

Chapter 525

DEMOLITION OF BUILDINGS

Section 525.010. Legislative Intent. [Ord. No. 136.13 §1, 10-9-2012]

It is hereby declared to be the intent of the Board of Aldermen, in the exercise of its police powers to protect the public health, safety and welfare, to regulate the demolition of buildings in the City.

Section 525.020. Definitions. [Ord. No. 136.13 §2, 10-9-2012]

For the purposes of this Chapter, the following words, terms and phrases and their derivations shall have the meanings given herein, unless the context otherwise indicates:

ACCESSORY BUILDING — A building less than one thousand (1,000) square feet in floor area and less than fifteen (15) feet high having no basement and not used as a dwelling, the use of which is incidental and appurtenant to the principal use of the lot on which it is located.

BUILDING — Any structure having a roof or partial roof and enclosed within exterior walls or fire walls built, erected and framed of component structural parts, designed for housing, shelter, enclosure and support of persons, animals or property of any kind, including an accessory building.

BUILDING OFFICIAL — The Code Enforcement Officer or his/her duly authorized representative.

CODE ENFORCEMENT OFFICER — The Building Official of the City of Tarkio.

DEMOLITION WORK — The dismantling, tearing down, wrecking or razing of any building or portion of a building for any reason whatsoever, whether accomplished by mechanical methods, physical labor or any combination thereof; however, demolition work shall not be construed to include the removal or alteration of a non-bearing wall or partition of a building.

LICENSEE — The person or entity to which a permit is issued pursuant to the provisions of this Chapter.

PERMITTEE — The person or entity to which a license is issued pursuant to the provisions of this Chapter.

PERSON — Any one (1) or more individuals, corporations, partnerships, associations, labor organizations, firms or enterprises.

STREET — Any public right-of-way in the City, including, but not limited to, streets, avenues, alleys, easements and any and all public property owned or controlled by the City or public entities.

Section 525.030. License Required. [Ord. No. 136.13 §3, 10-9-2012]

- A. It shall be unlawful for any person to demolish or cause to be demolished any building or portion of a building in the City without first registering as a wrecking contractor with the City Clerk and obtaining a license for demolition work from the City.
- B. Said license shall be known as a "license for demolition work" and shall not be assignable or transferable nor shall it be used by any person other than the licensee or his/her employees, contractors or designated representatives. Provided however, that this licensing requirement shall not apply to the demolition of any one-story residential building not of masonry construction or any accessory building, and provided that said demolition work shall be done by the owner of record of said building or accessory building, or by his/her family or employees.
- C. Upon issuance of a license for demolition work, the applicant shall pay a licensing fee, as designated by resolution of the Board of Aldermen, to the City Clerk. Said license shall be for a term of one (1) year from the date of issuance.
- D. No license shall be issued until the applicant has provided to the Code Enforcement Officer sufficient evidence, as delineated in rules and regulations adopted by the City, of the applicant's qualifications for and experience in the demolition of buildings or in related work or activities.

Section 525.040. Permit Required. [Ord. No. 136.13 §4, 10-9-2012]

- A. It shall be unlawful for any person to demolish or cause to be demolished any building or portion of a building in the City without first obtaining a permit therefore from the Code Enforcement Officer; provided however, that this permit requirement shall not apply to the demolition of any accessory building which is not connected to electric, gas, water, sanitary sewer or other utility service lines.
- B. Such permit shall be known as a "permit for demolition work" and shall not be assignable or transferable nor shall it be used by any person other than the permittee or his/her employees, contractors, or designated representatives.
- C. Permits shall be issued only to those holding a valid, current license for demolition work issued by the City or to those who are exempt from the license requirement pursuant to this Section.
- D. A person who has made arrangements for the demolition of a building by burning by the Fire Department for training purposes shall not be relieved from complying with the provisions of this Section.

Section 525.050. Application for Permit. [Ord. No. 136.13 §5, 10-9-2012]

- A. Any person desiring a permit for demolition work shall file with the Code Enforcement Officer an application therefore in writing on a form to be furnished by the City for said purpose. Such application shall specify the following:
 - 1. The name and address of the applicant;

2. The name and address of the owner of the building to be demolished;
 3. The exact location of the building to be demolished;
 4. The character and size of the building to be demolished, including its length, width and height;
 5. The principal materials of construction of the building;
 6. The type of equipment to be used for the proposed work, including the use of explosives and the method of demolition;
 7. The estimated length of time required to do the proposed work;
 8. The necessity for any safety or other precautions to protect adjacent properties, buildings or streets, including warning signs, lights or structures to protect persons or property; and
 9. The date and time proposed for the initiation and completion of the demolition work.
- B. *Exception.* The Code Enforcement Officer may require in addition to the above information the following:
1. Proof of permission by the owner to do the proposed work;
 2. A plot plan showing the location of the building on the property, the lot lines of said property, all adjacent buildings, structures and lots, all adjacent streets, and any structures in proximity to the building to be demolished that may be affected by such demolition;
 3. Certification by an engineer certified by the State of Missouri that demolition of the structure will not adversely affect the structural intensity of adjacent structures or facilities.

Section 525.060. Investigation. [Ord. No. 136.13 §6, 10-9-2012]

Upon the filing of the application, the Code Enforcement Officer shall cause an investigation to be made of the building to be demolished and formulate a recommendation with respect to issuance of the permit.

Section 525.070. Denial of Permit. [Ord. No. 136.13 §7, 10-9-2012]

No permit shall be issued to demolish any building or portion thereof which, in the opinion of the Code Enforcement Officer after investigation, is so located and is of such size or constructed of such materials that its demolition will be likely to cause unreasonable damage to public or private property; provided however, that if such conditions or circumstances admit of practicable and effective resolution which will adequately protect the public health and safety, the permit may be issued upon the inclusion of such reasonable terms and conditions on the permit.

Section 525.080. Terms and Conditions of Permit. [Ord. No. 136.13 §8, 10-9-2012]

- A. The issuance of a permit may be granted subject to such terms and conditions as may be

deemed reasonable and proper to the end that such demolition will not be materially detrimental or injurious to the public health, safety or welfare or to public or private property and improvements. Such terms and conditions may include:

1. Measures to protect private property and persons, public property, streets and improvements which may be affected by such demolition pursuant to Section 525.090 herein;
 2. Measures to assure that any device or equipment such as scaffolds, ladders, derricks, hoists or similar items, or explosives if they are to be used, shall be constructed, operated or used in accordance with City regulations, with adequate protection, and by adequately trained personnel;
 3. Requirement that the permitted show evidence of liability insurance meeting the conditions set forth in Section 525.110 herein;
 4. Such other terms and conditions as may be deemed appropriate by the Code Enforcement Officer.
- B. Each such condition must be satisfactorily complied with by the permittee and the method of such compliance must be approved by the Code Enforcement Officer, prior to the initiating of the proposed demolition.

Section 525.090. Protective Measures. [Ord. No. 136.13 §9, 10-9-2012]

- A. The Code Enforcement Officer may require:
1. That warning signs be conspicuously posted on or around the site on which the building is to be demolished;
 2. That between sunset and sunrise adequate lights be provided to properly protect persons and property from hazards of pits, excavations, fences, barriers, equipment, building materials, or rubbish in, upon or near a street or adjacent to private property;
 3. That public and private property be kept free of rubbish, waste or other loose materials that may result from demolition;
 4. That any excavation or opening resulting from such demolition be filled in securely barricaded or fenced so as not to create a hazardous or dangerous condition and properly and permanently drained so that no water is left standing or likely to stand;
 5. That all material to be removed shall be wet sufficiently to lay the dust incidental to its removal;
 6. That proof of extermination of any building at least ten (10) days prior to its demolition be provided to the Code Enforcement Officer;
 7. That property owners adjoining or in the vicinity of the building to be demolished and who may be affected by such demolition be notified at least twenty-four (24) hours prior to such demolition;
 8. That the Fire Department and Police Department be notified at least thirty-six (36),

but not more than forty-eight (48) hours prior to the demolition so that adequate safety precautions can be provided and so that traffic control and movement on adjacent streets can be facilitated or temporarily restricted as necessary;

9. That adequate, safe and protected walkways be provided around the building demolition site if sidewalk use by the public will be restricted or dangerous.

Section 525.100. Methods of Demolition. [Ord. No. 136.13 §10, 10-9-2012]

- A. Except for the cutting of holes in floors for chutes through which to drop materials, preparation of storage space, and other necessary preparatory work, demolition of exterior walls and floor construction shall begin at the top of the building and proceed downward, exterior walls and floor construction shall begin at the top of the building and proceed downward and each story of exterior wall and floor construction shall be removed or dropped into the storage space before commencing demolition work on the next lower story. This requirement shall not prohibit the demolition of a structure in sections or in total by other methods, if after review by the Code Enforcement Officer it is determined that such other method is safe and that positive means are taken to prevent injury to persons or damage to public or private property.
- B. No materials shall be placed upon the floor of any building during demolition, but shall be lowered to the ground or storage space immediately upon displacement. Materials shall not be dropped by gravity to any point lying outside the exterior walls of the building except through enclosed chutes, unless there is sufficient distance to the property line so that no adverse effect on such other property can occur. All floor openings and shafts not used for material chutes shall be floored over or enclosed with guardrails and toe boards. At least one (1) stairway, however, shall be accessible as each floor is demolished.

Section 525.110. Insurance Requirement. [Ord. No. 136.13 §11, 10-9-2012]

- A. Every person demolishing a building or portion of a building except a one-story building not of masonry construction or an accessory building in the City shall file with the City Clerk one (1) of the following:
 1. A liability insurance policy issued by a solvent corporation holding a certificate of authority to do insurance business in Missouri; or
 2. A certificate of insurance issued by an insurance corporation; or
 3. Other evidence of liability and property damage insurance.
- B. In any case, the insurance required under this Section shall insure the person demolishing the building against loss from the liability imposed by law for injury to, or death of, any person, or damage to any property growing out of the demolition of such building to the amount or limit of five hundred thousand dollars (\$250,000.00) exclusive of interest and costs on account of injury to, or death of, any one (1) person, and of one hundred thousand dollars (\$500,000.00) for damage to property of others resulting from demolishing any one (1) building.
- C. Such insurance coverage shall indemnify the City and save it harmless against any and all

claims, demands or causes of action whatsoever which might arise or accrue against it by reason of the granting of such permit or the exercise of any privilege thereby conferred, and to repay all damages which may be suffered by the City or by any other person by reason of the exercise of the permit, including by way of illustration, but not of limitation to, injury or damage to pavements, curbs, sidewalks, poles, wires or trees.

Section 525.120. Utilities Approval Requirement. [Ord. No. 136.13 §12, 10-9-2012]

Prior to the issuance of a permit, the applicant shall obtain written approval from any public or private utility whose property will be moved or distributed during the demolition process to the effect that such demolition should be permitted, what conditions should be attached to such permit to insure that the utility will be protected and that its customers and the public will be safely and adequately served, and what costs will be incurred by the utility in accommodating the proposed demolition. Any costs incurred by the utility will be covered by the permittee.

Section 525.130. Disconnection of Services. [Ord. No. 136.13 §13, 10-9-2012]

- A. All electric, gas, water, steam, storm and sanitary sewers or other utility service lines shall be shut off and all such lines shall be either cut, capped and/or disconnected outside the building line or property line, as determined by the Code Enforcement Officer, prior to demolition.
- B. If it is necessary to maintain any power, water or other utility lines during demolition, such lines shall be temporarily relocated or protected to the satisfaction of the utility involved and the Code Enforcement Officer, and written approval for same shall be required.

Section 525.140. Issuance — Expiration — Suspension or Revocation of Permit. [Ord. No. 136.13 §14, 10-9-2012]

The Code Enforcement Officer shall approve the issuance of a permit when all of the necessary requirements and conditions of this Chapter have been complied with. The work authorized by date of issuance of the permit shall be commenced within one (1) month following the date of issuance of the permit and shall be concluded within one (1) month of the date of issuance of the permit; provided however, that the actual time permitted for moving the building shall not exceed three (3) calendar days. If the work is suspended or abandoned after commencement or if the time limits set forth herein are not complied with, the permit shall be deemed to have expired; provided however, that an extension may be granted by the Code Enforcement Officer. The Code Enforcement Officer may, at any time, for good and sufficient cause, suspend or revoke any permit.

Section 525.150. Violations. [Ord. No. 136.13 §15, 10-9-2012]

Any person, firm or corporation violating any provision of this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) upon conviction for each offense; and a separate offense shall be deemed committed on each day during which a violation occurs or continues. In addition to the penalty described above, the City may take any appropriate action, including, but not limited to, instituting action in law or in equity, to prevent, restrain, abate, enjoin or correct any violation of this Chapter.

Section 525.160. Waivers and Appeals. [Ord. No. 136.13 §16, 10-9-2012]

The Building Commissioner may suspend or waive or modify requirements of this Chapter in order to implement its intent and purpose without undue hardship or unnecessary requirements being imposed on applicants for permits for the demolition of buildings, so long as the public health, safety and welfare is guaranteed. A permittee or other person having an interest in the demolition of a building pursuant to this Chapter may request the suspension, waiver or modification of the requirements of this Chapter to, or may appeal any decision of the Code Enforcement Officer, the Building Commissioner pursuant to Chapter 505 of the Municipal Code.