

**TITLE V. BUILDING AND CONSTRUCTION**

**CHAPTER 500: BUILDING AND CONSTRUCTION**

**ARTICLE I. BASIC CODE ADOPTION**

**SECTION 500.010: BUILDING CODE ADOPTION**

- A. The Board of Alderman of this City finds in order to insure public safety, health and welfare insofar as may be affected by building construction, through structural strength, adequate egress facilities, sanitary equipment, light and ventilation and fire safety; and in general to secure safety to life and property from all hazards incident to the design, erection, repair, removal, demolition or use and occupancy of buildings, structures or premises within this City, a code relating to such matters should be adopted by the Board; and the Board, having examined such a code that would carry out these intents entitled "The BOCA Basic Building Code of 1970, Fifth Edition" prepared by the Building Officials and Code Administrators International, Inc., 1313 East 60th Street, Chicago, Illinois 60637, finds that the above and foregoing provisions are contained therein and that its provisions should be adopted in its entirety.
- B. *Adoption Of BOCA Building Code.* The provisions and contents set forth in said Basic Code are by this Chapter adopted and by reference made a part of this Chapter as if more fully set forth herein. (CC 1988 §§45.010–45.020)

**SECTION 500.020: EXCEPTION TO BOCA CODE**

Section 114.2 of the BOCA Building Code, 1970 Edition is hereby amended to read as follows: Any permit issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work, provided however, that a permit to move a building or mobile home or other residential structure into or within the City of Bernie shall expire ninety (90) days from the date of the issuance of the permit. (Ord. No. 586 §1, 9-4-90)

**SECTION 500.030: BUILDING INSPECTION**

The Department of Building Inspection is hereby created and the executive official in charge thereof shall be known as the Building Official. The provisions set forth in Sections 107.0, 108.0, 109.0, 110.0 and continuing and to Section 121.0, inclusive, relating to the Department of Building Inspection are hereby adopted and by reference made a part of this Chapter as if more fully set forth. (CC 1988 §45.030)

**SECTION 500.040: VIOLATIONS**

Violations of this Chapter shall be dealt with as set forth in provisions in Section 122.0 of said code and are hereby adopted. (CC 1988 §45.040)

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**SECTION 500.050: APPEAL**

The owner of a building or structure may appeal from the decision of the Building Official in relation to this Chapter as set forth in Section 127.0 of the code. (CC 1988 §45.050)

**SECTION 500.060: ALL SECTIONS ADOPTED**

All other Sections set forth in the said Basic Code are hereby adopted and included in this Chapter as if more fully set herein and are made a part hereof. (CC 1988 §45.060)

**ARTICLE II. ELECTRICAL CODE ADOPTION**

**SECTION 500.070: ADOPTION OF NATIONAL ELECTRICAL CODE**

- A. Reference is hereby made to the National Electrical Code (ANSI C1-1971), Chapters 1 through 9 and appendices, published by the National Fire Protection Association, 60 Batterymarch Street, Boston 10, Massachusetts, as said code is set out in the pamphlet attached hereto, consisting of 548 consecutive numbered pages; and said code is fully incorporated herein and made a part hereof by reference thereto as though fully set out herein.
- B. The Electrical Code above referred to is hereby adopted in its entirety and is in full force and effect as the Electrical Code of the City of Bernie. (CC 1988 §§46.010–46.020)

**ARTICLE III. HOUSING CODE ADOPTION**

**SECTION 500.080: ADOPTION OF THE BASIC HOUSING CODE**

A certain document, three (3) copies of which are on file in the office of the City Clerk of Bernie, Missouri, being marked and designated as "The Basic Housing Code, Second Edition, 1970" as published by the Building Officials Conference of America, Inc., be and is hereby adopted as the Housing Code of the City of Bernie in the State of Missouri for the control of buildings and structures as herein provided; and each and all of the regulations of the Basic Housing Code, Second Edition, 1970 are hereby referred to, adopted and made a part thereof as if fully out in this Chapter. (CC 1988 §47.010)

**ARTICLE IV. PLUMBING CODE ADOPTION**

**SECTION 500.090: ADOPTION OF BOCA BASIC PLUMBING CODE**

The Board finding that in the public interest of the City of Bernie, it has become necessary to establish minimum plumbing standards in terms of performance objectives, implemented by specific requirements, which would provide reasonable safeguards for sanitation to protect the public health

against the hazards of inadequate, defective or insanitary plumbing installations in said City, and that the purpose and intent of this code is to establish such minimum plumbing standards. The provisions

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and regulations set forth in "BOCA Basic Plumbing Code, Second Edition, 1970", prepared by the Building Officials and Code Administrators International, Inc. are hereby adopted and made a part of this Chapter as if more fully set forth herein. (CC 1988 §48.010)

**SECTION 500.100: APPLICABILITY OF CODE**

The provisions of this code shall apply to the plumbing installations in all buildings and structures and their appurtenant constructions in this City. (CC 1988 §48.020)

**SECTION 500.110: VIOLATION IS UNLAWFUL**

It shall be unlawful for any person to install, extend, alter, repair or maintain plumbing systems in or adjacent to buildings except in conformity with this code, and this code shall apply to plumbing systems and to parts thereof which are hereafter installed in buildings of the occupancy and use group classifications as defined herein. (CC 1988 §48.030)

**SECTION 500.120: MAYOR TO APPOINT ADMINISTRATORS**

The Mayor of this City shall have the power to appoint some competent person or a board of not less than three (3) persons who shall have the power to administer and enforce the provisions of the Plumbing Code as adopted herein or as may hereafter be amended and as particularly set forth in Article I of said Code. (CC 1988 §48.040)

**ARTICLE V. NUMBERING SYSTEM FOR BUILDINGS**

**SECTION 500.130: NUMBERING SYSTEM ESTABLISHED**

The City Clerk shall establish and maintain a numbering system for all buildings erected in the City, or in any area to be annexed into the City, and for all vacant lots in the City in accordance with the numbering system as described below and contained in listing on file in the office of the City Clerk. (Ord. No. 763 §1, 5-1-95)

**SECTION 500.140: ASSIGNMENT OF NUMBERS**

The City Clerk shall assign street numbers to houses, buildings, other structures and vacant lots as established in the numbering system. (Ord. No. 763 §2, 5-1-95)

**SECTION 500.150: BASE LINES**

The following base lines are hereby established:

- .1. The base line running north and south shall be the railroad.

.2. The east-west base line is Main Street. (Ord. No. 763 §3, 5-1-95)

**SECTION 500.160: MANNER OF NUMBERING WITHIN THE CITY LIMITS**

The numbers of all lots, houses, buildings or other structures fronting on or having entrance on public streets within the City of Bernie, Missouri, shall be in conformity with the following:

- .1. The odd numbers shall be applied to the left sides of streets going in the direction away from the base lines of the railroad and Main Street. The even numbers shall be applied to the right sides of the streets going in the direction away from the base lines aforementioned;
- .2. There shall be one (1) number assigned for every door in the business district. There shall be one (1) number assigned to every fifty (50) to seventy-five (75) feet of vacant ground. House numbers shall be assigned according to existing lot sizes in the various additions of the City. Any house or structure sitting behind a numbered structure facing the street shall have the same number as that structure with the letter "R" (for rear) added;
- .3. Duplexes or multi-unit apartments with entrances on a street will have separate numbers;
- .4. Apartment complexes with a drive in entrance from the street will have one (1) assigned number for the complex office. The units should have consecutive numbers not related to the apartment complex address;
- .5. Apartment buildings with individual apartment entrances within the building will have an assigned number on the outside entrance. The individual units should have consecutive numbers not related to the building number;
- .6. The Housing Authority numbering system will remain as it is. (Ord. No. 763 §4, 5-1-95)

**SECTION 500.170: DISPLAY OF NUMBERS**

- A. The owner or occupant of each house, building or other structure shall be required to place in a conspicuous location visible from the street numbers which shall conform to the number assigned thereto. Such numbers shall be Arabic numerals of sufficient size to be legible from the street with a four (4) inch minimum and shall be located on the building within view of three (3) foot perimeter of the main entrance. The assigned street numbers may also be displayed in the additional locations at the discretion of the property owner. The assigned numbers shall be in sharp color and contrast to the house, building or other structure to which they are attached. In areas where the main entrance to the house, building or structure is not visible from the centerline of the street, the assigned number may be displayed in the yard, visible when viewing the main entrance.
- B. It shall be unlawful to cover any house number with any sign, drapery or other obstruction tending to conceal such number. All old numbers must be removed from any house, building or other structure by the owner or occupant when a new number has been assigned or when so directed by the City Clerk. The City Clerk is hereby authorized to require numbering and renumbering of any structure in accordance with his/her direction. (Ord. No. 763 §5, 5-1-95)

**SECTION 500.180: CITY CLERK**

The City Clerk or his/her designee shall furnish a proper house number to all persons taking out a building permit and also to all persons desiring data or information for the proper numbering of any

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house, building or other structure. The City Clerk is further authorized and empowered to re-number any portion or portions of the City where the same is deemed necessary by him/her and/or the Board of Aldermen. (Ord. No. 763 §6, 5-1-95)

**SECTION 500.190: PENALTY FOR VIOLATION**

Any person, owner or owners, rental agents, tenant or tenants violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and punished by a fine of not more than fifty dollars (\$50.00) and not less than five dollars (\$5.00). (Ord. No. 763 §7, 5-1-95)

**REGULATIONS**

**ARTICLE VI. MISCELLANEOUS**

**SECTION 500.200: ABOVE GROUND STORAGE OF PETROLEUM PRODUCTS**

Gasoline storage tanks may be placed above ground and utilized for the storage of gasoline and related petroleum products, provided the same comply with all applicable Federal and State, especially Environmental Protection Agency regulations. All plans must meet applicable Federal and State, especially Environment Protection Agency regulations, before a building permit is issued by the City Superintendent or other applicable representative of the City of Bernie. (Ord. No. 674 §2, 5-3-93)

**SECTION 500.210: EARTHQUAKE AND SEISMIC DESIGN REQUIREMENTS**

All construction in the City shall comply with the requirements of Sections 319.200 through 319.207, RSMo., and any amendments thereto relating to earthquakes and seismic construction requirements.





## CHAPTER 505: DANGEROUS BUILDINGS

### SECTION 505.010: PURPOSE AND SCOPE

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

### SECTION 505.020: DANGEROUS BUILDINGS DEFINED

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

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members or fifty percent (50%) damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or that have insufficient strength to be reasonably safe for the purpose used.
4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the City.
5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.
6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.
8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.
9. Those that because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this City.

**SECTION 505.030: DANGEROUS BUILDINGS DECLARED NUISANCE**

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

**SECTION 505.040: STANDARDS FOR REPAIR, VACATION OR DEMOLITION**

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

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

**SECTION 505.050: BUILDING INSPECTOR**

All City Police Officers and all other City employees so designated by the Mayor shall be "Building Inspectors" within the meaning of this Chapter. (CC 1988 §41.040)

**SECTION 505.060: DUTIES OF BUILDING INSPECTOR—PROCEDURE AND NOTICE**

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

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

4. Notify the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building or structure, as shown by the land records of the Recorder of Deeds of Stoddard County, of any building or structure found by him/her to be a dangerous building or structure

within the standards set forth in Section 505.020. Such notice shall be in writing and shall be given either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) consecutive weeks.

The notice required shall state that:

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

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

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

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

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

**SECTION 505.070: BUILDING COMMISSIONER**

The Mayor shall act as Building Commissioner under this Chapter. (CC 1988 §41.060)

**SECTION 505.080: DUTIES OF THE BUILDING COMMISSIONER**

The Building Commissioner shall have the powers and duties pursuant to this Chapter to:

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

dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building or a nuisance or detrimental to the health, safety or welfare of the residents of the City, no order shall be issued.



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

#### **SECTION 505.090: 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 Stoddard County may appeal such decision to the Circuit Court of Stoddard County, as provided for in Sections 536.100 to 536.140, RSMo., if a proper record as defined in Section 536.130, RSMo., is maintained of the hearing provided for in Section 505.080 hereof. Otherwise, the appeal shall be made pursuant to the procedures provided for in Section 536.150, RSMo.

#### **SECTION 505.100: EMERGENCIES**

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

#### **SECTION 505.110: VIOLATIONS—DISREGARDING NOTICES OR ORDERS**

The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Building Commissioner or who shall fail to proceed continuously without unnecessary delay; and any person removing any notices provided for in this Chapter; and any person violating any other provisions of this Chapter shall be guilty of an ordinance violation and upon conviction thereof shall be fined not more than 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.

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**SECTION 505.120: OWNER ABSENT FROM THE CITY**

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the City, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service. (CC 1988 §41.100)

**SECTION 505.130: LIABILITY FOR WRONGFUL ACTION**

In the event any building or structure is wrongfully demolished by this City or is demolished without adhering to the procedures provided in this Chapter, the City shall be liable for damages as determined by a court of law in a suit brought by the party so damaged. (CC 1988 §41.110)

**SECTION 505.140: CHAPTER 505 PROVISIONS SUPERIOR TO BUILDING CODE**

The provisions in this Chapter shall apply over inconsistent provisions in the Building Code as adopted in Chapter 500, as adopted by the City of Bernie, Missouri, as to Sections on notice, hearings, appeals and other legal procedures specified. (CC 1988 §41.120)

**CHAPTER 510: DRIVEWAYS**

**SECTION 510.010: CULVERTS**

All culverts used in the construction of driveways or entryways from public streets or alleys in the City to private property shall be concrete or steel pipe of a diameter prescribed in writing by the City Superintendent of the City. (CC 1988 §94.010)

**SECTION 510.020: APPLICATION**

Any person or persons, firm, company or corporation desiring to construct such driveway or entryway shall first apply in writing to the City Superintendent of the City for a permit which application for a permit shall be accompanied by a check or cash in the amount of five dollars (\$5.00) payable to the City, for which said applications shall be in the following form:

**APPLICATION FOR DRIVEWAY PERMIT**

To the City of Bernie, Missouri:

Permission is hereby requested to \_\_\_\_\_

Said work being located on \_\_\_\_\_ Street, more specifically described as follows: \_\_\_\_\_  
The undersigned agrees to perform the work under the supervision of the City Superintendent of the City and to hold harmless the City for any damage of any nature whatsoever which may accrue to any person or property arising out of the performance or non-performance of said work by the applicant. It is agreed that work will be done subject to the approval of the City Superintendent.

Accompanying this application is five dollars (\$5.00) for the permit fee.

Permission granted to construct driveway above described. Culvert to be \_\_\_\_\_  
\_\_\_\_\_ in diameter, \_\_\_\_\_ in length.

\_\_\_\_\_  
City Superintendent

(Ord. No. 543 §2(94.020), 10-5-88)

**SECTION 510.030: WORK TO BE INSPECTED**

The construction of said driveway shall be under the supervision of the City Superintendent of the City. If said work is not completed to the said satisfaction of the City Superintendent, the Superintendent shall so notify the owner of the property to which said driveway or entryway is being

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constructed and shall state in writing his/her objections thereto. In the event said owner does not cause said driveway or entryway to be properly completed within ten (10) days from the receipt of said notice, he/she shall be deemed to be in violation of this Chapter. (Ord. No. 543 §2(94.030), 10-5-88)

**SIDEWALKS, CURBS, GUTTERS**

**CHAPTER 515: CONSTRUCTION OF  
AND DRIVEWAY ENTRANCES**

**SECTION 515.010: PROPERTY OWNER TO KEEP IN REPAIR**

It shall be the duty of every property owner to keep the sidewalks, curbs and gutters and driveway entrances adjacent to his/her property and in the City of Bernie in good repair at all times and free from irregularities and offsets in the surface thereof which may render the same unsafe for use. (CC 1988 §91.010)

**SECTION 515.020: CONCRETE CONSTRUCTION REQUIRED, GRADE, WIDTH**

All sidewalks and, where streets are hard-surfaced construction, all curbs and gutters and entrance driveways constructed, reconstructed or repaired in the City of Bernie shall be of concrete and conform to the established grade of the street. All sidewalks shall be not less than three (3) feet in width. (CC 1988 §91.020)

**SECTION 515.030: CITY SUPERINTENDENT TO SUPERVISE WORK**

All work of constructing, reconstructing or repairing of sidewalks, curbs and gutters and driveway entrances shall be done under the supervision of the City Superintendent. (CC 1988 §91.030)

**SECTION 515.040: TO CONDEMN DEFECTIVE SIDEWALKS**

The Board of Aldermen may, by ordinance or resolution, condemn defective sidewalks, order their removal and provide for the construction of new sidewalks in the place of walks so condemned and removed as provided in this Chapter. (CC 1988 §91.040)

**SECTION 515.050: RECONSTRUCTION AND REPAIR OF SIDEWALKS AT EXPENSE OF PROPERTY OWNER—PROCEDURE**

No formality shall be required for the repairing or reconstruction of sidewalks and making assessments therefore; but the Board of Aldermen, without notice to property owner, may order the City Superintendent to cause such work to be done and the City Superintendent shall keep an account of the cost thereof and report the same to the Board of Aldermen for assessment. (CC 1988 §91.050)

**SECTION 515.060: BOARD MAY LEVY SPECIAL ASSESSMENT—WHEN**

When the City Superintendent or other proper officer or committee has made report to the Board of Aldermen of the cost of the construction, reconstruction or repair of any sidewalk or sidewalks in the City of Bernie under the provisions of this Chapter, the Board of Aldermen, at its discretion, may levy said cost as a special assessment against each lot and piece of ground abutting said

sidewalk and each lot and piece of ground shall be liable for its part of the cost of the work done or made along or in front of such lot or piece of ground as reported to the Board of Aldermen, and

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the City Clerk shall issue separate tax bills therefor against each such lot or piece of ground as reported to the Board of Aldermen for its share of the cost. (CC 1988 §91.060)

**SECTION 515.070: CONSTRUCTION OF NEW SIDEWALKS**

Where a sidewalk has been condemned and is to be replaced with a new walk or where a petition of any ten (10) or more citizens of the City of Bernie is received for the construction of a new sidewalk where no sidewalk had previously existed in the City of Bernie, the Board of Aldermen, at its discretion, shall make a contract for the construction of such sidewalk, including grading therefore, with or without curbing, along the street, avenue or other public highway or part thereof involved. Such contract shall be let to the lowest and best bidder upon plans and specifications filed therefor by the City Superintendent with the City Clerk with not less than two (2) weeks' advertisement for bids thereon being made in some newspaper published in the City. Before the advertising for bids, an estimate of the cost of the work shall be made by the City Superintendent and submitted to the Board of Aldermen, and no contract shall be made for the work at a price exceeding such estimate and the Board of Aldermen shall have the authority to refuse or accept any and all bids. (CC 1988 §91.070)

**SECTION 515.080: PROCEDURE WHEN NO BID IS ACCEPTABLE OR NONE RECEIVED**

When, on proper advertisement as herein provided, no bid is received or no bid received is acceptable to the Board of Aldermen, the Board may order the City Superintendent to cause the work to be done. In such case, the City Superintendent shall keep an accurate account of the amount expended for labor and materials, including grading and filling, opposite each lot or piece of ground and present such account to the Board of Aldermen for assessment as provided in this Chapter. (CC 1988 §91.080)

## **CHAPTER 520: STREETS**

### **SECTION 520.010: LICENSE FOR TRENCHING MACHINE OPERATION**

Any person, firm or corporation, prior to the operation and use of a trenching machine or backhoe for hire and used in the service of persons desiring to install service lines for connection to the City sewer system, shall be required to obtain a permit or license from the City Clerk of the City of Bernie, Missouri, and will be charged therefor an annual fee of fifty dollars (\$50.00) for such license. Prior to the issuance of such license or a permit, the applicant shall deposit with the City Clerk a personal property liability bond or an approved policy of liability insurance in not less than the principal sum of ten thousand dollars (\$10,000.00) and conditioned against damage to personal property of any person and caused by the negligent operation of the said backhoe or trenching machine. (CC 1988 §29.010)

### **SECTION 520.020: STREET EXCAVATION**

No person, firm or corporation shall connect onto any sewer located in any street or avenue of this City. Sewer taps can only be made by the City of Bernie. It shall be unlawful for any person, firm or corporation to break into or damage any blacktopped or paved street without first paying the City a fee of one hundred dollars (\$100.00) minimum and a maximum of five hundred dollars (\$500.00) before work begins and without having first obtained permission of the City Superintendent or other officer authorized by the City to collect the same. In addition thereto there shall be made a charge to cover the cost of replacing and repairing the damages of such street occasioned thereby. (CC 1988 §29.020)



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