

Chapter 505

DANGEROUS BUILDINGS OR STRUCTURES

Section 505.010. Purpose. [R.O. 2012 §505.010; CC 1979 §5-95; Ord. No. A-4760 §1, 5-9-1986]

The purpose of this Chapter is to provide for the mandatory vacation, demolition or repair and maintenance of buildings or structures within the corporate limits of the City of Monett which are detrimental to the health, safety or welfare of City residents and declared to be a public nuisance.

Section 505.020. Definitions. [R.O. 2012 §505.020; CC 1979 §5-96; Ord. No. A-4760 §1, 5-9-1986]

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

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

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

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

5. Whenever the building or structure has improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
6. Whenever any portion thereof has been damaged by fire, earthquake, tornado, wind, flood, vandals or any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such a catastrophe or damage and is less than the minimum requirements of this Code for similar new construction.
7. Whenever a door, aisle, passageway, stairway, fire escape or other means of egress is not sufficient width or size, or is damaged, dilapidated, obstructed or otherwise unusable, or so arranged so as not to provide safe and adequate means of egress in case of fire or panic.
8. Whenever any portion or member or appurtenance thereof (i.e., porch, chimney or sign) is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
9. Whenever any building or structure has any portion, member or appurtenance, or ornamentation on the exterior thereof, which is not of sufficient strength or stability, or is not so anchored, attached or fastened in place as to be capable of safely resisting wind pressure, or snow or other loads.
10. Whenever the building or structure, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, trash, filth, inadequate light, air ventilation or sanitation facilities, or otherwise is determined to be unsafe, unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
11. Whenever for any reason the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
12. Whenever the building or structure or land it occupies exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure or land provided by this Chapter or other applicable laws or ordinances of the State or City relating to the condition, use, location or maintenance of the building, structure or land.
13. Whenever the building or structure has become an attractive nuisance to children or is open to unauthorized or unlawful entry.
14. Whenever the building or structure, because of obsolescence, dilapidated condition, deterioration, damage, trash and debris, unsafe exits, lack of sufficient fire-resistive construction, unsafe electrical wiring, gas connections or heating apparatus, previous fires or other cause, is determined to be a fire hazard or is a fire hazard under the Monett City Code.
15. Whenever the electrical system is totally or partially damaged, destroyed, removed or otherwise made inoperable, unsafe or hazardous.

16. Whenever the plumbing system is totally or partially damaged, destroyed, removed or otherwise made inoperable or unsanitary.
17. Whenever the mechanical system or any portion of the mechanical system is totally or partially damaged, destroyed, removed or otherwise made inoperable or unsafe.
18. Whenever the building or structure is in such condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
19. Whenever any portion of a building or structure remains on a site when construction or demolition work is abandoned.

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

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

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

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

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

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

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

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

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

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

STRUCTURE — Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Section 505.030. Standards For Vacation, Repair or Demolition. [R.O. 2012 §505.030; CC 1979 §5-97; Ord. No. A-4760 §1, 5-9-1986]

- A. In any case where a building or structure is found to be dangerous, the following standards shall be used by the Building Inspector and the Building Board in ordering vacation, repair or demolition:
1. If the dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of the public or the occupants, it shall be ordered vacated.
 2. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Chapter, it shall be ordered repaired. An order to repair may include a requirement to close and secure any or all exterior openings.
 3. In any case where a dangerous building is damaged, decayed or deteriorated to a degree that it is not feasible to rehabilitate such building or is not structurally safe, the building or any portion thereof shall be ordered demolished.
 4. If the evidence does not support a finding that the building or structure is a dangerous building, no order shall be issued.

Section 505.040. Duties of Building Inspector(s). [R.O. 2012 §505.040; CC 1979 §5-98; Ord. No. A-4760 §1, 5-9-1986]

- A. The duties of the Building Inspectors shall include, but not be limited to, the following:
1. Inspect any building or portion thereof or any structure which is or may be existing in violation of this Chapter.
 2. Report to the Building Board all buildings, structures or portions thereof deemed to be an emergency as defined in this Chapter.
 3. Except in emergency cases, report buildings to the Building Board and notify in writing all parties of any building or structure which, in the opinion of the Inspector, is considered to be a dangerous building. The notice, which shall be a "Declaration of Nuisance," as contemplated by Section 67.410(3) RSMo., shall include a statement that the owner and all other interested parties shall have a right and duty to obtain a building permit or permit for demolition from the Building Department and to start repair or demolition within ten (10) days after receipt of such notice. The notice shall be served by personal service or by certified mail, with return receipt requested. If service cannot be had by either of these modes of service, then service may be had by publication. Where service is had by publication as permitted by Section 67.410(3) RSMo., a courtesy notice, which shall include the text sent to the newspaper for publication, shall be posted on the dangerous building by the Inspector, but if such courtesy notice is altered, defaced or removed, there shall be no duty to

replace or renew such courtesy notice, which constitutes and shall be construed to be notice in addition to that required by State law.

4. Report to the Building Board any non-compliance with the notice.
5. Appear and testify at all hearings conducted by the Building Board.
6. Authorize issuance of building permits after sufficient information has been received, including plans and specifications deemed necessary.
7. Issue a stop order to the owner or anyone doing or causing work of any kind in a building which has been determined by a Building Inspector to be a dangerous building, when no active building, demolition or moving permit exists or when work done is contrary to the provisions of this Chapter.

Section 505.050. Building Board — Establishment and Composition. [R.O. 2012 §505.050; CC 1979 §5-99(a — b); Ord. No. A-4760 §1, 5-9-1986; Ord. No. A-5316 §1, 11-9-1990; Ord. No. A-5325 §1, 12-10-1990; Ord. No. A-6269 §1, 5-10-1996; Ord. No. 7745 §1, 4-3-2007]

- A. *Establishment.* A Building Board is hereby established in accordance with the provisions of State law governing the vacation, demolition or repair of buildings or structures constituting a public nuisance.
- B. *Membership Of Board.* The Building Board shall consist of five (5) members who shall be residents, taxpaying citizens of the City and shall be appointed by the City Council to serve four (4) year terms each or until a successor has been appointed. Vacancies which occur within the Board membership shall be filled for the unexpired term of the vacant office. The Board shall elect its own Chairperson who shall serve for one (1) year or until a successor is elected.

Section 505.060. Duties — Building Board. [R.O. 2012 §505.060; CC 1979 §5-99(c); Ord. No. A-4760 §1, 5-9-1986; Ord. No. A-5316 §1, 11-9-1990; Ord. No. A-5325 §1, 12-10-1990; Ord. No. 7798 §1, 9-20-2007; Ord. No. 7835 §1, 2-8-2008]

- A. Except in case of emergency, the Building Board's duties shall include, but not be limited to, the following:
 1. Cause an inspection to be made of any building or structure upon receiving a complaint that it is a dangerous building. If the Board deems it necessary to the performance of its duties and responsibilities imposed herein, it may request an inspection and report to be made to it by the City Engineer, the Fire Department, the Police Department, the Health Department, the Public Works Department or any other City department or may contract for services of an expert whenever it deems such services necessary.
 2. Upon failure of any interested party to commence the work of reconditioning or demolition of any building or structure within the time specified in the notice provided for by Section 505.040(3) and to proceed continuously with such work without unnecessary delay, the Building Board shall cause a date for a hearing to be established and direct the Inspector to give at least twenty-

one (21) days' written notice of such hearing to all parties having an interest in such building or structure which has been the subject of a notice pursuant to Section 505.040(3) and shall include a statement that the parties may be represented by attorneys and should be prepared to present witnesses on their behalf and to offer testimony as to why the building or structure should or should not be declared a dangerous building. Once valid service of notice of hearing is made, no subsequent notice of continuance of a hearing is required, except as is announced on any docket call including such matter or during any docketed hearing on such matter.

3. Hold such a public hearing and consider such evidence as the Building Inspector, owner or other parties or persons may offer concerning the building or structure.
4. Following such public hearing, make written finding of fact as to whether the building or structure in question is a dangerous building and a public nuisance.
5. Issue an order based upon the findings of fact, ordering the owner or other parties to repair such building or structure if found to be a dangerous building. Any person so notified shall repair such dangerous building; provided that such repair will comply with this Chapter.
6. If the Building Board makes a finding that a building or structure should be vacated or demolished, a recommendation shall be forwarded to the City Council prior to an order being issued. The City Council shall have the authority to approve or deny the recommendations made by the Building Board. The City Council may conduct other hearings regarding the property in question to make a determination to approve or deny the findings of fact.
7. Once the City Council has approved the findings of fact, the Building Board shall issue an order based upon the findings of fact, ordering the owner or other parties to vacate and/or demolish such building or structure if found to be a dangerous building. Any person so notified shall demolish such dangerous building; provided that such demolition will comply with this Chapter.
8. Cause a building or structure which has been determined to be a dangerous building to be vacated, repaired or demolished as ordered or to have the dangerous building temporarily boarded when ordered repaired or when necessary to protect citizens prior to demolition, if the owner or parties fail to comply with the order to vacate, demolish or repair within thirty (30) days of the findings of fact and order calling for such vacation, repair, demolition having been recorded with the Recorder of Deeds for the County wherein the land is located. The Building Board shall certify the charge for such vacation, repair, demolition or boarding to the City Collector as a special assessment represented by a special tax bill against the real property affected, except when Federal funds are being used which are subject to a prohibition of recovery by a special assessment process. The proof of such exception shall

be the burden of any person asserting it. The charge for demolition of any building or structure or the abatement of any public nuisance abatable pursuant to this Chapter shall be collectible by a special tax bill, which shall include the actual cost of repair, demolition, water service cut, boarding and all other necessary security measures and a cost of administering the provisions hereof, which shall be pursuant to an existing schedule or as it may be set out by the Building Board and maintained as a public record. In no case shall such administrative charge exceed five hundred dollars (\$500.00). The tax bill shall be a lien upon such property until paid. Additionally, the special tax bill from the date of its issuance shall be deemed a personal debt against the property owner. Except as provided in Section 505.160 hereof, at the written request of the property owner delivered to the City Clerk, the special tax bill may be paid in ten (10) equal annual installments. Said installments and interest thereon to date shall be paid in equal annual installments on the anniversary date of the issuance of the tax bill. The interest shall be paid at the maximum rate per annum allowable by law on the unpaid balance of the tax bill from the date of issuance. If any annual payment of principal or interest shall not be paid within thirty (30) days of its due date, the entire remaining balance of the tax bill shall immediately become due and payable.

Section 505.070. Permits. [R.O. 2012 §505.070; CC 1979 §5-100; Ord. No. A-4760 §1, 5-9-1986]

- A. A permit shall be obtained prior to doing any work on a building or structure for which a determination by a Building Inspector has been made that it is a dangerous building. The Building Board shall report all dangerous buildings to the Building Department. Before the Building Department issues a permit on a dangerous building, the Building Board must certify that the proposed work will eliminate the condition rendering the structure a dangerous building. A copy of such permit shall be forwarded to the Building Board upon issuance. The work required to be done pursuant to the permit must commence immediately, or as soon as practical after securing the permit. If the work is not continuous, the permit may be revoked by the Building Board. With respect to dangerous buildings, the provisions of this Subsection will supersede any other provisions.
- B. It shall be unlawful for any person to salvage or cause or allow any other person to salvage a building which has been ordered demolished without authorization of the Building Inspector.

Section 505.080. Certificate of Existence of A Dangerous Building. [R.O. 2012 §505.080; CC 1979 §5-101; Ord. No. A-4760 §1, 5-9-1986]

- A. After a building has been determined to be a dangerous building by the Building Board, a "certificate of existence of a dangerous building" will be filed and recorded in the office of the Recorder of Deeds of the County wherein the land is located. Such certificate shall set forth the address and description of the premises upon which such dangerous building is located, and a certification that such building thereon is dangerous within the provisions of this Code and that the owner

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

- B. The recording of a certificate of existence of a dangerous building shall place persons purchasing such property subsequent to such recording on notice that such property has been declared a dangerous building and ordered repaired or demolished. The act of subsequent purchase shall not delay the processing or cause a delay in such matter and shall be an exception to the time requirements of the notice provided herein.
- C. Upon written application by the owner, and verification that the order of the Building Board to vacate, repair or demolish a dangerous building has been complied with, the Building Board shall file and record a "release of certificate of existence of a dangerous building" with the office of the Recorder of Deeds of the County wherein the land is located, stating that the dangerous condition has been abated.

Section 505.090. Posting Notice On Building. [R.O. 2012 §505.090; CC 1979 §5-102; Ord. No. A-4760 §1, 5-9-1986]

- A. A notice of the dangerous condition of a building shall be posted on any building determined by a Building Inspector to be a dangerous building; except, that such notice shall not be posted when the Inspector determines that such posting may cause the building or structure to be vandalized or damaged; except, that the notice shall contain the words, "Warning, Dangerous Building, Do Not Enter." followed by text authorized by the Building Board.
- B. Any person removing such sign shall be guilty of an ordinance violation and, upon conviction thereof, shall be punished as set forth in this Chapter.

Section 505.100. Duties of City Attorney. [R.O. 2012 §505.100; CC 1979 §5-103; Ord. No. A-4760 §1, 5-9-1986]

- A. The duties of the City Attorney shall include, but not be limited to, the following:
 - 1. Within the proper exercise of his/her discretion, to prosecute all persons failing to comply with the terms of the notices and orders provided for herein.
 - 2. When requested, to appear at hearings before the Building Board in regard to dangerous buildings.
 - 3. Within the proper exercise of his/her discretion, to bring suit to collect all municipal liens, assessments or costs incurred by the Building Board in causing dangerous buildings to be vacated, repaired or demolished.
 - 4. To take such other legal action as is necessary to carry out the terms and provisions of this Chapter.

Section 505.110. Failure To Comply. [R.O. 2012 §505.110; CC 1979 §5-104; Ord. No. A-4760 §1, 5-9-1986]

- A. Any owner of a dangerous building who shall fail to comply with an order of the Building Board to vacate, repair or demolish such building or fails to proceed continuously to vacate, repair or demolish the building without unnecessary delay shall be guilty of an ordinance violation and, upon conviction thereof, shall be punishable as set forth in this Chapter.
- B. The party in actual or constructive possession, or one who has a legal duty to act for a party, who fails to comply with an order of the Building Board to vacate, repair or demolish a dangerous building shall be guilty of an ordinance violation and, upon conviction, shall be punished as set forth in this Chapter.
- C. Any person failing to immediately vacate a building upon the verbal or written order of the Building Board in cases of emergency pursuant to this Chapter shall be guilty of an ordinance violation and, upon conviction, shall be punished as set forth in this Chapter.
- D. Any person who hinders, threatens or interferes with a Building Inspector, contractor or any person working for a contractor having a permit to demolish a dangerous building shall be guilty of an ordinance violation and, upon conviction, shall be punished as set forth in this Chapter.

Section 505.120. Certificate of Occupancy. [R.O. 2012 §505.120; CC 1979 §5-105; Ord. No. A-4760 §1, 5-9-1986]

It shall be unlawful for any person to enter, occupy, use, remain in or permit or cause any other person to enter, occupy, use or remain in any building or structure which has been declared a dangerous building by the Building Board, unless such entry and use is for the purpose of repair or demolition, until such building or structure has been inspected by the Building Board and a certificate of occupancy has been issued. Such certificate shall be issued only when it has been determined that the building is no longer a dangerous building and is safe and fit for human occupancy.

Section 505.130. Closing of Buildings. [R.O. 2012 §505.130; CC 1979 §5-106; Ord. No. A-4760 §1, 5-9-1986]

- A. All buildings which are closed shall be closed and kept closed in accordance with the following requirements:
 - 1. A permit shall be obtained from the Building Department before commencement of work.
 - 2. All exterior openings are to be closed.
 - 3. Materials missing or broken shall be replaced by similar construction or may be replaced by solid wood construction of exterior grade plywood at least one-half (½) inch thick or by equivalent materials approved by the Building Board.

4. Any material used to close openings in exterior walls of open buildings shall be installed in a workmanlike manner in accordance with recognized standards of the construction industry.
5. The roof must be water-tight.
6. All loose and hanging exterior parts shall be removed.
7. All debris must be removed from the interior and exterior of the premises.
8. The property must be maintained in accordance with the requirements of this Code.

Section 505.140. Right of Appeals. [R.O. 2012 §505.140; CC 1979 §5-107; Ord. No. A-4760 §1, 5-9-1986]

- A. Except in emergencies, any decision of the Building Board in the enforcement of this Chapter may be appealed to the Circuit Court having jurisdiction by any person aggrieved by any decision of the Building Board. Such an appeal must be taken within ten (10) days from the date of the order or other ruling appealed by filing with the Building Board a written notice of appeal setting forth the grounds therefor. The party appealing shall otherwise comply with the provisions of Chapter 536, RSMo.
- B. Except in emergencies, as set out in this Chapter, an appeal to the Circuit Court stays all enforcement of the determination from which the appeal is being taken.

Section 505.150. Emergencies — Procedure. [R.O. 2012 §505.150; CC 1979 §5-108; Ord. No. A-4760 §1, 5-9-1986]

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

Section 505.160. Insurance Proceeds — How Handled. [R.O. 2012 §505.160(B — D); CC 1979 §5-109; Ord. No. A-4760 §1, 5-9-1986; Ord. No. 7593 §1, 8-22-2005]

- A. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds as set forth in this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:
1. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment and shall pay such monies to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Chapter.
 2. The City shall release the proceeds and any interest that has accrued on such proceeds received under Subdivision (1) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (6) of Section 505.080. If the City has proceeded under the provisions of Subsection (6) of Section 505.080, all monies in excess of that necessary to comply with the provisions of Subsection (6) of Section 505.080 for the removal, securing, repair and 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 the date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.
- C. This Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
- D. This Section does not make the City a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
- E. The Building Commissioner may certify that in lieu of payment of all or part of the covered claim payment under Subsection (A) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (A) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided for in this Subsection.

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

Section 505.170. Violations and Penalties. [R.O. 2012 §505.170; CC 1979 §5-110; Ord. No. A-4760 §1, 5-9-1986]

- A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any dangerous building or structure, partial or whole, in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Chapter, or rules or regulations promulgated thereunder.
- B. Any person, firm, corporation, partnership, association or other organization violating any of the provisions of this Chapter shall be deemed guilty of an ordinance violation. Each day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued or permitted shall be a separate offense.
- C. A person who is convicted of any violation of this Chapter shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than one hundred (100) days, or by both such fine and imprisonment. The imposition of the penalties herein described shall not preclude the City Attorney from instituting appropriate action, including equitable and extraordinary remedies, to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation or to prevent the occupancy of a building or structure or portion thereof, or of the premises, or to prevent any illegal act, conduct of business or use in or about the premises.

Section 505.180. No Personal Liability. [R.O. 2012 §505.180; CC 1979 §5-111; Ord. No. A-5316 §II, 11-9-1990]

No officer, agent or employee of the City of Monett shall be personally liable for any damage that may occur to any person or property as a result of any act required of him/her or permitted to be taken by him/her under the terms of this Chapter. Any suit brought against such officer, agent or employee of the City as the result of any acts required or permitted shall be defended by the City until the final determination of the proceedings, and if judgment shall be obtained it shall be paid by the City of Monett. It is hereby further declared that no officer, agent or employee of the City of Monett owes any duty under the provisions of this Chapter to any citizen or other individual, but that the duties prescribed herein and imposed upon officers, agents or employees of the City are duties to be performed for the government of said City.