vacate and repair, or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Chapter.
- b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession.
- c. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of McDonald County may, at his/her own risk, repair, vacate or demolish the building and clean up the property or have such work done;

provided that any person notified under this Subsection to repair, vacate or demolish any building or clean up the property shall be given such reasonable time not exceeding thirty (30) days to commence the required work.

5. The notice provided for in this Section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building, a statement indicating that as a dangerous building said building or structure constitutes a nuisance, and an order requiring the designated work to be commenced within the time provided for in the above Subsection.
6. Report in writing to the City Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay.
7. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.
8. Immediately report to the Building Commissioner concerning any building found by him/her to be inherently dangerous and that he/she determined to be a nuisance per se. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of McDonald County. It is unlawful to remove this notice until such notice is complied with."

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

Section 505.070. Building Commissioner.

[CC 1995 §505.070]

The Mayor shall act as Building Commissioner under this Chapter.

Section 505.080. Duties of the Building Commissioner.**[CC 1995 §505.080]**

- A. The Building Commissioner shall have the powers and duties pursuant to this Chapter to:
1. Supervise all inspections required by this Chapter and cause the Building Inspector to make inspections and perform all the duties required of him/her by this Chapter. Upon receiving a complaint or report from any source that a dangerous building exists in the City, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his/her duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other City department or retain services of an expert whenever the Building Commissioner deems such service necessary.
 2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other persons(s) having an interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, hold a hearing giving the affected parties full and adequate hearing on the matter.
 3. Give written notice of said hearing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of those modes of service, then by publication in a newspaper qualified to publish legal notices, at least ten (10) days in advance of the hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of McDonald County who may appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice as provided herein. Any party may be represented by counsel and all parties shall have an opportunity to be heard.
 4. Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 505.020 of this Chapter.
 5. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building and a nuisance and detrimental to the health, safety or welfare of the residents of the City, the Building Commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other persons(s) having an interest in said building as shown by the land records of the Recorder of Deeds of McDonald County to repair, vacate or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this City, or may vacate

and demolish said dangerous building at his/her own risk to prevent the acquiring by the City of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building or a nuisance or detrimental to the health, safety or welfare of the residents of the City, no order shall be issued.

6. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Building Commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant. If the Building Commissioner or other designated officer or officers issues an order whereby the building or structure is demolished, secured or repaired, or the property is cleaned up, the cost of performance shall be certified to the City Clerk or officer in charge of finance who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the City Collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. Except as provided in Section 505.090, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid. Said tax bill or assessment shall bear interest at a rate of eight percent (8%) per annum until paid.

Section 505.090. Insurance Proceeds — How Handled.

- A. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds as set forth in this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:
 1. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment and shall pay such monies to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Chapter.
 2. The City shall release the proceeds and any interest that has accrued on such proceeds received under Subdivision (1) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (6) of Section 505.080. If the City has proceeded under the provisions of Subsection (6) of Section 505.080, all monies in excess of that necessary to comply with the provisions of Subsection (6) of Section

505.080 for the removal, securing, repair and cleanup of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.

- B. If there are no proceeds of any insurance policy as set forth in Subsection (A) of this Section, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.
- C. This Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
- D. This Section does not make the City a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
- E. The Building Commissioner may certify that in lieu of payment of all or part of the covered claim payment under Subsection (A) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (A) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided for in this Subsection.

Section 505.100. Appeal.

[CC 1995 §505.090]

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the Recorder of Deeds of McDonald County may appeal such decision to the Circuit Court of McDonald County, as provided for in Sections 536.100 to 536.140, RSMo., if a proper record as defined in Section 536.130, RSMo., is maintained of the hearing provided for in Section 505.080 hereof. Otherwise, the appeal shall be made pursuant to the procedures provided for in Section 536.150, RSMo.

Section 505.110. Emergencies.

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

Section 505.120. Violations — Disregarding Notices or Orders.

The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Building Commissioner or who shall fail to proceed continuously without unnecessary delay; and any person removing any notices provided for in this Chapter; and any person violating any other provisions of this Chapter shall be guilty of an ordinance violation and upon conviction thereof shall be fined in accordance with Section 100.220 of this Code. Each day that a person fails to comply with an order of the Building Commissioner may be deemed a separate offense.

Chapter 510

EXCAVATIONS

Section 510.010. Excavation Permit.

Section 510.020. Application.

Section 510.030. Requirements for Applications.

Section 510.040. Clearance for Fire Equipment.

Section 510.050. Protection of Traffic.

Section 510.060. Protection of Utilities.

Section 510.070. Protection of Adjoining Property.

Section 510.080. Attractive Nuisance.

Section 510.090. Backfilling.

Section 510.100. Inspection.

Section 510.110. Resurfacing of Streets.

Section 510.010. Excavation Permit.

[CC 1995 §510.010; CC 1974 §49.010]

It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or cause to be made any excavation in or under the surface of any street or alley or public or private property by a mechanical digger or earth mover for any purpose, excepting herefrom, however, any manual performed labor by pick and shovel or similar manual powered equipment on private property, unless such person shall first have obtained an excavation permit from the City of Anderson as provided herein.

Section 510.020. Application.

[CC 1995 §510.020; CC 1974 §49.020]

Application for permit shall be made at the office of the City Collector and be approved by the Sewer Inspector and/or the Mayor, subject to the regulations herein provided.

Section 510.030. Requirements for Applications.

[CC 1995 §510.030; CC 1974 §49.030]

- A. Persons, firms or corporations desiring to make excavations with any type of mechanical diggers or earth mover shall be required to purchase the regular City license required by Chapter 605 of this Code.
- B. Before being granted a City license, a person, firm or corporation operating a mechanical digger or earth mover shall furnish the City Collector, or other designated individual, a certificate of effective public liability and property damage insurance equal to or more than twenty-five thousand dollars (\$25,000.00) per person, fifty thousand dollars (\$50,000.00) each accident and ten thousand dollars (\$10,000.00) property damage. Said certificate of insurance shall also be accompanied by a one thousand dollar (\$1,000.00) certified performance bond.

Section 510.040. Clearance for Fire Equipment.**[CC 1995 §510.040; CC 1974 §49.040]**

Excavation work, either by machinery or manual labor, shall be performed and conducted so as not to interfere with access to fire stations or fire hydrants. Materials or obstructions shall not be placed within fifteen (15) feet of fireplugs.

Section 510.050. Protection of Traffic.**[CC 1995 §510.050; CC 1974 §49.050]**

- A. Permittees working on streets or alleys or private roads shall erect proper barriers for daytime use and suitable flares so as to safeguard the flow of traffic.
- B. Permittees crossing sidewalks or normal foot passageways shall erect proper barriers so as to prevent individuals from falling into any excavation the permittee is responsible for.

Section 510.060. Protection of Utilities.**[CC 1995 §510.060; CC 1974 §49.060]**

- A. Permittee shall not interfere with an existing utility without written consent of the owner of the utility.
- B. Permittee shall not interfere with existing City water or sewerage lines and shall not dig, by machine, closer than three (3) feet to any existing sewer main. The last three (3) feet must be dug manually using extreme caution not to injure in any manner an existing sewer main.

Section 510.070. Protection of Adjoining Property.**[CC 1995 §510.070; CC 1974 §49.070]**

Permittee shall at all times make every effort not to interfere or injure any adjoining property and shall take appropriate protective measures.

Section 510.080. Attractive Nuisance.**[CC 1995 §510.080; CC 1974 §49.080]**

It shall be unlawful for the permittee to suffer or permit to remain unguarded at the place of excavation any machinery, equipment or other device having the characteristics of an attractive nuisance likely to attract children and hazardous to their safety or health.

Section 510.090. Backfilling.**[CC 1995 §510.090; CC 1974 §49.090]**

Backfilling shall be done to comply with the requirements of the City Engineer.

Section 510.100. Inspection.**[CC 1995 §510.100; CC 1974 §49.100]**

After completion of backfill, inspection shall be made of excavations where City water or sewer lines are involved, and if the Building Inspector shall require additional work in order to comply with the requirements of Section 510.090 above, the permittee shall cause said requirements to be promptly made.

Section 510.110. Resurfacing of Streets.**[CC 1995 §510.110; CC 1974 §49.110]**

- A. Resurfacing of all streets, alleys or traffic passageways excavated by permittee under provisions of this Chapter shall be made and performed by the City of Anderson under the supervision of the City Engineer.
- B. Permittee shall bear the expense incurred by the City while resurfacing said excavation.



Chapter 515

MOBILE HOMES

Section 515.010. Definitions.

Section 515.020. Required Plans.

Section 515.030. General Use Regulations.

Section 515.040. Site Area and Lot Size Requirements.

Section 515.050. Service Buildings.

Section 515.060. Screen Planting.

Section 515.070. Applications, Permits, License Fees and Enforcement.

Cross Reference – As to additional provisions, §405.100(H) of this Code.

Section 515.010. Definitions.

[CC 1995 §515.010; CC 1974 §43.010]

As used in this Chapter the following terms shall have these prescribed meanings:

ACCESSORY USE — Use customarily incidental and subordinate to the principal use of a mobile home and located on the same mobile home lot with the principal use of the mobile home or in the mobile home.

AWNING, PERMANENT — Any structure for shade or shelter and which is completely open on at least two (2) sides. A side may be interpreted to be an end. "Awning" does not include a window awning.

AWNING, PORTABLE OR DEMOUNTABLE — Any prefabricated structure erected for shade or shelter which is designed to be readily assembled and disassembled and adapted to ready transportation. A portable awning shall be completely open on at least two (2) sides. A side may be interpreted to be an end. "Awning" does not include a window awning. An awning shall be accessory to a mobile home and shall be located within six (6) feet of the mobile home to which it is accessory.

BUILDING — Any permanent structure having a roof supported by columns or walls for the shelter, housing, or enclosure of persons, animals, chattels, or property of any kind. "Building" does not include a mobile home or other accessory awnings and carports which are portable and are designed to be readily assembled and disassembled and adapted to transportation.

DRIVEWAY — A private mobile home park service road providing vehicular access and egress between individual mobile home lots and an adjoining public right-of-way.

FENCE — Any protective wall, shield or structure forty-eight (48) inches or less in height.

MOBILE HOME — A vehicle equipped as a dwelling place.

MOBILE HOME, DEPENDENT — A mobile home dependent upon toilet and/or bathing or washing facilities provided in a service building.

MOBILE HOME, INDEPENDENT — A mobile home independent of toilet and/or bathing or washing facilities provided in a service building.

MOBILE HOME LOT — A plot of ground plainly marked by corner stakes, fences, shrubbery, or other devices and designed to accommodate one (1) occupied mobile home and accessory buildings or uses.

MOBILE HOME PARK — Any plot of ground upon which one (1) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

NUISANCE — In a mobile home park includes any of the following:

1. Any public nuisance known as common law or inequity jurisprudence.
2. Whatever is dangerous to human life or is detrimental to health.
3. The overcrowding of any room with occupants.
4. Insufficient ventilation or illumination of any room.
5. Inadequate or insanitary sewage or plumbing facilities.
6. Whatever renders a food or drink unwholesome or detrimental to the health of human beings.

PERSON — Any person, firm, corporation, partnership or association.

PLAYGROUND — A play lot or other area which has been landscaped and developed for the use of children or other mobile home occupants.

SERVICE BUILDING — A building housing community toilet, laundry, and other sanitary facilities necessary for the health and convenience of mobile home occupants.

STRUCTURE — That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and located within six (6) feet of a mobile home in a mobile home park. "Structure" does not include a mobile home or other accessory awnings, or carports which are portable and are designed to be readily assembled or disassembled and adapted to ready transportation.

UNFIT FOR HUMAN HABITATION — Any mobile home or structure which is dangerous to human life or detrimental to health through either lack of maintenance, or repair generally, or because of unsafe or improper construction or installation, and includes, but is not limited to, mobile homes or structures in which any one (1) or more of the following exists:

Exterior walls, supporting structure, doors, windows, floors, roof appliances, or equipment which are so deteriorated, broken or damaged as to be hazardous to the occupants; or the walls, roof, floor, doors, or windows which are in such condition as not to adequately protect the occupants from the elements.

WINDBREAK — Any protective fence, wall structure, or shelter from the wind which exceeds forty-two (42) inches in height and whose vertical surface is less than fifty percent (50%) open.

WINDOW AWNING — Any awning which does not project more than forty-eight (48) inches from the body of the mobile home and which does not extend more than twelve (12) inches on either side of the windows it is designed to serve.

Section 515.020. Required Plans.

[CC 1995 §515.020; CC 1974 §43.020]

- A. All requests for mobile home parks must be accompanied with a set of plans drawn to scale and completely dimensioned. Such plans shall clearly set forth the following information:
1. Name and address of owner and/or operator.
 2. Address, location, and legal description of the mobile home park.
 3. Extent of the area and dimensions of the site.
 4. Size, location, and number of mobile home lots, including areas for dependent and independent mobile homes when both are accommodated.
 5. Entrances, exits, driveways and walkways (including fencing).
 6. Number, size and location of automobile parking accommodations.
 7. Number, location and detailed floor plans, including elevations of all service buildings and other proposed structures and other accessory buildings.
 8. Location and size of recreation area, if any, including development plan showing type of landscaping, surface treatment, drainage, apparatus and/or special equipment (signs).
 9. Plan of water system.
 10. Method and plan of sewage disposal and site drainage.
 11. Method of garbage disposal and plan of storage areas.
 12. Method and plan of service building heating.
 13. Lighting plan of outside areas and service outlets.
 14. Location and type of fire-fighting and fire prevention facilities.

Section 515.030. General Use Regulations.**[CC 1995 §515.030; CC 1974 §43.030]**

A. The following shall be required of all mobile home parks:

1. *Obstructions prohibited.* No obstructions of any kind shall be erected, placed or maintained on or about the mobile home lot, which would impede the movement of a mobile home to or from a site or prevent inspection of plumbing or electrical facilities.
2. All new mobile home parks shall be connected to a public sewer.
3. A mobile home park shall not accommodate any occupied mobile homes for which there are no available sites conforming to the provisions of this Chapter.
4. It shall be unlawful to camp overnight, or to park an occupied mobile home or recreational vehicle overnight upon any public street, including the street right-of-way. This provision shall not apply in cases where a mobile home or recreational vehicle is parked for the purpose of making emergency repairs.
5. The owner or operator of every mobile home park shall maintain in a conspicuous location in or adjacent to the mobile home park office a copy of an approved plot plan of the mobile home park, a copy of the conditions of City approval, and a copy of the latest ordinances and regulations pertaining to such mobile home park.
6. *Signs.* In a mobile home park all signs and advertising devices shall be as approved by the Board of Aldermen.
7. *Unlawful occupancy.* It shall be unlawful for any person in a mobile home park to use, or cause, or permit to be used for occupancy:
 - a. Any mobile home for which any tire or wheel has been removed except for the purpose of making temporary repairs or placing it in dead storage.
 - b. Any mobile home which is permanently attached with underpinning or foundation to the ground.
 - c. Any mobile home which does not conform with American Standards Institute Codes Number A119.1 and A119.2 and the requirements of the Missouri State Vehicle Code governing the use of mobile homes or recreational vehicles on public highways.
 - d. Any mobile home which does not carry a current yearly license by a State or foreign vehicle department.
 - e. Any mobile home other than a dependent mobile home or recreational vehicle in which the available air space is less than three hundred (300) cubic feet per occupant.

Section 515.040. Site Area and Lot Size Requirements.**[CC 1995 §515.040; CC 1974 §43.040]**

- A. Every mobile home lot shall be a size and shape which will provide reasonable area for private use and development and for convenient placement of one (1) occupied mobile home and shall be identified with an individual site number in logical numerical sequence, and so shown on the official plot plan for the mobile home park.
- B. In no case shall the area of a mobile home lot occupied by a mobile home, awning, carport or other accessory structure or combination thereof exceed fifty percent (50%) of the total lot area.
- C. In new park construction or in construction of park spaces which are not on record with the Board of Aldermen, mobile home lots shall be either:
 1. Where no developed playgrounds or tot lots are provided, the minimum lot size shall be twenty-four hundred (2,400) square feet in area with a minimum width of forty (40) feet and a minimum depth of sixty (60) feet, or
 2. Where a developed playground or tot lot whose minimum size shall be two thousand five hundred (2,500) square feet in area plus one hundred (100) square feet for each mobile home in excess of ten (10), and whose minimum width or depth shall be forty (40) feet is provided, the minimum mobile home lot size may be reduced to one thousand eight hundred (1,800) square feet in area with a minimum depth of sixty (60) feet.
 3. Every new mobile home park shall contain at least three (3) acres of land with a direct access to a public street right-of-way containing a width of at least fifty (50) feet.
 4. Each mobile home shall be placed on a pad at least large enough to cover the entire area underneath any mobile home parked thereon.
 5. Each mobile home pad shall be surfaced with at least three (3) inches of gravel or hard surfaced with asphaltic concrete of minimum thickness of two (2) inches or better.
 6. *Lot requirements.* No mobile home or accessory building shall be located closer than five (5) feet from any side lot line nor closer than ten (10) feet from the front lot lines abutting a service drive and no mobile home shall be located within fifteen (15) feet of another mobile home measured side-by-side or within ten (10) feet of another mobile home measured end-to-end.
 7. No mobile home or accessory building shall be located within the required front, side or rear yards of the mobile home park.
 8. The yard setbacks of the mobile home park shall be a minimum of twenty-five (25) feet from all public rights-of-way and a minimum of fifteen (15) feet from all other abutting property.

9. All park or service buildings shall be located at least eight (8) feet away from any mobile home lot shown on the mobile home park plan.
10. For each mobile home lot there shall be provided and maintained at least one (1) parking space. Each such parking space shall contain a minimum area of one hundred eighty (180) square feet (of dimensions nine (9) feet by twenty (20) feet, or ten (10) feet by eighteen (18) feet) and shall be hard surfaced. If central parking lots are provided, they shall be hard surfaced and each space separated by striping or other adequate means and identified to the official lot number of the occupant and reserved for his/her sole use.
11. The layout and general development plan for major and minor access driveways within the mobile home park, together with the location and dimensions of access junctions with public street rights-of-way, shall be approved by the Board of Aldermen.
12. All access roadways, parking areas and service drives shall be bituminous surfaced or better.
13. Water connections for individual mobile homes shall be provided and located on the same side of the lot as the sewer lateral and shall consist of a riser terminating at least four (4) inches above the ground surface. Such water connection shall be equipped with a shutoff valve and shall be protected from freezing and from damage from mobile home wheels and shall have the ground surface around the riser pipe graded to divert surface drainage away from the connection.
14. All sewage and wastewater from toilets, urinals, slop sinks, bathtubs, showers, lavatories, laundries, and all other sanitary fixtures in a mobile home park shall be drained to a public sewage collection system.
15. Sewer lateral shall be provided at each mobile home lot, be trapped and vented, terminate above grade on the same side of lot as the water connection, be at least four (4) inches in diameter and be equipped with approved leak and fly-proof devices coupling to mobile home drainage systems. Such lateral sewer connections shall be protected at its terminal with a concrete collar at least three (3) inches thick and extending from the connection in all directions. When not in use, the connection shall be capped with a gas-tight plug or similar device.
16. All plumbing in the mobile home park shall comply with the City ordinances of Anderson.
17. Each mobile home space shall be provided with at least a four (4) inch sewer connection. The sewer connection shall be provided with suitable fittings so that a water-tight connection can be made between the mobile home drain and the sewer connection. Such individual home connections shall be so constructed that they can be closed when not linked to a home, and shall be trapped in such a manner as to maintain them in an odor-free condition. Adapters allowing for a tight physical connection shall be on the mobile home, or provided by the mobile home park operator for the use of mobile homes.

18. All electrical work shall be installed and maintained in accordance with the electrical requirements of the National Electrical Code.
19. All gas-burning appliances shall be of an approved vented type and AGA approved.
20. There shall be installed and maintained in a conspicuous and accessible location in every mobile home park fire extinguishers.
21. The owner or operator of a mobile home park shall be responsible for securing the maintenance of all structures and their sites.
22. Every mobile home park shall maintain a manager in charge who shall require all persons using such mobile home park to register in a book kept for that purpose showing the date, the name and address of said person together with the make of automobile and the correct automobile license number. The manager shall preserve such register and endorse upon the same the date of departure of the person or persons registered therein, and it shall be unlawful for any person to make any false entry or alter or permit to be erased any name, address, registration number or other information. The register shall be, at all times, open to inspection by the proper officials of the City of Anderson.
23. Every occupant of a mobile home shall keep in a clean and sanitary condition that part of the premises which he/she occupies and controls.
24. Any mobile home which shall be found to be so damaged, decayed, dilapidated, insanitary or vermin-infested that it creates a nuisance or is a hazard to the health or safety of the occupants or of the public shall be designated as unfit for human habitation. No owner or operator of a mobile home park shall permit a mobile home to remain in the park when the mobile home has been designated as unfit for human habitation.
25. Mobile home park sites shall be well drained, free from trash or litter, and maintained in a clean and sanitary condition.
26. All garbage and rubbish shall be stored in tightly covered, water-proof containers of not less than twenty (20) gallons capacity, nor greater than thirty (30) gallons capacity, unless other means of storage are approved in writing.

Section 515.050. Service Buildings.

[CC 1995 §515.050; CC 1974 §43.050]

- A. Every mobile home park shall be provided with one (1) or more service buildings adequately equipped with flush-type toilet fixtures, lavatories, showers, and laundry facilities for the use of dependent mobile homes.
- B. Service buildings shall be conveniently located not more than two hundred (200) feet from any dependent mobile home space and not less than twenty (20) feet from any mobile home lot.

- C. Service buildings shall be of permanent construction with an interior finish of moisture-resistant material which shall stand frequent washing and cleaning.
- D. The room containing the laundry facilities shall be separate from the toilet rooms and equipped with an exterior entrance.

Section 515.060. Screen Planting.

[CC 1995 §515.060; CC 1974 §43.060]

An ornamental wall, fence or screen planting, acceptable to the Board of Aldermen, and no less than six (6) feet in height, shall be erected and maintained along the side and rear boundaries of a mobile home park. Where, in the opinion of the Board of Aldermen, it is unreasonable to require a wall, fence, or screen planting due to the nature of the existing topography or other existing conditions that might render such wall or fence ineffective, the Board, at its discretion, may waive or modify the requirements as specified in this Chapter.

Section 515.070. Applications, Permits, License Fees and Enforcement.

[CC 1995 §515.070; CC 1974 §43.070]

- A. It shall be unlawful for any person to maintain or operate an occupied mobile home or recreational vehicle in the City of Anderson, unless such mobile home or recreational vehicle is located within a licensed mobile home park, except with the special permission of the Board of Aldermen to be granted only in event of sickness, hardship or practical difficulties, and it is the judgment of the Board of Aldermen that such use will not seriously injure the appropriate use of neighboring property; provided however, that no mobile home shall be permitted to be used as a dwelling anywhere in the City unless it is inspected and found to have a toilet and running water properly connected to the City sewer system or to a septic tank in good working condition.
- B. Operators of mobile home parks and users of mobile homes shall have the following permits:
 - 1. A valid special use permit authorizing the one named thereon to use the premises listed on the permit, subject to certain conditions listed on the permit and in accordance with the approved plan which shall be attached to and be a part of said permit.
 - 2. A valid special use permit authorizing the one named thereon to operate the mobile home park on the premises listed on the permit and to accommodate the number of mobile homes approved by the Board of Aldermen as well as such other licenses as may be required by future ordinances or amendments.
 - 3. A valid mobile home license authorizing the one named thereon to operate the mobile home park on the premises listed on the permit and to accommodate the number of mobile homes approved by the Board of Aldermen as well as such other licenses as may be required by future ordinances or amendments.

4. A valid City building permit authorizing the one named thereon to construct a mobile home park on the premises listed on the permit in accordance with a conditional use permit approved by the Board of Aldermen.
- C. A minimum annual license fee for the operation of any mobile home park in the City of Anderson shall be twenty-five dollars (\$25.00) and the additional sum of one dollar (\$1.00) per annum for each mobile home the park is equipped to accommodate.
- D. All licenses and permits shall be displayed in the office of the mobile home park or in a prominent place within the park.
- E. Whenever inspection of any mobile home park indicates that any provisions of this Chapter or any other applicable law is being violated, the person in charge thereof shall be notified, in writing, of such fact and said notice shall set forth a description of the violations and shall further direct that such violations be remedied by commencing to remedy same within twenty-four (24) hours of receipt of notice and to continue thereafter diligently and continuously until said violation has been abated.
- F. After a written notice of a violation has been submitted and the violation has not been remedied within a reasonable time, or if it appears that any other violation of laws exist, permits and business licenses shall be revoked as herein provided.

