

TITLE V. BUILDING AND CONSTRUCTION

Cross Reference—As to construction specifications for water and sanitary sewer lines, see exhibit 1 of ord. no A-6275, enacted May 10, 1996, which is on file in the city offices.

CHAPTER 500: BUILDING REGULATIONS

Cross References—As to building requirements for shooting gallery, see §605.040; as to mobile homes and mobile home parks generally, see ch. 410; as to sewers and sewage disposal generally, see ch. 705; as to moving buildings or houses on streets, alleys, etc., see §510.060; as to zoning generally, see ch. 400; as to fire prevention code adoption, see §§205.110–205.130 of this code.

ARTICLE I. BUILDING CODE

SECTION 500.010: ADOPTION OF BUILDING CODE

A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Monett, Missouri and one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the International Building Code (2006), including Appendix Chapters C, H, I, J, as published by the International Code Council, Inc., be and is hereby adopted as the Building Code of the City of Monett, Missouri, for the control of building and structures as herein provided; and for each and all regulations, provisions, penalties, conditions and terms of said Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, prescribed in Section 500.020 of this Article. (CC 1979 §5-1; Ord. No. A-5328 §1, 12-24-90; Ord. No. A-7084 §1, 10-26-01; Ord. No. A-7085 §1, 10-26-01; Ord. No. 8045, 5-20-11)

SECTION 500.020: ADDITIONS, INSERTIONS AND CHANGES

The following Sections are hereby revised:

Section 101.1 Insert: The City of Monett, Missouri.

Section 1612. Shall be deleted in its entirety.

Section 3203.3.1 Revise to read: *Awnings, canopies, marquees and signs.* Awnings, canopies, marquees and signs shall be constructed so as to support the applicable loads as specified in Chapter 16. Awnings, canopies, marquees and signs shall not extend into or occupy more than two-thirds ($\frac{2}{3}$) of the sidewalk or two-thirds ($\frac{2}{3}$) of the width of the parkway as measured from the lot line. Stanchions or columns that support awnings, canopies, marquees, balconies, signs or similar structures shall not bear directly on the sidewalk or on the public right-of-way.

Section 3203.3.3 Shall be deleted in its entirety.

§ 500.020
§ 500.030

Monett City Code

Section 3410.2 Insert: December 24, 1990.

(CC 1979 §5-2; Ord. No. A-5328 §3, 12-24-90; Ord. No. A-5669 §1, 3-10-93; Ord. No. A-5680 §1, 3-23-93; Ord. No. A-7084 §1, 10-26-01; Ord. No. A-7085 §2, 10-26-01; Ord. No. 7338 §§1–2, 7-23-03; Ord. No. 8045, 5-20-11)

SECTION 500.030: FEE SCHEDULE

The following building permit fee schedule is hereby adopted:

**Residential Homes,
Duplexes, Apartments,
Additions, etc.**

**Garages, Detached
Accessory Buildings etc.**

**Substantial
Improvements
Over \$1,000.00**

\$.10/square feet

\$.05/square feet

\$3.00/\$1,000.00

Commercial and Industrial

\$3.00/\$1,000.00

If contract price includes electrical/plumbing/mechanical, the fee will be computed as above.
If the electrical/plumbing/mechanical is separate, the fee will be computed as below.

Electrical

Plumbing

Mechanical

*\$5.00/100 amps or
fraction thereof*

*\$0.75/ water-using
fixture*

Included in basic fee

*(\$10.00/200 amps,
\$3.00/60 amps, etc.)*

\$0.75/ hot-water heater etc.

(These rates apply to new residential, remodeling, additions and commercial work that is not bid as part of a contract.)

Other

Substantial improvements over \$500.00..... \$1.50/\$1,000.00
Substantial improvements under \$500; no permit and no fee, but Code compliance still required.
(Substantial improvements excludes ordinary repairs, etc.)

Residential additions..... \$1.50/\$1,000.00
Remodeling \$1.50/\$1,000.00

If building plans or documents provided as part of a building permit application that, in the opinion of the Building Inspector, requires review by a consultant under contract with the City to provide such services, the costs associated with the review shall be included in the building permit fee charged to the applicant. (CC 1979 §5-4; Ord. No. A-5328, 12-24-90; Ord. No. A-7095, 10-26-01; Ord. No. 7983 §1, 6-21-10)

ARTICLE II. ELECTRICAL CODE

SECTION 500.040: ADOPTION OF ELECTRICAL CODE

A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Monett, Missouri and one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the National Electrical Code (2005), including applicable Appendix Chapters, as published by the National Fire Protection Association, be and is hereby adopted as the Code of the City of Monett, Missouri, for regulating the design, construction and installation of electrical conductors, equipment and systems in buildings or structures. (Ord. No. A-7084 §1, 10-26-01; Ord. No. A-7087 §1, 10-26-01; Ord. No. 8045, 5-20-11)

ARTICLE III. PLUMBING CODE

SECTION 500.050: ADOPTION OF PLUMBING CODE

A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Monett, Missouri and one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the International Plumbing Code (2006), including Appendix Chapters B, D, F, as published by the International Code Council, be and is hereby adopted as the code of the City of Monett, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Monett and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, 2006 Edition, published by the International Code Council on file in the office of the City Clerk, are hereby referred to, adopted and made a part hereof, as if fully set out in the Section, with the additions, insertions, deletions, and changes, if any, prescribed in Section 500.060 of this Article. (Ord. No. A-7084 §1, 10-26-01; Ord. No. A-7086 §1, 10-26-01; Ord. No. 8045, 5-20-11)

SECTION 500.060: ADDITIONS, INSERTIONS AND CHANGES

The following Sections are hereby revised as follows:

Section 101.1 Insert: City of Monett, Missouri.

Section 106.6 Shall be deleted in its entirety.

Section 108.4 Insert: Misdemeanor, five hundred dollars (\$500.00), one hundred (100) days.

Section 108.5 Insert: (Five hundred \$500.00 dollars), (One hundred 100 days.)

Section 303.5 Materials of Construction Insert: Notwithstanding any other provisions of this code, connection of PVC water service lines to water meter yokes shall not be by means of threaded PVC connectors, but shall be by means of threaded brass nipples and PVC compression-type adaptors. Connection of buildings to City

sewer mains shall be by means of Schedule 40 PVC pipe in minimum four (4) inch size.

§ 500.060

Monett City Code

§ 500.080

Section 305.6.1 Insert: Twelve (12) inches.

Section 904.1 Insert: Twelve (12) inches.

(Ord. No. A-7084 §1, 10-26-01; Ord. No. A-7086 §2, 10-26-01; Ord. No. 7668, 6-20-06; Ord. No. 8045, 5-20-11)

ARTICLE IV. MECHANICAL CODE

SECTION 500.070: ADOPTION OF MECHANICAL CODE

A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Monett, Missouri and one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the International Mechanical Code (2006), including Appendix Chapter A, as published by the International Code Council, be and is hereby adopted as the code of the City of Monett, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Monett and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Mechanical Code, 2006 Edition, published by the International Code Council on file in the office of the City Clerk, are hereby referred to, adopted and made a part hereof, as if fully set out in the Section, with the additions, insertions, deletions, and changes, if any, prescribed in Section 500.080 of this Article. (Ord. No. A-7084 §1, 10-26-01; Ord. No. A-7088 §1, 10-26-01; Ord. No. 8045, 5-20-11)

SECTION 500.080: ADDITIONS, INSERTIONS AND CHANGES

The following Sections are hereby revised as follows:

Section 101.1 Insert: The City of Monett, Missouri.

Section 106.5 Shall be deleted in its entirety.

Section 108.4 Insert: Five hundred dollars (\$500.00), one hundred (100) days.

Section 108.5 Insert: Five hundred dollars (\$500.00), one hundred (100) days.

Section 905 Insert: Fireplace Stoves and Room Heaters.

Section 918 Insert: Forced-Air Warm-Air Furnaces.

Section 905 & 918 Insert: Outdoor wood-burning stoves and furnaces shall be supported by a pad constructed of concrete and reinforced to carry the imposed loads, but not less than three and one-half (3½) inches in thickness. The pad shall extend at least twenty (20) inches in front and twelve (12) inches beyond each side

of the firebox opening. The appliance shall have a continuous foundation of solid concrete or grouted masonry.

(Ord. No. A-7084 §1, 10-26-01; Ord. No. A-7088 §2, 10-26-01; Ord. No. 7965 §1, 3-19-10; Ord. No. 8045, 5-20-11)

ARTICLE V. PROPERTY MAINTENANCE CODE

SECTION 500.090: ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Monett, Missouri and one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the International Property Maintenance Code (2006), as published by the International Code Council Inc., be and is hereby adopted as the Property Maintenance Code of the City of Monett, Missouri, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, prescribed in Section 500.100 of this Article. (Ord. No. A-7091 §1, 10-26-01; Ord. No. 8045, 5-20-11)

SECTION 500.100: ADDITIONS, INSERTIONS AND CHANGES

The following Sections are hereby revised:

Section 101.1 Insert: The City of Monett, Missouri.

Section 302.8 Motor Vehicles. Insert: "No more than one" to appear as follows: Except as provided for in other regulations, no more than one (1) inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises.

Section 304.14. Delete: "During the period from date to date."

Section 602.3 Delete: "to furnish heat to the occupants thereof", and add "October 1 to April 30".

Section 602.4 Insert: "October 1 to April 30".

(Ord. No. A-7091 §2, 10-26-01; Ord. No. 7638 §1, 2-21-06; Ord. No. 8045, 5-20-11)

ARTICLE VI. PRIVATE SEWAGE DISPOSAL

CODE

SECTION 500.110: PRIVATE SEWAGE DISPOSAL CODE ADOPTED

A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Monett, Missouri and one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the International Private Sewage Disposal Code (2006), including applicable Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the code of the City of Monett, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to,

use or maintenance of sewage systems in the City of Monett and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Private Sewage Disposal Code, 2006 Edition, published by the

§ 500.110

Monett City Code

§ 500.122

International Code Council on file in the office of the City Clerk, are hereby referred to, adopted and made a part hereof, as if fully set out in the Section, with the additions, insertions, deletions and changes, if any, prescribed in Section 500.115 of this Article. (Ord. No. A-7084 §1, 10-26-01; Ord. No. A-7092 §1, 10-26-01; Ord. No. 8045, 5-20-11)

SECTION 500.115: ADDITIONS, INSERTIONS AND CHANGES

The following Sections are hereby revised:

Section 101.1 Insert: The City of Monett, Missouri.

Section 106.4 Shall be deleted in its entirety.

Section 108.4 Insert: Misdemeanor, five hundred dollars (\$500.00), one hundred (100) days.

Section 108.5 Insert: Five hundred dollars (\$500.00), one hundred (100) days.

(Ord. No. A-7084 §1, 10-26-01; Ord. No. A-7092 §2, 10-26-01; Ord. No. 8045, 5-20-11)

SECTION 500.120: JURISDICTIONAL TITLE

Throughout the BOCA National Private Sewage Disposal Code, 1990 Second Edition, wherever the terms "*Name of Jurisdiction*" or "*Local Jurisdiction*" appear it shall be deemed to mean the City of Monett, Missouri, likewise wherever the term "*Department of Inspection*" appears it shall be deemed to mean the Department of Building Inspection.

ARTICLE VII. FUEL GAS CODE

SECTION 500.121: ADOPTION OF FUEL GAS CODE

A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Monett, Missouri and one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the Fuel Gas Code (2006), as published by the International Code Council, be and is hereby adopted as the code of the City of Monett, Missouri, for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, prescribed in Section 500.122 of this Article. (Ord. No. A-7084 §1, 10-26-01; Ord. No. A-7090 §1, 10-26-01; Ord. No. 8045, 5-20-11)

SECTION 500.122: ADDITIONS, INSERTIONS AND CHANGES

The following Sections are hereby revised:

Section 101.1 Insert: The City of Monett, Missouri.

§ 500.122
§ 500.127

Building Regulations

Section 106.5 Shall be deleted in its entirety.

Ord. No. A-7084 §1, 10-26-01; Ord. No. A-7090 §2, 10-26-01; Ord. No. 8045, 5-20-11)

CODE **ARTICLE VIII. ENERGY CONSERVATION**

SECTION 500.123: ADOPTION OF ENERGY CONSERVATION CODE

A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Monett, Missouri and one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the Energy Conservation Code (2006), including applicable Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the code of the City of Monett, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the building envelope, mechanical, lighting and power systems in the City of Monett and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such Energy Conservation Code, 2006 Edition, published by the International Code Council on file in the office of the City Clerk, are hereby referred to, adopted and made a part hereof, as if fully set out in the Section, with the additions, insertions, deletions, and changes, if any, prescribed in Section 500.125 of this Article. (Ord. No. A-7084 §1, 10-26-01; Ord. No. A-7093 §1, 10-26-01; Ord. No. 8045, 5-20-11)

SECTION 500.125: ADDITIONS, INSERTIONS AND CHANGES

The following Section is hereby revised:

Section 101.1 Insert: The City of Monett, Missouri.

(Ord. No. A-7084 §1, 10-26-01; Ord. No. A-7093 §2, 10-26-01; Ord. No. 8045, 5-20-11)

CODE FOR **ARTICLE IX. INTERNATIONAL RESIDENTIAL**
ONE- AND TWO-FAMILY DWELLINGS

SECTION 500.127: ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS

A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Monett, Missouri and one (1) copy of which is on file at the Barry-Lawrence Regional Library, being marked and designated as the International Residential Code (2006), including Appendix Chapters G, H, J, K, as published by the International Code Council, be and is hereby adopted as the code of the City of Monett, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or

maintenance of one- and two-family dwellings and town houses not more than three (3) stories in height in the City of Monett, and providing for the issuance of permits and collections of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2006 are hereby referred to, adopted and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions, and changes, if any, prescribed in Section 500.129 of this Article. (Ord. No. A-7094 §1, 10-26-01; Ord. No. 8045, 5-20-11)

SECTION 500.129: ADDITIONS, INSERTIONS AND CHANGES

The following Sections are hereby revised:

Section R101.1 Insert: The City of Monett, Missouri.

Section R301.2(1). Insert the following:

Climatic And Geographical Design

Ground snow load	20 psf
Wind speed	90 mph
Seismic design category	B
Weathering	Severe
Frost line depth	24 inches
Termite infestations	Moderate to heavy
Decay	Slight to moderate
Winter design temperature	9 degrees F
Flood hazard	FIRM Flood Insurance Rate Map Community Number 290023 Panel Numbers 0033, 0037, 0041, 0042, 0043, 0044, 0050 Effective Date August 16, 2006

Section P2603.6.1 Insert: Twelve (12) inches.

Section R-403.1.3.1 Revised to read as follows:

"... and two number 4 bars at the bottom placed approximately 8" apart and 2" to 4" above the bottom of the footing."

(Ord. No. A-7094 §2, 10-26-01; Ord. No. 7339 §1, 7-23-03; Ord. No. 8045, 5-20-11)

ARTICLE X. GENERAL PROVISIONS

SECTION 500.130: SAVINGS CLAUSE

Nothing in this Chapter or in any of the Codes adopted in this Chapter shall be construed to affect any suit or proceeding now pending in any Court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under this Chapter existing prior to the adoption of these Codes; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Chapter. (CC 1979 §5-3; Ord. No. A-5328 §4, 12-24-90)

SECTION 500.140: PENALTY

Any person convicted of violating any of the provisions of the Codes adopted by this Chapter shall be punished by a fine not to exceed five hundred dollars (\$500.00) and costs, or imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.

**ARTICLE XI. LANDSCAPING AND OPEN
SPACE REGULATIONS**

SECTION 500.150: PURPOSE

The purpose of this Article is to encourage areas of established native trees to be preserved within a development site, to properly protect these preserved areas during construction and to ensure a minimum level of green space as an integral part of new development. This Article provides standards and criteria for landscaping which are intended to enhance the value of property, provide buffers between dissimilar areas of use, improve the physical appearance of the City, maintain an ecological balance, increase green space which will reduce water runoff, flooding, erosion, water pollution, noise, glare, heat and visual blight. Landscape methods which conserve water through the use of drought tolerant plants and planting techniques are to be encouraged. (Ord. No. 8032, 3-21-11)

SECTION 500.160: APPLICABILITY

The requirements of this Article are deemed to be minimum standards and shall apply to all new construction approved for development within the City of Monett, after the date this Article is adopted, with the following exceptions:

- 11 Additions to existing structures that are under ten percent (10%) of the gross floor area of the building or five (5,000) thousand square feet, whichever is less.
- A.2. An application for alternative landscaping schemes is justified only when one (1) or more of the following conditions apply. In such a case, the applicant shall describe in a letter to the Monett Building and Zoning Department which of the requirements set forth in this Article will be met with modifications, which project conditions justify using alternatives and how the proposed measures equal or exceed normal compliance. The request will be evaluated on a case-by-case basis.
 - A.2.a. The site involves space limitations or unusually shaped parcels.
 - A.2.b. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical.
 - A.2.c. Safety considerations require a change.
- A.3. Landscaping, screening and buffer yard standards shall apply to all applicable situations, regardless of requests from adjoining property owners to omit the same.
- A.4. Single-family and multi-family units that do not exceed four (4) dwelling units shall be exempt from the requirements set forth in this Article unless alternative parking lots or vehicular use areas are provided, in which case the Building and Zoning Department may require the development to conform to the standards and criteria of this Section. (Ord. No. 8032, 3-21-11)

SECTION 500.170: CONFLICTS

If any provision of this Article shall conflict with other ordinances or regulations, the more stringent limitation or requirement shall apply. (Ord. No. 8032, 3-21-11)

SECTION 500.180: ENFORCEMENT

The provisions of this Article shall be administered and enforced by the Monett Building and Zoning Department. If at any time after the issuance of a certificate of occupancy the Building and Zoning Department determines that the approved landscaping does not conform to the standards and criteria of this Section, a notice shall be issued to the owner and to any known tenant or agent citing the violations and describing what action is required to comply with this Article. The owner, tenant or agent shall have thirty (30) days from the date of said notice to restore the landscaping to its previous compliant condition, as required. If the landscaping is not restored within the allotted time or arrangements have not been made in conformance with this Article, such person shall be in violation of this Article and the same shall be subject to prosecution in the Municipal Division of the Circuit Court in and for the City of Monett, Missouri. Penalties for such violations shall include a fine of up to five hundred dollars (\$500.00) and costs or imprisonment for a period not to exceed ninety (90) days. Each day the property remains in violation of this Article, after due notice has been given, shall be deemed a separate offense subject to punishment as provided herein. (Ord. No. 8032, 3-21-11)

SECTION 500.190: PERMITS

- B. No permits shall be issued for the improvement of any site, the construction of any building or the establishment of any use for which a landscaping plan is required by this Article until such plan has been submitted to and approved by the Building and Zoning Department.
- C. Prior to the issuance of a certificate of occupancy for any building or structure subject to the provisions of this Article, all screening and landscaping shall be in place in accordance with the landscape plan required in this Article.
- D. Standards have been established for installation of all plant materials within the City of Monett. These requirements must be followed in order to receive approval of the site work and final occupancy or approval of the development. The Building and Zoning Department has the authority to deny the issuance of a final occupancy permit until landscaping is installed according to the requirements of this Article are satisfied as determined by the site inspector.
- E. The Building and Zoning Department may approve temporary occupancy permits if occupancy is sought at a season of the year in which it is impractical to plant trees, shrubs or to lay turf. The applicant shall submit a written request for a temporary occupancy permit. The request shall include an estimated time frame of when the landscaping plan will be completed. This temporary occupancy permit will be valid for a period not to exceed six (6) months from the date of the written request. (Ord. No. 8032, 3-21-11)

SECTION 500.200: REQUIREMENTS OF LANDSCAPE PLAN

- A. The landscaping plan shall provide, to the maximum extent practical, for the preservation of existing trees. It is the intent of this Article to discourage the practice of removing all trees in the improvement or development of properties within the City limits. Plans which provide for clear cutting of existing trees shall be approved by the Building and Zoning Department only if the

developer or contractor establishes by clear and convincing evidence that the prohibition of clear cutting substantially and unreasonably restricts his or her ability to develop the property, and that the development will not be economically viable unless clear cutting is permitted.

- B. The landscaping plan may be submitted concurrently with the site plan. The Building and Zoning Department shall review such plans and shall approve them if the plans are in accordance with the criteria in this Article. If the plans are not in accordance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary to bring the plans into compliance.
- C. Landscape plans shall contain the following information:
- C.1. A minimum scale of one (1) inch equals fifty (50) feet;
 - C.2. The location, general type and viability of existing vegetation, including trees to be preserved;
 - C.3. The location of all plant and other landscape materials such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights and courts or paved areas;
 - C.4. Plant lists or schedules with the botanical and common names, general description (canopy, understory, ornamental or evergreen, shrub, grass, etc.), quantity, spacing and size of all property landscape material at the time of planting;
 - C.5. The person, architect or company responsible for the landscape plan, together with all necessary contact information. (Ord. No. 8032, 3-21-11)

SECTION 500.210: MAINTENANCE

The owner of the property shall be responsible for maintaining, in a neat and orderly manner at all times, the landscaping required by this Article. Plant materials shall be maintained in a healthy and growing condition during the appropriate seasons. Plant materials which die shall be replaced with healthy plant material of similar variety and meeting the size requirements of this Article. (Ord. No. 8032, 3-21-11)

SECTION 500.220: GENERAL STANDARDS

The following criteria and standards shall apply to landscape materials and installation:

1. *Quality.* All trees and shrubs used in conformance with the provisions of this Chapter shall have well-developed leaders and tops, roots characteristic of the species, and shall show evidence of proper nursery pruning. All plant materials must be free of insects, diseases, mechanical injuries and other objectionable features at the time of planting.
2. *Coverage.* Grass, ground cover, shrubs and other living landscape materials shall be used to cover all open ground. Landscaping materials, such as mulch, bark, etc., can be incorporated into a landscape plan where appropriate.
3. *Trees.* Trees referred to in this Section shall be of a species common to or adapted to this area of Missouri. Tree diameter shall be taken six (6) inches above grade. Trees shall have the following characteristics:

- .3.a. Canopy trees shall be deciduous trees that have a minimum height of thirty (30) feet at maturity. All canopy trees shall have an outside caliper width of one and one-half (1½) inches at time of planting.

- .3.b. Understory trees shall be deciduous trees that have a maximum height of less than thirty (30) feet at maturity. All understory trees shall have an outside caliper width of one (1) inch at time of planting.
- .3.c. Ornamental trees shall be flowering deciduous trees. All ornamental trees shall have an outside caliper width of one (1) inch at time of planting.
- .3.d. Evergreen or conifer trees shall have a minimum height of twenty (20) feet at time of maturity. All evergreen or conifer trees shall be at least four (4) feet high at time of planting.
- 4. *Shrubs and hedges.* Shrubs shall be a minimum of eighteen (18) inches in height when measured immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will be at least three (3) feet in height within one (1) year after time of planting.
- 5. *Ground cover.* Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after time of planting.
- 6. *Lawn grass.* Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales, berms or other areas subject to erosion.
- 7. *Credit for existing trees.* Any trees preserved on site in required buffer yards, interior landscaping and perimeter landscaping areas and meeting the specifications in this Section may, at the discretion of the Building and Zoning Department, be credited toward meeting the tree requirements of any landscaping provision of this Section. Any tree for which credit is given shall be in a condition that encourages long-term survival and in a location that conforms to the intent and standards of this Section.

<i>Existing Tree</i>	<i>Size</i>	<i>Credit</i>
Canopy	2–3 inches	1
	3–6 inches	2
	> 6 inches	3
Understory	1½ inches–3 inches	1
	3–6 inches	2
	> 6 inches	3
Ornamental	1–2 inches	1
	2–5 inches	2
	> 5 inches	3
Evergreen	5–8 feet	1
	8–12 feet	2
	> 12 feet	3

To receive credit, trees must be located in the landscape area. Each credit may be used in lieu of the planting of one (1) tree. The existing tree must satisfy the requirements of this Section.

- .1.a. Trees of exceptional quality due to size, large canopy cover, trunk diameter, rareness, age or species located anywhere on the site may, at the discretion of the Building and Zoning Department, be credited as three (3) in computing the minimum requirements in landscaping areas.
- .1.b. Existing trees which are preserved and receive credit shall be marked on the landscape plan and the amount of credit shall be indicated. Any trees which receive credit and are later removed or die because of damage sustained during the construction process, because of insufficient protection or maintenance shall be replaced with the number of trees for which credit was received.
- .2. *Fences.* Existing fences located on adjacent properties or on property lines shall not be credited towards fulfilling the requirements of this Article. All required fences shall be constructed inside property boundaries preventing the removal by adjacent property owners. (Ord. No. 8032, 3-21-11)

SECTION 500.230: MINIMUM REQUIREMENTS FOR OFF-STREET PARKING LOTS AND VEHICULAR USE AREAS

The interior and perimeter of parking lots and vehicular use areas, for uses requiring site plans, shall be landscaped in accordance with the following criteria. Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards.

- .1. *Interior landscaping.* For sites containing parking and vehicular use areas totaling fifteen (15) or more parking spaces or where the gross area is six thousand (6,000) or more square feet, a minimum of ten percent (10%) of the parking or vehicular use area shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees. Gross parking area shall be determined by calculating the total area used for parking, including circulation aisles. These plantings may be grouped in such a way as to provide visual appeal. Additional criteria shall apply to the interior parking and vehicular use areas:
 - .1.a. Interior landscape areas shall be protected from vehicular encroachment or overhang through appropriate wheel stops or curbs.
 - .1.b. There shall be a minimum of one (1) canopy tree or two (2) understory trees or ornamental trees planted for each fifteen (15) parking spaces or six thousand (6,000) square feet of parking or vehicular use area. For every tree planted in the required ten percent (10%) areas, four (4) shrubs shall be planted. The planted areas may be sodded or mulched.
 - .1.c. Interior areas of parking and vehicular use areas shall contain planting islands located so as to best relieve the expanse of paving. Interior planting areas shall be a minimum of one hundred (100) square feet for each understory tree and two hundred (200) square feet for each canopy tree dimensioned in such a way as to provide a suitable area for planting.

.2. *Perimeter landscaping.*

- .2.a. Perimeter landscaping shall be provided where a parking lot or vehicular use area is within fifty (50) feet of a public right-of-way and there is not an intervening building.

- .2.b. Perimeter landscaping shall be protected from vehicular encroachment or overhang through appropriate wheel stops, curbs or setback distance.
- .2.c. Perimeter landscape areas shall contain one (1) canopy tree, two (2) understory, ornamental or evergreen trees and four (4) shrubs per one hundred (100) linear feet. Where utility lines, easements, the width of the landscape area or other conditions not under the control of the developer would not allow canopy trees, each required canopy tree may be replaced by two (2) understory, ornamental or evergreen trees, or in this area, in lieu of one (1) tree, eight (8) shrubs (measured at eighteen (18) inches after planting) or eight (8) perennial bed plantings (measured at one (1) gallon size at planting) will meet the landscape requirements. Where a perimeter landscape area is less than fifty (50) linear feet, only one (1) canopy tree or two (2) understory, ornamental or evergreen trees are required in addition to four (4) shrubs. Required trees and shrubs may be clustered to allow for the most effective use of landscaping. The remaining area shall be landscaped with grass or other ground cover.
- .2.c.(1) Whenever an off-street parking or vehicular use area abuts a public right-of-way, a perimeter landscape area at least eight (8) feet in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular use area.
- .2.c.(2) Perimeter landscaping shall be provided where an off-street parking or vehicular use area abuts another; a perimeter landscaped strip at least eight (8) feet in depth shall be maintained between the abutting off-street parking and vehicular use areas. This prevents two (2) adjacent lots from becoming one (1) large expanse of paving.
- .2.c.(3) Necessary accessways from the public right-of-way shall be permitted through all landscaping. (Ord. No. 8032, 3-21-11)

SECTION 500.240: EXEMPTION FOR PROPERTY IN DOWNTOWN BROADWAY DISTRICT

Due to the unique nature of those properties located along Broadway, between Second (2nd) and Ninth (9th) Streets, those properties are exempt from this Article unless off street-parking or recreational areas are provided, in which case the Building and Zoning Department may require the development to conform to the standards for interior and perimeter landscaping. (Ord. No. 8032, 3-21-11)

SECTION 500.250: BUFFERING AND SCREENING REQUIREMENTS

- A. *Applicability.* All plans submitted in support of a final development plan or a building permit shall include a detailed drawing of applicable screening methods. Such drawing may be included as part of the landscape plan. No buffer or screening requirement located on an adjacent property may be utilized as a portion of a required buffer or screen, or allowed to be used in a trade-off or modification of a standard.
- B. *Trash Bin Screening.* Commercial, office, industrial, and multi-family apartments shall include on the landscape plan a detailed drawing of enclosure and screening methods to be used in connection

with trash bins and equipment areas on the property. No trash bin shall be visible from off the property, and a permanent masonry or frame enclosure shall be provided for such bin.

- C. *Buffering Requirements.* Development of property zoned (C) Commercial, (D) Industrial, (LD) Light Industrial, or (LC) Light Commercial. When a new structure and/or development are proposed which directly abuts a residential use area, a buffer yard shall be required along all rear and side properties that adjoin these residential areas. The buffer yard standards shall be a landscaping barrier twenty (20) feet in width consisting of a minimum six (6) foot tall solid board or masonry fence, with the following plantings placed on the residential side, within every one (100) hundred linear feet.

<i>Required Plantings per 100 Linear Feet</i>
3 canopy trees
2 understory trees
4 evergreen trees
16 shrubs

- . *Trees.* Trees and shrubs referred to in this Section shall be of the same criteria and standards listed in Section 500.220 General Standards.
- A. *Existing Screening.* No existing screening or landscape buffer shall be removed from any developed or undeveloped commercial, industrial, light industrial or light commercial property which directly abuts a residentially zoned property without first submitting and obtaining approval for a landscaping plan which provides for replacement screening conforming to all provisions of this Section.
- B. *Sight Triangle.* On a corner lot in any zoning district, no plantings or fence shall be placed in such a manner as to impede vision within the intersection.
- C. Where utility lines, easements, the width of the landscape area or other conditions not under the control of the developer. Plantings within utility easements shall be limited to ornamental trees, shrubs and hedges, and ground cover. Each required canopy tree may be replaced by two (2) understory or ornamental trees to reduce conflicts with overhead utilities. Plantings in or adjacent to a utility easement shall be coordinated with the utility. (Ord. No. 8032, 3-21-11)

CHAPTER 505: DANGEROUS BUILDINGS OR STRUCTURES

SECTION 505.010: PURPOSE

The purpose of this Chapter is to provide for the mandatory vacation, demolition or repair and maintenance of buildings or structures within the corporate limits of the City of Monett which are detrimental to the health, safety or welfare of City residents and declared to be a public nuisance. (CC 1979 §5-95; Ord. No. A-4760 §1, 5-9-86)

SECTION 505.020: DEFINITIONS

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

BUILDING INSPECTOR: Any person appointed as such by the City Council, who shall serve in that capacity at the pleasure of the City Council and who is hereby empowered to enforce the provisions of this Chapter.

DANGEROUS BUILDINGS OR STRUCTURES: All buildings or structures, portions or parts of a building or remains of a building or structure which may have any of the following defects shall be deemed a dangerous building and a nuisance and such conditions or defects are hereby declared to be detrimental to the life, health, property, safety or welfare of the public, or the occupants thereof:

- .1. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third (1/3) of the base.
- .2. Whenever any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or snow than is required in the case of similar new construction.
- .3. Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, decay, vandalism or faulty construction or the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building, or the deterioration, decay or inadequacy of its foundation, or any other cause, is likely to partially or completely collapse.
- .4. Whenever the building or structure, exclusive of the foundation, shows substantial damage or deterioration of the supporting or non-supporting members, or enclosing or outside walls or wall coverings.
- .5. Whenever the building or structure has 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.
- .6. Whenever any portion thereof has been damaged by fire, earthquake, tornado, wind, flood, vandals or any other cause, to such an extent that the structural strength or stability thereof is

materially less than it was before such a catastrophe or damage and is less than the minimum requirements of this Code for similar new construction.

- .7. Whenever a door, aisle, passageway, stairway, fire escape or other means of egress is not sufficient width or size, or is damaged, dilapidated, obstructed or otherwise unusable, or so arranged so as not to provide safe and adequate means of egress in case of fire or panic.
- .8. Whenever any portion or member or appurtenance thereof (i.e., porch, chimney or sign) is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- .9. Whenever any building or structure has any portion, member or appurtenance, or ornamentation on the exterior thereof, which is not of sufficient strength or stability, or is not so anchored, attached or fastened in place as to be capable of safely resisting wind pressure, or snow or other loads.
- .10. Whenever the building or structure, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, trash, filth, inadequate light, air ventilation or sanitation facilities, or otherwise is determined to be unsafe, unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
- .11. Whenever for any reason the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- .12. Whenever the building or structure or land it occupies exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure or land provided by this Chapter or other applicable laws or ordinances of the State or City relating to the condition, use, location or maintenance of the building, structure or land.
- .13. Whenever the building or structure has become an attractive nuisance to children or is open to unauthorized or unlawful entry.
- .14. Whenever the building or structure, because of obsolescence, dilapidated condition, deterioration, damage, trash and debris, unsafe exits, lack of sufficient fire-resistive construction, unsafe electrical wiring, gas connections or heating apparatus, previous fires or other cause, is determined to be a fire hazard or is a fire hazard under the Monett City Code.
- .15. Whenever the electrical system is totally or partially damaged, destroyed, removed or otherwise made inoperable, unsafe or hazardous.
- .16. Whenever the plumbing system is totally or partially damaged, destroyed, removed or otherwise made inoperable or unsanitary.
- .17. Whenever the mechanical system or any portion of the mechanical system is totally or partially damaged, destroyed, removed or otherwise made inoperable or unsafe.
- .18. Whenever the building or structure is in such condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
- .19. Whenever any portion of a building or structure remains on a site when construction or demolition work is abandoned.

DETERIORATION: The condition or appearance of a building or part thereof characterized by evidence of physical decay or neglect, excessive use or lack of maintenance or any combination of such characteristics.

DILAPIDATED: No longer adequate for the purpose or use for which the building or structure was originally intended.

DWELLING: Any building which is wholly or partially used or intended to be used for living or sleeping by human occupants.

OCCUPANT: Any person holding a written or oral lease or who occupies the whole or any part of a structure or building, either alone or with others.

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

- .1. Shall have legal title to any building or structure, with or without actual possession thereof; or
- .2. Shall have charge, care or control of any structure or building as the owner or agent of the owner, or as personal representative, trustee or guardian of the person or estate of the owner. Any such persons thus representing the actual owner shall be bound to comply with the provisions of this Chapter, and the rules and regulations adopted pursuant thereto, to the same extent as if he/she were the owner.

PERSON: Any individual, firm, corporation, trust, association, partnership or joint venture.

REPAIR: To restore to a sound and acceptable state of operation, serviceability or appearance. Repairs shall be expected to last approximately as long as would the replacement by new items.

REPLACE: To remove an existing item or portion of a system and to construct or install a new item of similar or improved quality as the existing item when new. Replacement will ordinarily take place when the item is beyond repair.

SAFE: The condition of being free from danger and hazards which may cause accidents or disease.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.
(CC 1979 §5-96; Ord. No. A-4760 §1, 5-9-86)

SECTION 505.030: STANDARDS FOR VACATION, REPAIR OR DEMOLITION

In any case where a building or structure is found to be dangerous, the following standards shall be used by the Building Inspector and the Building Board in ordering vacation, repair or demolition:

- .1. If the dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of the public or the occupants, it shall be ordered vacated.
- .2. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Chapter, it shall be ordered repaired. An order to repair may include a requirement to close and secure any or all exterior openings.

- .3. In any case where a dangerous building is damaged, decayed or deteriorated to a degree that it is not feasible to rehabilitate such building or is not structurally safe, the building or any portion thereof shall be ordered demolished.

- .4. If the evidence does not support a finding that the building or structure is a dangerous building, no order shall be issued. (CC 1979 §5-97; Ord. No. A-4760 §1, 5-9-86)

SECTION 505.040: DUTIES OF BUILDING INSPECTOR(S)

The duties of the Building Inspectors shall include, but not be limited to, the following:

- .1. Inspect any building or portion thereof or any structure which is or may be existing in violation of this Chapter.
- .2. Report to the Building Board all buildings, structures or portions thereof deemed to be an emergency as defined in this Chapter.
- .3. Except in emergency cases, report buildings to the Building Board and notify in writing all parties of any building or structure which, in the opinion of the Inspector, is considered to be a dangerous building. The notice, which shall be a "Declaration of Nuisance," as contemplated by Section 67.410(3) RSMo., shall include a statement that the owner and all other interested parties shall have a right and duty to obtain a building permit or permit for demolition from the Building Department and to start repair or demolition within ten (10) days after receipt of such notice. The notice shall be served by personal service or by certified mail, with return receipt requested. If service cannot be had by either of these modes of service, then service may be had by publication. Where service is had by publication as permitted by Section 67.410(3) RSMo., a courtesy notice, which shall include the text sent to the newspaper for publication, shall be posted on the dangerous building by the Inspector, but if such courtesy notice is altered, defaced or removed, there shall be no duty to replace or renew such courtesy notice, which constitutes and shall be construed to be notice in addition to that required by State law.
- .4. Report to the Building Board any non-compliance with the notice.
- .5. Appear and testify at all hearings conducted by the Building Board.
- .6. Authorize issuance of building permits after sufficient information has been received, including plans and specifications deemed necessary.
- .7. Issue a stop order to the owner or anyone doing or causing work of any kind in a building which has been determined by a Building Inspector to be a dangerous building, when no active building, demolition or moving permit exists or when work done is contrary to the provisions of this Chapter. (CC 1979 §5-98; Ord. No. A-4760 §1, 5-9-86)

SECTION 505.050: BUILDING BOARD—ESTABLISHMENT AND COMPOSITION

- A. *Establishment.* A Building Board is hereby established in accordance with the provisions of State law governing the vacation, demolition or repair of buildings or structures constituting a public nuisance.
- B. *Membership Of Board.* The Building Board shall consist of five (5) members who shall be residents, taxpaying citizens of the City and shall be appointed by the City Council to serve four (4)

year terms each or until a successor has been appointed. Vacancies which occur within the Board membership

shall be filled for the unexpired term of the vacant office. The Board shall elect its own Chairperson who shall serve for one (1) year or until a successor is elected. (CC 1979 §5-99(a-b); Ord. No. A-4760 §1, 5-9-86; Ord. No. A-5316 §1, 11-9-90; Ord. No. A-5325 §1, 12-10-90; Ord. No. A-6269 §1, 5-10-96; Ord. No. 7745 §1, 4-3-07)

SECTION 505.060: DUTIES—BUILDING BOARD

Except in case of emergency, the Building Board's duties shall include, but not be limited to, the following:

- .1. Cause an inspection to be made of any building or structure upon receiving a complaint that it is a dangerous building. If the Board deems it necessary to the performance of its duties and responsibilities imposed herein, it may request an inspection and report to be made to it by the City Engineer, the Fire Department, the Police Department, the Health Department, the Public Works Department or any other City department or may contract for services of an expert whenever it deems such services necessary.
- .2. Upon failure of any interested party to commence the work of reconditioning or demolition of any building or structure within the time specified in the notice provided for by Section 505.040(3) and to proceed continuously with such work without unnecessary delay, the Building Board shall cause a date for a hearing to be established and direct the Inspector to give at least twenty-one (21) days' written notice of such hearing to all parties having an interest in such building or structure which has been the subject of a notice pursuant to Section 505.040(3) and shall include a statement that the parties may be represented by attorneys and should be prepared to present witnesses on their behalf and to offer testimony as to why the building or structure should or should not be declared a dangerous building. Once valid service of notice of hearing is made, no subsequent notice of continuance of a hearing is required, except as is announced on any docket call including such matter or during any docketed hearing on such matter.
- .3. Hold such a public hearing and consider such evidence as the Building Inspector, owner or other parties or persons may offer concerning the building or structure.
- .4. Following such public hearing, make written finding of fact as to whether the building or structure in question is a dangerous building and a public nuisance.
- .5. Issue an order based upon the findings of fact, ordering the owner or other parties to repair such building or structure if found to be a dangerous building. Any person so notified shall repair such dangerous building; provided that such repair will comply with this Chapter.
- .6. If the Building Board makes a finding that a building or structure should be vacated or demolished, a recommendation shall be forwarded to the City Council prior to an order being issued. The City Council shall have the authority to approve or deny the recommendations made by the Building Board. The City Council may conduct other hearings regarding the property in question to make a determination to approve or deny the findings of fact.
- .7. Once the City Council has approved the findings of fact, the Building Board shall issue an order based upon the findings of fact, ordering the owner or other parties to vacate and/or

demolish such building or structure if found to be a dangerous building. Any person so notified shall demolish such dangerous building; provided that such demolition will comply with this Chapter.

- .8. Cause a building or structure which has been determined to be a dangerous building to be vacated, repaired or demolished as ordered or to have the dangerous building temporarily

boarded when ordered repaired or when necessary to protect citizens prior to demolition, if the owner or parties fail to comply with the order to vacate, demolish or repair within thirty (30) days of the findings of fact and order calling for such vacation, repair, demolition having been recorded with the Recorder of Deeds for the County wherein the land is located. The Building Board shall certify the charge for such vacation, repair, demolition or boarding to the City Collector as a special assessment represented by a special tax bill against the real property affected, except when Federal funds are being used which are subject to a prohibition of recovery by a special assessment process. The proof of such exception shall be the burden of any person asserting it. The charge for demolition of any building or structure or the abatement of any public nuisance abatable pursuant to this Chapter shall be collectible by a special tax bill, which shall include the actual cost of repair, demolition, water service cut, boarding and all other necessary security measures and a cost of administering the provisions hereof, which shall be pursuant to an existing schedule or as it may be set out by the Building Board and maintained as a public record. In no case shall such administrative charge exceed five hundred dollars (\$500.00). The tax bill shall be a lien upon such property until paid. Additionally, the special tax bill from the date of its issuance shall be deemed a personal debt against the property owner. Except as provided in Section 505.160 hereof, at the written request of the property owner delivered to the City Clerk, the special tax bill may be paid in ten (10) equal annual installments. Said installments and interest thereon to date shall be paid in equal annual installments on the anniversary date of the issuance of the tax bill. The interest shall be paid at the maximum rate per annum allowable by law on the unpaid balance of the tax bill from the date of issuance. If any annual payment of principal or interest shall not be paid within thirty (30) days of its due date, the entire remaining balance of the tax bill shall immediately become due and payable. (CC 1979 §5-99(c); Ord. No. A-4760 §1, 5-9-86; Ord. No. A-5316 §1, 11-9-90; Ord. No. A-5325 §1, 12-10-90; Ord. No. 7798 §1, 9-20-07; Ord. No. 7835 §1, 2-8-08)

SECTION 505.070: PERMITS

- A. A permit shall be obtained prior to doing any work on a building or structure for which a determination by a Building Inspector has been made that it is a dangerous building. The Building Board shall report all dangerous buildings to the Building Department. Before the Building Department issues a permit on a dangerous building, the Building Board must certify that the proposed work will eliminate the condition rendering the structure a dangerous building. A copy of such permit shall be forwarded to the Building Board upon issuance. The work required to be done pursuant to the permit must commence immediately, or as soon as practical after securing the permit. If the work is not continuous, the permit may be revoked by the Building Board. With respect to dangerous buildings, the provisions of this Subsection will supersede any other provisions.
- B. It shall be unlawful for any person to salvage or cause or allow any other person to salvage a building which has been ordered demolished without authorization of the Building Inspector.
(CC 1979 §5-100; Ord. No. A-4760 §1, 5-9-86)

SECTION 505.080: CERTIFICATE OF EXISTENCE OF A DANGEROUS BUILDING

- A. After a building has been determined to be a dangerous building by the Building Board, a "certificate of existence of a dangerous building" will be filed and recorded in the office of the Recorder of Deeds of the County wherein the land is located. Such certificate shall set forth the

address and description of the premises upon which such dangerous building is located, and a certification that such building thereon is dangerous within the provisions of this Code and that the owner thereof

has been given proper notice and ordered to repair or demolish such building. Such certification shall be made and signed by the Chairman of the Building Board.

- B. The recording of a certificate of existence of a dangerous building shall place persons purchasing such property subsequent to such recording on notice that such property has been declared a dangerous building and ordered repaired or demolished. The act of subsequent purchase shall not delay the processing or cause a delay in such matter and shall be an exception to the time requirements of the notice provided herein.
- C. Upon written application by the owner, and verification that the order of the Building Board to vacate, repair or demolish a dangerous building has been complied with, the Building Board shall file and record a "release of certificate of existence of a dangerous building" with the office of the Recorder of Deeds of the County wherein the land is located, stating that the dangerous condition has been abated. (CC 1979 §5-101; Ord. No. A-4760 §1, 5-9-86)

SECTION 505.090: POSTING NOTICE ON BUILDING

- A. A notice of the dangerous condition of a building shall be posted on any building determined by a Building Inspector to be a dangerous building; except, that such notice shall not be posted when the Inspector determines that such posting may cause the building or structure to be vandalized or damaged; except, that the notice shall contain the words, "Warning, Dangerous Building, Do Not Enter." followed by text authorized by the Building Board.
- B. Any person removing such sign shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as set forth in this Chapter. (CC 1979 §5-102; Ord. No. A-4760 §1, 5-9-86)

SECTION 505.100: DUTIES OF CITY ATTORNEY

The duties of the City Attorney shall include, but not be limited to, the following:

- .1. Within the proper exercise of his/her discretion, to prosecute all persons failing to comply with the terms of the notices and orders provided for herein.
- .2. When requested, to appear at hearings before the Building Board in regard to dangerous buildings.
- .3. Within the proper exercise of his/her discretion, to bring suit to collect all municipal liens, assessments or costs incurred by the Building Board in causing dangerous buildings to be vacated, repaired or demolished.
- .4. To take such other legal action as is necessary to carry out the terms and provisions of this Chapter. (CC 1979 §5-103; Ord. No. A-4760 §1, 5-9-86)

SECTION 505.110: FAILURE TO COMPLY

- A. Any owner of a dangerous building who shall fail to comply with an order of the Building Board to vacate, repair or demolish such building or fails to proceed continuously to vacate, repair or demolish the building without unnecessary delay shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as set forth in this Chapter.

- B. The party in actual or constructive possession, or one who has a legal duty to act for a party, who fails to comply with an order of the Building Board to vacate, repair or demolish a dangerous building shall be guilty of a misdemeanor and, upon conviction, shall be punished as set forth in this Chapter.
- C. Any person failing to immediately vacate a building upon the verbal or written order of the Building Board in cases of emergency pursuant to this Chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished as set forth in this Chapter.
- D. Any person who hinders, threatens or interferes with a Building Inspector, contractor or any person working for a contractor having a permit to demolish a dangerous building shall be guilty of a misdemeanor and, upon conviction, shall be punished as set forth in this Chapter.
(CC 1979 §5-104; Ord. No. A-4760 §1, 5-9-86)

SECTION 505.120: CERTIFICATE OF OCCUPANCY

It shall be unlawful for any person to enter, occupy, use, remain in or permit or cause any other person to enter, occupy, use or remain in any building or structure which has been declared a dangerous building by the Building Board, unless such entry and use is for the purpose of repair or demolition, until such building or structure has been inspected by the Building Board and a certificate of occupancy has been issued. Such certificate shall be issued only when it has been determined that the building is no longer a dangerous building and is safe and fit for human occupancy. (CC 1979 §5-105; Ord. No. A-4760 §1, 5-9-86)

SECTION 505.130: CLOSING OF BUILDINGS

All buildings which are closed shall be closed and kept closed in accordance with the following requirements:

- .1. A permit shall be obtained from the Building Department before commencement of work.
- .2. All exterior openings are to be closed.
- .3. Materials missing or broken shall be replaced by similar construction or may be replaced by solid wood construction of exterior grade plywood at least one-half (½) inch thick or by equivalent materials approved by the Building Board.
- .4. Any material used to close openings in exterior walls of open buildings shall be installed in a workmanlike manner in accordance with recognized standards of the construction industry.
- .5. The roof must be watertight.
- .6. All loose and hanging exterior parts shall be removed.
- .7. All debris must be removed from the interior and exterior of the premises.
- .8. The property must be maintained in accordance with the requirements of this Code.

(CC 1979 §5-106; Ord. No. A-4760 §1, 5-9-86)

SECTION 505.140: RIGHT OF APPEALS

- A. Except in emergencies, any decision of the Building Board in the enforcement of this Chapter may be appealed to the Circuit Court having jurisdiction by any person aggrieved by any decision of the Building Board. Such an appeal must be taken within ten (10) days from the date of the order or other ruling appealed by filing with the Building Board a written notice of appeal setting forth the grounds therefor. The party appealing shall otherwise comply with the provisions of Chapter 536, RSMo.
- B. Except in emergencies, as set out in this Chapter, an appeal to the Circuit Court stays all enforcement of the determination from which the appeal is being taken.
(CC 1979 §5-107; Ord. No. A-4760 §1, 5-9-86)

SECTION 505.150: EMERGENCIES—PROCEDURE

- A. *"Emergency" Defined.* For the purposes of this Chapter, an "emergency" is hereby defined as any case where it reasonably appears there is immediate danger to the health, life, safety or welfare of any person because of a dangerous condition which exists in violation of this Chapter.
- B. *Authority of Building Inspector.* In any emergency case, the Building Inspector shall have the power to take emergency measures to abate or correct such dangerous condition. The emergency power herein granted shall include power to cause the immediate vacation of any building and the summary correction of any emergency condition which exists in violation of this Chapter including but not limited to, demolition of dangerous buildings as defined by this Code.
- C. *Emergency Order Not Appealable.* No appeal shall lie from an emergency order, and such order shall not be reviewed or stayed other than by the Circuit Court of the County in which is located the premises on which the emergency condition exists, as provided in Chapter 536, RSMo.
- D. *Costs of Abatement.* The cost of emergency abatement shall be recovered as provided in this Chapter for the recovery of costs of demolition of dangerous buildings and structures.
(CC 1979 §5-108; Ord. No. A-4760 §1, 5-9-86)

SECTION 505.160: DANGEROUS BUILDINGS RESULTING FROM INSURED CASUALTY

- 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, and if the covered claim payment for such damage or loss exceeds fifty percent (50%) of the face value of the policy on such building or other structure, the insurance carrier for such building or structure shall pay ten percent (10%) of such insurance claim proceeds to the City, who shall hold such money in an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Chapter. If a special tax bill or assessment is issued by the City for the expenses of demolition of such building as a dangerous building pursuant to this Chapter, the same shall be paid by the monies held by the City and if there is any excess, such shall be paid by the City to the insured or as the term of the policy, including any endorsements thereto, provide.

If, within thirty (30) days of the receipt of such insurance monies, the City has not instituted any legal proceedings by issuance of the notice provided for in this Chapter or by taking emergency measures as provided for in this Chapter, the City shall release such proceeds and any interest which

has accrued on such proceeds to the insured under the insurance policy or as the terms of the policy, including any endorsements thereto, provide.

- B. If such building or structure is repaired or demolished pursuant to this Chapter, as attested to by the Building Board, without cost to the City, any insurance proceeds paid to the City and any interest thereon shall be paid to the insured under the insurance policy or as the terms of the policy, including any endorsements thereto, provide.
- C. When the City takes bids from independent contractors for demolition of a building, bidders shall deduct any salvage value materials which the building or structure may have from the cost of demolition in arriving at their bid amount. Should City employees do the demolition, the actual cash value of salvaged material shall be deducted from the special tax bill for such demolition. In no case will the net cost of demolition be increased in order to affect salvage of materials.
- D. Upon presentation of satisfactory proof that the insured has removed or will remove debris and repair, rebuild or otherwise make the insured premises safe and secure, the Building Inspector shall issue a certificate within thirty (30) days after receipt of such satisfactory proof to permit covered claim payment to the insured, without a deduction payable to the City as provided in this Section. It shall be the obligation of the insured or other person making a claim to provide the insurance company with such certificate. (CC 1979 §5-109; Ord. No. A-4760 §1, 5-9-86; Ord. No. 7593 §1, 8-22-05)

SECTION 505.170: VIOLATIONS AND PENALTIES

- A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any dangerous building or structure, partial or whole, in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Chapter, or rules or regulations promulgated thereunder.
- B. Any person, firm, corporation, partnership, association or other organization violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor. Each day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued or permitted shall be a separate offense.
- C. A person who is convicted of any violation of this Chapter shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than one hundred (100) days, or by both such fine and imprisonment. The imposition of the penalties herein described shall not preclude the City Attorney from instituting appropriate action, including equitable and extraordinary remedies, to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation or to prevent the occupancy of a building or structure or portion thereof, or of the premises, or to prevent any illegal act, conduct of business or use in or about the premises.
(CC 1979 §5-110; Ord. No. A-4760 §1, 5-9-86)

SECTION 505.180: NO PERSONAL LIABILITY

No officer, agent or employee of the City of Monett shall be personally liable for any damage that may occur to any person or property as a result of any act required of him/her or permitted to be taken by him/her under the terms of this Chapter. Any suit brought against such officer, agent or employee of the City as the result of any acts required or permitted shall be defended by the City

until the final determination of the proceedings, and if judgment shall be obtained it shall be paid by the City of Monett. It is hereby further declared that no officer, agent or employee of the City of Monett owes any duty under the provisions of this Chapter to any citizen or other individual, but that the duties prescribed herein and imposed upon officers, agents or employees of the City are duties to be performed for the government of said City.

(CC 1979 §5-111; Ord. No. A-5316 §II, 11-9-90)

CHAPTER 510: STREETS, SIDEWALKS AND GUTTERS

ARTICLE I. GENERAL PROVISIONS

SECTION 510.010: CONSTRUCTING WOODEN SIDEWALKS

Any person who shall construct or cause to be constructed any wooden sidewalk within the City shall be deemed guilty of a misdemeanor. (CC 1979 §27-2; Ord. No. 773 §33, 12-2-24)

SECTION 510.020: ERECTING AWNINGS UPON OR ACROSS SIDEWALKS

Any person who shall erect or cause to be erected any awnings upon or across any sidewalk in the City shall be deemed guilty of a misdemeanor; provided, that this Section shall not be so construed as to forbid or prevent the erection of canopy awnings upon or across such sidewalks, when the arms of the same are not less than seven and one-half (7½) feet above the sidewalk.
(CC 1979 §27-3; Ord. No. 773 §31, 12-2-24)

SECTION 510.030: ERECTING SIGNS ACROSS SIDEWALKS

Any person who shall erect or cause to be erected or maintained any business sign across any sidewalk in the City shall be deemed guilty of a misdemeanor; provided, that signs may be erected and maintained that shall extend not to exceed two (2) feet from the building to which the same may be attached and not less than eight (8) feet from the walk.
(CC 1979 §27-4; Ord. No. 773 §32, 12-2-24)

SECTION 510.040: PERMITTING CURB BOXES, DRIP PIPES, ETC., TO EXTEND ABOVE ESTABLISHED GRADE OF SIDEWALKS

Any person owning or controlling any property on which are located curb boxes, drip pipes, gas or water pipes on the sidewalk or parkway portion of the street, who permits them to extend above the established grade of such sidewalk, shall be deemed guilty of a misdemeanor.
(CC 1979 §27-7; Ord. No. 773 §95, 12-2-24)

SECTION 510.050: ABUTTING PROPERTY OWNERS TO KEEP SIDEWALKS IN GOOD REPAIR

It shall be the duty of the property owners, owning property along and in front of which sidewalks have been constructed, to keep such sidewalks in good repair at all times. (CC 1979 §27-8)

SECTION 510.060: MOVING BUILDINGS OR HOUSES

- A. It shall be unlawful for any person to obstruct any of the streets or alleys of the City in any manner or to move any building or house along or across any of the streets or alleys of the City, unless or without a permit first had and obtained in writing so to do from the Mayor or City Council; provided, that the party desiring to move any building or house along or across any street or alley

of the City shall first file a written application therefor with the City Clerk, specifying the street or alley and the distance along or across which it is proposed to move any such building or house, and shall also deposit with the City Clerk a sufficient amount of money to pay for all damages to the streets and to wires or the cutting or removing of the same to allow such building or house to pass along such street or alley.

- B. If the Mayor or Council shall be of the opinion that it is proper to move any building or house as specified in this Section and the party desiring to move such building or house has deposited a sufficient amount of money with the City Clerk to pay all damages, the Mayor or City Council may grant a permit therefor in writing so to do; provided, that it shall be the duty of the party moving such building or house to keep moving the same continuously both day and night, until such building or house is removed off of the streets or alleys of the City; provided further, that in no event shall any such building or house remain on the streets or alleys longer than the time which may be specified in the permit to be granted therefor. (CC 1979 §27-11; Ord. No. 240 §§1, 2, 4-14-17)

Cross Reference—As to buildings generally, see ch. 500 of this Code.

SECTION 510.070: LOWERING OF WATER OR GAS MAINS, ETC., TO CONFORM TO CHANGES IN STREET GRADES

- A. Whenever the grade shall be established by ordinance on any street, avenue, lane or highway in the City by the City Council, or whenever the Council shall in due and legal manner, by ordinance, change the grade on any street, it shall be the duty of every person, being the owner or lessee of any water or gas company doing business in the City, to within thirty (30) days from the date of the publication of such ordinance making such change in grade or establishing the same or lower the water mains, if they are not already so lowered, to a depth of not less than two and one-half (2½) feet below the surface of the street as it will be when brought to grade, water service pipes to a depth of thirty (30) inches below the gutter line, gas mains to a depth of eighteen (18) inches below the established grade and gas service pipes to a depth of not less than eighteen (18) inches below the surface of the street at gutter line.
- B. Any person being the president, vice-president, secretary, director or agent for any water or gas corporation or company or any person being the owner or lessee of such water or gas works or the duly accredited agent therefor, who shall neglect, refuse or fail to comply with the provisions of this Section shall be deemed guilty of a misdemeanor. (CC 1979 §27-14)

ARTICLE II. CONSTRUCTION SPECIFICATIONS—GENERALLY

SECTION 510.080: GRADING AND EXCAVATING INCLUDED IN CONTRACT—COST OF GRADING AND EXCAVATING INCLUDED IN SPECIAL TAX BILLS

All grading and excavating necessary in the construction of sidewalks, curbing or guttering, unless the grading of that portion of the roadway has been done previously, may be included in the same contract with the sidewalks, curbing or guttering, as required by law, and the cost thereof, if

included in the contract, may be included in the special tax bills issued for the payment of the improvement. (CC 1979 §27-32)

SECTION 510.090: CONTRACTOR TO REMOVE ROCKS, LITTER, ETC., FROM CONSTRUCTION SITE

The contractor shall, before the work of constructing sidewalks, curbing or guttering is accepted, remove therefrom all rocks, broken stone, litter or trash of any kind and leave the street and work in good condition and ready for use. (CC 1979 §27-33)

SECTION 510.100: CONSTRUCTION TO BE ON TRUE GRADE, CURB AND CROSS-SECTION LINES—SUPERVISION OF CONSTRUCTION

All curbs, gutters and private driveways shall be constructed on the true grade, curb and cross section lines of the streets along and upon which they may be ordered and shall be done under the supervision of the Superintendent of the Department of Streets and Public Improvements. (CC 1979 §27-34)

SECTION 510.110: COMPLIANCE WITH SPECIFICATIONS REQUIRED—EXCEPTION

No sidewalk, curb, gutter or other improvement mentioned in this Article, which does not meet the specifications herein prescribed, shall be accepted; provided, that on sidewalk, curb or gutter construction, where opposite curbs differ in elevation or vary from the true grade or where improvements already built do not conform to the established grade, or where necessary for drainage, the Superintendent of the Department of Streets and Public Improvements may order or allow a variation from the established grade, not to exceed six (6) inches. (CC 1979 §27-35)

ARTICLE III. CONSTRUCTION SPECIFICATIONS FOR STREETS**SECTION 510.120: SPECIFICATIONS ENUMERATED**

The City shall refuse to accept final dedication or maintenance responsibility for new streets within the City limits, until they shall meet the following specifications:

- .1. Streets shall be cut to grade, and the subgrade shall be compacted to ninety percent (90%) proctor density.
- .2. There shall be a four (4) inch or more layer of base rock (not gravel), compacted to ninety-five percent (95%) proctor density.
- .3. The final surface shall be rolled.
- .4. All streets shall be paved with hot-mix asphalt and have an asphalt surface of not less than three (3) inches, and any such asphalt surface shall comply with specifications established by the City of Monett.
- .5. Any street paved with concrete shall have a concrete surface of not less than five (5) inches of

concrete containing a minimum of five and one-half (5½) sacks of Portland Cement per cubic yard with a water content not to exceed a four and one-half (4½) inch slump. All joints on any concrete street shall be sawed to one-half (½) the depth of the concrete slab and be properly sealed with an asphalt expansion joint. Any such concrete surface shall comply with specifications established by the City of Monett, and all sawing configurations and asphalt expansion joints shall be approved by the City. (CC 1979 §27-36; Ord. No. 3978 §1, 8-18-78; Ord. No. 5631 §1, 12-29-92; Ord. No. A-6347 §§1–2, 8-19-96; Ord. No. 7291, 3-7-03)

SECTION 510.130: NON-PAVED STREETS

The City shall not be responsible for any street not having an asphalt or concrete surface. At such time as the street is upgraded to the specifications enumerated in this Article, the City shall assume maintenance at the improved level of surfacing. Resurfacing of non-paved streets is the responsibility of property owners and/or developers. (CC 1979 §27-37; Ord. No. 3978 §2, 8-18-78)

SECTION 510.140: APPLICABILITY OF ARTICLE

The specifications enumerated in this Article will hold true in any area except new subdivisions, with the exception that the property owner must get a construction permit from the City Clerk and that provisions must be made to assure that the curb line will be in conformity with the existing curb line and level of the street. All curbs and gutters installed are the property of the property owners, and it is their responsibility to install and maintain the same. (CC 1979 §27-38; Ord. No. 3978 §4, 8-18-78)

ARTICLE IV. CONSTRUCTION SPECIFICATIONS FOR SIDEWALKS

SECTION 510.150: MATERIALS GENERALLY—COMPLIANCE WITH ARTICLE

All sidewalks constructed within the City limits shall be of sawed limestone or concrete and constructed in accordance with the specifications set forth in this Article. (CC 1979 §27-39)

SECTION 510.160: WIDTH

All sidewalks constructed in the City shall be not less than thirty (30) inches nor more than twelve (12) feet in width. (CC 1979 §27-40)

SECTION 510.170: STONE SIDEWALKS—GENERALLY

All stone sidewalks shall be constructed of stone not less than three (3) inches in thickness and having an area of not less than eighteen (18) feet, and the stone to be used therein shall be of a quality equal to that of the best grade of Carthage sawed limestone or first (1st) class sidewalk stone,

free from cracks or inconsistencies of any nature and having a true and clear face, free from cross seams. All stones which do not meet these specifications shall be removed and replaced by good and sufficient stones before the job shall be received. (CC 1979 §27-41)

SECTION 510.180: STONE SIDEWALKS—SURFACE OF WALK TO BE TRUE PLANE—JOINTS

The surface of the stone walk, when completed, shall be a true plane throughout its entire length and breadth between grade points, and all stone shall be jointed evenly and well to a quarter ($\frac{1}{4}$) inch joint between the stone or against the curb stone or other object and for the full depth of the stone; and if required by the Superintendent of the Department of Streets and Public Improvements, all joints shall be pointed with Portland cement mortar, proportioned one (1) to three (3). (CC 1979 §27-42)

SECTION 510.190: STONE SIDEWALKS—GRAVEL BED UNDER STONE—FILL FOR SUPPORT

An excavation shall be made, where necessary, to provide for a bed of three (3) inches of tailings or cinders or gravel under the stone, when placed. After the excavation is made, a bed of clean mine tailings or cinders shall be deposited therein and thoroughly rammed and tamped to a uniform surface throughout and a depth of not less than three (3) inches. When it is necessary to make any fill for the support of the sidewalk, the fill shall consist of cinders, tailings or coarse river gravel, well tamped and consolidated and covered with a layer of three (3) inches of tailings or cinders or gravel which have been rammed or tamped thoroughly to a true and uniform surface; provided, that if the fill exceeds eighteen (18) inches in depth, it shall consist of rock mixed with cinders or river gravel or other hard excavated material, thoroughly rammed and tamped in six (6) inch layers and covered with a layer of three (3) inches of mining tailings or river gravel, also thoroughly tamped and rammed to a uniform surface; and in no case shall a fill of soft earth or loamy soil be allowed. (CC 1979 §27-43)

SECTIONS 510.200: CONCRETE SIDEWALKS

The specifications for the construction of concrete sidewalks in the City, whether constructed by the City or by other persons as hereinafter provided, shall be as follows:

.1. Materials.

- .1.a. *Cement.* All cement used in concrete sidewalks shall be of a good grade of standard Portland cement, which will pass the standard test specified by the State Highway Department. Any cement failing to meet such test shall be removed from the work and not used in any part thereof. The cement shall be delivered at the location of the work in the original packages and protected so as not to be damaged in any way before mixing with other materials.

.1.b. *Sand.* The sand shall be a good grade of river sand or clean, sharp flint sand, free from sludge, mud, soapstone or other impurities, and shall be subject to the approval of the Superintendent of the Department of Streets and Public Improvements.

.1.c. *Crushed stone.* Crushed stone shall be any good flint or limestone, crushed so as to pass

a one (1) inch screen and rejected over a quarter ($\frac{1}{4}$) inch screen. All crushed stone must be free from sand, dirt, sludge or other material which might be harmful to the concrete.

- .1.d. *Tailings.* If mine tailings are used in the sidewalks, they shall be of a good grade, free from sludge, mud or soapstone, and shall be subject to the approval of the Superintendent of the Department of Streets and Public Improvements.

.2. *Construction.*

- .2.a. *Subgrade.* That portion of the street to be occupied by the sidewalk shall be brought to a subgrade by excavation or embankment, which subgrade shall be a true plane, parallel with, eight (8) inches below and in true conformity with the sidewalk grade.
- .2.b. *Foundation.* The foundation shall consist of a bed of clean tailings, cinders, broken stone, river or bank gravel, three (3) inches in thickness and deposited on the subgrade.
- .2.c. *Lower course.* The lower course of the sidewalk, excepting portions occupied by driveways, shall consist of a layer of Class B concrete, four (4) inches in thickness after being tamped thoroughly. The surface of the lower course shall be a true plane, one (1) inch below and parallel with the finished grade of the sidewalk.
- .2.d. *Finish course.* The finish course of the sidewalk shall consist of a layer of Class A concrete, one (1) inch thick after being floated and neatly troweled to a true plane and smooth surface conforming with the finished grade of the sidewalk, and deposited on the lower course before the lower course has taken an initial set. A perfect bond must be formed between the lower and the finished course.
- .2.e. *Dimensions.* Walks shall be of the width stated in this Chapter or other City ordinances or specified in the plans and specifications. The concrete in the finish and lower courses shall be laid in sections, each section to be approximately six (6) feet long.
- .2.f. *Artificial joints.* Each section shall be separated from the adjoining section by an artificial joint, made with a grover, for the width of a section at right angles with the linear dimensions of the walk, to the depth of the finished course, and by a sand joint extending through the entire depth of the lower course. These joints shall have a clear width of not less than one-eighth ($\frac{1}{8}$) of an inch and be placed at intervals of not more than fifty (50) feet. A joint having a minimum opening of one-half ($\frac{1}{2}$) inch in width shall be provided and made in the manner above described.
- .2.g. *Driveways.* Where driveways are necessary across portions of the park space, the driveway shall be built, in all respects, in the manner above described for sidewalks; except, that the thickness of the lower course shall be six (6) inches instead of four (4).
- .2.h. *Class B concrete.* Class B concrete used in the lower portion of the sidewalks, as described above, shall be composed of approximately one (1) part cement, four (4) parts mine tailings or crushed stone and one (1) to two (2) parts sand. The governing clause of this specification shall be as follows: Every cubic yard of Class B concrete shall contain seven (7) sacks of cement, the proportions of sand, crushed stone or mine tailings being varied according to the direction of the Superintendent of the Department of Streets and Public Improvements, so as to produce a concrete of the maximum density or strength.

.2.i. *Class A concrete.* Class A concrete, as used in the finish course of the sidewalks as

described above, shall be composed of a good grade of sand mixed with cement in the proportion of one (1) part cement to one and one-half (1½) parts of sand.

- .2.j. *Protection and curing.* After the construction of the sidewalk as specified above, the contractor or other person building such sidewalk shall protect the work from damage by vehicles, pedestrians, animals or anything which might damage the surface of the concrete, and the sidewalk shall be kept thoroughly wet and protected from the sun during hot weather for not less than six (6) days. The barricades or railings provided to keep traffic off the sidewalk shall not be removed without the permission of the Superintendent of the Department of Streets and Public Improvements.
- .2.k. *Weather conditions.* No concrete sidewalk shall be constructed by the City during weather which, in the opinion of the Superintendent of the Department of Streets and Public Improvements, is unsuitable.
- .2.l. *Removal of damaged or imperfect work.* Upon the completion of the work, should any of the sidewalk constructed as above specified be found to be imperfect in any way, or to have been damaged by rain, frost or any other cause, the contractor shall remove and reconstruct any such damaged portion of the sidewalk, as directed by the Superintendent of the Department of Streets and Public Improvements. (CC 1979 §27-44)

SECTION 510.210: QUALITY OF STONE GUTTERS

The stone used in gutters shall be of a good quality, free from cracks, shelly places or damaging blotches and not less than three (3) inches thick and three (3) feet long. The edges of the stone shall be dressed to lay to a quarter (¼) inch joint for the full length and thickness of the stone. (CC 1979 §27-45)

SECTION 510.220: SLOPE

All sidewalks shall be laid to conform to a slope of one-half (½) of an inch to the foot, rising from the curb line back to the property line, except where there is a difference in the location of the curb and the property line or where the intersecting grades make it necessary to combine or change the same. These points shall be set by the Superintendent of the Department of Streets and Public Improvements and worked to by the contractor, according to the instructions of the Superintendent of the Department of Streets and Public Improvements. (CC 1979 §27-46)

ARTICLE V. CONSTRUCTION SPECIFICATION FOR CURBS AND GUTTERS

SECTION 510.230: MATERIALS AND DIMENSIONS GENERALLY—RESPONSIBILITY FOR INSTALLATION AND MAINTENANCE

- A. Curbs and gutters shall be combined construction of Class B concrete. The minimum width of curbs and gutters shall be twenty-four (24) inches, of which the curb shall be six (6) inches in width and the apron watercourse or gutter shall be eighteen (18) inches in width. The height of the back of the

curb shall be twelve (12) inches. The top of the curb shall be six (6) inches in width and the height shall stand six (6) inches above the flow line of the gutter. This will leave six (6) inches in

thickness for the gutter apron or watercourse. Any other type of guttering will not be permissible, unless recommended to the City Council by the City Engineer.

- B. These specifications will hold true in any area except new subdivisions, with the exception that the property owner must get a construction permit from the City Clerk and that provisions must be made to assure that the curb line will be in conformity with the existing curb line and level of the street. All curbs and gutters installed are the property of the property owners, and it is their responsibility to install and maintain the same. (CC 1979 §27-47; Ord. No. 3978 §§3-4, 8-18-78)

SECTION 510.240: ADDITIONAL SPECIFICATIONS

Additional specifications for the construction of concrete curbs and gutters shall be as follows:

- .1. *Cement.* All cement used in the concrete curbs and gutters shall be of a good grade of standard Portland cement which will pass the standard test specified by the State Highway Department for testing materials. Any cement failing to meet the above test shall be removed from the work and not used in any part thereof. The cement shall be delivered at the work in the original packages and be protected so as not to be damaged in any way before mixing.
- .2. *Sand.* The sand shall be a good grade of river sand or clean, sharp, flint sand. All sand shall be sampled by the Superintendent of the Department of Streets and Public Improvements, and only such sand as receives his/her approval may be used in the work.
- .3. *Chats.* If mine chats are used, they shall be of a good grade, free from sludge, mud or soapstone and subject to the approval of the Superintendent of the Department of Streets and Public Improvements.
- .4. *Crushed stone.* Crushed stone shall be any good flint or limestone, crushed so as to pass a one (1) inch screen and be rejected over a quarter inch screen. All crushed stone must be free from sand, dirt, sludge or other material which might be harmful to the concrete.
- .5. *Forms.* Forms shall be constructed of lumber two (2) inches thick or of steel of equal strength, except on curves, where flexible slips may be used. All surfaces coming in contact with the concrete shall be smooth and cleaned and oiled before concrete is placed against them. Faced boards for combination curb and gutter shall be beveled as shown on the plans and held in place with suitable clamps of sufficient number to prevent bulging.
- .6. *Division.* Division plates shall be one-eighth (1/8) inch steel or other material, approved by the Superintendent of the Department of Streets and Public Improvements, and shall conform exactly to the cross-section of concrete as shown on plans; except, that a small lug, provided with a hole for a hook, shall project above the surface of the concrete to aid in removing the plate. Plates shall be cleaned and oiled prior to their use.
- .7. *Subgrade.* That portion of the ground surface directly beneath the concrete shall be called the "*subgrade.*" All soft and spongy material in the subgrade shall be removed and replaced with suitable material. Fills shall be compacted in layers not exceeding six (6) inches in thickness. Spots previously compacted by traffic shall be loosened to a depth of six (6) inches, and the whole subgrade shall be compacted to a firm surface having, as nearly as possible, uniform

bearing power. The subgrade shall be damp, but not muddy, when the concrete is placed upon it.

- .8. *Drains.* In poorly drained ground, where, in the opinion of the Superintendent of the Department of Streets and Public Improvements, drains may be necessary to save the concrete from damage by frost action, drains of four (4) inch tile shall be laid in the lines and grades given by the Superintendent of the Department of Streets and Public Improvements.
- .9. *Subbase.* Where drains are impracticable and the soil is heavy colloidal clay or adobe, a five (5) inch subbase of cinders, gravel or other porous material approved by the Superintendent of the Department of Streets and Public Improvements shall be constructed. The subbase shall be tamped until the surface is firm and of uniform bearing power.
- .10. *Cross-section.* The concrete shall conform to the cross-section shown on the plans.
- .11. *Length of sections.* Curb, or combined curb and gutter, shall be divided into sections eight (8) feet long. Where necessary for closure, this length may be varied slightly, but no noticeably long or short sections shall be used. Sections shall be separated by the division plates specified herein, which plates shall be put in form before the concrete is placed and kept perpendicular to the face and top of the curb. Plates shall be withdrawn when the concrete has hardened sufficiently to keep the edges from joining. Edges shall be rounded to a radius of about one-half ($\frac{1}{2}$) inch.
- .12. *Expansion joints.* One-half ($\frac{1}{2}$) inch expansion joints shall be made at one hundred (100) foot intervals and at the ends of all curves, by placing the joint filler in the form before the concrete is placed or by leaving spaces to be filled with asphalt. Care shall be exercised to get expansion joints truly perpendicular to the top and face of the curb. The filler must effect a complete separation between adjacent sections of the curb.
- .13. *Proportions.* The concrete shall be mixed in the proportion of one (1) part of cement to two (2) parts of fine aggregate and not more than four (4) parts of coarse aggregate. Aggregates shall be measured accurately in a manner approved by the Superintendent of the Department of Streets and Public Improvements.
- .14. *Mixing.* The ingredients of the concrete shall be mixed until each particle of the fine aggregate is coated with cement and each particle of the coarse aggregate is coated with mortar. The mixer used shall be of an approved batch type. Each batch shall be mixed at least one (1) minute from the time all the materials, including water, are in the drum until the beginning of the discharge. The consistency of the concrete shall be such that no separation of the ingredients takes place. No combination of dry and wet mixture will be allowed.
- .15. *Placing.* When mixed, the concrete shall be placed at once in the forms, filling both the apron and curb with material of the same consistency. The concrete shall then be tamped and spaded, until a thin coat of mortar is against the forms in such a manner that no coarse aggregate will show when the forms are removed. Whole sections shall be constructed without interruption. Whenever mixing is suspended for forty-five (45) minutes or longer, material in excess of a complete section shall be wasted. No concrete shall be placed when the temperature is below, or likely in the next twenty-four (24) hours to go below, thirty-five degrees Fahrenheit (35°F).
- .16. *Finishing.* The concrete shall be struck off flush with the top of the forms and be given a true, even finish with a wooden float and brush, care being taken that none of the coarse aggregate is exposed. Corners and edges shall be rounded with suitable tools to the shape shown on the plans. When the concrete has hardened sufficiently, curb face boards shall be removed and the

curb face brushed with a calcimine brush dipped in water. Other forms shall remain in form at least twenty-four (24) hours.

- .17. *Curing.* Concrete shall be kept wet for seven (7) days, either by sprinkling or covering with earth and sprinkling.
- .18. *Protection.* The contractor shall protect the concrete from all damage by traffic or the elements by canvas covers, barricades, fences, red-lights at night or such other means as may be necessary and shall provide crossovers for pedestrians at all street crossings. (CC 1979 §27-48)

SECTION 510.250: PAVING OF DRIVEWAYS BACK FROM CURBING

Each private driveway shall be paved back from the curbing in the same manner as the gutters constructed in front of the property to be served by the driveway, rising to the sidewalk level not less than four (4) feet from the inside of the sidewalk. The upper surface of the driveway from thence to the outside street line shall be made to conform to the grade of the sidewalk and shall be paved with concrete. (CC 1979 §27-49)

SECTION 510.260: SLOPE OF CURBING

Curbing shall be set to a true line and grade, with a slope of one (1) inch to the foot from the perpendicular towards the walk, the upper and outer edge thereof to be the true line and grade of the curb. The upper edge of the concrete shall be beveled so that the top of the curbing shall conform to the finished line of the walk. The ends of the curbstones shall be dressed to lay to a quarter of an inch joint for the full depth and thickness of the stone, and the back of the curbing shall be tamped solidly with small stone and mine tailings, so as to prevent the curb from settling from the true line and grade. (CC 1979 §27-50)

ARTICLE VI. EXTENSION OF STREETS

SECTION 510.270: APPLICATION AND REGULATIONS FOR EXTENSION OF EXISTING STREETS—CREATION OF STREET PRO RATA FUND

- A. Any applicant desiring to extend any existing street shall make written indication therefor to the City. Such application shall state the name and address of the applicant and the proposed use of any such extension. Said application shall be accompanied by engineering plans and profiles of the street and an initial deposit of fifty dollars (\$50.00) which shall be held by the collection office pending final disposition of such application.
- B. Upon receipt of an application and initial deposit as provided for herein, the City's collection office shall forward the application to the Mayor and Superintendent of the Public Works Department. The Superintendent or his authorized representative shall forthwith make an estimate of the cost of the proposed extension in writing and, within fifteen (15) working days of the date of the application, notify such applicant stating the amount of such estimate. The applicant shall, within fifteen (15) days of the receipt of such notice, pay to the City the full amount of such cost estimate, less the initial deposit in the pro rata street fund (agency fund). In the event such applicant shall fail to pay to the City the amount of the cost estimate, the application shall be denied by the Superintendent of Public Works Department, and the initial deposit shall be retained by the City.

C. The cost estimate submitted by the Superintendent shall be computed on the basis of the following items:

C.1. City street specifications.

C.2. The cost of engineering services, if any; materials; labor; equipment rental, if any; surveys and grading and all other costs reasonably included in the construction of said extension.

C.3. The length of the proposed extension measured from the terminal point of the nearest usable existing street to the far end of the new street.

In addition to the items set out above, the Superintendent or his authorized representative may use any other information contained in bids submitted to the City.

- D. Upon receipt of the balance of payment due under the cost estimate provided in Subsection (B), the City Clerk shall deliver the application and the cost estimate to the City Council, and if the Council shall find that the proposed extension is not contrary to the public interest, it shall, by ordinance, direct that the application be granted. Such ordinance shall further state the manner in which the construction of the proposed street extension is to be done and approve a contract between the City and/or a private contractor (approved by the City) and the applicant for the construction of such extension.
- E. During the installation of the street, the work area shall be available for inspection at all reasonable hours by the Superintendent or any authorized City representative. Upon completion of the installation, and if approved, the Superintendent shall approve eighty percent (80%) of the total received for payment to the contractor or the City for installation of such street extension. The remaining twenty percent (20%) shall be retained a minimum of thirty (30) days until all miscellaneous work that is required is completed and approved by the Superintendent of Public Works. If the contractor does not complete the miscellaneous work in a reasonable length of time as required, the City retains the right to hire another contractor or to use City employees to complete the miscellaneous work and to pay such contractor or the City from the twenty percent (20%) retained fund.
- F. Should the actual cost of extending the street be more than the cost estimate, applicant shall pay such additional amount to the City before construction shall be commenced or, if the street is still under construction, before final approval be granted. If the actual cost of extending the street is less than the estimated cost, the applicant shall be refunded the amount of his payment, less the actual cost. In no event shall interest be paid on any refund made to any applicant.
- G. The City Collector shall keep a ledger account book of all funds on deposit in the pro rata street fund, showing the amount paid into such fund by the Collector as a result of each street extension, the applicant making such payment, and all payments made therefrom.
- H. When any street extension other than a single user extension shall be completed, for a period of twenty (20) years thereafter any user connecting to such extension shall pay into the pro rata street fund, in addition to any other charges required by the ordinance or law, the following amount:

The total cost of such extension shall be divided by the number of feet in said extension, and such user shall pay an amount equal to the total number of front feet in the property owned by said user which fronts on or abuts such street, times such per foot construction cost; provided, that if such extension is available for users on both sides thereof, such users shall pay one-half (½) of such charge.

- I. When any street extension other than a single user extension shall be completed, for a period of twenty (20) years thereafter applicant shall be entitled to a refund from each user other than

applicant who constructs any driveway, entrance, exit or any other use of the street. Such refund shall be in the amount of the charge paid by user as set forth in Subsection (H) above, less two percent (2%) collection fee for the processing performed by the City of Monett.

- J. In no event shall refunds be made to the original applicant in excess of the amount paid into the pro rata street fund, and no interest shall be paid thereon.
- K. At the expiration of twenty (20) years from the date on which any street extension is completed and approved and accepted by the City, all funds remaining in the pro rata street fund as a result of such extension shall become the sole property of the City and shall be transferred and paid into the General Revenue Fund of the City.
- L. Additional street extensions may be connected onto any extension made hereunder, but such connection shall not entitle the original applicant for extension to a refund from the pro rata street fund.
- M. Public works shall invoice user of such changes. (Ord. No. A-7109 §1, 1-4-02; Ord. No. 7593 §1, 8-22-05)

CHAPTER 515: EXCAVATION IN STREETS, ALLEYS AND SIDEWALKS

Cross Reference—As to unlawful excavations generally, see §215.310 of this code.

Editor's Note—Ord. no. A-6342 §1, adopted August 9, 1996, repealed ch. 515 and enacted the provisions set out herein. Former chapter 515 derived from ord. no. A-3127 §§1–6, 12-23-71; ord. no. 264 §§3–5, 8-17-17; ord. no. 779 §§1–4, 12-9-24; CC 1979 §§27-15–27-25.

SECTION 515.010: PERMIT—REQUIRED

- A. No person shall make an excavation within the right-of-way limits of any street, alley or sidewalk without first obtaining a permit from the City Clerk; provided, that in the case of emergency which requires immediate attention to remedy defects in order to prevent loss or damage to persons or property it shall be sufficient that the persons making such excavation or opening in streets, alleys or sidewalks obtain a permit where such permit cannot be obtained immediately and before starting such excavation or opening. The permit, or a copy thereof, shall be kept at the work site and exhibited to any Police Officer, inspector or agent of the City Clerk or Utilities Superintendent asking for same.
- B. For purposes of this chapter, the word "*person*" shall include individuals, agents, corporations, public and private utilities, political subdivisions, departments and agencies of the State of Missouri and the United States government, firms, partnerships, associations and any other group acting as a unit.
- C. Public utilities, political subdivisions, departments and agencies of the State of Missouri and the United States government shall be required to secure permits under the terms of this Chapter but shall be required to post bonds or deposits.
- D. The person securing a permit to make an excavation in any street, alley or sidewalk shall be deemed to be the person making such excavation. (Ord. No. A-6342 §1, 8-9-96)

SECTION 515.020: PERMIT—DEPOSIT WITH CITY CLERK OF SURETY BONDS

- A. Where it shall be necessary to make an excavation within the limits of any existing street, alley or sidewalk, the applicant for an excavation permit shall, before receiving a permit, deposit with the City Clerk an amount of money equal to two dollars (\$2.00) per square foot of estimated excavation area, but in no case shall such deposit be less than one thousand dollars (\$1,000.00).
- B. In lieu of such deposit, the applicant may file with the City Clerk a surety bond sufficient in amount to insure payment for the proper repair of such excavation in accordance with the terms of this Code and other City ordinances and to insure and protect the City from all damages that may arise from such excavation prior to acceptance by the City, after proper backfilling.
- C. Such deposit shall be returned ninety (90) days after the excavation has been backfilled and after a street inspector shall have reported the excavation to have been properly repaired and payment made therefore and to his/her knowledge no damage to any person or property has occurred by reason of such excavation prior to acceptance by the City.

- D. Any person who is issued a permit under the provisions of this Chapter shall as a condition to the granting of such permit agree to indemnify and hold harmless the City from any claims and damages because of bodily injury, including death, and claims for damages to property which may arise out of and during operations under the permit whether such operations be by the applicant or by any subcontractor or anyone directly or indirectly employed by the applicant.

(Ord. No. A-6342 §1, 8-9-96)

SECTION 515.030: FEE FOR INSPECTION AND PERMITS

Every person making an excavation in a street, alley or sidewalk shall pay to the City Clerk for the inspections and permits required in this Section a fee of five dollars (\$5.00).
(Ord. No. A-6342 §1, 8-9-96)

SECTION 515.040: INSTALLATION OF UNDERGROUND UTILITIES

- A. Where an application is made for an excavation permit (excepting for the installation of a sewer or water connection) the applicant shall submit a drawing or plat showing the location where the proposed main or cable is to be placed.
- B. All underground water mains and their lateral lines and valve boxes and all underground gas mains and lateral lines and appurtenances thereto and all underground telephone cables, junction boxes and appurtenances thereto shall, wherever practicable, be placed between the curb line and sidewalk or sidewalk line in the Section of the street known as the parkway. Where the street pavement and the sidewalk occupy the entire street, the underground water, gas mains, telephone cables and lateral lines, valve boxes, junction boxes, and other appurtenances thereto shall, where practicable, be placed under the sidewalk. When any of the aforesaid mains, cables, or appurtenances thereto are placed under the sidewalk, the sidewalk shall be removed to the full width, except where the sidewalk is of such width and construction as to permit removal of a part of the sidewalk to a longitudinal joint. (Ord. No. A-6342 §1, 8-9-96)

SECTION 515.050: BARRICADES AND LIGHTS REQUIRED ON EXCAVATION

All excavation shall be barricaded in such a manner as to protect such pedestrians and vehicular traffic. Such excavation and barricades shall be lighted at night with danger signals in such a manner that all traffic may be warned of the existence and location of such excavation and barricades. All surplus excavation materials, tools or supplies at the site of the excavation shall be barricaded and lighted at night in the manner described in this Section. All barricades and lights shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).
(Ord. No. A-6342 §1, 8-9-96)

SECTION 515.060: BACKFILLS

At the completion of any work requiring the excavation of a street, alley or sidewalk, such excavation shall be immediately backfilled with material meeting the gradation requirements of Section 02222-Granular Stone Bedding and Backfill as specified in the City of Monett standard construction specifications. All surplus material shall be removed from the area by the person making the excavation. (Ord. No. A-6342 §1, 8-9-96)

SECTION 515.070: INSPECTION AND ACCEPTANCE OF EXCAVATION AFTER BACKFILLING AND SETTLEMENT

When an excavation has been made within the limits of any street, alley or sidewalk, and after the same has been properly backfilled and opened to traffic, the person making the excavation shall

immediately notify the City Clerk that the same is ready for final repair. The Superintendent of Streets or his/her duly authorized agent shall immediately inspect the same, and if he/she finds that such excavation has been properly backfilled and has settled sufficiently to permit final repair, he/she

shall accept the same for the City and relieve the person making the excavation from further liability in connection therewith, except for the payment of the charge set out in this Chapter for paving, surfacing or maintenance for a period of ninety (90) days of such street, alley or sidewalk. If requested by the Superintendent of Streets, the person making the excavation shall place a temporary surface consisting of at least one and one-half (1½) inches of cold mix asphalt over the backfill prior to acceptance. After such acceptance, the City shall be solely liable for maintenance and repair of such excavation; except, that on the parkways and the shoulders of unpaved streets, the person making the excavation shall be responsible for the same for a period of ninety (90) days. The judgement of the Superintendent of Streets or his/her duly authorized agent as to when an excavation has been properly backfilled and has settled sufficiently to permit final repair shall be conclusive. (Ord. No. A-6342 §1, 8-9-96)

SECTION 515.080: FINAL REPAIR OF EXCAVATIONS—SPECIFICATIONS

After inspection and acceptance of excavation by the Superintendent of Streets, he/she shall proceed with the final repair of such excavations in the following manner:

- .1. *Paved Streets.* If the excavation is in the paved area of any street, alley or sidewalk:
 - .1.a. For concrete streets, the backfill shall be removed to a depth equal to the thickness of the existing concrete. For streets surfaced with asphalt or other material, the backfill shall be removed to a depth of six (6) inches below the lower side of the surface course.
 - .1.b. The existing paving shall then be broken out and all materials removed to the above depth and for a distance of twelve (12) inches on each side of the original excavation. The paving shall be broken with care so as to insure a straight edge and a uniform patch. Concrete streets shall be patched with Portland cement concrete of the same thickness but not less than six (6) inches. Other types of pavement may be patched with a two (2) inch layer of bituminous surface over a six (6) inch Portland cement concrete base.
- .2. *Streets with bituminous seal coat or oiled surface.* If the excavation is within the limits of any street with a bituminous seal coat or oiled surface, the Superintendent of Streets shall remove the top two (2) inches of the backfill and refill the same with plant mix bituminous surface to the level of the existing surface.
- .3. *Parkways.* The person making the excavation shall be responsible for the protection and private property adjacent to the work and shall exercise due caution to avoid damage to such property. The person making the excavation shall repair or replace all existing improvements (e.g., curbs, sidewalks, driveways, fences, wells, signs, utility installations, etc.), which are damaged or removed as a result of these operations. Repairs and replacements shall be at least equal to existing improvements and shall match them in finish and dimension.
 - .3.a. Trees, lawns and shrubbery shall be protected from damage or injury. If damaged or removed because of the operations, they shall be restored or replaced in as near the original condition and location as is reasonably possible. After the backfill has settled sufficiently at least six (6) inches of topsoil shall be replaced on excavated areas, removing backfill material as necessary in order that the final surface may match the previously existing grade. The disturbed area shall be fertilized with a mixture consisting of thirteen (13) pounds of soluble nitrogen phosphoric acid and potash per one hundred (100) pounds

of mixture. The area shall then be raked to a smooth even surface, the soil loosened to a depth of at least one (1) inch and seeded. The seed shall be a mixture containing fifty

percent (50%) Park's Kentucky Bluegrass, forty percent (40%) Creeping Red Fescue, five percent (5%) Dutch White Clover, and five percent (5%) Annual Rye Grass. The seed shall be free from Johnson Grass, Canadian Thistle or field bindweed seed and shall not contain more than two percent (2%) of other weed seeds. The seed shall be evenly distributed over the area at a rate of three (3) pounds per one thousand (1,000) square feet. On areas subject to wash or on slopes steeper than three (3) to one (1), the seeded areas shall be covered by straw approximately one quarter (1/4) inch in depth. The area shall be maintained by the person making the excavation for a period of ninety (90) days.

- 4. *Unsurfaced or aggregate surfaced streets.* If the excavation is within the limits of any unsurfaced or aggregate surfaced street, the same shall be maintained by the person making the excavation for a period of ninety (90) days. Should the person making the excavation fail to properly maintain it for such period, then the City will assume the responsibility of the maintenance and a charge for such maintenance will be made as provided in Section 515.090 of this Chapter. (Ord. No. A-6342 §1, 8-9-96)

SECTION 515.090: FINAL REPAIR—CHARGES TO PERSON MAKING REPAIRS

Upon completion of the repairs to excavation, the Superintendent of Streets shall compute the area of patch work done by the City in repairing such excavation and the person making the excavation shall pay the City Clerk for such repairs in accordance with the following schedule of prices:

.1. Six (6) inch Portland cement concrete, per square foot (SF).....	\$4.50
.2. Portland cement concrete, per inch over six (6) inches, per SF.....	0.50
.3. Four (4) inch concrete sidewalk, per SF.....	4.00
.4. Two (2) inch bituminous mix, per SF.....	2.00
.5. Concrete curb and guttering, per lineal foot (LF).....	9.00
.6. Saw cutting, per LF.....	8.00
.7. Maintenance, per LF.....	1.50
.8. Inspection, per LF.....	30.00
.9. Permit for excavation in surfaced R/W, each.....	5.00
.10. New residential driveway permit (improved).....	30.00
.11. New commercial driveway permit (improved).....	35.00
.12. New commercial driveway permit (unimproved).....	35.00

(Ord. No. A-6342 §1, 8-9-96)

SECTION 515.100: PENALTIES

Failure of the person making the excavation to comply with the provisions of this Chapter shall be deemed cause for revocation of the bond or deposit. Failure of the person making such excavation to make corrections to comply with the provisions of this Chapter within three (3) days after notice being given of the defect, shall constitute cause for the City to refuse to issue further excavation permits to such person until the failure is corrected. Any person who shall violate any provisions of this Chapter shall, upon conviction, be punished as provided in Section 100.080 of the Monett City Code. (Ord. No. A-6342 §1, 8-9-96)

DRAINPIPES,

**CHAPTER 520: CONSTRUCTION OF
CURBING, GUTTERING AND DRIVEWAYS**

**SECTION 520.010: OBSTRUCTION OF, INTERFERENCE WITH, ETC., STREETS OR
SIDEWALKS**

No drain pipe, curbing and guttering or driveway shall be constructed which shall obstruct or interfere with the use of any sidewalk by pedestrians or the use of any public street for motor vehicle traffic, or which shall obstruct or interfere with the drainage of surface water upon any sidewalk or public street. (CC 1979 §27-26; Ord. No. A-2241 §1, 5-21-65)

**SECTION 520.020: CONFORMANCE TO GRADES OF STREETS AND SIDEWALKS—
CURBING AND GUTTERING**

All curbing and guttering shall be constructed to conform to the grades of the improved public street upon and along which the same is to be constructed and to conform to the grade of any public sidewalk which may adjoin such curbing and guttering. (CC 1979 §27-27; Ord. No. A-2241 §2, 5-21-65)

**SECTION 520.030: CONFORMANCE TO GRADES OF STREETS AND SIDEWALKS—
DRAIN PIPES AND DRIVEWAYS**

All drain pipes and driveways constructed upon any public street area or which shall connect with, or discharge upon any public street shall be constructed to conform to the grade of the improved street to which the same may connect or upon which the same may discharge and shall be constructed to conform to the grade of any public sidewalk over or through which the same may be constructed. (CC 1979 §27-28; Ord. No. A-2241 §3, 5-21-65)

**SECTION 520.040: CONFORMANCE TO GRADES OF STREETS AND SIDEWALKS—HOW
GRADES ESTABLISHED**

The grade of any public street or sidewalk shall be as has been established by the City Engineer or as otherwise lawfully established. (CC 1979 §27-29; Ord. No. A-2241 §4, 5-21-65)

SECTION 520.050: PERMIT

No person shall construct or cause to be constructed upon or along or adjoining any public street or sidewalk any drain pipe, curbing or guttering or any driveway, without first obtaining a permit for such construction from the City Clerk. Application for such permit shall be made in such form as prescribed by the City Clerk and shall contain the name of the person to perform such construction and the name of the person causing such construction to be performed, a drawing of and description of the proposed construction, including the grade lines of the construction, public streets and sidewalks involved in such construction and a declaration that such construction will be accomplished in accordance with this Chapter. The City Clerk will issue such permit without cost,

upon certification by the City Engineer that the proposed construction will conform to such requirements. (CC 1979 §27-30; Ord. No. A-2241 §5, 5-21-65)

§ 520.060

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SECTION 520.060: REMOVAL AND REPLACEMENT OF DRAIN PIPE, CURBING AND GUTTERING OR DRIVEWAY NOT IN COMPLIANCE WITH CHAPTER

In the event any person constructs any drain pipe, curbing and guttering or driveway, the construction of which is regulated by this Chapter, which does not meet the requirements of this Chapter the City Engineer shall cause the same to be removed and may cause the same to be replaced, all at the cost of the person causing the same to have been so constructed.

(CC 1979 §27-31; Ord. No. A-2241 §6, 5-21-65)

CHAPTER 525: STORMWATER MANAGEMENT

PLAN

ARTICLE I. GENERAL PROVISIONS

SECTION 525.010: GENERALLY

Current and enforceable municipal ordinances, regulations, and statutory requirements notwithstanding:

- .1. The applicant for a building permit shall submit with the application, plans, drawings, and any other such information required by this Chapter for the management and control of surface water runoff from the tract or tracts for which the permit is requested, and to provide that temporary flooding does not occur to other properties during construction.
- .2. Any person or party submitting a final subdivision plat for consideration and approval under the subdivision and zoning ordinance in effect at the time of submittal shall submit plans, drawings, and any other such information required by this Chapter for the management and control of surface water runoff from the tract or tracts to be subdivided, and to provide that temporary flooding does not occur to other properties during construction.
- .3. Any person or parties prior to grading, excavating, ditching, or otherwise implementing activities that would alter the topography of an area or contiguous areas greater than ten thousand (10,000) square feet, or alter, channelize, rechannel, or modify a natural or man-made watercourse shall first submit to the City Engineer of the City of Monett, plans, drawings, calculations, and other information required by this Chapter for the management and control of surface water runoff from the area to be altered, or surface water conveyed by any natural or manmade watercourse, and to provide that temporary flooding does not occur to other properties during construction.
- .4. Any person or party submitting plans for new development or construction of any commercial or industrial property that exceeds a detention volume of five hundred (500) cubic feet shall submit plans, calculations and any other information required by this Chapter for the management and control of surface water runoff from the property. Such person or party shall also provide and maintain temporary straw bales and silt fences as necessary to control flooding, erosion and/or silt deposition from off the property. If, at any time, the cumulative total of detention volume for a development or commercial or industrial construction project exceeds five hundred (500) cubic feet, the responsible person or party shall comply with the provisions of this Section.
- .5. The requirement for stormwater detention may be waived for property which lies inside the FEMA 100-year floodplain. (Ord. No. A-5926 §1, 6-9-94; Ord. No. A-7097, 10-26-01; Ord. No. 7304, 4-14-03; Ord. No. 7422, 6-1-04; Ord. No. 7988 §§1–2, 8-20-10)

SECTION 525.020: SURFACE WATER RUNOFF MANAGEMENT AND CONTROL

- A. The applicant or the person or party submitting a final subdivision plat shall retain the services of a professional engineer, registered in the State of Missouri, to provide under his/her professional seal and signature the surface water runoff management and control plans, drawings, calculations, and information required under Article III of this Chapter.

- B. All facilities constructed or required to be constructed for approval of a final subdivision plat for the management and control of surface water runoff, shall, during and upon completion of construction, be inspected by a professional engineer licensed in the State of Missouri. Upon completion of construction of the surface water runoff management and control facilities, the City Engineer of the City of Monett shall receive from the professional engineer certification that the said facilities have been completed and constructed in accordance with the intent of the plans, drawings, and calculations upon which permits or approval were issued.
- C. Upon written request by the building permittee or person or parties submitting a subdivision plat, the City, upon receipt of fees established by the Superintendent of Utilities, shall retain the services of a professional engineer licensed in the State of Missouri to perform the inspection and provide certification requirements of Subsection (B).
- D. In the event certification of completion and compliance with plans, drawings and calculations are not received by the City Engineer of the City of Monett, or should the City Engineer determine the improvements facilities as described in the approved plans are not being constructed to meet minimum standards set forth in Article III of this Chapter, then the City Engineer shall so notify the permittee and may issue an order revoking the building permit, or recommend to the Governing Body to discontinue provision of municipal utilities until the deficiencies are corrected.
(Ord. No. A-5926 §II, 6-9-94)

SECTION 525.030: OBSTRUCTION OF WATERCOURSES PROHIBITED

- A. It shall be unlawful for any person to block, obstruct, destroy, cover, fill, or alter in any way a watercourse or any part thereof so as to cause damage to the property of other persons from surface water.
- B. A watercourse is land which has a conformation so as to give to surface water flowing from one tract of land to another tract of land, a fixed and determinate course so as to uniformly discharge it upon the servient tract at a fixed and definite point. It shall include, but shall not be limited to, ravines, swales, sinkholes, or depressions of greater or less depth extending from one tract and so situated as to gather up the surface water flowing upon the dominant tract and to conduct along a definite course to a definite point of discharge upon the servient tract. It shall not be deemed to be important that the force of water flowing from one tract of land to another has not been sufficient to wear out a channel or canal having definite or well-marked sides or banks. If the surface water, in fact, uniformly or habitually flows over a given course having reasonable limits as to the width of the line of its flow, it shall be considered to have a definite course.
- C. A violation of Subsection (A) hereof shall be deemed to be a public nuisance. Whenever the City Engineer of the City of Monett has determined that a person has blocked, obstructed, destroyed, covered, filled, or altered in any way a watercourse so as to cause surface water damage to the property of others, the City Engineer is authorized to proceed in accordance with Monett City Code so as to abate the public nuisance.
- D. In reviewing applications for building permits, the City shall further determine if the work interferes with the use and operation of existing watercourses. If the City has reason to believe that the work may interfere with the use and operation of existing watercourses, then the City shall notify the applicant and request information or revisions to the plans and drawings stipulated in Section

525.010. When determined by the City Engineer to be necessary, the applicant shall comply with the provision set forth in Section 525.020 of this Chapter. (Ord. No. A-5926 §III, 6-9-94)

SECTION 525.040: WASTEWATER DISCHARGE

- A. Storm water and all other unpolluted waters shall be discharged to storm sewers or waters of the State.
- B. It shall be unlawful to discharge into any storm sewers and/or waters of the State within the City or in any area where there is an availability of sanitary sewers any waste water or pollutant, except where suitable treatment has been provided and approved by the City and the State of Missouri under the National Pollution Discharge Elimination System (NPDES).
- C. Violations of this Section shall be subject to the enforcement procedures contained in Wastewater Regulations of the Monett City Code. (Ord. No. A-5926 §IV, 6-9-94)

SECTION 525.050: MAINTENANCE OF SURFACE WATER RUNOFF CONTROL FACILITIES

- D. When any Surface Water Runoff Control Facility (hereafter called Facility) is located on the same lot or tract it is intended to serve, the facilities shall be maintained at all times by the owner of the lot or tract. Unless otherwise approved by the City, such facility shall not be constructed on separate lots and no building permit shall be issued for any such facility if it is located on a lot or tract of land other than the lot or tract of land it is intended to serve.
- E. When the Facility is designed to serve more than one lot or tract, the City may permit the construction of such facilities on a lot other than the lot or tract the facility is intended to serve, if it is determined that there are sufficient easements and covenants filed of record with the County Recorder of Deeds imposing the duty and responsibility to maintain the facilities, together with the liability for the costs of such maintenance upon the owners of each of the lots served by the Facility and further covenanting that the assessed costs of any repairs and maintenance work done by the City shall be a lien enforceable against each of the lots so served. The City shall require as a precondition to the issuance of a building permit that the owner of the property file such covenants and easements with the County Recorder of Deeds allocating such obligations and liabilities for the cost of the maintenance of the Facility, which covenants and easements shall secure the right of the City to execute remedies and the power to assess the costs thereof against each lot served by the Facility.
- F. In the event the owners of the lots or tracts served by the Facility fail to maintain the Facility, then the City, upon ten (10) days written notice, may revoke the occupancy permit issued for such premises and in addition thereto, or in the alternative, may order utilities disconnected. Any aggrieved owner shall have the right to an administrative hearing prior to revocation of the occupancy permit or disconnection of utilities, to determine whether the Storm Water Detention Facility has been maintained so as to meet the standards set forth, provided the owner has filed a written demand for hearing with the City within ten (10) days after notice was given. The hearing shall be conducted before a hearing officer designated by the City within twenty (20) days of receipt of the owner's demand for hearing, and at the conclusion of the hearing, the hearing officer shall prepare a written decision setting forth his/her findings of fact and conclusions. The decision of the hearing officer shall be final for purposes of Chapter 536, RSMo., as revised or amended.
- G. *Failure to Maintain Declared a Nuisance—Assessment of Costs as a Lien.* If the owners of the lots or tracts served by the Facility fail to adequately maintain the Facility, the same is hereby declared to be a nuisance and the City may require abatement of the nuisance under the procedures set forth in the Monett City Code. In addition to the procedures set forth above, or in the alternative, upon determining that a nuisance exists, City Officials may refuse to issue or renew City licenses for any business on any lot or tract served by the Facility. (Ord. No. A-5926 §V, 6-9-94)

SECTION 525.060: DEVELOPMENT IN AREAS OF KARST GEOLOGICAL CHARACTERISTICS AND SINKHOLES

- A. No person shall engage in the altering of topography, grading, excavating, or the development of land in a sinkhole area without first securing a permit from the City. To obtain a permit, the owner of the property or person having an interest therein shall submit an application for a permit to the

Director of Public Works with a plan set out in Section 525.030, which shall contain the following additional information:

A.1. The plan shall show the location of the sinkhole, the immediate sinkhole drainage area, a

sinkhole cluster area, or portions of such items, along with ground contours, a storm water analysis of the sinkhole, and significant physical features on the property.

- A.2. Upon review of the information presented by the applicant, the site, and such other information as may be available, the City may issue a permit for work to be performed in the sinkhole area. All work shall be performed in accordance with the permit. The City may designate certain areas where grading or construction equipment is not permitted or is otherwise limited.
- B. In addition to establishing a plan for grading and use of construction equipment, the City may, based upon the topography, geology, soils, and history of the sinkhole (such as past filling) and the storm water analysis and plan of the developer's engineer establish sinkhole-related non-buildable areas. No buildings, parking areas, grading, or other structures shall be permitted within the sinkhole-related non-buildable area unless otherwise authorized by the City.

This non-buildable area shall follow the limits of the sinkhole in most cases. However, the non-buildable area may be expanded or contracted by action of the City where warranted, due to the nature of the specific sinkhole, the underlying geology, soils, drainage, and any related information, such as depth to bedrock. In sinkhole cluster areas, the City may require the owner or developer to provide recommendations from a consulting engineer and a consulting hydro-geologist, based upon substantial and state-of-the-art field studies and evaluation of the specific sinkhole system. Such studies shall be submitted to the City's Authorized Representative for review.

- C. Development may occur in the immediate sinkhole drainage area if the developer provides alternative surface drainage away from the sinkhole, while keeping the water in the same surface drainage basin; and provided further that the water shall not go into another stream of known flooding problems. The immediate sinkhole drainage area (or portion thereof) which cannot be provided with an alternative drainage system can be deleted from the development area and can be used to meet open space requirements. The developer may request the Planning and Zoning Commission and the City that the density on the remainder of the developable area be increased, with the total resulting density no greater than if the entire area were developed to the permitted density under the Zoning Code. (Ord. No. A-5926 §VI, 6-9-94)

SECTION 525.070: MUNICIPAL STORM WATER MANAGEMENT PLAN

- A. Whereas it has become apparent to the City Council of the City of Monett, Missouri that growth and development of residential, commercial, industrial, and institutional elements within the corporate limits is adversely impacted by unchecked storm water and surface water runoff, and that it is in the best interest of the health, safety, and welfare of its citizens to provide for coordination, control, and planning of means to manage and control the routing, flow rate, detention, and discharge of these waters, the City Council of the City of Monett ordains as follows:
- A.1. The Superintendent of Utilities is empowered and directed to implement reviews, studies, examinations, and surveys and to prepare and present to the City Council of the City of Monett, and to the various departments and administrative divisions thereof, a plan for the management and control of storm waters, surface runoff waters, and other waters resulting from precipitation in liquid and solid form;

A.2. The Superintendent is empowered to retain the services of professionals and specialists experienced and skilled in the various disciplines required in the formulation and development of the plan;

- A.3. The plan shall include all areas within the present corporate limits, and address areas beyond the present corporate limits where topographic, geologic, and hydrologic features might generate, affect, impact, or influence the persons and property within the City of Monett.
- B. The plan shall be presented to the City Council for consideration and review within two (2) consecutive calendar years from June 9, 1994. (Ord. No. A-5926 §VII, 6-9-94)

SECTION 525.080: ENFORCEMENT AND LIABILITY

- A. In enforcing the provisions of the aforesaid Sections, in addition to the various remedies provided therein, the City shall have all other rights, powers, and authority granted to it by Missouri law, including without limitation the right to file civil suit against any person who violates or fails to comply with the aforesaid Sections. In the event of civil suit, the City may recover reasonable attorney's fees, court costs, and other expenses of litigation.
- B. No person issued a permit under the terms of the aforesaid Section shall have any recourse whatsoever against the City for any loss, cost or expense, or damage arising out of any of the provisions or requirements of these Sections, or because of the enforcement thereof by the City. These Sections shall not create liability on the part of the City, its officers, agents or employees as the result of reliance on any permits issued hereunder or as the result of any administrative decision lawfully made hereunder. (Ord. No. A-5926 §VIII, 6-9-94)

ARTICLE II. STORM SEWER AND DRAINAGE

DESIGN

SECTION 525.090: MINIMUM REQUIREMENTS FOR STORM SEWER AND DRAINAGE DESIGN

- A. *Drainage Area Plan.* A plan of the drainage area at a scale of one (1) inch = one hundred (100) feet with two (2) foot contour intervals using USGS Datum for areas less than one hundred (100) acres or a plan of the drainage area at a scale of one (1) inch = three hundred (300) feet with five (5) foot contour intervals for larger areas. This plan shall include all proposed streets, drainage, and grading improvements with flow quantities and direction of flow at all critical points. All areas and sub-areas for drainage calculations shall be clearly distinguished.
- B. *Hydraulic Data.* Complete hydraulic data showing all calculations shall be submitted. A copy of all nomographs and charts used in the calculations shall be submitted if other than those included herein are utilized.
- C. *Plan and Profile.* A plan and profile of all proposed improvements at a scale of 1 inch = 40 feet horizontal and 1 inch = 4 feet vertical shall be submitted. This plan shall include the following:
 - C.1. Locations, sizes, flow line elevations and grades, type of pipe, channels, boxes, manholes, and other structures drawn on standard plan-profile sheets;

- C.2. Existing and proposed ground line profiles along centerline of the drainage improvement;
- C.3. A list of the kind and quantity of material;
- C.4. Typical sections and reinforcement of all boxes and channels;

- C.5. Location of property lines, street paving, sanitary sewers, and other utilities, both public and private.
- D. *Field Study.* A field study of the downstream capacity of all drainage facilities and the effect of additional flow from the area to be improved shall be submitted. If the effect is to endanger property or life, the problem must be solved before the plan will be given approval.
- E. *Storm Water Flow Quantities.* Storm water flow quantities in the street shall be shown at all street intersections, all inlet openings, and at locations where flow is removed from the streets. This shall include the hydraulic calculations for all inlet openings and street capacities. Street flow shall be limited according to Table 1 at the end of this Article.
- F. *Sinkholes or Karst Areas.* Sinkholes or karst areas shall be clearly defined. If any portion of the storm water from an area is to be drained into a sinkhole, all information available shall be obtained and the capacity of the sinkhole shall be studied and this study shall be submitted to determine the effect of the drainage and pollution on groundwater and streams.
- G. *Additional Information.* Any additional information deemed necessary by the Superintendent of Utilities for an adequate consideration of the storm drainage effect on the City of Monett and surrounding areas must be submitted.
- H. Discharge flow from the stormwater detention outlet structure shall be directed into existing channels, existing natural draws, watercourses, drainage easements or to public rights-of-way. Discharge flow shall connect to existing downstream storm sewers if directed by the City of Monett.

Discharge to Developed Property that Contains Existing Structures or Improvements:

The developer shall obtain drainage easements across already-developed property and construct facilities to drain to existing channels, existing natural draws, watercourses, drainage easements, or to the public right-of-way.

Discharge to Undeveloped Property that Does Not Contain Existing Structures or Improvements:

The developer shall discharge water to a point, existing channel, existing natural draw or watercourse that will contain a drainage easement in the future when the property develops. (Ord. No. A-5926 part 1 §A, 6-9-94; Ord. No. A-7097, 10-26-01)

SECTION 525.100: REQUIREMENTS RELATING TO IMPROVEMENTS

A. *General Design Requirements.*

- A.1. All bridges shall be designed to accommodate a one hundred (100) year frequency rain. Box culverts, pipe culverts, channels, and ditches shall be designed to accommodate a one hundred (100) year frequency rain at all locations having a drainage area in excess of 1.00 square mile. Locations having a drainage area of less than or equal to 1.0 square mile shall be designed to accommodate a twenty-five (25) year frequency rain.

A.2. Channel improvement types shall be as follows:

A.2.a. Improvements with a capacity of up to and including 10 C. F. S. shall be open and (1) sodded; or (2) concrete paved invert; (3) concrete lines; or (4) closed conduit;

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A.2.b. Improvements with a capacity above 10 C.F.S. up to and including 100 C.F.S. shall be closed conduit;

A.2.c. Improvements with a capacity above the 100 C.F.S. up to and including 250 C.F.S. may be open and (1) concrete paved invert; or (2) concrete lined; or (3) closed conduit;

A.2.d. Improvements with a capacity above 250 C.F.S. shall be open and (1) concrete lined; or (2) have a 100 C.F.S. low flow paved invert.

B. *Specific Requirements For Various Improvements.*

B.1. *Bridges and culverts.* Bridges, box culverts, or concrete pipe culverts shall be provided where continuous streets or alleys cross watercourses. The structure shall be designed in accordance with City specifications for materials and to carry HS-20 loadings in all cases.

B.2. *Closed storm sewers.* Closed storm sewers shall either be reinforced concrete box or pipe of approved type designed for HS-20 loadings. Reinforced concrete pipe or reinforced concrete boxes must be used within two (2) feet of the back of the street curb and under paved areas. All storm sewers having trench walls within two (2) feet of the back of the street curb shall be backfilled with granular material. The use of corrugated steel, zinc-coated pipe and extra strength clay pipe, will not be permitted within two (2) feet of the curb or under pavement areas. All pipe materials shall meet the requirements of the latest revision of the City of Monett Standard General Conditions and Technical Specifications for Public Works Construction.

Grades for closed storm sewers shall be designed so that the velocity shall not be less than three (3) feet per second nor exceed twelve (12) feet per second. All other structures such as junction boxes or inlets shall be in accordance with the Standard Drawings adopted by the City of Monett.

Closed storm sewers shall extend to the furthest downstream point of development with consideration given to velocities and to providing discharge energy dissipators to prevent erosion and scouring along downstream properties.

B.3. *Open paved concrete channels.* Grades for open paved channels shall be designed so that the velocity shall not be less than three (3) feet per second nor exceed twelve (12) feet per second. Such concrete channels may be of different shapes according to existing conditions; however, a channel with a flat bottom and 4:1 to 5:1 side slopes is the most desirable type and shall be used whenever possible. The thickness of channel paving shall depend on conditions at site and size of channel; however, a minimum thickness of six (6) inches is required. A six (6) inch freeboard must be provided. An eighteen (18) inch toe wall is required at both the outlet and inlet ends of the channel.

B.4. *Open ditches (earth channels).* Ditches shall have a gradient that limits the velocity within 1.5 to 5.0 feet per second depending on existing soil conditions. Such ditches shall have a minimum side slope ratio of 3:1. The designer's attention is directed to the fact that the Subdivision Regulations prohibit encroachment of buildings and improvements on natural or designated drainage channels or the channel's flood plains. Such flood plains are areas of land adjacent to an open paved channel or an open sodded ditch that may receive a flood condition from a one hundred (100) year frequency rain. The limits of such flood plains shall be indicated on drainage improvement plan. (Ord. No. A-5926 part 1 §B, 6-9-94)

SECTION 525.110: RUNOFF CALCULATIONS

The rate of runoff concentrated at any point shall be determined by the Rational Formula:

- Q = CIA, in which
- Q = Runoff in cubic feet per second
- C = The runoff coefficient for the area
- I = Design rainfall intensity in inches per hour over the area based on time of concentration and rainfall

intensity curves included as a part of this Article.

A 5-minute time of concentration is the minimum permitted.

A = Drainage area, in acres.

- .1. *Runoff coefficient.* The runoff coefficient "C" is the variable in the Rational Formula least susceptible to precise determination and the one that requires the greatest exercise of engineering judgment because of the many area characteristics which affect the coefficient. Among the factors to be considered in influencing the runoff coefficients are the following: present and future zoning; terrain; local ponding or depressions; the amount of pavement; roofs, turf, and other areas having different degrees of imperviousness.

The selection of a coefficient should take into consideration the probable ultimate development of presently undeveloped areas. Suggested values of runoff coefficients are included in the following table:

Suggested Runoff Coefficients "C"

<i>"C" Value</i>	<i>Surface Conditions</i>
.10-.15	Tall grass, brush
.15-.20	Parks, golf courses, farms, and one (1) acre single-family residences
.35	Single-family residences on lots of not less than 15,000 square feet
.45	Single-family residences on lots of not less than 10,000 square feet
.47	Single-family residences on lots of not less than 7,500 square feet
.51	Single-family residences on lots of not less than 6,000 square feet
.90	Gravel surfaces
.95	Asphalt and concrete surfaces
1.00	Buildings and other structures

- .2. *Rainfall Intensity.* The average frequency of rainfall occurrence used for design determines the degree of protection afforded by a drainage system.

Maximum intensity of rainfall of a given expectancy is greater for a short period of time than for longer periods. Therefore, it is assumed that the maximum runoff will occur as soon as all parts of the drainage area under consideration are contributing. The length of time from the beginning of rainfall until runoff from the most remote point in the drainage area reaches the point under consideration is called the time of concentration. This may include overland flow time and channel or gutter flow time. Nomographs which may be used for determining time of concentration are reproduced at the end of this Chapter. Once the time of concentration is known, the design intensity rainfall may be determined from the rainfall intensity curves developed from U.S. Weather Bureau data. (Ord. No. A-5926 part 1 §C, 6-9-94)

SECTION 525.120: SIZING OF STORM SEWERS AND DRAINAGE STRUCTURES

- A. The size of closed storm sewers, open channels, culverts, and bridges shall be designed so that their capacity will not be less than the runoff computed by using the Manning Formula:

- Q = $1.486/n a r^{2/3} s^{1/2}$
- Q = Capacity = Discharge in cubic feet/sec.
- a = Cross-sectional area of water in conduit or channel in square feet
- r = Hydraulic radius of water in conduit or channel = area/wetted perimeter
- s = Mean slope of hydraulic gradient in feet per foot
- n = Roughness coefficient based on condition and type of material of conduit or channel lining

B. Values of "n" for various kinds of pipe for use in Manning Formula

Concrete Pipe	0.013
Corrugated Metal Pipe	0.024
Concrete Lined Channel	0.015
Earth Channels	0.030 to 0.050

C. *Design Tabulations.* For systems of storm sewers with inlets in various locations, the time of concentration at any point will be time of concentration at the most remote inlet upstream, plus the flow time in the storm sewer to the point under consideration. Computations for systems lend themselves readily to tabulation showing the drainage area, time of concentration runoff, and capacity of each inlet and section of sewer under consideration. This data is to accompany the improvement plans. (Ord. No. A-5926 part 1 §D, 6-9-94)

TABLE 1. STREET FLOW

Street flow shall be limited by pavement encroachment and depth of flow as follows:

Street Classification	*Maximum Encroachment of a two (2) year storm
Local	No curb overtopping. Flow may spread to crown of street
Collector	No curb overtopping. Flow spread must leave the equivalent of one (1) ten (10) foot driving lane clear of water.
Arterials	No curb overtopping. Flow spread must leave the equivalent of two (2) ten (10) foot driving lanes clear of water.

*Where no curbing exists, encroachment shall not extend past property lines.

The storm sewer system shall commence at the point where the volume of flow equals 5 cfs. (Ord. No. A-5926 Tbl. 1, 6-9-94)

ARTICLE III. STORM WATER DETENTION REQUIREMENTS FOR PUBLIC AND PRIVATE IMPROVEMENTS

SECTION 525.130: GENERALLY

A. Storm water runoff and the velocity of discharge are considerably increased through development and growth of the City.

- B. Prior to the development of the land, surface conditions provide a higher percentage of permeability and longer time of concentration. With the construction of buildings, parking lots, etc., permeability

and the time of concentration are significantly decreased, resulting in an increase in both the rate and volume of runoff.

- C. These modifications may create harmful effects on properties downstream. Therefore, to minimize these effects, the following minimum storm water detention requirements have been established. (Ord. No. A-5926 part II §A, 6-9-94)

SECTION 525.140: STORM WATER DETENTION PLANS

- A. A complete set of storm water detention plans and calculations shall be provided for all construction projects that increase storm water runoff.
- B. Plans for the construction of public improvements shall be submitted to and approved by the Superintendent of Utilities.
- C. The required storm water detention plans for private improvements shall be submitted, along with the building plans, to the Superintendent of Utilities for review and approval. An escrow for storm water detention will not be accepted. (Ord. No. A-5926 part II §B, 6-9-94)

SECTION 525.150: METHOD OF EVALUATION

- A. Differential runoff evaluation consists of the determination of the rates of runoff, before and after development, determination of required volume of detention, and verification of adequacy of discharge and control structures. The one hundred (100) year (frequency) runoff coefficients shall be used. Differential runoff rates shall be evaluated by equation:

$$R = (Cd \times I_{100}) - (Cu \times I_{100}).$$

Where:

- R = Differential Runoff Rate
- Cd = Runoff Coefficient for developed conditions
- Cu = Runoff Coefficient for undeveloped conditions
- I₁₀₀ = Intensity for one hundred (100) year storm

"C" values shall be determined from the following table:

Suggested Runoff Coefficients

<i>"C" Value</i>	<i>Surface Conditions</i>
.10-.15	Tall grass, brush
.15-.20	Parks, golf courses, farms, and one (1) acre single-family residences
.35	Single-family residences on lots of not less than 15,000 square feet
.45	Single-family residences on lots of not less than 10,000 square feet
.47	Single-family residences on lots of not less than 7,500 square feet
.51	Single-family residences on lots of not less than 6,000 square feet

.90	Gravel surfaces
.95	Asphalt and concrete surfaces
1.00	Buildings and other structures

- B. Use the Appendix A included to find time of concentration (t_c) then use Appendix B included to determine intensity (1). A five (5) minute time of concentration is the minimum permitted. (Ord. No. A-5926 part II §C, 6-9-94)

SECTION 525.160: VOLUME OF DETENTION

- A. Volume of detention for areas less than twenty (20) acres shall be evaluated according to the "Simplified Volume Formula". For areas larger than twenty (20) acres, other methods may be used upon the approval of the Public Works Department. The "Rational Formula" method will generally be accepted for areas greater than twenty (20) acres.

Total volume of detention shall be computed by the equation:

$$V = R \times A \times t_c \text{ (min.)} \times 60 \text{ (sec./min.)}$$

$$V = \text{Total volume of detention (cu. ft.)}$$

$$R = \text{Differential Runoff Rate}$$

$$A = \text{Area of project in acres}$$

$$t_c = \text{Time of concentration as determined for use with differential runoff rates}$$

- B. The design volume of detention shall be determined from the following table:

<i>Calculated Volume</i>	<i>Design Volume</i>
1 cu. ft. thru 500 cu. ft.	500 cu. ft.
501 cu. ft. thru 4,999 cu. ft.	Round up to nearest 500 cu. ft.
5,000 cu. ft. thru 9,999 cu. ft.	Round up to nearest 1,000 cu. ft.
10,000 cu. ft. thru 49,999 cu. ft.	Round up to nearest 5,000 cu. ft.
50,000 cu. ft. thru 99,999 cu. ft.	Round up to nearest 10,000 cu. ft.
100,000 cu. ft. and above	Round up to nearest 25,000 cu. ft.

(Ord. No. A-5926 part II §D, 6-9-94)

SECTION 525.170: METHOD OF DETENTION

The following conditions and limitations shall be observed in the selection and use of method of detention:

- .1. *General location.* Detention facilities shall be located within the parcel limits of the project under consideration, with the following exceptions:
 - .1.a. No detention or ponding will be permitted within public road rights-of-way without specific written approval of the Superintendent of Utilities.
 - .1.b. Location of detention facilities immediately downstream of the project will be considered by special request if proper documentation is submitted with reference to practicality, feasibility, proof of ownership, or right-of-use of the area proposed, and provisions are made for perpetual maintenance.

.2. *Dry reservoirs.* Wet weather ponds or dry reservoirs shall be designed with proper safety, stability, and ease of maintenance features. Maximum side slopes for grassed reservoirs shall not exceed one (1) foot vertical for three (3) feet horizontal (3:1). In no case shall the limits of

maximum ponding elevation be less than two (2) feet vertically below the lowest sill elevation, nor should the maximum limits of ponding be designed closer than ten (10) feet from a building unless waterproofing of the building and pedestrian accessibility are properly mulched, sodded, or paved. A minimum of one (1) foot of freeboard is required above the spillway. The outlet structure shall be concrete or other equivalent material. Spillway areas shall be paved with a minimum of six (6) inches of concrete.

.3. *Open channels.*

- a. Normally permitted open channels may be used as detention areas provided that the limits of the maximum ponding elevation are not closer than thirty (30) feet horizontally from any buildings with habitable areas below ground level, and less than two (2) feet below the lowest sill elevation of any building. In no case should the maximum limits of ponding be designed closer than ten (10) feet from a building unless waterproofing of the building and pedestrian accessibility are properly documented. No ponding will be permitted within public rights-of-way without specific written approval of the Superintendent of Utilities. Maximum depth of detention in open channels shall be four (4) feet. Minimum flow line grade shall be 0.5 percent.
- b. For trapezoidal sections, the maximum side slopes of the detention area of the channel shall not exceed one (1) foot vertical for three (3) horizontal (3:1). For design of other typical channel sections, the features of safety, stability, and ease of maintenance shall be observed.
- c. The entire reservoir area of the open channel shall be seeded, fertilized, and mulched, sodded, or paved.
- d. The hydraulic elevations resulting from channel detention shall not adversely affect adjoining properties.

.4. *Permanent lakes.*

- .4.a. Permanent lakes with fluctuating volume controls may be used as detention areas provided that the limits of maximum ponding elevations are no closer than thirty (30) feet horizontally from any building and less than two (2) feet below the lowest sill elevation of any building.
- .4.b. Maximum side slopes for the fluctuating area of permanent lakes shall be one (1) foot vertical to three (3) feet horizontal (3:1) unless proper provisions are included for safety, stability, and ease of maintenance.
- .4.c. Maximum fluctuation from permanent pool elevation to maximum ponding elevation shall be three (3) feet.
- .4.d. The entire fluctuating area of the permanent reservoir shall be seeded and fertilized and mulched, or sodded or concrete paved. Any area susceptible to or designed as overflow shall be paved with concrete.

.5. *Parking lots.*

.5.a. Detention will not be permitted in primary parking lots. A primary parking lot will be considered to be the most accessible eighty percent (80%) of total parking for a facility.

- .5.b. In non-primary parking lots, detention will be permitted to a maximum depth of twelve (12) inches.
- .5.c. In no case should the maximum limits of ponding be designed closer than ten (10) feet from a building unless waterproofing of the building and pedestrian accessibility are properly documented.
- .5.d. When detention is being effected on parking lots by means of retaining walls or curbs, these retaining walls and curbs must be constructed of reinforced concrete.
- .5.e. The minimum freeboard from the maximum ponding elevation to the lowest sill elevation shall be one (1) foot.
- .6. *Other methods.* Other methods of detention, such as seepage pits, french drains, etc. will not be approved.
- .7. *Retention areas.* In drainage basins where sinkholes provide the only outlet for storm sewer runoff, and those basins are greater than three hundred twenty (320) acres in area, a retention area capable of storing the first inch of runoff is required for any development within the basin. It shall have a four (4) inch outlet pipe to insure eventual discharge.
(Ord. No. A-5926 part II §E, 6-9-94)

SECTION 525.180: VERIFICATION OF ADEQUACY

- A. Analysis of all elements of design shall be performed by a professional engineer licensed in the State of Missouri. The following outline is provided to ascertain that certain critical elements of design are in workable compliance to the aims of design.
 - A.1. Volume of detention for the total project
 - A.2. Tributary (Q) peak runoff to basin
 - A.3. Sizing of the overflow facilities
 - A.4. Stability of detention dikes
 - A.5. Safety features
 - A.6. Maintenance features
- B. Routing calculations shall be submitted in legible tabulated form. Proof of adequacy of the volume of detention and sizing computations for low-flow structure shall also be submitted. Features of stability and safety will also need to be documented if the scope of the project requires special attention in this area of design.
- C. Spot elevations shall be included in sufficient detail on the site plan so that the final direction of water flow can be determined, and so that the volume of detention can be ascertained. Projects over two hundred (200) acres in area shall provide documented verification of adequacy according to scope and complexity of design. (Ord. No. A-5926 part II §F, 6-9-94)

SECTION 525.190: CONTROL STRUCTURES

- A. Detention facilities shall be provided with obvious and effective outlet control structures. These outlet structures may include v-notch weirs or rectangular weirs, as well as pipe. Plan view and sections of the structure with adequate detail shall be included in plans.

- B. The design discharge (Q) for the low-flow outlet shall not exceed the existing runoff for the one (1) year storm. The maximum discharge shall be designed to take place under total anticipated design-head conditions. The design-head storage volume is not to be considered as part of the volume of detention required.
- C. Sizing of a low-flow pipe shall be by inlet control.
- D. Low-flow pipes shall not be smaller than four (4) inches in diameter to minimize maintenance and operating problems, except in parking lot and roof detention, where minimum size and configuration of opening shall be designed specifically for each condition. The low-flow pipe shall be provided with a bar-screen on a minimum 2:1 slope to reduce blockage by debris.
- E. Overflow spillways will be required on all detention facilities that have storage volumes of one thousand (1,000) or more cubic feet.
- F. The overflow opening or spillway shall be designed so that the combination flow of the low flow outlet and the flow over the spillway will not exceed the total peak runoff for the improved area. The total peak runoff is to be determined from a twenty-five (25) year frequency rain for drainage areas less than 1.0 square mile and from a one hundred (100) year frequency rain for drainage areas 1.0 square mile or greater.
- G. The overflow spillway shall exit into a natural or improved drainageway. If the drainageway does not provide for public access, then topographic detail, along with a profile of the centerline of the drainageway shall be provided from the overflow spillway to the point of public access. This detail shall show all topography within ten (10) feet of the centerline of the drainageway, centerline profile, typical cross-section, and capacity of the drainageway.
- H. If the capacity of the existing drainageway is inadequate to carry the total peak runoff, necessary improvements to the drainageway may be required to provide for the total peak runoff.
(Ord. No. A-5926 part II §G, 6-9-94)

SECTION 525.200: EASEMENTS

Two (2) types of easements shall be provided for storm water detention.

- .1. *Access easement.* All detention reservoirs, with the exception of parking lot and roof detention, shall be enclosed by an access easement. The limits of the easement shall extend ten (10) feet beyond the maximum anticipated ponding area. The limits and designation of detention facilities shall be shown on the project plans of final plat.
- .2. *Drainage easement.* A minimum ten (10) feet wide drainage easement shall be provided within the reservoir area, connecting the tributary pipes and the discharge system, along the most direct possible routing of a piping system for possible future elimination of detention. The limits of the drainage easement shall be shown on the project plans of final plat.
(Ord. No. A-5926 part II §H, 6-9-94)

SECTION 525.210: MAINTENANCE

Detention facilities are to be built in conjunction with the storm sewer installation and/or grading. Since these facilities are intended to control increased runoff, they must be fully operational soon

after the clearing of the vegetation. Silt and debris connected with early construction shall be removed periodically from the detention area and control structure in order to maintain full storage capacity. (Ord. No. A-5926 part II §I, 6-9-94)

SECTION 525.220: TEMPORARY DETENTION

It may be advantageous in some situations to delay the building of the permanent detention facilities until after the completion of the other improvements. In these situations, temporary detention facilities must be provided. The permanent or temporary detention facilities must be constructed and be functional before proceeding with any other construction. (Ord. No. A-5926 part II §J, 6-9-94)

SECTION 525.230: OFF-SITE AND REGIONAL DETENTION CONCEPTS

- A. *Off-Site Detention.* Storm water detention facilities designed and constructed off-site or outside the limits of the proposed development will be considered for approval. This approval is contingent upon documentation being furnished to verify that drainage easements have been obtained for the channel area from the proposed development to the detention facility and including the detention area. The drainage easements must clearly set out provisions for maintenance.
- B. *Regional Detention.* Detention facilities designed and located to provide detention on major drainage channels will be considered as a regional detention facility. The drainage area considered for a regional detention facility must be one hundred sixty (160) acres or greater. The facility must provide a detention volume for a one hundred (100) year storm for the entire drainage area, and must be designed with a variable control outlet structure that has a one (1) year maximum outlet opening. The regional detention facility must be designed with a low flow concrete channel through the limits of the basin. Upon conceptual approval of the location and final approval of the design and construction, the City of Monett will accept the responsibility for the maintenance of the regional facility. Drainage and access easements will be required giving the City of Monett the authority to gain vehicular access to the facility from a public street.
- C. As additional development occurs upstream of the regional facility, on-site detention requirements may be waived, provided the regional detention basin has been designed for full development of the basin, or if modifications are made to the regional facility by the developer to provide for the additional volume of detention required for the new development. Easements must be provided along the drainage channel from the new development to the regional facility and the channel must be constructed to carry the peak rate of runoff from the one hundred (100) year storm for the entire basin upstream from the regional facility. (Ord. No. A-5926 part II §K, 6-9-94)

FLOW TIME

APPENDIX A. CHART FOR DETERMINING

APPENDIX
INTENSITY-DURATION-FREQUENCY CURVES

B.

RAINFALL

CHAPTER 530: HOUSING REHABILITATION

SECTION 530.010: PURPOSE

The purpose of the rehabilitation program is to correct code violations, overcrowded or unsanitary conditions to improve the housing and living environment for persons of low to moderate income levels living in the City of Monett, Missouri. (Ord. No. A-6325 §1, 7-24-96)

SECTION 530.020: GENERAL OBJECTIVES

- A. The program is devised to conserve the City's present housing stock.
- B. Low to moderate income families, as hereinafter defined in Section 530.040 will receive rehabilitation work.
- C. A quarterly review of the program shall be conducted to determine if changes or refinements are needed.
- D. City Codes will be followed in all work performed and in the installation of all materials.
- E. All work will be done by qualified and licensed contractors.
- F. Grants are limited to one (1) per property.
- G. The program will encompass the target area as outlined in the Community Development Application, as noted herein in Section 530.040(E).
- H. The Housing Inspector, (H-I) shall be responsible for the making of all decisions as to the method used in rehabilitating the property with the right of appeal by the owner to the Governing Body of the City.
- I. Competitive bids shall be let on each project and the lowest responsible bidder selected, subject to approval of the Housing Inspector and the Governing Body of the City. Minority contractors may receive negotiated bids, if approved by the Housing Inspector and the Governing Body of the City.
- J. Inspections of the work shall be made to insure that it fulfills the terms of the grant and contract agreement before payment is submitted.
- K. City Council members, Public Works employees, the Mayor, City employees, and City Officers shall not be eligible for grant assistance, contract or subcontract for any work, or have any personal interest, direct or indirect, in any contract under this project. (Ord. No. A-6325 §2, 7-24-96)

SECTION 530.030: PROCESS

- A. This is a voluntary program. All interested persons must make application before any action can be taken.

- B. Applicants who qualify will be taken on a first-come, first-served basis. An emergency situation will receive priority. All decisions pertaining to emergencies will be made by the Housing Inspector, which decision must be approved by the Governing Body of the City before becoming effective.

- C. A complete house inspection will be made by the Program Housing Inspector. A deficiency list will be prepared and submitted to the property owner. A work write-up will be prepared, as well as a cost estimate. All decisions concerning repairs to be made to the structure will be made by the Housing Inspector and Administrator with the right to appeal by the owner to the Governing Body of the City.
- D. All items on the work write-up, as well as other pertinent information, will be discussed with the owner, Housing Inspector, Administrator and Contractor before a contract is signed.
(Ord. No. A-6325 §3, 7-24-96)

SECTION 530.040: QUALIFICATIONS

A. *Income Limits For Applicants.*

<i>Number of Persons/Household</i>	<i>Total Annual Gross Household Income</i>
1	\$16,000.00
2	18,300.00
3	20,600.00
4	22,900.00
5	24,700.00
6	26,550.00
7	28,350.00
8	30,200.00

- B. The property to be rehabilitated must have been owned by the applicant prior to July 1, 1996. Property will be eligible only if the owner signs an agreement to repay a percentage of grant funds expended if property rehabilitated is sold within three (3) years of completion or, if rental property, the rent received by the owner is increased in violation of the rent-freeze agreement executed for this property.
- C. An owner-applicant must not have net assets in excess of two hundred twenty-five thousand dollars (\$225,000.00) excluding equity in property. A renter-applicant must not have net assets in excess of one hundred fifty thousand dollars (\$150,000.00).
- D. The owner must have a recorded deed of ownership. A contract for Deed properly executed shall not constitute ownership but shall be considered a rental. The buyer and the seller will be required to make joint application and jointly execute the contract for rehabilitation work. The same applies to renter-applicant, both renter and owner shall be required to jointly apply and execute the contract.
- E. Only properties within the target area will be eligible for grant assistance, except in circumstances which involve minority or handicap needs, as set out in the City's grant application.
(Ord. No. A-6325 §4, 7-24-96)

SECTION 530.050: GRANT AMOUNT

The amount of any approved grant will be the total cost of the rehabilitation, not to exceed the sum of fourteen thousand dollars (\$14,000.00), unless lead base paint is addressed. (Ord. No. A-6325 §5, 7-24-96)

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Housing Rehabilitation

SECTION 530.060: REPAYMENT

Recipients do not repay grants, unless a violation of Section 530.040, Qualifications of this Chapter occurs. (Ord. No. A-6325 §6, 7-24-96)

