

## **TITLE V. BUILDING AND CONSTRUCTION**

### **CHAPTER 500: BUILDING REGULATIONS**

#### **ARTICLE I. MISCELLANEOUS PROVISIONS**

##### **SECTION 500.010: 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.

##### **SECTION 500.020: NUMBERING OF HOUSES AND BUILDINGS**

- A. There is hereby established a uniform system of numbering houses and buildings fronting on all streets, avenues and public ways in the City of Gerald, Missouri, and all houses and buildings shall be numbered in accordance with the provisions of this Section.
- B. Main Street shall constitute the base line for numbering along all streets running east and west and Flottmann Road shall constitute the base line for numbering all streets running north and south.

All buildings and lots on diagonal streets shall be numbered the same as north and south streets if the diagonal runs more from the north to the south and the same on east and west streets if the diagonal runs more from the east to the west.

- C. The numbering for each street shall begin at the base line. The numbers within the first block shall be from one (1) to ninety-nine (99) and numbers in each succeeding block shall increase from the base line in units of one hundred (100).

Numbers shall be assigned according to lot usage presently determined and shall allow for future development by assigning numbers to available undeveloped locations.

- D. All lots and houses on the north and west side of all streets shall be numbered with odd numbers and on east and south sides shall be numbered with even numbers, each commencing with the hundred assigned to that block. Where any building has more than one (1) door serving separate occupants, a separate number shall be assigned to each door except when the building is an apartment complex where all residents will use building number and the apartment number. Buildings fronting on two (2) or more streets shall have a number assigned only to the main entrance, unless other entrances serve different occupants.
- E. All streets not extending through to the base line shall be assigned the same relative numbers as if the said street had extended to the said base line.
- F. The Board of Aldermen shall cause the necessary survey to be made and there shall be assigned to each house and building located on any street in said City of Gerald, its respective number under the uniform system provided for in this Section. When the survey shall have been completed and each house and building has been assigned its respective number or numbers, the owner, occupant

or agent shall place or cause to be placed upon each house or building controlled by him/her the number or numbers assigned under the uniform system provided for in this Section.

Such number or numbers shall be placed within twenty (20) days after the assigning of the proper number. Replacement of numbers shall be procured and paid for by the owner.

The numbers shall be placed conspicuously above, or at the side of the proper door of each building so that the number can plainly be seen from the street. Whenever any building is situated more than fifty (50) feet from the street line, the number of such building shall be conspicuously displayed at the street line, near the walk, driveway or common entrance to such building and upon the gate post, fence, tree, post or other appropriate place so as to easily be discernable from the street. Numbers must be a minimum of three (3) inches in height and numerical characters only, no script.

- G. Where only one (1) number can be assigned to any house or building, the owner, occupant or agent of such building or house who shall desire distinctive numbers for the upper and lower portions of any house or building fronting on any street, such owner, occupant or agent shall use the suffix "A", "B", or "C", etc. as may be required.
- H. It shall be the duty of the City Clerk to inform any party applying therefore, of the number or numbers belonging or embraced within the limits of said lot or property as provided in this Section. In case of doubt as to the proper number to be assigned to any lot or building, the City Clerk shall determine the number of such lot or building.
- I. Whenever any house, building or structure shall be erected or located in the City of Gerald, after the entire work of establishing a uniform system of house numbering has been completed, in order to preserve the continuity and uniformity of numbers of the houses, buildings and structures, it shall be the duty of the owner to procure the correct number or numbers as designated from the City Clerk for the said property and to immediately fasten the said number or numbers so assigned upon said building as provided by this Section.
- J. It shall be the duty of the Chief of Police of the City of Gerald, Missouri, to report violation of any provision of this Section.
- K. If the owner or occupant of any building required to be numbered by this Section shall neglect for the period of twenty (20) days to duly attach and maintain the proper number on such building, the Chief of Police shall serve upon him/her a notice requiring such owner or occupant to properly number the same, and if he/she neglects to do so for ten (10) days after the service of such notice, he/she shall be deemed to have violated this Section. Upon conviction thereof he/she shall be fined not less than one dollar (\$1.00) nor more than ten dollars (\$10.00) plus reasonable court costs. Each day that a violation continues to exist shall constitute a separate offense.  
(Ord. No. 392 §§1-11, 11-22-94)

## ARTICLE II. VIOLATION AND PENALTY

### SECTION 500.030: PENALTY

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both

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such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.



## **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 Gerald, 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**

The Building Inspector shall be any person appointed by the Mayor, subject to the approval of the Board of Aldermen. No member of the Municipal Government shall serve as the Building Inspector.

(Ord. No. 482 §1, 11-9-00)

**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 Franklin

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 Franklin 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 Franklin 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.

**SECTION 505.080: 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 persons(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 of said hearing shall be given, 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 Franklin County, to appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building 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 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.
4. 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 Franklin 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 the owner or any person having an interest in said building as shown by the land records of the Recorder of Deeds of Franklin County, 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.

5. If the Building Commissioner or other designated officer or officers issue an order whereby the building or structure is demolished, secured, or repaired, or the property is cleaned up, the cost

of performance shall be certified to the City Clerk or officer in charge of finance, who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the City Collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. Except as provided in Section 505.090, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be deemed a personal debt against the property owner and shall be a lien on the property until paid.

**SECTION 505.090: INSURANCE PROCEEDS—HOW HANDLED**

- A. 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 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 Subdivisions (1) and (2) of this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:
- A.1. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment, and shall pay such monies to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Chapter.
- A.2. The City shall release the proceeds and any interest that has accrued on such proceeds received under Subdivision (1) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (5) of Section 505.080. If the City has proceeded under the provisions of Subsection (5) of Section 505.080, all monies in excess of that necessary to comply with the provisions of Subsection (5) of Section 505.080 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.
- B. If there are no proceeds of any insurance policy as set forth in Subsection (A) of this Section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.
- C. Subsection (A) of this Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
- D. Subsection (A) 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.

- E. The Building Commissioner may certify in lieu of payment of all or part of the covered claim under Subsection (A) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (A) of this

Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided from this Subsection.

**SECTION 505.100: 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 Franklin County, may, within thirty (30) days from the receipt of the order of the Building Commissioner, appeal such decision to the Circuit Court of Franklin County, pursuant to the procedure established in Chapter 536, RSMo.

**SECTION 505.110: EMERGENCIES**

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

**SECTION 505.120: VIOLATIONS—DISREGARDING NOTICES OR ORDERS**

The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Building Commissioner or who shall fail to proceed continuously without unnecessary delay; and any person removing any notices provided for in this Chapter; and any person violating any other provisions of this Chapter shall be guilty of 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.

## CHAPTER 510: STREET SPECIFICATIONS

### SECTION 510.010: DEFINITIONS

A. *General Statement.* Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "*building*" shall include the word "*structure*"; the word "*shall*" is mandatory; the word "*may*" is permissive.

B. *Definitions.* For the purpose of these regulations, the terms used herein are defined as follows:

*ALLEY:* A public way which affords only a secondary means of access to property abutting thereon, or which is less than twenty (20) feet wide.

*AREA, GROSS:* The entire area within the boundary lines of the proposed subdivision, including the area to be dedicated for street and alley right-of-way and public use.

*AREA, NET:* The entire area within the boundary lines of the proposed subdivision, less the area to be dedicated for street and alley right-of-way and public use.

*BARRIER (NATURAL OR ARTIFICIAL):* Any street, highway, river, pond, canal, railroad, levee, embankment or screening by a fence or hedge.

*BENCH MARK:* A definite point of known elevation and location and of more or less permanent character.

*BUILDING LINE:* A line on a plat between which line and the street right-of-way no portion of the building may be erected, excluding landings, open balconies and roof overhangs.

*CUL-DE-SAC:* A short, minor local street, having only one (1) end open for vehicular traffic and the other permanently terminated by a turnaround for vehicles.

*DEAD-END STREET:* A street having only one (1) end open for vehicular traffic.

*DESIGN:* The arrangement of land for easements, lots and right-of-way; including materials, improvement, alignment, grade, and width of these elements.

*DEVELOPER:* That person, firm or corporation by whom a tract will be divided and improved pursuant to the requirements of this Chapter.

*EASEMENT:* A grant by a property owner to the public, a corporation, or a person of the use of land for a specific purpose.

*ENGINEER:* A professional engineer registered in the State of Missouri.

*HILLSIDE AREA:* An area with an average slope of twenty percent (20%) or more, and a cross slope from twenty percent (20%) to forty percent (40%).

*HILLSIDE STREET:* A street in which the cross slope of the existing ground exceeds fifteen percent (15%) and the centerline slope exceeds fifteen percent (15%).

*IMPROVEMENT PLANS:* The engineering plans showing types of materials and construction details for the improvements, excluding dwelling units, to be installed during development of the subdivision or mobile home park, prepared by a professional engineer.

*IMPROVEMENTS:* Streets, sidewalks, pedestrian ways, curbs, guttering, water mains, gas mains, electric utilities, storm sewers, sanitary sewers, sewage treatment facilities, monuments, landscaping, street lights, and other similar items.

*LAND SURVEYOR:* A land surveyor registered in the State of Missouri.

*LOT:* A parcel of land occupied or intended for occupancy by a use permitted in Chapter 405, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by the Zoning Code, and having its principal frontage upon a street or upon an officially approved place.

*LOT, CORNER:* A lot abutting upon two (2) or more streets at their intersection.

*LOT, DOUBLE FRONTAGE:* A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

*LOT, FRONTAGE:* For the purpose of this regulation is the boundary line between a lot and the street right-of-way on which the lot fronts.

*MOBILE HOME PARK DISTRICT:* A Mobile Home Park District is any parcel of land consisting of three (3) or more acres upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation. A "mobile home space" means the area within a Mobile Home District designed for the accommodation of one (1) mobile home.

*PAVEMENT/PAVED:* An all-weather, dust free, hard surface of asphalt, concrete or the like for travel or parking.

*PEDESTRIAN WAY:* An easement or right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets, roadways, and properties.

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

*PLANNED DEVELOPMENT:* Any tract or division of land which qualifies as either a major or minor subdivision and requires the construction of streets or improvements per Table A, set out in Section 510.020 (B).

*ROAD, COUNTY:* A term denoting a tract of land which is used primarily for the purpose of vehicular movement and includes all of the facilities and improvements within the right-of-way. This tract of land must be or have been a legally established public road as prescribed by law.

*ROADBED:* The graded portion of a street, upon which the base course, surface course, shoulders and median are constructed.

*ROADWAY*: The portion of a street or road, including shoulder, intended for vehicular usage. (See "*Street*")

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*SETBACK LINE:* The line parallel to the front, side, or rear lot line establishing the minimum space to be provided as the front, side, or rear yard.

*SLOPE AND/OR GRADE:* The rate of deviation of the ground surface from the horizontal surface, as expressed in percentages.

*STREET:* A public or private thoroughfare which affords the principal means of access to abutting property.

*STREET, COLLECTOR:* A street which carries or is proposed to carry intermediate volumes of traffic from roads or highways to minor streets, and which may or may not be continuous and serves minor population centers not feasibly served by the arterial routes.

*STREET, MAJOR:* A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route, with intersections at grade, and which may have direct access to abutting properties, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

*STREET, MARGINAL ACCESS OR SERVICE ROAD:* A minor street parallel and adjacent to major streets, roads or highways, providing access to abutting properties.

*STREET, MINOR:* A street used primarily for access to abutting properties, providing for minimum speeds and traffic volumes and the street is either a dead-end, or if continuous, short and serves areas of low population.

*STREET, MINOR II:* A street used primarily for access to six (6) or less abutting residential lots only, providing for minimum speeds and traffic volumes and the street is dead-end with a cul-de-sac and with no on-street parking at any time.

*STRUCTURE:* Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the general inclusiveness of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas.

*SUBDIVIDER:* Any person, firm, partnership, association, corporation, estate, or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a "subdivision" or "mobile home park" as herein defined. The term "*subdivider*" shall include any agent of any subdivider.

*SUBDIVISION:* The division of a parcel of land into two (2) or more lots, or other divisions of land; it includes resubdivision and, when appropriate to the content, relates to the process of subdividing or to the land or territory subdivided.

*TRACT:* An area or parcel of land which the developers intend to subdivide and improve, or to cause to be subdivided and improved, pursuant to the requirements of this Chapter.

*TRAVELED WAY:* That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

*YARD:* An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

*YARD, FRONT:* A yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots, the front yard shall be considered as being parallel to the street upon which the lot has its least dimension.

*YARD, REAR:* A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches. On all lots, the rear yard shall be in the rear of the front yard.

*YARD, SIDE:* A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereof. (Ord. No. 361, 1-26-93; Ord. No. 561 §1, 1-13-05)

**SECTION 510.020: MINIMUM STANDARDS OF DESIGN FOR ALL NEW STREETS AND SUBDIVISIONS**

- A. No street or subdivision plat shall be approved unless it conforms to the following minimum standards of design.
- B. *Streets.*
  - B.1. *Relation to adjoining streets.* The arrangement of rights-of-way in a subdivision shall provide for the continuation of the existing streets or rights-of-way in adjoining areas, unless the Board of Aldermen deems such continuation undesirable for reasons of topography or design. Where streets, subdivision streets or rights-of-way are continuations or extensions of existing street or right-of-way, the width thereof shall be at the same or greater width than the existing street or right-of-way, except that in no case shall the street or right-of-way in the subdivision be of less width than hereinafter provided in Table A, set out in Section 510.020 (B).
  - B.2. *Projection of streets.* Where, in the opinion of the Board of Aldermen, it is desirable to provide future street access to adjoining areas, the streets and rights-of-way in the subdivision shall be extended by the provision of a right-of-way for street purposes from the end of the pavement to the property line of the subdivision. If deemed necessary by the Board of Aldermen any such dead-end street shall be provided with a temporary turnaround or "Y" intersection. The street arrangements shall not be such as to cause hardship to owners adjoining property in platting their own land and providing convenient access to it. However, nothing herein shall be construed to require that private streets in one (1) subdivision shall provide access to adjacent lands.
  - B.3. *Classification of streets and widths of right-of-way.*
    - B.3.a. All streets shall be classified as either collector, minor, or marginal access (service) in accordance with their use and function, the standards of public safety, and topographic conditions. The classification of each street designated on a plat shall be reviewed by the

Board of Aldermen and revised as necessary to conform with the standards or these regulations.

B.3.b. Streets and roads shall have the following rights-of-way and pavement widths:

B.3.b.(1) *Street rights-of-way.*

<i>Street and Road Type</i>	<i>Right-Of-Way Width</i>
Entrances	See Entrances below
Collector Streets	See Table A, Section 510.020 (B)
Minor Streets	See Table A, Section 510.020 (B)
Marginal Access Streets (Service Roads)	24 Feet Minimum Pavement Width

B.3.b.(2) *Entrances.* Entrances and streets, from City, county or State roads leading into subdivisions, mobile home parks, and commercial/industrial areas, shall be designed and constructed in accordance with the following table and criteria:

B.3.b.(3)

**TABLE A**

For Right-Of-Way, (Feet)	Low Density Area—Over 20,000 Sq. Ft. Per Unit	Medium Density Area 6,000 to 20,000 Sq. Ft. Per Unit	High Density Area Less Than 6,000 Sq. Ft. Per Unit	Mobile Home Parks	Commercial & Industrial Areas
Minimum Entrances/ Collectors	40	40	40	40	60
Minimum Minor Streets	40	50	50	NA	50
Easements	10	10	10	10	15
Maximum Cul-de-Sac Length	900	600	600	600	750
Minimum Cul-de-Sac Radius	40	40	40	40	60
<b>FOR IMPROVEMENTS, (FEET)</b>					
Pavement Width Back to Back of Curb	32	32	32	32	40
Pavement Width (Minor or Cul-de-Sac) Back to Back of Curb	36	32	46	46	40
Pavement Width (Minor II, dead end only with cul-de-sac) Back to Back of Curb		26			
Maximum Grade (Percent)	10	8	6	6	3
Minimum Grade (Percent)	.5	.5	.5	.5	.5
Minimum Sight Distances, Entrances	150	150	150	200	200
Sidewalk Width	4	4	4	NA	NA
Curb & Gutter Required	Yes	Yes	Yes	Yes	Yes
Water Systems Required	Yes	Yes	Yes	Yes	Yes
Sanitary Sewer System Required	Yes	Yes	Yes	Yes	Yes
Storm Drainage Required	Yes	Yes	Yes	Yes	Yes

(Ord. No. 361, 1-26-93; Ord. No. 561 §2, 1-13-05)

<i>Number of Lots/Units (Supplemental to Table A)</i>	<i>Minimum Pavement Width</i>
1–6 (Minor II–dead-end)	22 Feet
1–10	32 Feet
11–25	32 Feet
26–75	32 Feet
76 and over	32 Feet
Mobile Home Park/Commercial/Industrial	40 Feet

A.1.a.(1) *State highway entrances.* Lesser widths of right-of-way for entrances across right-of-way of State highways may be approved by the Board of Aldermen provided the minimum pavement width is maintained per Subsection (3,b,2) and/or Table A.

A.1.a.(2) *Curves.* Curves at entrances to streets, mobile home parks and commercial/industrial areas shall have a radius of not less than forty (40) feet and meet the design standards of the City of Gerald and the Franklin County Highway Department for entrances from County Roads and Missouri Highway Department standards for entrances from State roads.

A.1.a.(3) *Permits.* All entrances shall be constructed in accordance with design standards of the City, County or State Highway Department having jurisdiction, and upon the issuance of a permit.

A.1.b. Any subdivision platted along an existing street or county road shall provide additional right-of-way, as necessary, to meet the minimum width requirements set forth herein.

A.1.c. When the subdivision is located on only one (1) side of an existing street or county road, one-half (½) of the required right-of-way width, measured from the centerline of the existing roadway, shall be provided.

A.1.d. When a proposed or existing street or road is located along the boundary line of said land to be subdivided, the entire right-of-way width must be provided as set forth.

**B. *Intersections.***

B.1. Streets and/or roads shall intersect, as nearly as possible, at right angles, with adequate site distances to suit conditions and terrain.

B.2. Roadway intersections shall have minimum radii as defined in Table A. When the smallest angle of street intersections are less than sixty degrees (60°), the Board of Aldermen shall require radii of greater length. Whenever necessary to permit the construction of an intersection having a desirable radius without reducing the sidewalk corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction the minimum radius shall be ten (10) feet.

B.3. No lot which abuts on either a collector or minor street shall have a service drive, curb cut or other means of access to a major street within forty (40) feet of the right-of-way of any street which intersects such major street, on the side on which such lot is located.

B.4. The City may require a street to be dedicated to public use in order to provide circulation.

B.5. Streets and roads shall be constructed to the City of Gerald's standards and specifications.

C. *Curves And Grade Changes In Streets—Horizontal And Vertical.*

C.1. A tangent of at least one hundred (100) feet long shall be introduced between reversed curves on major and collector streets.

C.2. Where there is a deflection angle of more than ten degrees (10°) in the alignment of a street, curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curves shall be:

<i>Street Type</i>	<i>Minimum Curve Radius</i>
Major	350 feet
Collector	250 feet
Minor	100 feet
Minor (with cul-de-sac, serving six (6) residential lots or less)	40 feet

C.3. All changes in grade for major and collector streets shall be connected by a vertical curve of a minimum length equal to twenty (20) times the algebraic difference in the rates of grade. The length of the curve for all other streets shall be ten (10) times the algebraic difference in the rates of grade.

C.4. Whenever a street intersects another street, no part of the centerline of one (1) street within one hundred (100) feet of the near roadway line of such other street shall have a slope above such intersection in excess of six percent (6%) and the maximum grade of either street within an intersection shall be four percent (4%).

D. *Street Grades And Elevations.*

D.1. No street grade shall be in excess of twelve percent (12%) except as otherwise approved by the Board of Aldermen. Where grades are steep, streets may be constructed diagonally across contours. (See Hillside Development or Table A)

D.2. All curbing shall be designed so as to provide for the carrying of surface water from the surrounding drainage area, buildings and pavement. For adequate drainage, the minimum street grade shall be not less than one-half of one percent (0.5%).

D.3. The Board of Aldermen shall not approve streets which will be subject to frequent inundation or flooding.

E. *Street Jogs.* Street jogs with centerline offsets of less than one hundred twenty-five (125) feet are prohibited.

- F. *Cul-de-Sacs*. Cul-de-sac streets shall be no longer than twelve hundred (1200) feet, and shall terminate in a circular open space having a radius at the outside of the pavement of at least forty (40)

feet and a diameter at the outside of the right-of-way of at least one hundred (100) feet; or by a paved "T" or "Y" shaped paved area having radii of not less than sixty (60) feet. (Refer to Table A)

- G. *Dead-End Streets.* All streets, subdivisions, mobile home parks, commercial/industrial areas having single entrance street or dead-end street shall provide a cul-de-sac of not less than forty (40) feet radius for subdivisions, forty (40) feet radius for mobile home parks and sixty (60) feet radius for commercial/industrial areas. Stub streets, planned for future continuation, are not considered to be dead-end streets and must provide a temporary turnaround area if deemed necessary by the Board of Aldermen.
- H. *Street Names.*
- H.1. Proposed streets which are continuations of, or in alignment with, existing named streets shall bear the names of such existing streets.
- H.2. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing or platted street. (Names of streets within a postal area or adjoining postal area shall not be duplicates.) Names shall be deemed duplicates if the only difference relates to the use of a synonym for the term, street.
- H.3. All names of streets proposed by the subdivider shall be approved or disapproved by the Board of Aldermen in accordance with these standards.
- I. *Street In Relation To Railroads, Expressways, Freeways And Parkways.* When the area adjoins or contains, for a considerable distance, a railroad right-of-way, an expressway, freeway, or a parkway, a street shall be provided approximately parallel to the side of such right-of-way. In determining the distance of such parallel street from the right-of-way, consideration shall be given to the distance required for approach grades to future grade separations.
- J. *Slope Easements.* Where a cut or fill for a road is outside the normal right-of-way, a slope easement shall be provided of sufficient area to permit the maintenance of the slope.
- K. *Reverse Strips.* Reverse strips controlling access to streets shall be prohibited.
- L. *Street Grading Specifications.*
- L.1. All streets shall be graded to a width required to provide the minimum traveled way per Table A plus any additional width required for drainage ditches and cuts or fills per this Section, unless otherwise approved by reason of special topographical conditions by the Board of Aldermen.
- L.2. Each of the following steps shall be done in sequence:
- Before grading is commenced, the entire area of the right-of-way shall be cleared of all tree stumps, roots, brush, and other objectionable materials and of all trees not intended for preservation. The subgrade shall be properly shaped, rolled, and uniformly compacted to conform with the accepted cross-section and grades.

In cuts, all tree stumps, boulders, organic material, soft clay, spongy material, and other objectionable materials shall be removed to a depth of at least two (2) feet below the graded surface. Loose or weathered rock, when encountered, shall be sacrificed to a depth of at least twelve (12) inches below the graded surface. Minimum slopes shall be as follows:

Earth slope, horizontal to vertical for types of terrain:

<i>Height of cut or fill in street</i>	<i>Flat</i>	<i>Medium Steep</i>	<i>Steep</i>
0–4	4:1	4:1	4:1
4–10	4:1	3:1	2:1
10–15	3:1	2½:1	1¾:1
15–20	2:1	2:1	1½:1
Over 20	2:1	1½:1	1½:1

In fills, all tree stumps, boulders, organic material, soft clay, spongy material, and other objectionable materials shall be removed to a depth of at least two (2) feet below the natural ground surface. All such material as well as similar matter from cuts shall be removed from the right-of-way area and disposed of in such manner that it will not become incorporated in fills or hinder proper operation of the drainage system. All suitable material from roadway cuts may be used in the construction of fills, approaches or at other places as needed. The fill shall be spread in layers not to exceed eight (8) inches in loose and compacted with a minimum of six (6) ton roller or sheeps foot.

The filling of utility trenches and other areas not accessible to a sheeps foot roller shall be mechanically tamped, but where water is used to assist compaction, the water content shall not exceed the optimum of moisture content. (See Table in this Subsection for slope).

- L.3. *Minimum pavement widths.* The minimum pavement width of a street shall be as set forth in Table A.
- L.4. *Pavement specifications for streets.* Street pavements shall be constructed in conformity with the specifications of City of Gerald, per Section 510.040. The exception to this would be any new street construction which will be limited to surfacing with two (2) two (2) inch lays of asphalt or one (1) six (6) inch lay of concrete only.
- L.5. *Curbs and gutters.* Curbs and gutters shall be provided in accordance with Table A in Subsection (B) unless deemed unnecessary by the Board of Aldermen for the proper drainage of storm water. Where required, the specifications for curbs and gutters shall be as required by the City of Gerald. Backfill shall be higher than the curb and shall slope toward the curb in order to insure that surface water drains into the storm drainage system.
- L.6. *Utility and drainage facilities.*
  - L.6.a. *General requirements.* When it is necessary to install utilities in street right-of-way, the following requirements shall apply.

L.6.a.(1) After grading is completed and before pavement base is applied, all of the in  
street

underground work shall be completely installed and approved throughout the length of the street and across the flat section.

L.6.a.(2) When the utility mains are outside the pavement areas, the subdivider may be permitted to omit installation of service connections, provided that at such time as such service connections are needed, they may be jacked across the street without breaking or weakening the existing pavement.

L.6.a.(3) Where rock is known to exist beneath the pavement area and at such depth as to interfere with the jacking of service connections, the Board of Aldermen shall require the completed installation of service connections before any base is applied.

L.6.a.(4) In cases where underground utilities are to be provided within the right-of-way of streets they should not be installed under the paved portions thereof, unless deemed necessary by appropriate authority.

L.6.b. The improvement plans for an adequate drainage system including all necessary open ditches, pipes, culverts, intersectional drains, drop, inlets, bridges and other accessory structures and improvements shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadways and the required slopes. The size for openings to be provided shall be determined by the Rational Method or accepted engineering practice, but in no case shall the pipe be less than twelve (12) inches in diameter. The design of the storm drainage system shall be based on a ten (10) year design frequency. Where any natural watercourse is to be disturbed or blocked, adequate provisions shall be made to handle the water. Cross drains shall be built on straight line and grade and shall be laid on a firm base, but not on rock. Pipes shall be laid with their spigot ends pointing in the direction of the flow and with their ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one (1) foot below the roadbed. Adequate drains shall be provided and run-off water shall not be permitted to flow over sidewalks and shall not be disposed of on adjacent properties. Precautions shall be taken to care for run-off water from roof surfaces.

L.6.c. *Utility connections.* Service connections between storm water drainage systems and sewage disposal systems shall not be permitted.

M. *Street Name Signs.* Metal or other durable material street name signs shall be installed at all intersections.

N. *Easements.*

N.1. All proposed subdivisions shall have easements adequate for the installation and maintenance of utility facilities.

N.2. Storm water easements and drainage right-of-way may be required if necessary for proper drainage within and through a subdivision.

N.3. Where a cut or fill for a street extends beyond the limits of the right-of-way, the developer shall provide a slope easement of sufficient area and limits to permit the construction and maintenance of the slope.

O. *Hillside Development.*

O.1. *Streets.*

O.1.a. Lesser widths of right-of-way, pavements and accessory elements may be approved by the Board of Aldermen upon its determination that the cross slope will not permit compliance with provisions of this Chapter.

O.1.b. In subdivisions or portions thereof having lots of a minimum area of one (1) acre, the following should apply:

O.1.b.(1) Street grades for minor residential streets may be increased to twenty-five percent (25%) provided that roll back curbs are installed.

O.1.b.(2) Right-of-way width may be reduced to thirty (30) feet with a minimum pavement width of eighteen (18) feet, if roll back curbs are installed on at least one (1) side of the street.

O.1.b.(3) Right-of-way width for a single lane street may be reduced to twenty (20) feet, with a pavement width of twelve (12) feet, if roll back curbs are installed.

O.1.b.(4) Integral curbs may be permitted.

O.1.b.(5) Pavements and curbs shall be constructed in accordance with the requirements contained herein.

O.2. *Cuts and fill areas.*

O.2.a. Cuts, excavation, grading and filling, where same materially changes the site and its relationship to the surrounding property, shall not be permitted except where adequate engineering facilities are constructed to prevent slides and erosion.

O.2.b. Where a cut or fill area is outside the normal right-of-way of the street, an easement shall be provided of sufficient width and area to permit the required side slopes, drainage channels, warping, and rounding of cross-section to be constructed and maintained. (Ord. No. 361, 1-26-93; Ord. No. 548 §1, 6-10-04; Ord. No. 560 §1, 11-11-04; Ord. No. 561 §§2-3, 1-13-05)

§ 510.030  
§ 510.030

Street Specifications

**SECTION 510.030: STANDARD DRIVEWAY PLAN (DRAWING)**

(Ord. No. 361, 1-26-93)

§ 510.040  
510.040

Gerald City Code

§

**SECTION 510.040: TYPICAL STREET CROSS SECTIONS (DRAWING)**

(Ord. No. 361, 1-26-93)

§ 510.050

Street Specifications

§ 510.050

**SECTION 510.050: TYPICAL ROLL CURB (DRAWING)**

(Ord. No. 361, 1-26-93)

§ 510.060  
510.060

Gerald City Code

§

**SECTION 510.060: PROFILE OF DRIVEWAY (DRAWING)**

(Ord. No. 361, 1-26-93)

**CHAPTER 515: CONSTRUCTION AND REPAIR OF SIDEWALKS,  
CURB AND GUTTER AND DRIVEWAY ENTRANCES**

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

It shall be the duty of every property owner to keep the sidewalks, curb and gutter and driveway entrances adjacent to his/her property in the City of Gerald, in good repair at all times and free from irregularities and offsets in the surface thereof which may render the same unsafe for use at the property owners expense. (Ord. No. 518 §1, 10-10-02)

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

All sidewalks, curb and gutter and driveway entrances, constructed, reconstructed or repaired in the City of Gerald shall be of concrete and conform to specifications as outlined in Chapter 510 of the Municipal Code. (Ord. No. 518 §2, 10-10-02)

**SECTION 515.030: PUBLIC WORKS DIRECTOR TO SUPERVISE WORK**

All work of constructing, reconstructing or repairing of sidewalks, curb and gutter or driveway entrances shall be done under the supervision of the Public Works Director, or his representative. (Ord. No. 518 §3, 10-10-02)

**SECTION 515.040: CONDEMNATION OF DEFECTIVE SIDEWALKS, CURB AND GUTTER OR DRIVEWAY ENTRANCES**

The Board of Aldermen may, by ordinance or resolution, condemn defective sidewalks, curb and gutter or driveway entrances, order their removal and provide for the construction of new in the place of those so condemned and removed as provided in this Chapter. (Ord. No. 518 §4, 10-10-02)

**SECTION 515.050: RECONSTRUCTION AND REPAIR OF SIDEWALKS, CURB AND GUTTER OR DRIVEWAY ENTRANCES AT EXPENSE OF OWNER OR OWNERS OF LOT OR PIECE OF PROPERTY PROCEDURE**

The Board of Aldermen shall cause an ordinance to be prepared outlining the work to be done, the location and the estimated cost of the project by linear foot or square foot. Upon passage of the ordinance allowing for the repairing or reconstruction of sidewalks, curb and gutter or driveway entrances and after ten (10) days notification of owner or owners of each lot or piece of property, the Board of Aldermen shall order the Public Works Director, or his representative, to cause such work to be done and the Public Works Director, or his representative, shall keep an account, by lot or piece of property, of the cost thereof and report the same to the Board of Aldermen for assessment. (Ord. No. 518 §5, 10-10-02)

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

When the Public Works Director, or his representative, has made report to the Board of Aldermen of the cost of the construction, reconstruction or repair of any sidewalk, curb and gutter or driveway

entrance in the City of Gerald, under the provisions of this Chapter, the Board of Aldermen shall levy said cost as a special assessment against each owner of lot or piece of property abutting said sidewalk, curb and gutter or driveway entrance and each owner of lot or piece of property shall be liable for the cost of the work done on or made along or in front of such lot or piece of property as reported to the Board of Aldermen, and the City Clerk shall issue separate tax bills therefor against each such owner of lot or piece of property as reported to the Board of Aldermen.  
(Ord. No. 518 §6, 10-10-02)

**SECTION 515.070: CONSTRUCTION OF NEW SIDEWALK, CURB AND GUTTER OR DRIVEWAY ENTRANCE**

To determine the cost of construction where a sidewalk, curb and gutter or driveway entrance has been condemned and is to be replaced with new or where a petition of any ten (10) or more citizens of the City of Gerald is received for the construction of a new sidewalk where no sidewalk had previously existed in the City of Gerald, the Board of Aldermen shall prepare contract specifications for bids for the construction of such sidewalk, curb and gutter or driveway entrance and such contract shall be let to the best bidder, upon said plans and specifications. The Board of Aldermen shall have the authority to refuse or accept any and all bids. (Ord. No. 518 §7, 10-10-02)

**SECTION 515.080: REMOVAL, EXCAVATION AND BASE ROCK PROVIDED BY CITY**

Removal of existing condemned or damaged sidewalks, curb and gutter or driveway entrances, excavation for new or replacement sidewalks, curb and gutter or sidewalk entrances and base rock and its placement for the construction shall be performed by City of Gerald and at the expense of the City of Gerald. (Ord. No. 518 §8, 10-10-02)