

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: NATIONAL BUILDING CODES

ARTICLE I. BUILDING CODE

SECTION 500.010: ADOPTION OF BUILDING CODE

Certain documents one (1) copy of which are on file and are open for inspection of the public in the office of the City Clerk of the City of Windsor, being marked and designated as the 2012 Editions of International Building Code and International Residential Code, published by the International Code Council Inc., and the same are hereby adopted as the code of the City of Windsor for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Windsor; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such 2012 Editions of International Building Code and International Residential Code, published by the International Code Council Inc., all of which are on file in the office of the City of Windsor are hereby referred to, adopted and made a part hereof as if fully set out in this Section. (Ord. No. 1989-19 §1, 11-1-89; Ord. No. 1998-9 §1, 10-13-98; Ord. No. 2016-06 §1, 8-11-16)

SECTION 500.020: RESERVED

Editor's note—Ord. no. 1998-9 adopted October 13, 1998 rendered this section obsolete due to the adoption of the uniform building code. Former section 500.020 derived from ord. no. 1989-19 §3, 11-1-89.

SECTION 500.030: SAVING CLAUSE

If any section, subsection, sentence, clause or phrase of this Article is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Article. The Board of Aldermen hereby declares that it would have passed this Article, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared unconstitutional. (Ord. No. 1989-19 §4, 11-1-89; Ord. No. 1998-9 §3, 10-13-98; Ord. No. 1998-9 §3, 10-13-98)

ARTICLE II. MECHANICAL CODE

SECTION 500.040: ADOPTION OF MECHANICAL CODE

A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Windsor, Missouri; being marked and designated as "*The BOCA National Mechanical Code, Sixth Edition, 1987,*" as published by The Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Mechanical Code of the City of Windsor in the State of Missouri; for the control of buildings and structures as herein provided; and each and all of the regulations,

provisions, penalties, conditions and terms of the said BOCA National Mechanical Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Article with the additions, insertions, deletions and changes, if any, prescribed in Section 500.050 of this Article.
(Ord. No. 1989-20 §1, 8-7-89)

SECTION 505.045: Vacation of Street or Public Easement

- a) Whenever any person desires to vacate any street, alley, commons and public square, or part thereof, they may petition the Board of Aldermen, giving a legal description of the property to be vacated, which petition shall be filed with the City Clerk and shall remain on file for a period of thirty (30) days before being acted upon by the Board of Aldermen.
- b) Notice of the pendency of such petition shall be given as follows:
 1. Thirty (30) days' notice shall be given by posting in three (3) of the most prominent and public places in the district.
 2. Twenty (20) days' notice shall be given by certified mail to all persons whose land the portion of street or alley to be vacated touches.
 3. Notice shall be given to all utility companies with a legal description and a map of the area proposed for vacation, requesting the utility to release their interest in the vacation area or that they have no objection to the proposed vacation.
- c) If no opposition is made to such petition, the Board of Aldermen may vacate the same with such restrictions and reservations as they may deem for the public good, but if opposition shall be made by any person owning property abutting on such street, alley, commons or public square, a public hearing will be held after the thirty (30) day filing period has ended. If either the objector shall consent to such vacation or if, upon such hearing the Board of Aldermen deems it advisable to overrule such objection, the Board of Aldermen may grant the prayer of the petition.
- d) The part so vacated, if the same is a street or alley, shall revert to the owners of the adjacent lots in proportion as it was taken from them, if there is evidence of such, and if not, it shall be attached to the ground bordering on such street or alley, and all title thereof shall vest in the person owning the property on each side thereof in equal proportions according to the length or breadth of such ground, as the same may border on such street or alley, and whenever a public square shall be vacated, the property thereof shall be disposed of in such manner as the Board of Aldermen may direct.

SECTION 500.050: ADDITIONS, INSERTIONS AND CHANGES

The following Sections are hereby revised as follows:

Section M-100.1, Title. This Code shall be known as the Mechanical Code of the City of Windsor hereinafter referred to as the Mechanical Code or "this Code."

Section M-114.2, Periodic Inspections. The fees for all periodic inspections shall be as indicated in the following schedule: None.

Section M-114.3, Fee Schedule. The fees for all mechanical work shall be as indicated in the following schedule: City of Windsor, Missouri Building Permit Fee Schedule.

Section M-117.4, Penalties. Any person who shall violate a provision of this Code or fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair mechanical equipment or systems in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than twice the permit fee, or by imprisonment not exceeding one (1) day, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section M-118.2, Unlawful Continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00).
(Ord. No. 1989-20 §3, 8-7-89)

SECTION 500.060: SAVING CLAUSE

Nothing in this Article or in the Mechanical Code hereby adopted shall be construed to effect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Article.
(Ord. No. 1989-20 §4, 8-7-89)

ARTICLE III. ELECTRICAL CODE

SECTION 500.070: ADOPTION OF ELECTRICAL CODE

The 1987 Edition of the National Electrical Code (NFPA 70-1987) adopted by the National Fire Protection Association, Inc., on May 21, 1986, and the additions or amendments thereto, three (3) copies of which are on file in the office of the City Clerk, are hereby adopted as and for the Electrical Code of the City of Windsor, Missouri, and are incorporated herein by reference with the following additions and amendments:

1. All electrical wiring shall be placed in conduit in all new commercial, industrial and manufacturing buildings, churches, schools, motels, hotels and all dwellings over three (3) stories high or with over thirteen (13) dwelling units and in all new electrical installations in such existing structures.
2. The use of aluminum conductors for branch circuit wiring or the use of aluminum wiring for any purpose smaller in capacity than No. 2 A: W.G. shall be prohibited. The requirement also applies to all structures of the modular type.
3. *Penalties.* Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall install electrical work in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than twice the permit fee or by imprisonment not exceeding one (1) day, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.
(Ord. No. 1989-21 §1, 8-7-89)

SECTION 500.080: MEANS OF APPEAL

Any person shall have the right to appeal from a decision of the Code Official. Such action shall be governed by the provisions as set out in Section M-122.0 of the BOCA National Mechanical Code/1987. (Ord. No. 1989-21 §2, 8-7-89)

SECTION 500.090: MARKING UNDERGROUND ELECTRICAL CABLES

- A. All buried or underground electrical cables laid inside the City limits of Windsor, Missouri, shall be marked by a ribbon or tape type marker over such line or cable at a depth of at least twelve (12) inches but not exceeding a depth of eighteen (18) inches.
- B. Any person, company or organization failing to mark such buried or underground electrical cables shall be in violation of this Section and subject to the General Penalty in Section 100.080. (Ord. No. H-1 1973 §§1-2, 7-11-73)

ARTICLE IV. PLUMBING CODE

SECTION 500.100: ADOPTION OF PLUMBING CODE

A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Windsor, Missouri; being marked and designated as "*The BOCA National Plumbing Code, Seventh Edition, 1987,*" as published by The Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Plumbing Code of the City of Windsor in the State of Missouri; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Plumbing Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions and changes, if any, prescribed in Section 500.110 of this Article. (Ord. No. 1989-22 §1, 8-7-89)

SECTION 500.110: ADDITIONS, INSERTIONS AND CHANGES

The following Sections are hereby revised as follows:

Section P-100.1, Title. These regulations shall be known as the Plumbing Code of the City of Windsor, Missouri; hereinafter referred to as "this Code."

Section P-104.1, Continuation. The legal use and occupancy of any structure existing on November 1, 1989, or for which it had been heretofore approved, shall be continued without change except as shall be specifically covered in this Code.

Section P-114.2, Fee Schedule. The permit fees for all plumbing work shall be as indicated in the following schedule: City of Windsor, Missouri, Building Permit Fee Schedule.

Section P-117.4, Penalties. Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall install plumbing work in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than twice the permit

fee or by imprisonment not exceeding one (1) day, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section P-118.2, Unlawful Continuance. Any person who shall continue any plumbing work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00).

Section 303.1, General. The water distribution and drainage system of any building in which plumbing fixtures are installed shall be connected to a public water main and sewer respectively.

Section 303.2. Deleted.

Section P-308.3, Freezing. Water service piping shall be installed below recorded frost penetration but not less than two (2) feet six (6) inches below grade. In climates with freezing temperatures, plumbing piping in exterior building walls or areas subjected to freezing temperatures shall be protected against freezing by insulation or heat or both.

Section P-308.4, Sewer Depth. Building sewers shall be a minimum of two (2) feet six (6) inches below grade. (Ord. No. 1989-22 §3, 8-7-89)

SECTION 500.120: SAVING CLAUSE

Nothing in this Article or in the Plumbing Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Article.
(Ord. No. 1989-22 §4, 8-7-89)

ARTICLE V. FIRE PREVENTION CODE

SECTION 500.130: ADOPTION OF FIRE PREVENTION CODE—PENALTY

- A. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Windsor, Missouri, being marked and designated as "*The BOCA National Fire Prevention Code, Seventh Edition, 1987,*" as published by the Building Officials and Code Administrators International, Inc. is hereby adopted as the Fire Prevention Code of the City of Windsor, in the State of Missouri; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Fire Prevention Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Article with the additions, insertions, deletions and changes, if any, prescribed in Sections 500.140 and 500.150 of this Article.
- B. *Penalties.* Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall install work in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than twice the permit fee or by imprisonment not exceeding one (1) day, or both such fine and imprisonment. Each day that a violation continues shall

be deemed a separate offense. (Ord. No. 1989-23 §1, 8-7-89)

SECTION 500.140: INSERTIONS AND CHANGES

The BOCA National Fire Prevention Code is amended and changed in the following respects:

Section F-100.1, Title. These regulations as set forth herein shall be known as the Fire Prevention Code of the City of Windsor, Missouri, and are herein referred to as such or as "this Code."
(Ord. No. 1989-23 §3, 8-7-89)

SECTION 500.150: ESTABLISHMENT OF LIMITS

The limits referred to in Section F-2601.2 of the BOCA National Fire Prevention Code in which the storage of explosives, ammunition and blasting agents is prohibited are hereby established as follows:

Section F-2601.2, Storage. The storage of explosives and blasting agents is prohibited within the Windsor City limits except for temporary storage for use in connection with approved blasting operations, provided however, this prohibition shall not apply to wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less than five hundred (500) pounds (227 kg) of explosive material.
(Ord. No. 1989-23 §4, 8-7-89)

SECTION 500.160: SAVING CLAUSE

Nothing in this Article or in the Fire Prevention Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy or any character be lost, impaired or affected by this Article. (Ord. No. 1989-23 §5, 8-7-89)

CHAPTER 505: STREETS AND SIDEWALKS

Cross Reference—As to street commissioner, see §§110.350 to 110.380 of this Code; as to throwing trash, etc., into streets, see §215.180.

ARTICLE I. GENERAL PROVISIONS

SECTION 505.010: BARBED WIRE FENCES

It shall be unlawful for any person to erect or maintain a fence composed in whole or in part of barbed wire within six (6) feet of any sidewalk constructed along any street, alley or public highway in the City. (CC 1968 §17-9; Ord. No. 6 §19, 12-16-1889)

SECTION 505.020: HEDGE FENCES

Every person owning a hedge fence located on the line of any public street, avenue or alley in the City shall keep such hedge trimmed to a height not exceeding four (4) feet and in no case shall any

such hedge be allowed to extend over or into any sidewalks, street or alley or in any manner obstruct such sidewalks, street, avenue or alley. All such hedges shall be trimmed and cut so as not in any manner to be dangerous or inconvenient to the use of such sidewalks, streets, avenues or alleys by the public. It shall be the duty of the Chief of Police to notify, in writing, the owners or their agents to cut and trim such hedges as herein required. It shall be unlawful for any owner of any such hedges to fail to comply with the provisions of this Section within ten (10) days after such notice. (CC 1968 §17-10; Ord. No. 6 §20, 12-16-1889)

SECTION 505.025 FENCES

1. Fence Permit required.

No fence shall be constructed or reconstructed without filing an application with the city clerk and obtaining the required permit, and a permit fee of \$25.00 non-refundable. The permit application shall include the height, type, construction materials of the fence, and a site plan. The site plan shall show the location of the fence with relation to the property lines and street/curb/sidewalk and/or house, but this provision shall not be interpreted to require a site plan by a licensed surveyor. Fees shall be in accordance with Chapter 500.110, of the Municipal Code of the City of Windsor.

2. Definition.

Fences or other enclosures: The term “fence”, as used in this section, means hedges, shrubs, trees, or similar screening material, or an enclosure, wall, or barrier constructed of wood, steel, aluminum, vinyl, iron, concrete, posts, supports, boards, wires, stakes, rails, masonry, or stone, serving to obstruct a view, separate, or enclose areas, or designate property lines.

3. General Provisions.

a. Prohibited materials and construction:

- (1) Fences shall not be constructed or erected, in whole or in part, with paper, cloth, canvas, bamboos, chicken coop wire or other like material, exposed concrete blocks, pallets, tree trunks, trash, tires, roofing material, car hoods, appliances, broken concrete stacked in piles or rows, razor ribbon, sheet/corrugated metal, fiberglass panels, plywood or other materials not manufactured or designed for the primary purpose of Fence construction, used or discarded material in disrepair, junk or other similar material.
- (2) All structural members shall be designed to prevent rust, corrosion and rotting or be of a material that is impervious to rust, corrosion, rotting or deterioration from the elements.
- (3) Fences in front of the building line of any residentially zoned or residentially occupied lot shall not be constructed or erected, in whole or part, with chain link, wire mesh plastic mesh, wooden slated tied together with wire or other like material or construction. This restriction shall apply to all street frontages on corner, through, or any multiple-frontage lots.
- (4) Fences shall be constructed in such configuration that all framing members and support posts pertaining to wood rail face towards the interior of the property of the person who erects, constructs, or causes the fence to be constructed, except for confinement of livestock.
- (5) Both sides of any fence or wall shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.

b. Electric fences:

- (1) No fence, as defined in section 2, above, shall have an electric current running through it.

- (2) No wire except electric, phone, cable television, or other utility shall have an electric current passing through it except as permitted below.
 - (a) The wire is installed in accordance with the National Electric Code, as adopted by the city.
 - (b) The wire is located inside an area enclosed and secured from the public.
 - (c) The wire is set back a minimum of eighteen (18) inches from the enclosure required in subsection (b) above.
 - (d) The wire is set back a minimum of eighteen (18) inches from the property line.
- (3) Underground wire installed within the provisions of the city building code and National Electric Code shall be exempt from the regulations of subsection (d). (d) Wire Fences: No fence shall be constructed solely of a single wire or of two (2) wires between posts or supports.
(Ord. No. 2020-09, 11-12-20)

4. Height Requirements.

- (a) Fence height shall be measured from the topmost point of the fencing material vertically to the ground.
- (b) Fences shall not exceed six (6) feet in height, except as provided otherwise within this article. Posts may be up to six (6) inches taller than the fencing material.
- (c) Fences located in front of the building line of any residentially zoned or residentially occupied lot shall not exceed forty-eight (48) inches in height except as provided otherwise within the article. On corner, through, or on any other multiple frontage lots, this height restriction shall only apply to the frontage upon which the house is addressed.
- (d) Fences built around tennis courts shall be of open mesh construction and shall not exceed fifteen (15) feet in height.

5. Openness Requirements.

- (a) Fences located in the front of the front building line of any residentially-zoned or residentially-occupied lot shall be at least one-third open, except as provided otherwise in this article. On corner, through, or any other multiple-frontage lots, this openness restriction shall apply only to street frontage upon which the house is addressed.
- (b) Fences constructed of stone or brick which do not exceed thirty-six inches in height are exempt from the openness requirements.
- (c) Fences enclosing an institution; a public park; a public playground; an elementary, middle, or high school site; or a commercial or industrial occupancy or use are exempt from the openness requirements.

6. Fence Location.

- (a) Fences shall not be located within public right-of-way.
- (b) Fences shall not be located within twelve (12) feet of the public street.
- (c) Fences shall not be located within twenty-five (25) feet of the point of intersection of the edge of two intersecting streets.
- (d) Fences shall not be located within one foot of a public right-of-way, a public walkway, or public sidewalk.
- (e) Fences may be located on property lines, if not otherwise prohibited by the above subsections or any other provision in this code. (Ord. No. 2011-12§ 9-13-2011; Ord. No. 2020-09§ 11-12-2020)

SECTION 505.030: MOVING BUILDINGS

No person shall move, haul or transport any building on the streets, alleys, highways or thoroughfares of the City without first having obtained a permit from the Street and Alley Committee. (CC 1968 §17-11; Ord. No. 6 §96, 12-16-1889)

SECTION 505.040: RURAL MAIL BOXES—INSTALLATION REQUIREMENTS

Installation requirements for rural mail boxes are as follows:

1. All rural type mail boxes installed along the shoulder of City streets shall be mounted on a portable or movable base so they can be moved when necessary to allow for ditching, mowing and other street maintenance.
2. Boxes are to be moved and replaced by City employees during maintenance work.
3. Bases shall not exceed seventy-five (75) pounds in weight. Installment of new boxes to comply with this Section. (Ord. No. D-1973 §§2–4, 3-29-73)

SECTION 505.045: VACATION OF STREET OR PUBLIC EASEMENT

- a) Whenever any person desires to vacate any street, alley, commons and public square, or part thereof, they may petition the Board of Aldermen, giving a legal description of the property to be vacated, which petition shall be filed with the City Clerk and shall remain on file for a period of thirty (30) days before being acted upon by the Board of Aldermen.
- b) Notice of the pendency of such petition shall be given as follows:
 1. Thirty (30) days' notice shall be given by posting in three (3) of the most prominent and public places in the district.
 2. Twenty (20) days' notice shall be given by certified mail to all persons whose land the portion of street or alley to be vacated touches.
 3. Notice shall be given to all utility companies with a legal description and a map of the area proposed for vacation, requesting the utility to release their interest in the vacation area or that they have no objection to the proposed vacation.
- c) If no opposition is made to such petition, the Board of Aldermen may vacate the same with such restrictions and reservations as they may deem for the public good, but if opposition shall be made by any person owning property abutting on such street, alley, commons or public square, a public hearing will be held after the thirty (30) day filing period has ended. If either the objector shall consent to such vacation or if, upon such hearing the Board of Aldermen deems it advisable to overrule such objection, the Board of Aldermen may grant the prayer of the petition.
- d) The part so vacated, if the same is a street or alley, shall revert to the owners of the adjacent lots in proportion as it was taken from them, if there is evidence of such, and if not, it shall be attached to the ground bordering on such street or alley, and all title thereof shall vest in the person owning the

property on each side thereof in equal proportions according to the length or breadth of such ground, as the same may border on such street or alley, and whenever a public square shall be vacated, the property thereof shall be disposed of in such manner as the Board of Aldermen may direct.

ARTICLE II. REPAIR OF SIDEWALKS

SECTION 505.050: DUTY OF ABUTTING OWNER

- A. It shall be the duty of each owner of a lot in the City, in front of whose lot or portions thereof, a sidewalk shall have been laid or constructed, to keep the same in good repair.
- B. If such sidewalk shall have been constructed of brick or stone, the owner of the lot or portion thereof in front of which such brick or stone sidewalk shall have been made and constructed shall repair such brick or stone as may have been broken or destroyed or is otherwise unfit for use.
(CC 1968 §17-14; Ord. No. 11 §§1, 2, 12-10-03)

SECTION 505.060: NOTICE TO ABUTTING OWNER TO REPAIR—FAILURE TO OBEY NOTICE—WORK DONE BY CITY

It shall be the duty of the Street Commissioner to give property owners or their agents a written or printed notice, which shall also be signed by the City Clerk with the Seal of the City attached thereto, of such repairs as may be necessary and required by the provisions of this Article on the sidewalks in front of their lots or portions thereof, and if such property owners or their agents fail to make such repairs within five (5) days, after being notified as aforesaid, the Board of Aldermen shall cause the same to be repaired in the manner and with the materials designated by this Article, at the expense of the City, which expense shall be a lien on the property abutting on such sidewalks so repaired. (CC 1968 §17-15; Ord. No. 11 §3, 12-10-03)

SECTION 505.070: WHEN WORK DONE BY CITY—MANNER OF COLLECTING COST FROM OWNER GENERALLY

If any owner of property, after having been notified as provided in the preceding Section 505.060, to repair such sidewalk, fails to make such repairs, within five (5) days from the date of receiving the notice, the Board of Aldermen shall cause the same to be done by the Street Commissioner under the supervision of the Committee on Streets and Alleys. It shall be the duty of the Street Commissioner to keep a correct account of the expense of all material used or labor employed in repairing the sidewalk, and, at the first (1st) meeting of the Board of Aldermen after such walk has been repaired, present to the Board an itemized statement of the cost of the repairs, to which statement he shall annex his affidavit that the material and labor therein charged was used and employed in the repairing of the sidewalk, and that the charges therefore were reasonable and have been paid or charged to the City. It shall be the duty of the Board of Aldermen, when the Street Commissioner shall present the statement of the cost of repairing the sidewalk, as provided in the preceding Section, to examine the same, and if the account is reasonable, they shall by ordinance, make a special assessment for the amount against the property in front of which such sidewalk has been repaired and shall direct the City Clerk to issue a special tax bill for the amount of such assessment against the property to the City, which tax bill shall be a lien on the property therein described from the date of making such repairs.
(CC 1968 §17-16; Ord. No. 11 §4, 12-10-03)

SECTION 505.080: ISSUANCE AND COLLECTION OF TAX BILLS

All tax bills issued under the provisions of this Article shall be due and payable thirty (30) days after the date of issuing the same, and shall bear interest from the date they become due at the rate of eight percent (8%) per annum, and shall be issued and collected as provided for in Sections 505.120 to 505.220. (CC 1968 §17-17; Ord. No. 11 §5, 12-10-03)

SECTION 505.090: SERVICE OF NOTICE TO OCCUPANT OF PREMISES DEEMED SERVICE TO OWNER

For the purpose of serving any notice required by this Article for repairing sidewalks, the person occupying the property in which the sidewalk is to be repaired shall be deemed to be the agent of the owner thereof, provided the owner is a non-resident of the City.
(CC 1968 §17-18; Ord. No. 11 §§3, 6, 12-10-03)

SECTION 505.100: RECORDS, ETC., TO BE KEPT

The Street Commissioner shall keep a copy of all notices served by him under this Article and make due return thereof, of the manner of serving the same and the date of service endorsed thereon, to the City Clerk, whose duty it shall be to file the same and make a notation thereof in a book kept by him for that purpose. (CC 1968 §17-19; Ord. No. 11 §7, 12-10-03)

ARTICLE III. CONSTRUCTION OF SIDEWALKS

SECTION 505.110: MATERIALS GENERALLY—THICKNESS

- A. Sidewalks shall be constructed of concrete, mixed in the following proportions to wit: one (1) part of good portland cement, four (4) parts gravel or crushed rock and two (2) parts of sand; and finished with a layer one (1) inch in thickness of one and one-half (1½) parts of good coarse shard sand and one (1) part of good portland cement, the bottom layer not to stand over thirty (30) minutes or allowed to set before putting on the finishing layer.
- B. The whole shall be of a thickness of not less than four (4) inches.
(CC 1968 §17-20; Ord. No. 137 §2, 1-8-1897)

SECTION 505.120: PREPARATION OF COST ESTIMATE—NOTICE TO ABUTTING PROPERTY OWNER—AWARDING OF CONTRACT UPON OWNER'S FAILURE TO CONSTRUCT

When the Board of Aldermen shall by ordinance require the construction of any sidewalk on the streets of the City, it shall be the duty of the Street and Alley Committee or Street Commissioner to prepare and file an estimate showing the estimated quantities of grading, filling and of the various materials required for the sidewalk in front of each separate lot, tract or parcel of ground, and an estimate of the cost of such work per cubic yard or per square yard, as the case may be, and an estimate of the cost of the removal of any obstruction. No contract shall be let in excess of the price of such estimate of the cost. Such estimate shall be filed together with the specifications for the walk with the City Clerk, who shall give notice to the property owner or his agent or representative owning the property along

which such sidewalk has been ordered, in writing, notifying him that such sidewalk has been ordered. The notice shall be served by the City Marshal in the same manner as provided by law for the serving of notice in all civil actions. In case the property owner does not within five (5) days after the service of the notice file his written declaration with the City Clerk as hereinafter provided of his intentions to construct the sidewalk, then the City Clerk shall cause not less than ten (10) days notice to be published in some newspaper in the City advertising for bids for the construction of the sidewalk. The notice shall specify the nature of the work to be done, the place where the plans and specifications may be seen, the time up to which bids will be received and the hour and place of opening the same. Each of the bids shall be in writing and shall be signed by the bidder and shall be accompanied by a check for ten percent (10%) of the bid, made payable to the order of the City and certified by some bank in the City. The check accompanying the bid shall be the property of the City in case the work shall be awarded by the Board of Aldermen to such bidder and he shall fail or refuse to enter into a written contract with the City for a space of ten (10) days to construct the walk according to specifications and to execute a good and sufficient bond as hereinafter provided for the faithful performance of his contract. At the time and place named in the notice, the bids shall be opened in the presence of the Board of Aldermen and the contract let by them to the lowest bidder, bidding therefore; provided, that no bids shall be accepted which shall be for a greater amount than the estimate filed by the Street Commissioner or Street and Alley Committee; and provided further, that any person whose property is fronting on any sidewalk ordered to be constructed by the Board of Aldermen shall have the privilege of constructing such sidewalks if he shall file with the City Clerk, within five (5) days after receiving notice of the ordinance having been passed, his intention in writing, to construct the sidewalk in accordance with the plans and specifications filed with the City, the intentions to be accompanied by a bond for double the amount of the estimate of the Street Commissioner or Street and Alley Committee, signed by one (1) or more solvent sureties, to be approved by the Mayor, conditioned that he will within ten (10) days from the filing of the bond, proceed to construct the sidewalk according to the plans and specifications filed. (CC 1968 §17-21; Ord. No. 137 §7, 1-8-1897)

SECTION 505.130: NOTICE OF AWARD OF CONTRACT—CONTRACTOR'S BOND

It shall be the duty of the Board of Aldermen, when any bids shall be accepted and the contract awarded, to cause a notice thereof to be served upon the person to whom the contract has been awarded that the contract for the laying and construction of the sidewalk has been awarded him and the Board of Aldermen shall forthwith enter into a written contract in duplicate with such contractor for the construction and completion of the sidewalk according to the plans and specifications within the time agreed upon and without negligence, causing or intending to cause damage to private property for which the City might be held liable; and that the contractor shall accept payment for the laying and construction of the sidewalk and for all materials used by him in the construction thereof in special tax bill and shall at the same time require the contractor to enter into a bond double the amount of the bid to the City, with good and sufficient surety to be approved by the Mayor and Board of Aldermen conditioned that the contractor shall faithfully and completely comply with all the conditions of the contract, and that he will pay for all work and material employed or used in the construction of the sidewalk. All bonds and contracts entered into under the provisions of this Article shall be filed with the City Clerk and safely kept by him.

(CC 1968 §17-22; Ord. No. 137 §8, 1-8-1897)

SECTION 505.140: INSPECTION AND APPROVAL—LEVY OF SPECIAL TAX FOR COST OF CONSTRUCTION

All work under the contract entered into under the provisions of this Article shall be carried on under the supervision of the Street Commissioner or Street and Alley Committee, who shall personally

inspect the work as it progresses and see that the same is done according to the plans and specifications and in accordance with the contract. On the completion thereof, if in the judgment of the Street and Alley Committee such sidewalk has been laid and constructed according to the plans and specifications and in conformity of the contract, the Committee shall so report to the Board of Aldermen at its first (1st) meeting thereafter. The Board of Aldermen shall thereupon by ordinance levy a special tax upon the lots, blocks or pieces of ground fronting upon such sidewalk, for the amount due the contractor, or City on the contract, apportioning the amount among the several lots, blocks or pieces of ground liable therefore, charging each lot or piece of ground with its proper and lawful share of the amount due on the contracts and directing the Mayor and City Clerk to issue special tax bills for the respective amounts. (CC 1968 §17-23; Ord. No. 137 §9, 1-8-1897)

SECTION 505.150: SPECIAL ASSESSMENT TO BE LIEN ON PROPERTY-INTEREST

Special assessments for improvements as evidenced by an ordinance registered and special tax bills issued as provided in this Article shall be a lien upon the lots and pieces of ground made liable therefore by law and described herein, and the special tax so levied shall bear interest after thirty (30) days from date of issuing same, at the rate of eight percent (8%) per annum.
(CC 1968 §17-24; Ord. No. 137 §12, 1-8-1897)

SECTION 505.160: PAYMENT OF TAX BILL

Whenever an owner of property against whom a special tax bill shall have been issued shall pay the same, the contractor or his assignee shall endorse on the back thereof a receipt for the amount paid and deliver such tax bill so endorsed to the party making payment together with a certificate addressed to the City Clerk stating that such tax bill has been paid and that the owner of the property described in such tax bill is entitled to have satisfaction entered on the register of special assessments for improvements, and the Clerk shall upon the receipt of such certificate file the same and enter satisfaction and shall also certify that such satisfaction has been entered, on the back of such tax bill.
(CC 1968 §17-25; Ord. No. 137 §13, 1-8-1897)

SECTION 505.170: ENFORCEMENT OF LIEN

In case any tax bill, issued under any of the provisions of this Article shall not be paid within thirty (30) days after issuing the same, and after demand made for the payment thereof, the person liable therefore or his agent, the owner of such tax bill may enforce the lien thereof, against the property described therein in the name of the City to the use of the owner in any court of the County having jurisdiction thereof. In all such cases, the tax bills shall be prima facie evidence of the regularity of the proceedings for such special assessments, of the validity of the tax bill of the doing of the work, of the furnishing of the materials charged for and of the liabilities of the property described therein; provided, that the City shall not be liable in any event, by reason of the action being brought in its name, or for any costs or expense in such Section, except when the City is the owner of such tax bills.
(CC 1968 §17-26; Ord. No. 137 §16, 1-8-1897)

SECTION 505.180: ABSTRACT OF SPECIAL TAX BILLS

The City Clerk shall enter an abstract of all special tax bills in a book to be kept by him for that purpose and known as the register of special assessments for improvements, which shall show in convenient

form the date and number of the tax bill, the name of the owner of the property charged with the lien, the number and the date of the approval of the ordinance levying the special tax, the rate of interest per annum, the penalty for nonpayment and when and by whom paid, and shall therefore issue in accordance with the provisions and requirements of such ordinance under the Seal of the City. Special tax bill shall be countersigned by the Mayor and delivered to the contractor entitled thereto. (CC 1968 §17-27; Ord. No. 137 §11, 1-8-1897)

SECTION 505.190: COST OF SIDEWALKS AT INTERSECTIONS

The costs of the sidewalks at street or alley intersections to continue the same from the corner of a lot to the curb line of the intersecting street shall be charged to the corner lot in front of which such sidewalk may be constructed. (CC 1968 §17-28; Ord. No. 137 §10, 1-8-1897)

SECTION 505.200: CONSTRUCTION BY CITY UPON FAILURE TO RECEIVE BIDS

Whenever the City Clerk shall advertise for bids for the construction of any sidewalk within the City, and no bids shall be received, the Board of Aldermen shall proceed to have the sidewalk constructed at the expense of the City and shall keep an accurate account of the amount expended for materials and labor, including the grading and filling opposite each lot or piece of ground, and present the same to the Board of Aldermen for special assessment, and each lot or piece of ground abutting on such sidewalk shall be liable for the costs thereof. The Committee on Streets and Alleys together with the Street Commissioner shall superintend the construction of such sidewalks and shall present an itemized statement of the costs thereof to the Board of Aldermen. Whereupon the Board of Aldermen shall carefully examine the same and if found to be reasonable and not to exceed the estimate made by the Street and Alley Committee or the Street Commissioner they shall by ordinance make a special assessment against the lots or pieces of ground abutting on such sidewalk according to the front thereof and shall order the City Clerk to issue the special tax bills therefore, as heretofore provided for the issuing of tax bills to contractors for constructing sidewalks under contract. (CC 1968 §17-29; Ord. No. 137 §14, 1-8-1897)

SECTION 505.210: RECORDING OF COST ESTIMATES

All estimates made by the Street Commissioner or Street and Alley Committee under the provisions of this Article shall be numbered consecutively and recorded in a book of estimates provided for that purpose. (CC 1968 §17-30; Ord. No. 137 §15, 1-8-1897)

ARTICLE IV. DRIVEWAYS AND CULVERTS

SECTION 505.220: INSTALLATION REQUIREMENTS

The following rules and regulations are hereby established in connection with the installation of private driveways and culverts entering onto the City streets in the City of Windsor, Henry County, Missouri:

1. No private driveway nor private driveway culvert shall be installed until the owner of said property has obtained a permit from the City Clerk and paid a fee of ten dollars (\$10.00).
2. No private driveway shall extend into a City street to the point of creating a traffic hazard.

3. No driveway which covers a utility line shall be of concrete on that portion of it which covers any utility line.
4. No driveway culvert shall be installed nor covered until the Street and Alley Committee of the Board of Aldermen or their representative has inspected and approved said culvert.
5. The Street and Alley Committee or their representative shall determine the diameter of the culvert to be used on all said private driveways; but in any event the diameter of any culvert to be so used shall not be less than twelve (12) inches.
6. No private driveway culvert shall extend thirty (30) feet in length unless a grilled water inlet with a removable grill is installed at thirty (30) foot intervals. (Ord. No. 1978-12 §1, 6-5-78)

SECTION 505.225: DUTY OF MAINTENANCE OF PRIVATE PROPERTY AND AREA ADJOINING RIGHT-OF-WAY

- A. No person owning, leasing, occupying, or having charge of any premises (for the sake of this Ordinance shall be referenced as “Owner”) shall maintain or keep any nuisance thereon, as defined in this Chapter 220 of this City’s Code of Ordinances, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in value of other property in the neighborhood in which such premises are located. It shall be the landlord’s responsibility to take whatever actions are necessary to prevent a tenant from maintaining a nuisance on any premises. Premises includes that property which adjoins a public right-of-way, including the ditch or easement or the tree, lawn or grassy area. The adjoining property owner is responsible for mowing this area.
- B. Whenever private property abuts a public right-of-way or easement belonging to the City or any public entity, and there exists in such right-of-way or easement a tree lawn or grassy area of driveway between the private property line and the midline of said right-of-way or easement, then such tree lawn, driveway or grassy area up until the street line shall be considered, for purposes of this Ordinance requiring cutting of grass and weeds, as well as the maintenance of drainage ditches, to be a part of the private lot which abuts the right-of-way or easement, and it shall be the duty of the Owner of the adjacent private property, for the maintenance of the private lot to equally maintain the tree lawn, driveway, or grassy area within the abutting right-of-way or easement up until the street line.
- C. Failure of owners to abide by this section can result in a penalty as provided in Section 100.080 of this City’s Code of Ordinances. (Ord. No. 2023-06 §2, 4-18-23)

ARTICLE V. CONSTRUCTION OF STREETS

SECTION 505.230: SPECIFICATIONS AND REQUIREMENTS TO BE MET PRIOR TO ACCEPTANCE BY CITY FOR MAINTENANCE

- A. Prior to acceptance by the City for maintenance of any privately constructed streets dedicated to public use, said streets shall meet the following specifications:
 1. The plans and specifications for any street privately constructed for public dedication shall be presented to the Board of Aldermen by the developer before construction for either possible

approval or to determine compliance with the ordinances of the City of Windsor prescribing specifications.

2. All dedicated right of ways shall be not less than sixty (60) feet in width.
 3. The driving surface shall be twenty-four (24) feet minimum width for minor streets as noted in construction specifications in street specifications in Section 505.240 and the street shall have a two (2) foot rollback curb per Section 505.250.
 4. All streets shall be constructed according to street specifications described in Sections 505.240 to 505.250.
 5. The plans and location of all utilities shall also be included in the accepted plans and specifications and installed and accepted before construction of the permanent surface as placed.
 6. The developer, upon acceptance of the plan and before construction commences, shall prepare construction estimates and verify the construction costs and place in escrow said amount to cover street construction and utilities cost for the project.
- B. Prior to acceptance by the City for maintenance of any privately constructed streets dedicated to public use, the person or persons so constructing said street or streets, or having said street or streets constructed, shall furnish satisfactory proof to the Street and Alley Committee that all costs for labor and materials to meet the requirements of the preceding Section, have been fully paid.
- C. No reimbursement shall be made by the City to any person or persons for costs expended by such person or persons in meeting the requirements of this Section.
- D. This Section shall not be construed as being mandatory upon the City to accept maintenance of any street dedicated to public use even though such street meets the requirements of this Section.
(Ord. No. 1992-3 §§1-4, 3-10-92)

SECTION 505.240: CONFORMING TO MINIMUM CONSTRUCTION SPECIFICATIONS AND REQUIREMENTS

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

1. *Establishment of grades and alignment.* The minimum and maximum grades for all streets shall be three-quarter of one percent (0.75%) and ten percent (10%) with maximum degree of horizontal curves to be twelve degrees (12°) thirty (30) minutes for major streets and a maximum of twenty-five degrees (25°) for minor streets as designated in the comprehensive plan, unless otherwise approved by the Board of Aldermen. A minimum crown of one-fourth (¼) inch per foot shall also be provided.
2. *Preparation of sub grade.* The existing sub grade shall be cleared of large stones, sod, trees, roots, rubbish or other debris. Holes and irregularities shall be filled and compacted to uniform density and sub grade shaped and finished to conform to the lines and grades as shown on the plans. All soft, loose or yielding material of the sub grade that will not compact when rolled or tamped shall be removed and replaced with suitable material placed and compacted as specified thereafter. Fill material shall be placed in layers not exceeding six (6) inches in depth and be

compacted by rolling, vibrating, or tamping to ninety percent (90%) of maximum density at optimum moisture content using the "Method of Test for Moisture-Density Relations of Soils" (ASTM Designation: D 698-64 T).

3. *Thickness requirements for concrete or asphaltic concrete pavements.*

<u>Street Classification</u>	<u>Flexible Pavement</u>	<u>Rigid</u>
Major Street	2" Type "C" Asphaltic Concrete Surface Course placed on 5" Type X (Black Base). Note: 1½" of Crushed Stone Base may be substituted for 1" of Type X (Black Base).	7" Portland Cement Concrete (Non-reinforced) placed on 4" Compacted Crushed Stone Base.
Minor Street	2" Type "C" Asphaltic Concrete Surface Course placed on 6" Compacted Crushed Stone Base.	7" Portland Cement Concrete (Non-reinforced) placed on Compacted Sub grade.

4. *Concrete pavement specifications.*

a. *Materials.*

1) Portland Cement shall conform to the current ASTM Standard Specifications for Portland Cement.

2) *Fine aggregate.*

a) Fine aggregate shall consist of river sand well graded coarse to fine conforming to the following gradation requirements:

Passing ¾" sieve.....	100 percent
Passing No. 4 sieve.....	95-100 percent
Passing No. 20 sieve.....	45-75 percent
Passing No. 50 sieve.....	5-30 percent
Passing No. 100 sieve.....	0-10 percent

b) Fine aggregate shall not contain deleterious substances exceeding the following limits (by weight):

Clay lumps	0.25 percent
Coal and lignite	0.25 percent
Material passing No.....	200 sieve:
Natural Sand	2.00 percent
Manufactured Sand	4.00 percent
Other deleterious substances.....	0.10 percent

3) *Coarse aggregate.*

a) Coarse aggregate shall consist of river gravel or crushed stone of sound, durable, uncoated particles which meet the purity and soundness requirements of the Missouri State Highway Department Standard Specifications for Highway Construction. Stone will be used only from rock ledges accepted by the Missouri State Highway Department.

b) Coarse aggregate shall meet the following requirements:

Passing 2" square sieve	100 percent
Passing 1½" square sieve.....	95-100 percent
Passing ¾" square sieve.....	35-70 percent
Passing ⅜" square sieve.....	10-30 percent
Passing No. 4 sieve	0.5 percent

4) Air entraining agent shall meet the current ASTM standard requirements.

5) Water used in mixing and curing concrete shall be clean and free from injurious amounts of oil, salt, acid, vegetable or other substances harmful to concrete.

b. *Construction.*

1) *Equipment.*

a) Equipment and tools for handling materials and performing all parts of the work must meet the approval of the Street Superintendent as to design, capacity and mechanical conditions and must be on the job before the work is started. Equipment which is not maintained in full working order and is inadequate to obtain the results prescribed, shall be improved or similar equipment substituted or added as directed by the Street Superintendent or his designated representative.

b) Side forms shall be made of steel of a section approved by the Street Superintendent and the height shall be equal to the thickness of the pavement at the edge, unless specifically accepted by the Street Superintendent.

c) Forms shall be true to line and grade and securely staked so as to be unyielding during concreting operations. Top faces of forms shall not vary from a true plane more than one-fourth (¼) inch in ten (10) feet. Connections of form sections shall insure a tight, neat joint. Forms shall be cleaned thoroughly and oiled before concrete is placed.

d) Earth or sub base under forms shall be securely compacted to support forms.

2) *Joints.*

a) Joints shall conform to the typical details and be straight and perpendicular to the pavement surface. Transverse joints shall be at right angles to the pavement edge with a maximum spacing of twenty (20) feet. Care must be taken to avoid over finishing at joints.

b) Transverse and dowelled construction joints shall be installed at the close of each

day's work or when interruptions of more than thirty (30) minutes occur. It shall be locked at least five (5) feet from any other transverse joint. It shall be formed from a clean wood plank, cut identical with the cross-section of the pavement with holes drilled for dowel bars. The plank shall be accurately set and held securely in place at right angles to the edge of the pavement. When operations are resumed, the plank shall be carefully removed and fresh concrete deposited directly against the old.

- c) All joints, except remolded or sawed, shall be edged with a tool having a maximum radius of one-eighth ($\frac{1}{8}$) inch.
 - d) When joints are to be formed by sawing, care must be taken to saw the grooves soon after initial setting to prevent the formation of cracks due to contraction of the slab. Transverse joints shall be sawed to a depth as shown on the typical section. Any procedure for sawing joints that results in any uncontrolled cracking shall be revised immediately by adjusting the time interval between initial setting of the concrete and cutting of the joints.
 - e) Transverse joint spacing shall be adjusted to intersect the center of round structures, such as manholes, and must be more than five (5) feet away from rectangular structures at the pavement edge, such as catch basins. Catch basins and manholes shall be separated from the full depth of the pavement by expansion joint material.
 - f) All joints shall be dried, cleaned and sealed with RC-3 hot-poured asphalt before traffic is permitted on the pavement. Filling of joints shall conform to the typical details. Pouring shall be done in such a manner that material will not be spilled on the exposed surfaces of the concrete. Excess filler shall be removed immediately and the pavement surface cleaned.
 - g) When required to prevent tackiness or pickup under traffic, the exposed surface of joint filler shall be dusted with hydrated lime or sawdust. Sand will not be permitted. Other methods of preventing pickup under traffic may be used when approved by the Street Superintendent. Poured filler shall not be placed when the air temperature in the shade is less than fifty degrees Fahrenheit (50° F), except by the approval of the Street Superintendent.
- 3) *Final surface test.* The Street Superintendent will be held responsible for the correct alignment, grade and contour specified. Any spots higher than one-fourth ($\frac{1}{4}$) inch in ten (10) feet shall be ground to the required surface by contractor at his expense.
- 4) *Surface finish.* The contractor shall provide a broomed finish surface texture.
- 5) *Curing.*
- a) As soon as possible after pavement is finished and without marring the surface, the concrete shall be cured by a standard recognized method approved by the Street Superintendent, e.g., membrane spray, wet burlap, wet earth, wet straw, watertight plastic cover, etc.
 - b) Membrane spray shall be applied by a pressure spray at a uniform rate not to exceed two hundred (200) square feet of surface area per gallon of spray.

- c) Curing of the pavement shall be continued for not less than three (3) days after placement of the concrete.

- 6) *Cold weather concreting.* Except by written authorization of the Street Superintendent, concrete placing shall cease when the descending air temperature in the shade falls below forty degrees Fahrenheit (40° F). When concreting is permitted during cold weather, the temperature of the mixed concrete shall be not less than fifty degrees (50 °) or more than one hundred degrees Fahrenheit (100° F), at the time of placing in the forms. Aggregates may be heated by steam or dry heat prior to being placed in the mixer. Water shall not be hotter than one hundred seventy degrees Fahrenheit (170° F). When concrete is being placed during cold weather and the air temperature may be expected to drop below thirty-five degrees Fahrenheit (35° F), a supply of straw or other suitable blanketing material shall be provided to cover the completed work. Care must be exercised to prevent the wind from removing same. Concrete less than twenty-four (24) hours old shall also be covered with blanketing material to prevent freezing. All blanketing shall be maintained for at least five (5) days. Concrete injured by frost action shall be removed and replaced at the contractor's expense. Concrete shall not be placed on a frozen sub grade. The use of an accelerator, such as calcium chloride, shall be used only with the consent of the Street Superintendent.

- c. *Inspection and testing.*
 - 1) *Slump test.* Measurement of slump shall be made in conformance with the "*Standard Method of Slump Test for Consistency of Portland Cement Concrete*" (ASTM C 143).
 - 2) *Air entrainment.* Concrete as placed in the forms shall contain five and one-half percent (5½%) plus/minus one and one-half percent (1½%) entrained air.
 - 3) *Compressive strength test.* Concrete used for paving shall have a minimum compressive strength of three thousand seven hundred fifty (3,750) psi at twenty-eight (28) days as determined by the "*Standard Method of Test for Comprehensive Strength of Cylindrical Concrete Cylinders*" (ASTM C 39).
 - 4) *Opening to traffic.* The pavement shall not be opened to traffic or contractor's equipment until so ordered by the Street Superintendent. In general, the concrete pavement shall not be opened for light traffic until the concrete is at least seventy-two (72) hours old and has attained a minimum compressive strength of three thousand (3,000) pounds per square inch. The pavement shall not be opened to all types of traffic until the concrete is at least one hundred twenty (120) hours old and has attained a minimum compressive strength of three thousand five hundred (3,500) pounds per square inch. The contractor shall maintain adequate barricades and protection of the pavement to prevent traffic from using the pavement until opened by the Street Superintendent.
 - 5) *Asphaltic concrete pavement specifications.*
 - a) *Materials.*
 - i. All materials shall conform to the applicable requirements of the Missouri State

Highway Department specifications.

- ii. Absorbent surfaces, such as water bound macadam and rolled stone bases, shall be primed with RC-70 or MC-30 liquid asphalt or shall be primed with SS-1 emulsified asphalt. RC-70, MC-30 or MC-70 liquid asphalt, or RS-1 emulsified asphalt shall be used to prime nonabsorbent surfaces such as Portland Cement Concrete and bituminous surfaces. The primer shall be applied in any manner satisfactory to the Street Superintendent and at the rate per square yard within the following limits:

<u>Type of Surface</u>	<u>Minimum Gallons</u>	<u>Maximum Gallons</u>
Absorbent	0.2	0.5
Non-absorbent	0.02	0.10

- iii. Asphaltic concrete mixture consisting of mineral aggregates and asphalt cement combined in such proportions that the composition by weight of the finished mix shall be within the following range:

Gradation of combined aggregates. The total aggregate prior to mixing with asphalt cement, shall meet the mixture specified in the contract.

Percent Passing by Weight

<u>Sieve Size</u>	<u>BP-1</u>	<u>BP-2</u>	<u>BP-3</u>
¾ inch.....	100	100	—
½ inch.....	80-100	95-100	100
No. 4.....	40-65	60-90	92-100
No. 8.....	30-55	40-70	75-95
No. 30.....	10-30	15-35	25-50
No. 200.....	4-12	4-12	5-15

Composition of mixtures. The bituminous base shall be composed of a mixture of crushed limestone or dolomite, except as hereinafter permitted, filler if needed, and asphalt cement. The total aggregate prior to mixing with asphalt cement shall meet the following gradation requirements:

<u>Sieve Size</u>	<i>Percent Passing by Weight</i>
1 inch.....	100
½ inch.....	60-90
No. 4.....	35-65
No. 8.....	25-50
No. 30.....	10-35
No. 200.....	5-12

At the option of the contractor, fine aggregate having one hundred percent (100%) passing the three-eighths (³/₈) inch sieve and not more than six percent (6%) passing the No. 200 sieve may be incorporated into the mixture. The total quantity of such fine aggregate shall not exceed thirty percent (30%) by

weight of the combined aggregate and it shall be added at the plant by means of a separate cold aggregate feeder.

b) *Construction equipment.*

- i. All equipment, tools, machinery and other appliances used in handling materials and performing any part of the work shall be subject to the approval of the Street Superintendent before the work is started and whenever found unsatisfactory shall be changed or improved as required by the Street Superintendent. All equipment, tools, and machinery must be maintained in a satisfactory working condition.
- ii. The mixing plant shall conform to the "*Standard Specifications for Bituminous Mixing Plant*" requirements of ASTM Designation D995, the latest edition thereof.
- iii. Pavers shall be mechanical self-powered machines capable of spreading the mixture true to the line, grade and crown, as specified.
- iv. Rollers shall include a self-powered steel wheeled roller and hand tamps. Steel wheeled rollers shall weigh not less than five (5) tons, and they shall be equipped with adjustable spring scrapers fitted to the driving and steering wheels. They shall also be equipped with sprinkling systems which will uniformly moisten each wheel. Wetting devices such as coco mats shall be included when necessary. In order to obtain a smooth surface on driveway approaches or steep grades, a smaller vibrator roller shall be used in rolling, as required.

c) *Construction methods:*

- i. Whenever it is necessary to carry traffic over the roadway during priming operations, the prime coat for absorbent surfaces shall be applied in lanes approximately one-half (1/2) the width of the base at the time and shall be permitted to cure before the application is made to the remaining one-half (1/2) width. The prime coat for non-absorbent surfaces may be applied full width, provided the prime surface, including entrances and side roads, is blotted with sand, in such a quantity specified by the Street Superintendent, before it is opened to traffic. Unless sand or other blotting material is spread, the contractor shall prevent traffic from using the primed surface until it is cured. It shall be the contractor's responsibility to maintain or restore the completed primed surface in such a manner that a smooth uniform surface will be available for the asphaltic concrete.
- ii. The mixture shall be transported from the paving plant to the work in tight vehicles with metal bottoms previously cleaned of all foreign materials. The truck beds shall be raised and the inside lubricated to prevent the mixture from adhering to the bed. An excess of lubricant will not be permitted. Each load shall be covered with canvas or other suitable material of sufficient size to protect it from the weather.
- iii. The mixture shall not be spread unless the ambient temperature is forty

degrees Fahrenheit (40° F) and raising and only upon a surface which is dry and when weather conditions are suitable. The mixture shall be delivered on the job at a minimum workable temperature of two hundred fifty degrees Fahrenheit (250° F). Except as otherwise specified herein, the mixture shall be spread by means of an approved mechanical paver hopper and care exercised to avoid overloading and spilling over of the mixture upon the sub grade or base. Pavers shall operate at such speed as may be indicated to insure a smooth riding surface and the mixture shall be delivered to the paver at such a rate as will enable the paver to be operated continuously.

- iv. The mixture shall be thoroughly and uniformly compressed by steel wheeled rollers, as soon after being spread as it will bear the weight of the roller without undue displacement. Delays in rolling freshly spread mixture will not be tolerated.
 - v. After final compression, the surface shall be smooth and true to the established crown and grade. It shall have the average thickness specified and shall at no point vary more than one-quarter ($\frac{1}{4}$) inch from the specified thickness. Any low or defective places shall immediately be remedied by cutting out the course at such spots and replacing it with fresh hot mixture which shall be thoroughly bonded to it. The finished pavement shall be set free from depressions exceeding one-eighth ($\frac{1}{8}$) inch as measured with a ten (10) foot straight edge paralleling the centerline of the roadway. No traffic shall be permitted on the finished pavement until it has cooled to atmospheric temperature. After final compression, all compacted mixtures shall have a density not less than ninety-five percent (95%) of the maximum possible density of a voidless pavement composed of the same materials in like proportions. If the density of the finished base courses and surface course is less than ninety-five percent (95%), additional rolling will be required. Additional rollers of the type and weight herein specified, shall also be furnished by the contractor if, in the opinion of the Street Superintendent, they are necessary for property compaction.
 - vi. Longitudinal and transverse joints shall be made in a careful manner. Well bonded and sealed joints are required. Joints between old and new pavements, or between successive day's work shall be carefully made in such a way as to insure thorough and continuous bond between the old and new surfaces.
- d) *Inspection and testing.*
- i. *General.* All materials and work shall be subject to inspection at all times by the Street Superintendent, or his duly authorized representative and no materials shall be delivered or accepted and no work performed without proper authorization of the Street Superintendent. In order to assure the use of suitable materials, the Street Superintendent shall have the right to make any inspection he may deem necessary, either at the plant of the contractor, or his supplier, or on the job site. Testing will be done by an independent inspector to test the materials and manner in which the work is done and to provide the results to the City before final inspection and tests provided for in these specifications by a testing laboratory approved by the City, for

determination of their quality and fitness for work under this contract. The expense of such sampling and testing shall be borne by the contractor. The contractor shall afford such facilities as may be required for collecting samples.

- ii. *Mixing plant inspection.* The appointed inspector or his authorized representative shall have access at any time to all parts of the mixing plant in order to ensure the manufacture of the mixture in strict accordance with these specifications. In order that accurate and sufficiently large samples of aggregates may be obtained from the bins over the mixer, easy and safe access shall be provided to the location of the plant where such samples may be taken. The mixing plant operation shall conform to the applicable requirements of the Missouri State Highway Department specifications.
- iii. *Determination of bitumen content.* Bitumen content shall be determined in accordance with the requirements of the ASTM Designation D 1097, the latest revision thereof.
- iv. *Sampling bituminous mixtures.* Bituminous mixtures shall be sampled by the Street Superintendent and the properties enumerated in these specifications shall be determined in accordance with the requirements of the ASTM Designation D 979, the latest revisions thereof.
(Ord. No. 1978-12 App. A §3, 6-5-78)

SECTION 505.250: DIAGRAMS

- A. *Street Grades, Etc.* The Street grade designs shall be incorporated as if fully set out herein and shall be on file in the City Clerk's office.
- B. *Roll Back Curb Gutter.* The roll back curb gutter design shall be incorporated as if fully set out herein and shall be on file in the City Clerk's office.
- C. *Integral Curb Sidewalk.* The integral curb sidewalk design shall be incorporated as if fully set out herein and shall be on file in the City Clerk's office. (Ord. No. 1978-12 App. A, 6-5-78)

SECTION 505.260: MAINTENANCE AGREEMENT WITH THE MISSOURI DEPARTMENT OF TRANSPORTATION

The City of Windsor is hereby authorized to enter into a contractual relationship with the Missouri Highways and Transportation Commission for the maintenance of certain highways located within the City limits of Windsor and such Exhibit shall be on file in the City's offices. (Ord. No. 2005-001 §1, 6-15-05; 7-31-2012)

CHAPTER 510: EXCAVATIONS

SECTION 510.010: PERMIT-REQUIRED-EXCEPTION

No person shall make or cause to be made any excavations in any public street, sidewalk or alley without written permission of the Street and Alley Committee to do so, except public work done under the authority of the Board of Aldermen. (CC 1968 §17-31)

SECTION 510.020: AMOUNT OF DEPOSIT PRIOR TO THE ISSUANCE OF EXCAVATION PERMIT

The permit required by Section 510.010 shall not be issued by the Street and Alley Committee until the Committee has determined the length of the proposed trench or excavation to be made in any street, avenue or alley; and such permit shall not be issued until such time as the applicant deposits with the City Collector the sum of three-hundred fifty dollars (\$350.00). (CC 1968 §17-32; Ord. No. 1980-21 §1, 11-25-80; Ord. No. 2018-07 §1, 08-14-18)

SECTION 510.030: RESTORATION OF STREETS, ETC., BY CITY IF PERMITTEE FAILS TO DO SO—RECOVERY OF COSTS FROM DEPOSIT, ETC.

In the event that a street, avenue, sidewalk or alley is not restored to its original condition, as determined by the inspection of the Street and Alley Committee within a period of thirty (30) days from and after the date when such excavation shall have begun, then such street, avenue, sidewalk or alley shall be restored to its original condition by the City and the costs and expenses to which the City may be put, on account of such or any violations of the conditions or regulations under which the same is done, shall be paid from the deposit made to the City Treasurer, and if after deduction of all payments for restoration expense, there be any remainder, it shall be returned to the person who made the deposit. If the cost of repairs exceeds the amount of the deposit the permittee will be billed for the difference. (CC 1968 §17-33; Ord. No. 2018-07 §1, 08-14-18)

SECTION 510.040: FENCING EXCAVATIONS, ETC.—PLACING LIGHTS, ETC., ON OBSTRUCTIONS, ETC.

Every person who shall make any excavation in or adjoining any public street, alley, sidewalk or public place, shall cause the same to be fenced in with a substantial fence not less than three (3) feet high, and so placed as to prevent persons, animals or vehicles from falling into such excavations. Every person making any such excavations and every person who shall occupy any portion of any public place with building materials or any obstruction, shall cause one (1) amber light to be securely and conspicuously posted on or near such excavation, building material or obstruction; provided, that such obstruction does not extend more than ten (10) feet in length, and if over ten (10) feet in length then one (1) amber light shall be posted for each such ten (10) feet of length. Such lights shall be kept burning during the entire night. (CC 1968 §17-34)

SECTION 510.050: CLOSING STREETS, ETC., TEMPORARILY FOR REPAIR WORK

The Street and Alley Committee is authorized, with the approval of the Board of Aldermen, to close any street, alley, public place, sidewalk or highway and withdraw the same from public use temporarily and during such period as work on such street, alley, sidewalk or public place shall make such action necessary. No person shall use or attempt to use such street, alley, sidewalk or public place or highway withdrawn from public use, or drive or attempt to drive any animal or vehicle on such street, alley or public place. (CC 1968 §17-35)

SECTION 510.060: MANNER OF PERFORMING WORK—GENERALLY

In excavating in any street, sidewalk or other public way, all material for paving or macadamizing shall be removed with the least possible injury or loss of the same, and together with the excavated materials from the trenches shall be placed where they will cause the least possible inconvenience to the public. The width of the excavation shall be no greater than is necessary for doing the work and, whenever it shall be deemed necessary by the Street and Alley Committee, sheeting and bracing shall be used to keep the sides of the trenches perpendicular and prevent unnecessary caving. The street shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutters, and every precaution shall be taken to protect the trench so as to insure the public safety. (CC 1968 §17-36)

SECTION 510.070: MANNER OF PERFORMING WORK—LENGTH OF EXCAVATION LIMITED—EXCEPTION

No excavation shall be made in any public street, alley, sidewalk or highway more than two (2) blocks in length at any one (1) time except by special permit from the Street and Alley Committee. (CC 1968 §17-37)

SECTION 510.080: TEMPORARY DRIVEWAYS

In all cases where excavations are made entirely across the public highways, a substantial driveway shall be maintained by the party making the excavation across such highway, until such excavation is refilled, and at all times be subject to the approval of the Street and Alley Committee. (CC 1968 §17-38)

SECTION 510.090: DUTY TO PROTECT PUBLIC, ETC.

No person shall make an excavation in any street, highway, sidewalk or thoroughfare without protecting such excavation so as to prevent persons, animals or vehicles from falling into such excavation. (CC 1968 §17-39)

CHAPTER 515: DANGEROUS BUILDINGS

SECTION 515.010: PURPOSE AND SCOPE

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

(Ord. No. 1994-9 §1, 11-8-94)

SECTION 515.020: DANGEROUS BUILDINGS ENUMERATED

All building or structures which have any of the following defects shall be deemed “dangerous buildings” provided that such conditions or defects exist to the extent that the life, property, or safety of the public, or its occupants, are endangered:

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members, or fifty percent (50%) damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used.
4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the City.
5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, or as to work injury to the health, safety or welfare of those occupying such building.
6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.
8. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged or to collapse and thereby injure persons or damage property.
9. Those that, because of their condition is unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this City.
10. Whenever any building or structure which whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than fifty percent

(50%), or in any supporting part, member or portion less than sixty-six percent (66%), of the:

- a. Strength
- b. Fire-resisting qualities or characteristics, or
- c. Weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same locations.

11. Those, or any portion thereof, which because of:

- a. Dilapidation, deterioration or decay;
- b. Faulty construction
- c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;

12. Those, as determined by any official law enforcement agency, that has been used for illegal manufacture or storage of a controlled substance as defined by this Article.

13. Those under construction, or a fire damaged structure upon which no current building permit is held and no substantial work shall have been performed for the immediately preceding thirty (30) days, and such conditions or defects exist to the extent that the life, property or safety of the public or its occupants are endangered.

14. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure.

15. Those which are used or intended to be used for dwelling purposes, because inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the Building Inspector to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness, disease or injury.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exists, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Inspector to be a fire hazard.

17. Whenever any portion of a building, or any member, appurtenance ornamentation on the exterior thereof is not sufficient strength or stability, or is not so anchored, attached or fastened in place

so as to be capable of resisting wind pressure of one half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.

18. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this City, as specified in the building code or housing code, or of any law or ordinance of this State or City relating to the condition, location or structure of buildings.

19. Those buildings which are abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public, in which the electrical, plumbing, mechanical, or other systems are totally or partially damaged, destroyed, removed, or otherwise made inoperable, unsafe or unsanitary, or such conditions or defects exist to

the extent that the life, property or safety of the public or its occupants are endangered.

SECTION 515.030: DANGEROUS BUILDINGS DECLARED NUISANCE

All "*dangerous buildings*", as defined by Section 515.020 and the Building Inspector or Code Enforcement Officer, are hereby declared to be public nuisances detrimental to the health, safety, and welfare of the residents of the City of Windsor, Missouri, and shall be repaired, vacated or demolished as provided herein.

The owner, occupant, lessees, mortgagee, agent, tenant, or any person having an interest in a building or structure, as shown by the land records of the Recorder of Deeds of that County, will be considered as party within this section.

SECTION 515.035: UNSAFE TO OCCUPY

- A. All buildings or structures which possess any or a combination of the following conditions or defects to an extent which present an immediate danger to the health, life, safety, and welfare of persons shall be deemed "UNSAFE TO OCCUPY":
 1. Any combination of violations of this Article which present an immediate danger to the health, life, safety, and welfare of persons.
 2. Any other condition exists which presents an immediate danger to the health, life, safety, and welfare of persons.
 3. Electrical equipment, wiring and appliances improperly installed or not maintained in a safe and approved manner.
 4. Insect and/or rodent infestation
- B. When a building or structure is deemed to be "Unsafe to Occupy," the Building Commissioner, Code Enforcement Official, or the Fire Chief shall order it to be immediately vacated.
- C. Notice that a building or structure has been deemed "Unsafe to Occupy" shall immediately be posted in a conspicuous place in or about the building or structure and delivered personally to any owner, owner's representative or occupant present.
- D. No person shall:
 1. Fail to comply with an order to vacate a building or structure deemed "Unsafe to Occupy;"
 2. Remove the posted notice that a building or structure is "Unsafe to Occupy;"
 3. Enter on the real property of a building or structure deemed "Unsafe to Occupy" except between the hours of 8 a.m. to 8 p.m. and for the purposes of removing belongings, facilitating repairs or performing abatement actions;
 4. Permit any child under age seventeen (17) to enter on the real property of a building or structure deemed "Unsafe to Occupy" for any reason;
 5. Fail to comply with administrative order to repair or abate the conditions that resulted in the building or structure being deemed "Unsafe to Occupy."

SECTION 515.040: STANDARDS FOR REPAIR, VACATION OR DEMOLITION

The following standards shall be followed by the Building Inspectors and the Code Enforcement Officer in ordering vacating, repair, or demolition:

1. If the dangerous building reasonably can be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be ordered repaired.
2. If the “dangerous building” is in such condition as to make it dangerous to the health, safety or general welfare of the public or the occupants, it shall be ordered to be vacated.
3. In any case where a “dangerous building” is damaged, decayed or deteriorated to a degree that it is not economically feasible to rehabilitate such building, the building shall be order to be demolished.
4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Chapter or any ordinance of this City of Windsor or Statute of the State of Missouri, it shall be repaired or demolished. (Ord. No. 1994-9 §4, 11-8-94)

SECTION 515.050: BUILDING INSPECTOR

All City Police Officers and all other City of Windsor employees so designated by the Mayor shall be Building Inspectors within the meaning of this Chapter. (Ord. No. 1994-9 §5, 11-8-94)

SECTION 515.060: DUTIES OF BUILDING INSPECTOR—PROCEDURE AND NOTICE

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

1. Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such places a dangerous building when he/she has reasonable grounds to believe that any such building is dangerous.
2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.
3. Inspect any building, wall or structure reported by the Fire or Police Departments of this City of Windsor as probably existing in violation of this Chapter.
4. Notify in writing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) successive weeks, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Henry County, of any building found by him/her to be a dangerous building within the standards set forth in Section 515.020.

The notice required shall state that:

- a. The owner must vacate, vacate and repair or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Chapter;
 - b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession;
 - c. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County wherein the land is located, may, at his/her own risk, repair, vacate, or demolish the building and clean up the property or have such work done, provided that any person notified under this Subsection to repair, vacate or demolish any building, or clean up the property shall be given such reasonable time not exceeding thirty (30) days to commence the required work;
5. The notice provided for in this Section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building and an order requiring the designated work to be commenced within the time provided for in the above Subsection.
 6. Report in writing to the City Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay.
 7. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous building.
 8. Immediately report to the Building Commissioner concerning any building found by him/her to be inherently dangerous and that he/she determined to be a nuisance per se. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

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

Provided however, that the order by the Building Commissioner and the posting of said notice, shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein. (Ord. No. 1994-9 §6, 11-8-94)

SECTION 515.070: BUILDING COMMISSIONER

The Mayor, Board of Aldermen, or other designated officer or officers or committee shall act as Building Commissioner under this Chapter. (Ord. No. 1994-9 §7, 11-8-94)

SECTION 515.080: DUTIES OF THE BUILDING COMMISSIONER

The Building Commissioner shall have the power pursuant to this Chapter to:

1. Supervise all inspections required by this Chapter, and cause the Building Inspector to make inspections and perform all the duties required of him/her by this Chapter. Upon receiving a complaint or report from any source, that a dangerous building exists in the City, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his/her duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other City Department or retain services of an expert whenever the Building Commissioner deems such service necessary.
2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other person(s) having interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, the Building Commissioner shall hold a hearing giving the affected parties full and adequate hearing on the matter.

Written notice, either by personal service or by certified mail, return receipt requested, or by publication for two (2) successive weeks, in a newspaper qualified to publish legal notices, at least ten (10) days in advance of a hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County wherein the land is located, to appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice as provided herein.

Any party may be represented by counsel and all parties shall have an opportunity to be heard.

3. Make a written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 515.020.
4. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the Building Commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other person(s) having an interest in said building as shown by the land records of the County wherein the land is located, to repair, vacate or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified, shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this City of Windsor or the owner or any person having an interest in said buildings as shown by the land records of the County wherein the land is located, may vacate and demolish said dangerous building at his/her own risk to prevent the acquiring by the City of Windsor of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, no order shall be issued.

5. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Building Commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up, as the facts may warrant; and the Building Commissioner shall certify that cost of the work borne by the City of Windsor for such repair, vacation or demolition or cleaned up, to the City Clerk as a special assessment represented by a special tax bill against the real property affected; said tax bill shall by a lien upon said property and shall be deemed a personal debt against the property owner(s) unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City of Windsor and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. Except as provided in Subsection (6) of this Section, at the request of the taxpayer this special tax bill may be paid in installments over a period of not more than ten (10) years; said assessment shall bear interest at the rate of eight percent (8%) per annum until paid.
6. As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if an order is issued by the Building Commissioner as provided in Subsection (5) of this Section, and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds, as set forth in Subsection 6(a) and (b) of this Section. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure.
 - a. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment, and shall pay such monies to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under the ordinance.
 - b. The City shall release the proceeds and any interest that has accrued on such proceeds received under Subsection 6(a) of this Section to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after the receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (5) of this Section. If the City has proceeded under the provisions of Subsection (5) of this Section, all monies in excess of that necessary to comply with the provisions of Subsection (5) of this Section for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.
7. If there are no proceeds of any insurance policy as set forth in Subsection (6) of this Section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.
8. Subsection (6) of this Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.

9. Subsection (6) of this Section does not make the City a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
10. The Building Commissioner may certify in lieu of payment of all or part of the covered claim under Subsection (6) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (6) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided from this Subsection. (Ord. No. 1994-9 §8, 11-8-94)

SECTION 515.090: APPEAL

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the Recorder of Deeds of the County wherein the land is located, may, within thirty (30) days from the receipt of the order of the Building Commissioner, appeal such decision to the Circuit Court of the County wherein the land is located, pursuant to the procedure established in Chapter 536, RSMo. (Ord. No. 1994-9 §9, 11-8-94)

SECTION 515.100: EMERGENCIES

For the purpose of this Code, an emergency is hereby defined as any case where it reasonably appears that there is immediate danger to the health, life, safety, or welfare of any person because of a dangerous condition that exists in violation of this Code. (Ord. No. 1994-9 §10, 11-8-94, 6-14-2011)

1. In an emergency case, the Building Official shall have power to take emergency measures to abate or to correct such dangerous condition. The emergency power herein granted shall include power to cause the summary correction of any emergency condition which exists in violation of this Code, including, but not limited to, demolition of dangerous buildings as defined by this Code.
2. No appeal shall lie from an emergency order to, and such order shall not be reviewed or stayed otherwise than by the Pettis or Henry County Circuit Court and as provided in Chapter 536 of the Revised Statutes of Missouri.
3. The costs of emergency abatement shall be recovered as provided in this Code for the recovery of costs of demolition of dangerous buildings.

SECTION 515.110: VIOLATIONS—DISREGARDING NOTICES OR ORDERS

- A. The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Building Commissioner shall be guilty of a misdemeanor and upon conviction shall be punishable as set forth in Section 515.120.
- B. Any person removing any notices provided for in this Chapter shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with Section 515.120.
(Ord. No. 1994-9 §11, 11-8-94)

SECTION 515.120: PENALTIES

Any person violating the provisions of this Chapter is guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00). Each day that a person fails to comply with an order of the Building Commissioner may be deemed a separate offense. If a business/individual is found guilty and sentenced by the judge the business/individual will be assessed the boarding bill. (Ord. No. 1994-9 §12, 11-8-94, 06-14-11)

The City Attorney shall:

1. Prosecute all persons for failing to comply with the terms of the notices and the orders provided for herein.
2. Assist the Building Official in regard to “dangerous building.”
3. Brings suit to collect all municipal liens, assessments, or costs incurred by the Building Official in causing “dangerous buildings” to be vacated, repaired, or demolished.
4. Take such other legal action as is necessary to carry out the terms and provisions of this Code.