

CHAPTER 32

STREETS AND SIDEWALKS¹

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ARTICLE I. GENERALLY

Sec. 32-1. Street names and widths.

A. The names and widths of the various streets in the city shall be as now platted and dedicated to the city, or as have been specifically changed or established by ordinance of the council, or as may be hereafter platted and dedicated or established by ordinance.

(Code 1977, § 33-1; Ord. No. 10893, 9-9-87; Ord. No. 13185, §2, 5-7-2001)

State law reference - Municipal authority to change street names, RSMo. § 77.220.

Sec. 32-2. Closing streets, alleys, etc.

A. The chief of police and the Director of Community Development are hereby authorized to close any public street, alley, highway or roadway in the city and withdraw such public street, alley, highway or roadway from public use temporarily for a maximum period of seven (7) days. Any closing in excess of seven (7) days shall require the approval of the mayor in addition to the above.

B. Any person using or attempting to use such street, alley or public highway so withdrawn from public use, or driving or attempting to drive any animal or vehicle thereon, shall be deemed guilty of a misdemeanor.

(Code 1977, § 33-2; Ord. No. 9549, § 1, 11-17-80; Ord. No. 13301, 11-5-2001)

Sec. 32-3. Vacating public rights-of-way.

A public right-of-way for any street, alley, avenue, drive, boulevard or other public thoroughfare may be vacated by ordinance approved by council. The vacating process may be initiated by council or by the following petition process:

1. A written petition signed by two-thirds (2/3) of the property owners abutting upon the right-of-way sought to be vacated, accompanied by a description of the involved right-of-way shall be filed with the city clerk.
2. The petition shall be referred to the public works and planning committee for consideration and a recommendation of action by the city council.
3. If the council, upon receipt of the recommendation of the public works and planning committee, finds that the petition for vacation should be approved, the proposed vacation shall be further conditioned upon the passage and approval of an ordinance declaring the involved right-of-way vacated and discontinued for public purposes.
4. Any easement which is, or which may reasonably be, required for city sanitary sewer or surface water drainage facilities, or for any gas, water, electrical, telephone or telegraph facilities or services, whether or not such facilities or services exist or will be constructed, shall be reserved to and retained by the city in any ordinance authorizing and approving the vacation of all or any part of the involved right-of-way.

(Code 1977, § 33-3; Ord. No. 10065, § 1(33-3), 9-19-83)

State law reference - Municipal authority to vacate streets, RSMo. § 88.637.

Sec. 32-4. Sale, etc., of goods, wares or merchandise upon public streets.

A. It shall be unlawful for any person to place or stand for sale or advertising purposes any goods, wares or merchandise of any kind, directly or indirectly, upon the surface of the improved portion of any street, alley or roadway within this city, within the parking area which lies between the curb of any street and the edge of the sidewalk lying closest to the curb within the city.

(Code 1977, § 33-4; Ord. No. 13313, §1, 12-17-2001)

Sec. 32-5. Obstructing street lamps, etc.

Any person who shall erect or maintain any awning or sign board, or other obstruction, on any sidewalk or street in such a manner as to obstruct or obscure the light of any street lamp or electric light within the city shall be deemed guilty of a misdemeanor.

(Code 1977, § 33-5)

Sec. 32-6. Obstruction of streets, alleys or sidewalks generally; placing of red lights on obstructions.

A. It shall be a nuisance to encumber any street, alley or sidewalk within the city, by placing or causing to be placed thereon wood, coal, boxes, crates, merchandise, lumber, brick, stone, gravel, sand or other articles. Any person may use the streets, alleys and sidewalks in the construction of any new building, or in the removal, repair or alteration of any building, or for the purpose of piling thereon of building materials or tools; provided, that such person shall first have obtained the written permission from the Department of Community Development to use such street, alley or sidewalk for such purpose.

B. Such person shall cause to be placed a sufficient number of red lights on any obstruction placed by them or under their direction, while constructing, altering or repairing buildings on the street, alley or sidewalk. The number of the red lights shall be determined by the Department of Community Development. The red lights shall be placed on such obstruction and shall remain there during the following hours:

1. During the months of December, January and February, from 5:00 p.m. to 7:00 a.m.
2. During the months of March, April and May from 6:00 p.m. to 6:00 a.m.
3. During the months of June, July and August from 7:30 p.m. to 5:00 a.m.
4. During the months of September, October and November from 5:30 p.m. to 7:00 a.m.

(Code 1977, § 33-6; Ord. No. 13301, 11-5-2001)

Sec. 32-7. Taking of rock, gravel, etc., from, or depositing same upon, streets, sidewalks, etc.

Any person who shall take from or deposit on any street, sidewalk or other public place of the city, or on property not owned or controlled by him, without having lawful authority so to do, any turf, loam, gravel, rock or other material shall be deemed guilty of a misdemeanor.

(Code 1977, § 33-8)

Sec. 32-8. Leaving excavations, cellar openings, etc., open or unprotected.

A. If any person in the city shall dig, or cause to be dug, or shall make any excavation in or adjoining any highway, thoroughfare or other public place, or shall dig any well, cistern or vault, and shall leave the same open

or exposed and without a sufficient fence or other protection around it, or shall suffer or permit any cellar door or grating, opening on any highway or thoroughfare, to be and remain open or in an unsafe or dangerous condition, whereby persons may be in danger of falling on or over cellar door or into such cellar or vault, the person so offending shall be deemed guilty of a misdemeanor.

B. Any public officer, or contractor for public work, who shall make an excavation in any street or any other public place in the city, and who shall not cause the same to be so enclosed or protected as to prevent persons, animals or vehicles from falling therein, shall be deemed guilty of a misdemeanor.
(Code 1977, §§ 33-9, 33-10)

Sec. 32-9. Spilling concrete on streets.

Any person within the city who permits any ready mixed concrete to fall upon or spill upon any street of the city, except when such ready mixed concrete is being deposited upon a roadway during the construction of a street improvement, shall be deemed guilty of a misdemeanor.
(Code 1977, § 33-11)

Sec. 32-10. Change in grading, paving, etc., necessitating change in location of water pipe, hydrant, etc.; installation of water pipes, etc., generally.

When any street, bridge or other public place in, upon, over, across or under which any main, pipe, hydrant, appurtenance or other facility of any person engaged in the business of selling water to the public has been placed shall be graded, curbed, paved or otherwise changed so as to make relocation or any change in the existing installation of such mains, pipes, hydrants, appurtenances or other facilities necessary, such person, his successors and assigns, shall make such necessary change, but the cost of such change shall be paid one-half by such person and one-half by the city; provided, that before such person installs any main, pipe, hydrant, appurtenance or other facility hereunder, application shall first be made to the city council for the establishment of permanent grades, curb lines and sidewalk lines, unless permanent grades, curb lines and sidewalk lines have already been established, and that such applicant shall then install such mains, pipes, hydrants, appurtenances and other facilities in accordance with such permanent grades and lines. The city shall promptly establish such permanent grades and lines upon such applications, and such mains, pipes, hydrants, appurtenances and other facilities shall not be installed until such grades and lines shall have been established. An application fee shall be paid. Fees shall be as set forth in Appendix Y.

(Code 1977, § 33-12; Ord. 14272, §10, 10-15-2007)

Sec. 32-11. Depositing snow on public rights-of-way.

A. No person shall deposit or cause to be deposited snow or ice from private parking lots on or against a fire hydrant or the paved portion of any street, alley, loading or unloading area of public transportation.

B. No person shall deposit or cause to be deposited snow or ice on unpaved portions of streets or alleys or on private property in any manner which interferes with the use of fire hydrants or the paved portion of the sidewalks, streets, alleys, or loading or unloading areas of public transportation.
(Ord. No. 9768, § 1, 4-5-82)

Sec. 32-12. Litter.

A. Each person in the city shall keep the sidewalks, tree wells in sidewalks, gutters, public rest areas and

public alleys in front of and adjacent to any building, tenement, room or real property owned, occupied, possessed or managed by him, or under his supervision and control, clean and clear of mud, filth, dirt, debris, trash, litter and other substances, and weeds and grass, and shall also keep any grass median area between the property line and the street in front of or adjacent to any such property mowed and free from filth, debris, trash, litter and weeds, and shall also keep the sidewalks in front of and adjacent to any such property free and clear of any accumulation of snow and ice which presents a hazard to pedestrians. If any such building abuts directly upon a public street, that portion of such public street so abutting the building shall be kept clean and clear of filth, dirt, debris, trash, litter and other substances. Violation of this subsection is a misdemeanor, and any person convicted thereof shall be fined not less than fifty dollars (\$50.00), or more than two hundred fifty dollars (\$250.00), or shall be sentenced to a term of confinement of not less than one and not more than ninety (90) days in jail, or shall be both so fined and sentenced. Each day that the condition exists in violation of this subsection constitutes a separate offense.

B. Each person in the city shall further keep any yards, grounds, driveways and any other private, nonpublic real property owned, occupied, possessed or managed by him, or under his supervision and control, clean and clear of filth, debris, trash, litter, weeds and other substances. Violation of this subsection is a misdemeanor, and any person convicted thereof shall be subject to the same penalties as are prescribed for a violation of the provisions of subsection (A).

C. Each person shall keep any parking lot in the city which is owned or managed by him, or which is under his supervision and control, clean and clear of filth, debris, trash, litter and other substances. Violation of this subsection is a misdemeanor, and any person convicted thereof shall be subject to the same penalties as are prescribed for a violation of the provisions of subsection (A).

D. It is unlawful for any person, purposely or otherwise, to throw, place or deposit, or to cause to be thrown, placed or deposited, upon any public street, alley, sidewalk, tree well in sidewalks, gutter, rest area or public property of any other kind or description, or upon private property of any kind or character, or in any stream or body of water, any garbage, filth, debris, trash, rubbish, litter of any other kind, nature or description, offal, animal carcass or parts thereof, unclean water, or other substances, materials or objects declared to be a nuisance, other than in proper containers or receptacles designed and authorized for such purpose. Violation of this subsection is a misdemeanor, and any person convicted thereof shall be fined not less than fifty dollars (\$50.00), or more than five hundred dollars (\$500.00), or shall be sentenced to a term of confinement of not less than one and not more than ninety (90) days in jail, or shall be both so fined and sentenced. Notwithstanding the foregoing, if any person is convicted of a violation of this subsection, and if the court finds that the violation occurred while the person was the driver or occupant of an automobile, truck or motor vehicle of any other description, whether said vehicle was then moving or at rest, then the minimum fine for the violation shall be twenty-five dollars (\$25.00), and the minimum sentence of confinement shall be one day, and the maximum fine and sentence shall be as set forth in this subsection.

E. No person shall deposit any trash, rubbish or solid waste from any household in any container or receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians or the general public. Violation of this subsection is a misdemeanor.

F. No person who owns or manages, or who is employed by, a commercial establishment or institution, shall deposit trash, rubbish or solid waste from that establishment or institution in any container or receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians or the general public. Violation of this subsection is a misdemeanor.

G. Any police officer, any environmental sanitarian employed by the Department of Community Development and any employee of the city parking and traffic authority who has the authority to issue tickets for parking violations, shall have authority to enforce the provisions of this section, including the issuance of tickets, citations and summons to appear in court.
(Ord. No. 9422, § 1, 5-5-80; Ord. No. 9602, §§ 1, 2, 5-5-80; Ord. No. 13301, 11-5-2001)

Cross reference - Materials escaping on roadway, § 19-314; vehicle load restrictions, § 19-315; solid waste, Ch. 30.

Sec. 32-13. Connection of private roadways to public streets.

No person shall connect any roadway to any street owned or controlled by the city without the permission of Director of Community Development which such permission shall only be given if the Director determines that the area to be served by the new roadway is substantially within the corporate boundaries or the owners of all properties to be served by the new roadway sign an irrevocable agreement, binding on their successors and assigns, to be annexed whenever the property becomes eligible for annexation in a form approved by the City. For the purposes of this section, the term "new roadway" shall mean the roadway which will be connected to an existing city street. The City Administrator is hereby authorized to negotiate and execute on behalf of the City the agreements called for in this section so long as the City is not thereby obligated in an amount on any one agreement in excess of \$25,000. (Ord. No. 13881, §3, 5-16-2005)

Secs. 32-14 - 32-23. Reserved.

ARTICLE II. PUBLIC IMPROVEMENT CONTRACTS AND PROCEDURES IN GENERAL

DIVISION 1. GENERALLY

Sec. 32-24. Construction contracts and bonds.

Every contract for any work contemplated in this chapter shall state that the work shall be done under the supervision of the Director of Community Development, and in accordance with the provisions of this Code and other ordinances covering such work and the plans and specifications therefor. The contract shall be made in duplicate and signed by the mayor in behalf of the city, and filed in the office of the city clerk. The contract shall specify how the payment for the work shall be made and when the payment for the work shall be made. When the payment is to be made in special tax bills, the contract shall stipulate that the city shall under no circumstances be liable to pay for the work, except by special tax bills. The contractor shall be required to execute a bond to the city with approved security, in an amount at least as much as the estimated cost of the work, conditioned that the contractor shall faithfully perform all the conditions and obligations of the contract and that, in the doing of the work, the contractor will comply with the laws of the state and this Code and other ordinances of the city relative thereto, and save the city harmless from all damages that may be caused to persons or property by the contractor in the doing of the work, and that the contractor shall pay for all labor and materials employed or used in the work provided for in such contract. The contractor shall not be permitted to perform any part of the work until such bond shall have been duly executed and approved. In cases where any provision of this Code or any other ordinance providing for any street improvement provides that the contractor shall guarantee that the work will last for a definite period of time, and that such work shall be kept in repair, the contractor shall also be required to execute an additional bond by a solvent surety company to the city in an amount at least one-third of the amount of the estimated cost of the work, conditioned in accordance with the requirements of such provision of this Code or other ordinance with reference to maintenance. All contracts and bonds shall be prepared by the city counselor and, after being executed, must be submitted to the city council for their approval. If the council disapproves of any contract or bond, another bond or contract, in accordance with the demands of the council, shall be immediately prepared by the city counselor in lieu of the one which has been disapproved. Contracts or bonds may be approved by the council by motion duly adopted.

(Code 1977, § 33-33; Ord. No. 13301, 11-5-2001)

Sec. 32-25. Contractors to carry liability insurance.

Contractors who do work for the city shall be required to take out or carry liability insurance in accordance with The Workers' Compensation Law.

(Code 1977, § 33-34)

State law reference - The Workers' Compensation Law, RSMo. Ch. 287.

Sec. 32-26. Contractor to pay for city engineering services.

A. Whenever the council shall let a contract for public work under competitive bidding, the successful bidder shall pay to the city clerk the following sums or amounts for engineering services performed by the Department of Community Development.

1. Upon a contract for street improvements, street repairs or reconstruction work, two (2) percent of the amount of the bid.
2. Upon a contract for the continuation, building, repair, reinforcement or construction of a sewer, two (2) percent of the amount of the bid.

3. Upon contracts for all other public works for which services have been performed by the Department of Community Development, two (2) percent of the amount of the bid.

B. The amount specified in subsection (A) of this section shall be paid to the city clerk before the tax bills are issued or any money paid by the city to the contractor for the work done. No tax bills shall be delivered to the contractor, and no money shall be paid to the contractor, until the entire amount due under such contract for engineering services shall have been paid to the city clerk.

(Code 1977, § 33-35; Ord. No. 13301, 11-5-2001)

Secs. 32-27 - 32-37. Reserved.

DIVISION 2. SPECIAL ASSESSMENTS²

Sec. 32-38. Method of computation.

A. Subject to the provisions of subsection (B) of this section, the cost of any work or improvement provided for by Articles III or IV of this chapter that is made or done by contract or by the Director of Community Development acting for the city shall be levied as a special assessment against the lot, tract or parcel of land along, abutting and in front of such improvement. The cost of approaches, as defined in section 32-99, shall be levied as a special assessment against the corner lots with which such approaches abut and connect. The cost of grading, paving or macadamizing the squares and areas as formed by the crossing or meeting of streets, avenues or alleys, or parts thereof or connections therewith, shall be paid for by levying a special assessment, as follows: Such areas shall be divided into parts or portions by lines drawn lengthwise along the middle of each street, avenue or part thereof so intersecting or meeting, and the costs of such parts or portions shall be levied as a special assessment against the block or square contiguous to each and prorated, in proportion to the front feet, against the lots or pieces of ground in such block or square fronting or abutting on each of such intersecting, crossing or meeting streets, avenues or alleys, or parts thereof.

B. If the city council, by the ordinance authorizing and directing such improvements to be made, shall provide that all or any portion of such improvements shall be paid for in whole or in part out of the general revenue funds or other funds which the city has available for such purposes, only such portion of such improvements shall be paid for through the issuance of special assessments as is specified in the ordinance authorizing and directing the improvements to be made.

(Code 1977, § 33-37; Ord. No. 13301, 11-5-2001)

Sec. 32-39. Director of community development to make report; assessment; issuance of tax bills.

Upon the completion of any sidewalk or street improvements, or any improvement contemplated in this chapter, whether made and done by contract or by the Director of Community Development acting for the city as herein provided, in accordance with the plans and specifications and contract for such improvements and according to the plans and specifications therefor if the work was done by the Director of Community Development acting for the city, as herein provided, the Director of Community Development shall compute the cost thereof and apportion such cost among the various tracts and parcels of land chargeable therewith, charging each tract of land with its proportionate part of the cost as required by law. The Director of Community Development shall make a written report to the city council that such improvement has been completed in accordance with the contract for such improvement, and if the work has been done by the Director of Community Development acting for the city, as herein provided, reports that such work has been done according to plans and specifications therefor, which report shall contain a written description of each tract and parcel of land chargeable with a part of the cost of such improvement, the amount with which it is

chargeable and the name of the owner thereof. If the council accepts the work and approves such report, it shall, by ordinance, levy and assess the cost of the work against the various lots, tracts and parcels of land with its proportionate part of the cost of such work in accordance with the law relative to such charges, and shall direct the city clerk to issue special tax bills in accordance with such ordinance.
(Code 1977, § 33-38; Ord. No. 13301, 11-5-2001)

Sec. 32-40. Special tax bills: Contents.

All special tax bills issued to pay for sidewalks, street improvements or any work or improvement contemplated in this article shall be signed by the city clerk and countersigned by the mayor under the corporate seal of the city. Each special tax bill shall contain a brief general statement of the facts authorizing its issue, a description of the land against which it is issued, the name of the contractor to whom it is issued, unless the work is done by the Director of Community Development acting for the city as herein provided, in which case the tax bill shall be issued in the name of the Director of Community Development for the use of the city, the name of the owner of the property against which it is issued, the rate of interest which it bears and the date when it begins to bear interest. Such special tax bill shall state that it is a special lien against the land therein described and give the time that the lien continues. All special tax bills issued to pay for any improvement contemplated in this article shall bear no interest for thirty (30) days after their date, but after the expiration of such thirty (30) days, they shall bear interest at the rate of eight (8) percent per annum. Special tax bills issued in payment for sidewalks or for grading and parking that part of the street lying between the property line and the street curb line shall be certified as being correct by the Director of Community Development.
(Code 1977, § 33-39; Ord. No. 13301, 11-5-2001)

Sec. 32-41. Special tax bills: Methods of payment.

Any special tax bill for the grading, paving, macadamizing, curbing and guttering of any street, avenue or alley, or part thereof, or for the construction of any sidewalk, may be paid in five (5) annual installments, payable in one, two (2), three (3), four (4) and five (5) years, respectively, from the date of the special tax bill; provided, that the owner of any lot or tract of land assessable with part of the cost of such improvement shall, at any time prior to the acceptance of the work by the proper officer of the city, notify the city clerk, in writing, that he desires to pay the cost of such improvement in installments. In such case the special tax bills issued shall be made payable, respectively, one-fifth in one, (1) one-fifth in two (2), one-fifth in three (3), one-fifth in four (4) and one-fifth in five (5) years from the date of such tax bills, and such tax bills may bear not to exceed eight (8) percent interest per annum, payable annually from thirty (30) days after date until paid, and shall provide that if any annual installments or the interest thereon, or the interest on any deferred installments, is not paid when due, all of the remaining installments shall at once become due and payable; provided, that the owner of such property charged with the payment of such tax bill, or the owner of any interest therein, shall have the privilege of paying such tax bill in full at any time by paying all interest thereon to a period of ninety (90) days after the date of such payment, unless such payment is made within less than ninety (90) days after maturity of the next installment, whereupon the tax bill may be paid in full by paying interest thereon to the date when the installment becomes due and payable.
(Code 1977, § 33-40)

Sec. 32-42. Special tax bills: Records; assignment.

A. The city clerk shall, on completion of all special tax bills hereinafter issued as provided by sections 32-40 and 32-41 enter an abstract thereof in a special book provided for that purpose. Such abstract shall recite the date of the tax bill, the name of the property owner and the person in whose favor it is issued, a description of the property subject to the lien, the street upon which it abuts, the amount of the tax bill and the character of the improvement for which it is issued.

B. When any tax bill is assigned, such assignment shall be noted thereon, and the assignee shall exhibit the same to the city clerk, who shall, on the margin of such tax bill, appropriately note such assignment. The party liable to pay such tax bill may either pay the owner of such tax bill, or he may pay the amount of such tax bill to the finance department, which department shall accept the money and make out duplicate receipts therefor, one of which it shall deliver to the person so paying the tax bill and the other of which it shall file with the city clerk. The city clerk shall note the filing of the receipt on the margin of the abstract of the tax bill, shall mark the tax bill "canceled" and shall affix his name to such cancellation, with the date thereof. Such cancellation shall have the effect to extinguish all liability or right of action of such tax bill. The finance department, on the presentation to it of the tax bill by its owner, shall pay to him the amount thereof, taking duplicate receipts therefor, one of which it shall file with the city clerk, who shall note it on the margin of the abstract of the tax bill, and the other the finance department shall retain. (Code 1977, § 33-41)

Secs. 32-43 - 32-53. Reserved.

ARTICLE III. STREET IMPROVEMENTS

DIVISION 1. GENERALLY

Sec. 32-54. Construction material specifications.

The materials used in the construction of concrete paving, sidewalks, curbs and gutters, in addition to the requirements set out in the ordinances effecting the respective improvements, shall conform to the following regulations:

A. The cement shall meet the requirements of the Standard Specifications for Portland Cement, adopted by the American Society for Testing Materials as of the adoption date of this Code. When the cement is not inspected at the place of manufacture, it shall be stored a sufficient length of time to permit the inspection and testing. The Department of Community Development shall be notified of the receipt of each shipment of cement.

B. Fine aggregate shall consist of sand or screenings from clean, hard, durable crushed rock or gravel consisting of quartzite grains or other equally hard material graded from fine to coarse, with the coarse particles predominating, and passing, when dry, a screen having one-fourth inch openings. It shall be clean, hard, free from dust, loam, vegetable or other deleterious matter. Not more than twenty (20) percent shall pass a sieve having fifty (50) meshes per linear inch, and not more than five (5) percent shall pass a sieve having one hundred (100) meshes per linear inch. Fine aggregate containing more than three (3) percent of clay or loam shall be washed before using. Fine aggregate shall be of such quality that the mortar composed of one percent Portland Cement and three (3) parts fine aggregate by weight, when made into briquettes, shall show a tensile strength at least equal to the strength of one to three (3) mortar of the same consistency made with the same cement and standard Ottawa sand. In no case shall fine aggregate containing frost or lumps of frozen material be used.

C. Coarse aggregate shall consist of clean, hard, durable crushed rock or washed gravel, graded free from dust, loam, vegetable or other deleterious matter, and shall contain no soft, flat or elongated particles. The size of coarse aggregate shall be such as to pass a one and one-half-inch round opening and be retained on a screen having one-quarter inch openings. In no case shall coarse aggregate containing frost or lumps of frozen material be used.

D. Natural mixed aggregate shall not be used as it comes from deposits but shall be screened and used as specified.

E. Water shall be clean, free from oil, acid, alkali or vegetable matter.

F. Concrete pavements twenty (20) feet or more in width shall be reinforced with metal fabrics. All reinforcements shall be free from excessive rust, scale, paint or coating of any character which shall tend to destroy the bond. All reinforcements shall develop an ultimate tensile strength of not less than seventy thousand (70,000) pounds per square inch and bend to one hundred eighty (180) degrees around one diameter and straighten without fracture. (Code 1977, § 33-16; Ord. No. 13301, 11-5-2001)

Sec. 32-55. Special tax for street improvements.

The city council shall have power within the city, in all cases where the cost does not exceed sixty cents (\$0.60) per front foot per annum upon the property abutting upon any street, avenue, alley or public place, to cause such streets, alleys, avenues and public places of this city, or any part thereof, to be sprinkled, oiled, repaired, surfaced or resurfaced. The cost thereof shall be provided for and defrayed by a special tax to be assessed in favor of the city or contractor on the adjoining property, fronting or bordering on the streets, avenues, alleys and public places where such sprinkling, oiling, repairing, surfacing and resurfacing is proposed to be done, in the proportion that the linear feet of

each lot fronting or bordering on the street, avenue, alley and public place to be sprinkled, oiled, repaired, surfaced and resurfaced bears to the total number of the linear feet of all the property chargeable with the special tax in the territory embraced by the contract under which such improvements are to be made; provided, that such tax shall not be assessed against more than three hundred fifty (350) feet of any one tract of land. The city may do the above work, keeping an accurate account of the cost, or the city council may contract for such work annually and under such terms as shall be provided by ordinance. The city shall be divided into convenient sprinkling, oiling, repairing, surfacing and resurfacing districts for the above purpose, and each district shall be let separately. The special tax shall be and become a lien on the property charged therewith from and after the commencing of such sprinkling, oiling, repairing, surfacing and resurfacing of such streets, avenues, alleys or public places under the provisions of an ordinance providing therefor, and shall be prima facie evidence of the liability of the property charged to the extent and amount therein specified, and may be collected from the owner of the land in the name of and by the city or the contractor as any other claim in any court of competent jurisdiction, with interest at the rate of eight (8) percent per annum. Such special tax shall be issued and collected in the manner provided by ordinance; provided, that in no case shall the provisions of this section apply where the cost of any such improvement shall exceed sixty cents (\$0.60) per front foot per annum upon the property abutting upon any street, avenue, alley or public place.

(Code 1977, § 33-17)

State law reference - Municipal authority to levy special tax for street improvements, RSMo. § 88.530.

Secs. 32-56 - 32-66. Reserved.

DIVISION 2. COUNCIL RESOLUTION, ETC.

Sec. 32-67. Generally.

When the city council shall deem it necessary to pave, macadamize, gutter, curb, grade, oil or otherwise improve the roadway of any street, avenue or alley or other highway, or any part thereof, or to repave or reconstruct the same, for which a special tax is to be levied as provided in this article, the council shall, by resolution, declare such work or improvement necessary to be done, and shall cause plans and specifications for such work and improvement, together with an estimate of the cost thereof, to be prepared by the Director of Community Development and filed with the city clerk, subject to the inspection of the public, and shall cause such resolution to be published in the newspaper doing the city printing, for two (2) consecutive insertions in a weekly paper or seven (7) consecutive insertions in a daily paper. If a majority of the resident owners of property liable to taxation therefor at the date of the passage of such resolution, who shall own a majority of the front feet owned by residents of the city abutting on the street, avenue or alley proposed to be improved, shall not, within ten (10) days thereafter, file with the city clerk their protest against such improvements, the city council may, by ordinance, provide for the making or construction of such improvements and shall have the power to cause a contract to be left for such work or improvements.

(Code 1977, § 33-13; Ord. No. 13301, 11-5-2001)

State law reference - Similar provisions, RSMo. § 88.520.

Sec. 32-68. Streets, etc., not more than twelve hundred feet in length.

A. When the city shall deem it necessary to pave, macadamize, gutter, curb, grade or otherwise improve the roadway of any street, avenue or other highway not more than twelve hundred (1,200) feet in length, so as to connect with paved, macadamized, curbed, graded or improved streets at both ends on the same or other streets, the council shall, by resolution, declare such work necessary to be done and shall cause such proceedings to be had as in section 32-67; except, that no protest may be filed. The resolution shall be passed and published as provided for other resolutions in this article and shall state the fact that anyone desiring to do so may appear before the council, at the place and at a time certain specified in such resolution, and be heard on the question of the necessity of the work sought to be done. At such time and place the council shall convene in regular or adjourned session and hear anyone who

desires to be heard on such question and shall thereafter by resolution state the result of such hearing to be a reaffirmation of the necessity for the doing of such work or the contrary, as the fact may be. If no one appears or the council reaffirms the necessity of the doing of such work, the council shall proceed under the terms of sections 32-67 and 32-69 in the same manner as is therein provided when the abutting resident owners fail to file a sufficient protest. The work shall be done in the same manner and constructed of the same materials as one or both of the improvements on the streets, avenues or highways to be connected, and only such work may be done as will connect similar work on such streets, avenues or highways.

B. Subsection (A) shall not apply to any extension of West McCarty Street to be made over, upon or through Lot Number 7 of Vista Place Addition, and for any such extension of West McCarty Street over or through such lot, and the improvement thereof, the city council shall proceed under the provisions of section 32-67, so as to provide for any effective protest by resident owners of property liable to taxation therefor.
(Code 1977, § 33-14)

Sec. 32-69. Advertising for and receiving bids; awarding contracts.

When the city council shall enact an ordinance providing for the making of any of the improvements mentioned in sections 32-67 and 32-68, the city clerk, unless otherwise directed by the council, shall immediately thereafter advertise for bids for the doing of the work in the newspaper doing the city printing. Such advertisement shall be published for at least one week and shall briefly state the kind of work to be done, the time within which bids will be received, how payment will be made and when and where the bids will be opened. The clerk shall require that each bidder accompany his bid with a certified check on some city bank, or cash, in an amount deemed sufficient by the city council, upon recommendation by the Director of Community Development, to guarantee that he will execute a contract with the city for the doing of the work, if the contract is awarded to him. In the advertisement for bids the clerk shall state the amount of the deposit that will be required. All bids received by the clerk shall be opened by him in the presence of the council at the first meeting of the council after the receipt of the bids, unless otherwise ordered by the council. The council shall have the power to reject all bids deemed unsatisfactory or where the bids for the work are above the estimated cost. In all cases where no bids are received, upon advertisement therefor, or where those received are rejected, the clerk shall immediately readvertise for bids, unless otherwise directed by the council. All such contracts shall be awarded to the lowest and best bidder. The acceptance of a bid shall be construed as the awarding of the contract. Any bid may be accepted and contract awarded by motion duly adopted by the council.
(Code 1977, § 33-15; Ord. No. 13301, 11-5-2001)

State law reference - Bids and awarding contracts, RSMo. § 88.520.

Secs. 32-70 - 32-80. Reserved.

ARTICLE IV. CONSTRUCTION OF SIDEWALKS, CURBS, ETC.

DIVISION 1. GENERALLY

Sec. 32-81. Width and grade.

All sidewalks to be constructed in the city on right of way shall be at least four (4) feet wide on local streets and at least five (5) feet wide on all other streets, except as may be otherwise provided by this Code or by other ordinances, and have a cross slope no more than two percent (2%) or one-fourth inch to the foot.

(Code 1977, § 33-27)

(Ord. No. 12980, §2, 9-20-99)

Sec. 32-82. Construction and material specifications: Sidewalks.

All sidewalks in the city shall be constructed and installed in compliance with city specifications and design standards promulgated by the Director of Community Development. Concrete sidewalks shall be not less than four (4) inches in thickness and shall be placed on well-compacted subgrade. The concrete used shall conform to the six (6) sacks of cement per cubic yard of the concrete design mix on file with the Department of Community Development.

(Code 1977, § 33-28; Ord. No. 13301, 11-5-2001)

Sec. 32-83. Construction and material specifications: Curbs and gutters.

All curbing and guttering in the city shall be constructed of concrete. Curb and gutter shall not be less than six (6) inches thick and shall be 30 inches wide, including the six (6) inch vertical curb. Contraction joints shall be installed every ten (10) feet. Concrete for curb and gutter shall conform to the 6.5 sacks of cement per cubic yard of concrete design mix on file with the Department of Community Development.

(Code 1977, § 33-29; Ord. No. 13301, 11-5-2001)

Sec. 32-84. Supervision by city; construction and repair to be at property owner's expense.

All sidewalks constructed in the city shall be constructed under the supervision and direction of the Director of Community Development.

(Code 1977, § 33-30; Ord. No. 13301, 11-5-2001)

Sec. 32-85. Removing stakes or laying sidewalk on improper grade.

Any person in the city who shall remove or otherwise interfere with the stakes or other markers set by the Director of Community Development to designate the grade for a sidewalk, curb, gutter or other street improvement, or any person who shall construct or cause to be constructed in the city a sidewalk, curb or gutter on a grade other than the grade previously designated by the Director of Community Development, shall be deemed guilty of a misdemeanor.

(Code 1977, § 33-32; Ord. No. 12939, §1, 6-21-99; Ord. No. 13301, 11-5-2001)

Secs. 32-86 - 32-97. Reserved.

DIVISION 2. DUTIES AND RESPONSIBILITIES OF PROPERTY OWNERS

Sec. 32-98. Generally.

It is hereby made the duty of every property owner having property abutting on a public street to place and maintain a good and sufficient sidewalk and curb along such street and abutting the property, when and as directed by the Director of Community Development in conformity with policies and procedures approved by the city council. The director shall require sidewalks to be constructed or repaired when any of the following conditions exist:

1. Claim for injuries due to condition of sidewalks
2. A vertical displacement or hole of 1½" or more within grade
3. Need to connect to existing sidewalks
4. When safety hazard exists as documented by pedestrian accidents
5. When an ordinance requires construction.

Corner lots shall be liable for the extension of curbs and sidewalks to the curb line each way. Only such sidewalks as are described in this article shall be placed in the city.

(Code 1977, § 33-18; Ord. No. 12939, § 2, 6-21-99; Ord. No. 13301, 11-5-2001)

Sec. 32-99. Duty to construct, repair, etc.

A. The owner of any lot or tract of land within the city shall build and construct, rebuild or reconstruct and repair the sidewalk lying along and adjacent to his property, and such property owner shall grade, fill and park that portion of the street lying between the property line and the street curb line, and build approaches. The term "approaches" shall be understood to mean the extension of sidewalks at corner lots, from the property line each way to the street curb line, being in fact the connection across the parkway or intervening space between the corner of the property and the crossing in the street.

B. Any such owner of any lot or tract of land within the city who, after having been duly notified in writing by the delivery by the Director of Community Development to such property owner of a written order directing such property owner to build or construct, rebuild or reconstruct or repair the sidewalk lying along and adjacent to his property, or grade, fill or park that portion of the street adjacent to his property and lying between the property line and the street curb line, shall fail, neglect or refuse to comply with the terms of such written order within thirty (30) days from the delivery thereof shall be deemed guilty of a misdemeanor.

(Code 1977, § 33-19; Ord. No. 13301, 11-5-2001)

Sec. 32-100. Construction, repair, etc., under private contracts.

In any case where the council desires to permit property owners to construct or repair sidewalks or to grade and park that portion of the street lying between the property line and the street curb line, under private contracts, the council shall by resolution provide that sidewalks shall be constructed or that portion of the street lying between the property line and the street curb line shall be graded and parked upon any street specified, and that the property owners shall be allowed thirty (30) days from the date of adoption of the resolution to construct such sidewalks or to grade and fill the parking herein described, under private contract. By such resolution, the Department of Community Development shall be directed to prepare plans and specifications for such improvements. Immediately after the adoption of such resolution, the Department of Community Development shall cause notice to be served upon the interested property owners of the adoption of such resolution and the time within which they must contract for the construction of the improvements named in such resolution.

(Code 1977, § 33-20; Ord. No. 13301, 11-5-2001)

Sec. 32-101. Maintenance, etc.

It shall be the duty of all persons owning or occupying any property in the city to keep in repair and free from obstruction the sidewalk and gutters in front of such property. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

(Code 1977, § 33-21)

Sec. 32-102. Privately owned, operated, and maintained pole lighting.

A. Upon proper application for Permissive Use of Right-of-Way and approval of the City Council, privately owned, operated and maintained pole lighting may be installed on the City right-of-way. All expenses, such as cost of lighting, installation, maintenance, and power shall be at the expense of the owner.

B. Poles, light fixtures and globes are subject to approval of the Department of Community Development and generally shall conform to the following standards when located with the 400, 500, 600, 700, 800 and 900 blocks of East High and East Capital Streets:

Pole Style	Victorian - fluted, tapered
Pole Height	10' minimum
Pole Material	Cast Aluminum
Pole Color	Satin Black
Pole Accessories	Access Panel, with interior anchor lugs
Globe Style	Acorn
Globe Material	Opaque Plastic
Illumination	Illumination shall be in accordance with Section 35-57 of the City of Jefferson Zoning Ordinance, generally not to exceed 0.20 foot-candles in all zoning districts, except C-2, —1 and —2 where up to 0.30 foot-candles are allowed.

1. The base of the globe shall be a minimum of ten feet above ground level.
2. For poles with multiple light fixture arms, the lowest part of the fixture arm shall be a minimum of eight feet above ground level.
3. Pole bases shall be installed in accordance with the standards established by the Department of Community Development and shall be located two feet behind the curb.

C. If the owner fails to properly install, operate, or maintain the pole lighting, the Director of the Department of Community Development (Director) may give seven days notice to the owner to correct any deficiencies. If the deficiency is not corrected within seven days or reasonable steps to effectuate a correction are not commenced and diligently pursued within said seven-day period, the pole lighting may be removed by the City at the expense of the owner and permissive use of right-of-way may be revoked. If the Director determines that the condition of the pole lighting constitutes a hazard to public safety, the City may remove the pole lighting without advance notice to the owner and at the owner's expense, and the permissive use of the right-of-way may be revoked.

D. No application shall be approved unless the owner executes a written agreement, approved by the City Counselor, containing terms and provisions consistent with these guidelines.

- E. Fees for a privately owned pole lighting plan shall be as set forth in Appendix Y.

(Ord. 13620, §1, 9-15-2003; Ord. 14272, §10, 10-15-2007)

Section 32-103. Sidewalks Required.

- A. No permit shall be issued for the reconstruction or construction of a new building, or a building addition, or a new or expanded parking lot, unless a sidewalk exists adjacent to the property or unless the plans for the building or parking lot provide for the construction of such a sidewalk. The requirements of this section shall apply to reconstruction, cumulative building additions and parking lot expansions following adoption of this ordinance, but shall not apply to the rehabilitation or renovation of existing buildings or parking lots, or the construction of accessory buildings. Applicants may request a waiver of the requirement to construct sidewalks in accordance with Paragraph C below.

(Ord. No. 14023, §1, 3-20-2006; Ord. 14097, §1, 10-2-2006; Ord. No. 14431, §1, 11/17/2008)

- B. Sidewalks shall be constructed in new Minor Subdivisions, as defined by Chapter 33, Subdivision Code.

- C. Sidewalk Waiver Application. Upon application by the owner, the Director of Community Development may approve a waiver to sidewalks required by Paragraphs A and B above, as provided herein. Waivers may be granted, on a case-by-case basis, retroactively to developments previously required to construct sidewalks, or to new developments, at the discretion of the Director, when:

1. The City has plans to construct sidewalks to serve the development, or plans to widen or reconstruct the adjacent street which would require replacement of the sidewalk within ten (10) years of the application for waiver; or
2. An engineering study accepted by the City demonstrates that the terrain or geographic features of the location are such that it is not reasonable to construct sidewalks; or
3. An engineering study accepted by the City demonstrates an alternative pedestrian way provides an acceptable alternative; or
4. The new building or building addition contains 2,500 square feet or less or is a new or expanded parking lot; or
5. The development is proposed as residential infill consisting of one- or two-family dwellings on no more than 5 lots; or
6. The frontage is along (a) a state or federally designated route or (b) a local route with speeds of 50 mph or greater.

- D. Sidewalk Waiver Conditions, Fee and Sidewalk Fund

1. If a waiver is granted,
 - a. the owner shall contribute a fee, in lieu of construction, to the sidewalk fund, except that one- and two-family residential in-fill developments shall not be charged a fee. The fee shall be calculated on the sidewalk area that is waived, and initially shall be \$6 per square foot or the avoided cost of construction, whichever is less. This fee shall be reviewed annually by the Director of Community

Development by consulting, among other things, the R. S. Means construction cost data services. If such annual review reveals that the fee requires adjustment to preserve the proportional relationship existing between the initial fee and current construction costs, the Director of Community Development may make such adjustment administratively with the consent of the City Administrator and upon notice of the City Council.

- b. the owner may be required to grade the area in which the sidewalk would be located in preparation for a future sidewalk, at the discretion of the Director.
2. There is hereby established a separate sidewalk fund in which fees collected from sidewalk waivers shall be deposited. Funds shall be used only for purposes of construction of sidewalks. The sums in such fund which are not expended shall accumulate from year to year, shall accumulate interest, and shall be considered a continuing appropriation, Unexpended funds shall not lapse at the end of any fiscal year.

E. Appeal of Denial of Waiver.

1. The denial of a waiver by the Director may be appealed to the Board of Adjustment.
 - a. An applicant aggrieved by the decision of the director may file a written appeal to the Board of Adjustment within 10 days of the decision of the director;
 - b. Upon receipt of the appeal, the Board of Adjustment shall schedule a hearing on the appeal
 - c. The burden of proof at the hearing shall be upon the applicant to show the required findings have been met.
 - d. In order to find that the waiver should be granted the Board must find:
 - i. The City has imminent plans to construct sidewalks to serve the development or plans to widen or reconstruct the adjacent street which would require replacement of the sidewalk; or
 - ii. An engineering study accepted by the City demonstrates that the terrain or geographic features of the location are such that it is not reasonable to construct sidewalks, or
 - iii. An engineering study accepted by the City demonstrates an alternative pedestrian way provides an acceptable alternative.
 - e. The Board of Adjustment may not consider:
 - i. Whether the proposed sidewalk connects to another sidewalk; or
 - ii. Whether the proposed sidewalk serves to advance connectivity.
2. If the board finds in favor of the applicant it shall direct the Director to enter a new order consistent with its findings.
3. The Director shall, within 45 days of the date he is notified of the decision of the Board of Adjustment, issue a new decision.
4. The final administrative granting or denial of a sidewalk waiver by either the director of community development or the board of adjustment shall be reported to the city council within thirty (30) days following such decision.
5. An applicant who is aggrieved by the decision of the board may appeal the decision to the Circuit Court within 30 days of the date of the written findings of fact.

F. Sidewalks shall be constructed in new Major Subdivisions (as defined by Chapter 33 Subdivision Code) as follows, unless the owner requests, the Planning and Zoning Commission reviews and the Council approves, a variance under (1) or (2) below.

1. When the Council determines in a Major subdivision that, through submission of an engineering study that includes appropriate details such as cross-sections, grading plans, and requirements for sidewalks because of the presence of unusual circumstances or conditions, including without limitation, topographical conditions, and that the strict application of the requirements for sidewalks would either prevent, or present a serious obstacle to the formation of a plat for the reasonable use and development of land, the Council may permit the owner to vary from the requirements for sidewalks or the location thereof.
2. The Council may permit a developer to vary from the requirement for sidewalks if the Commission determines that an Alternate Pedestrian Way Plan submitted by the developer with the preliminary plat provides adequate access throughout the subdivision. Such a plan must provide a continuous system of paved walkways located within easements dedicated as pedestrian ways. The Council may require such width not to exceed ten (10) feet and such illumination as may be appropriate to assure safety.

G. Construction Standards.

1. Sidewalks shall be constructed in accordance with the following street classifications. Street classifications and location of sidewalks on local or cul-de-sac streets shall be determined by the Director.

Street Type	Sidewalk Requirement	Sidewalk Width
Arterial	Both sides	5 feet
Collector	Both sides	5 feet
Local commercial or commercial cul-de-sac	Both sides	5 feet
Residential cul-de-sac or local street	One side 4	4 feet

2. Sidewalks shall be located a minimum of three (3) feet from the back of the curb where possible, or other location as approved by the Director.
3. Sidewalks shall be constructed in accordance with the latest edition of the City of Jefferson Standards on file in the Department of Community Development.

H. Time for Construction

1. The developer shall install all sidewalks, as required by this section, or by the Council pursuant to a variance as allowed by this section, not later than two (2) years after the date when the abutting street is accepted or not later than five (5) years after the first building permit is issued, whichever comes first; provided however, that the sidewalk for each lot within a subdivision shall be completed and approved before an occupancy permit for a structure on the lot is issued.
2. No certificate of occupancy shall be issued for any building or parking lot for which a sidewalk is required unless the sidewalk has been constructed or the property owner has

provided a bond, cash escrow or letter of credit or other instrument acceptable to the Director of Community development guaranteeing construction of the sidewalk within not more than six (6) months of issuance of the certificate of occupancy.

I. Enforcement

1. If the sidewalks required by this section, or alternate paved walkways required by the Council pursuant to a variance as allowed by this section, are not completed within two (2) years from the date abutting streets are accepted, or within five (5) years after the first building permit is issued, whichever comes first, the building official shall decline to issue any further permits of any type to the developer in conjunction with the subdivision where the violation is occurring, or in conjunction with any other activity at any location requiring permits by the building official, until the violation is cured. In addition, the Council may
 - a. Impose a penalty on the developer, in an amount not to exceed One Hundred Dollars (\$100.00) per day for each day the violation persists.
 - b. Cause the sidewalks to be completed at the City's expense, and may cause a special tax bill to issue as to each lot within the subdivision for which the City has incurred the expense of constructing sidewalks, in an amount of two (2) times such expense incurred, together with the amount of any penalties accrued under subsection a, above. Any special tax bill issued pursuant to this subsection may be enforced in the same manner as a tax bill issued for the improvement of a sidewalk within the City.
 - c. Other Recourse. Nothing within this section shall impair the ability of the City or a property owner to seek any other recourse against a developer for failing to install sidewalks as required by this section. (Ord. 13628, _3, 10-6-2003)

(Ord. No. 14023, §1, 3-20-2006; Ord. 14097, §1, 10-2-2006; Ord. 14277, §1, 11-19-2007; Ord. No. 14431, §1, 11-17-2008; Ord. No. 14431, §1, 11-17-2008)

Secs. 32-104 - 32-112. Reserved.

DIVISION 3. CONSTRUCTION, ETC., BY CITY

Sec. 32-113. Enactment of ordinance; filing of plans, specifications, etc.; advertisement for bids.

At the end of the time given property owners to construct or repair sidewalks or to grade and park that portion of the street lying between the property line and the street curb line, under private contract, the right to so construct such improvements shall cease, and the city council shall enact an ordinance providing for the construction or reconstruction of such sidewalks, or for the grading or parking of that portion of the street lying between the property line and the street curb line, to be paid for with special tax bills. Before the city council shall enact an ordinance providing for any improvement mentioned in this section, the Director of Community Development shall have prepared and filed with the city clerk plans and specifications, and an estimate of the cost thereof, and such plans and specifications and estimate of cost shall have been duly approved according to law. The city clerk shall, unless otherwise directed by the council, advertise for bids for the doing of such work in the newspaper doing the official city printing. Such advertisement shall be published in at least one issue of a weekly newspaper, or in at least two (2) consecutive issues of a daily newspaper. The advertisement shall state the amount of deposit required of each bidder. The kind, amount and condition of such deposit required of such bidders shall be in accordance with the provisions of section 32-69.

(Code 1977, § 33-23; Ord. No. 13301, 11-5-2001)

Sec. 32-114. Opening of bids; awarding of contract.

All bids received by the clerk pursuant to section 32-113 shall be opened in the presence of the council at a date at least ten (10) days after the date of the first publication of the advertisement for such bids. All contracts shall be awarded to the lowest and most responsible bidder. The acceptance of a bid shall be considered as the awarding of a contract. Any bid may be accepted and any contract may be awarded on a motion duly adopted by the council.

(Code 1977, § 33-24)

Sec. 32-115. Repair.

Whenever any sidewalk is deemed to be in a defective condition or out of repair, the city council may, by ordinance, provide for the repairing of such sidewalk by the Director of Community Development, to be paid for in special tax bills. Before the city council shall enact an ordinance providing for the improvements mentioned in this section, the Director of Community Development shall have prepared and filed with the city clerk plans and specifications and estimates of costs for such work. Such plans and specifications and estimates of costs shall have been duly approved according to law. The Director of Community Development shall keep an accurate record and account of the separate items thereof, and make a written report thereof to the city council, and the city council shall pay for all labor and material and all other costs of such work out of any funds the city may have available for such purpose.

(Code 1977, § 33-25; Ord. No. 13301, 11-5-2001)

Secs. 32-116 - 32-126. Reserved.

ARTICLE V. EXCAVATIONS

DIVISION 1. GENERALLY

Sec. 32-127. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Arterial Street. A roadway which is functionally classified as carrying traffic on cross town trips. Roadways shall be so designated by the Director of Community Development. (Ord. No. 13301, 11-5-2001)

Business hours. The hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, except City holidays.

Director. Director of Community Development or a designated representative. (Ord. No. 13301, 11-5-2001)

Disturbance of right-of-way. Any movement of earth, movement of existing facility, or placement of new facility on right-of-way.

Nonbusiness hours. All periods of time other than business hours.

Public utility. Any utility engaged in the business of selling and supplying natural gas, electricity, water, sanitary sewer, telephone, or cable television service.

Right-of-way. All land within the city dedicated or conveyed to the city for public use, or used by the public, for streets, alleys, avenues, drives, boulevards or other public ways.

Roadway. Any street, alley, avenue, drive or boulevard or other public way within the city.

Unimproved right-of-way. Any right-of-way within the city lying outside of a roadway or upon which there is no roadway.
(Ord. No. 11955, § 1, 9-7-93)

Sec. 32-128. Permit required.

A. Except as provided in subsections (B) and (C) of this section, a person shall not disturb, excavate, or cause a disturbance or excavation to be made in any roadway or right-of-way, without first obtaining a permit from the director. Should an excavation in an unimproved right-of-way require excavation in an intersecting roadway, an additional permit shall be obtained for a roadway excavation.

B. Upon a failure in the facility of any public utility, necessitating immediate repair to prevent injury to persons or property or to restore essential public utility service, a public utility, upon notification of the director during business hours may make any excavation necessary to remedy the failure, without first obtaining a permit.

C. A permit will not be required for installation of service lines to serve new home construction in the unimproved right-of-way in newly developing subdivisions if the unimproved right-of-way is adjacent to the property being served. In such cases, the surface of the unimproved right-of-way shall be restored when the lawn is completed.

D. Once a permit has been closed, any additional work will require a new permit, and the base fee will be charged again.
(Ord. No. 11955, § 1, 9-7-93)

Sec. 32-129. Permit application.

A. During normal business hours applications for permits shall be filed with the director on forms provided by the director. The form shall provide appropriate spaces for the name, location and type of surface construction of the roadway or right-of-way to be excavated, the estimated dimensions of the area to be excavated, the estimated cost and the actual cost of the permit, the probable period of excavation and such other information as may be required by the director.

B. When an excavation is required in any roadway or right-of-way during nonbusiness hours to correct a failure in any private utility or sanitary sewer service, the excavator shall apply to the director for a permit before 12:00 noon of the next business day.

C. Any public utility causing an excavation to be made under the provisions of subsection (B) of section 32-128 shall apply to the director for an excavation permit before 12:00 noon of the next business day.
(Ord. No. 11955, § 1, 9-7-93)

Sec. 32-130. Permit fees, deposits, and issuance.

- A. Upon receipt of an application for a permit required by this division, the director shall compute and subscribe thereon the estimated cost of the permit. Fees shall be as set forth in Appendix Y.
1. On the unimproved portion of any right-of-way
 2. On roadways, a base charge
 3. On bituminous roadways, other than those with areas in excess of 100 square feet, a charge per square foot of surface area if the permit holder chooses to have the Department of Community Development replace the surface course.
 4. The base fee for any roadway excavation permit and the flat fee for any unimproved right-of-way permit shall be double the established rates if the application for permit is not made in accordance with section 32-129.
 5. For use of city owned plates to protect excavations from traffic
 6. For a bundle of 25 lathes to be used to display excavation permit cards at sites
 7. For resetting of street signs
 8. For repair of street signs, signal cables and other city facilities, a charge based on actual cost for materials, equipment, and labor.
 9. For completion of work not done in a timely manner, or correction of deficient work, a charge based on actual costs of materials, equipment and labor.

Any person desiring to do the resurfacing work rather than having the city do such work, shall pay only the

minimum charge for the work being done.

- B. Except as provided in subsection (C) of this section, the applicant shall deposit the amount of the estimated cost of the permit payable to the city. The director shall then issue the applicant a permit and permit card authorizing the excavation described in the application.
- C. A public utility or any other person, at the discretion of the director, may deposit with the finance department the sum of one thousand dollars (\$1,000.00) in cash or certified check payable to the city and thereafter pay to him on the first day of each month the actual cost of all permits previously issued to the public utility or person for excavations which have been backfilled and completed since the first day of the preceding month. In lieu of such cash or check, a corporate surety bond may be filed with the city clerk, to be approved by the mayor, conditioned on performance by the applicant of this subsection.
- D. The director shall compute the actual cost of each permit by exact measurement of the excavated area. If the estimated cost exceeds the actual cost of the permit, the overpayment shall be refunded or credited to the next permit applied for, at the option of the permit holder. If the estimated cost is less than the actual cost of the permit, the applicant shall be billed for the additional amount, which shall then be due and payable.
- E. The director shall not issue a permit to:
 - 1. Any person indebted to the city for a previous permit under any provision of this article.
 - 2. Any public utility failing to comply with the provisions of subsection (C) of this section.
 - 3. Any person or public utility for a period of one year, when the person or public utility has been convicted of two (2) or more separate violations of any of the provisions of this article within a period of twenty-four (24) consecutive months. Such period of one year shall commence on the date of the second conviction.

(Ord. No. 11955, § 1, 9-7-93; Ord. No. 13301, 11-5-2001; Ord. 14272, §10, 10-15-2007)

Sec. 32-131. Display of permit.

Each excavation permit shall be in the possession of a person present at the excavation area during normal business hours, and each permit card shall be displayed publicly at the excavation area.

(Ord. No. 11955, § 1, 9-7-93)

Sec. 32-132. Permit records.

The director shall keep an accurate and complete record of all street excavation permits and index such permits by street location.

(Ord. No. 11955, § 1, 9-7-93)

Sec. 32-133. Continuity of work.

Every excavation shall be performed in a continuous operation, during normal working hours on consecutive working days on which suitable working conditions exist, from the time of initial excavation to the completion of backfilling, pavement repair, and/or seeding. The permit holder shall be responsible for the timeliness and quality of the completed work.

Sec. 32-134. General procedures for performing.

- A. All excavations in any right-of-way in the city shall be made in the following manner:
1. Location of new facilities to be constructed on right-of-way shall be approved by the director prior to advertising for bids on work to be contracted. No new facilities shall be constructed under roadways, unless undue hardship is imposed by location outside the roadway. The edge of a trench for excavations paralleling curbs outside of roadways shall be kept a minimum of three (3) feet from the back of curb.
 2. Whenever excavation is performed within 800 feet of a traffic signal, the permit holder shall contact the street division of the public works department for location of facilities in the area.
 3. The permit holder shall notify the director of the time the excavation is to be commenced at least two (2) hours before commencement of excavation.
 4. For work involving closing a roadway to traffic, five (5) working days notice shall be required. The director may require that street closings be advertised by the permit holder. If the work involved is due to a need for immediate repair or other good cause, the director may reduce or waive the required notice. No roadway shall be closed to traffic without prior approval of the director. When conditions warrant closing a street to traffic, the permit holder shall notify the communications division of the police department of the time the roadway will be closed and at the time the roadway is reopened to traffic.
 5. The permit holder shall provide, erect and maintain such barricades, signs, flags, torches, lanterns or lighting at the excavation area as may be required by the most recent edition of the Manual on Uniform Traffic Control Devices.
- B. All excavations in any roadway shall conform with the following additional procedures:
1. The outer edges of all cuts through paved surfaces shall be sawed to a depth of not less than one-third of the pavement thickness by use of a power driven concrete saw to obtain a smooth and square cut. If an excavation is made in a roadway with a surface deficiency, the pavement removal shall be expanded to a point where a smooth straight edge can be maintained. If the contractor fails to saw the pavement, the city shall perform this operation or have this operation performed, and the cost thereof shall be charged to the contractor.
 2. Where surface exists, the roadway pavement shall be removed to a minimum width of six (6) inches beyond each edge of the excavated trench or area except where a four (4) to six (6) inch trenching machine is used. Where deemed necessary by the director, a width of up to twelve (12) inches beyond either edge may be required.
 3. In the event the entire width of a roadway is to be excavated, the excavation and backfill shall be completed within one-half of the width of the roadway prior to any excavation commencing in the remaining half of the roadway if practical as determined by the director.

4. No open cuts will be permitted across arterial streets unless undue hardship is imposed. Previous agreement from the director must be obtained prior to an open cut being made across an arterial street.
5. For the three (3) years following resurfacing of a roadway, no open cuts will be permitted on that roadway for any work that could have been planned.
6. In the event an excavation crosses a curb or curb and gutter, the curb or curb and gutter must be removed and replaced a minimum width of six (6) inches beyond the edge of the underlying excavation. If a bore under curb or curb and gutter is made and material sloughs off the embankment creating a void under the curb or curb and gutter, the entire width of curb or curb and gutter shall be removed and replaced in accordance with the above guidelines. All curb and gutter to be removed and replaced shall be doweled to the existing curb or curb and gutter.

(Ord. No. 11955, § 1, 9-7-93)

Sec. 32-135. Backfill procedures.

- A. All excavations within any right-of-way of the city shall be backfilled in the following manner:
 1. The permit holder shall notify the director of the time when backfilling is to be commenced at least two (2) hours before commencement of backfilling and of the completion of backfilling.
 2. Backfilling shall be accomplished as quickly as good working practice permits, and an excavation shall not be left open and unfilled for a longer period of time than is deemed reasonable and necessary by the director.
 3. Backfill of excavations in or within 3 feet of a roadway or proposed roadway shall meet the requirements for roadway excavations.
 4. Backfill of excavations under paved portions of the unimproved right-of-way shall be placed in lifts not exceeding eight (8) inches, and each lift shall be compacted with a flat plate tamper appropriate for the material being used before any additional material is placed in the excavation. Crushed stone aggregate shall be placed within three (3) inches of the bottom of the pavement to be placed.
 5. Excavations not in driveways, sidewalks, or roadways and not within three feet of a roadway shall be backfilled in a manner that will minimize settlement of the backfill. The original backfill shall be left flush with the adjacent area. It shall be the permit holder's responsibility to repair any settlement that occurs within 6 months after placement of the original backfill. In addition, in areas that are seeded, the permit holder shall be responsible for obtaining a stand of grass equal to or better than that of the surrounding yard area.
- B. Backfill of roadway excavations shall have the following additional requirements:
 1. All excess materials excavated shall be removed by the permit holder from the site of the excavation area. Shot rock in compacted 6 inch lifts may be used to stabilize the bottom of excavations. The excavation shall be backfilled with a crushed stone aggregate material having a maximum diameter of 1 inch. Upon request, the director

may approve the use of excavated material for backfill.

2. All backfill material shall be placed in the excavation in lifts not exceeding eight (8) inches. Each lift shall be compacted with a flat plate tamper appropriate for the material being used before any additional material is placed in the excavation.
3. Crushed stone aggregate shall be placed within one foot of the bottom of the pavement repair. The aggregate shall be placed in a maximum of six (6) inch lifts and compacted with a vibratory tamper before any additional material is placed in the excavation.
4. Except as provided in this subsection, backfill of excavations, including the area of where additional width of pavement was removed in paved roadways, shall be topped with an eight (8) inch thickness of concrete pavement on arterial streets; six (6) inch thickness of concrete pavement on all other roadways. At no point shall the concrete thickness vary more than one-half ($\frac{1}{2}$) inch from that specified. In traffic lanes high early strength concrete, eight (8) bags of concrete and four (4) percent calcium per yard of concrete, shall be used. In other areas a minimum of six and one-half bags of cement per yard of concrete shall be used. All concrete shall be air entrained. In bituminous pavements, the top of the concrete pavement shall be held one and one-half inches below the top of the existing pavement. In portland cement concrete pavements, the concrete shall be made flush with the adjacent pavement. The concrete shall be protected from traffic until it develops adequate strength and the asphalt surface course, if needed, is placed. Plates to protect the excavation may be obtained at the street division of the public works department.

In bituminous pavements that are not classified as arterial, backfill of excavations that have a minimum width of ten (10) feet and a minimum length of one hundred (100) feet may be topped with asphalt base course in lieu of concrete. The asphalt base course shall be seven (7) inches in thickness, and shall meet the standard specification for asphalt base. The asphalt shall be placed in two (2) lifts by a self-propelled mechanical laydown machine. Each lift shall be compacted by a steel wheeled vibratory roller before any additional material is placed on top of it. The top of the asphalt base shall be held one and one-half ($1 \frac{1}{2}$) inches below the top of the existing pavement.

In bituminous pavements, surface restoration shall be a one and one-half ($1 \frac{1}{2}$) inch compacted asphalt surface course. The asphalt shall meet standard specifications and be of the grade determined appropriate by the director.

5. No concrete pavement will be required over excavations in crushed stone roadways. (Ord. No. 11955, § 1, 9-7-93)

Sec. 32-136. Maintenance and resurfacing.

A. The permit holder shall maintain the excavation until the surface is restored and the permit is closed out by the director. This responsibility includes keeping the cut flush with the street at all times, providing barricades as needed and keeping the cut square. In addition, the permit holder shall be responsible for repair of any damage due to vandalism, accident, act of God or other means, and shall perform all work necessary to prevent further damage.

B. The permit holder shall restore unimproved portions of any right-of-way with material identical to that of the surrounding right-of-way surface.

C. The permit holder shall completely restore any excavation made in portland cement concrete pavements and any excavation in asphalt pavement in excess one hundred (100) square feet in surface area. The Department of Community Development will restore the asphalt surface (not concrete base) in bituminous paved surfaces of one hundred (100) square feet or less if desired and paid for by the permit holder. (Ord. No. 11955, § 1, 9-7-93; Ord. No. 13301, 11-5-2001)

Secs. 32-137 - 32-159. Reserved.

ARTICLE VI. DRIVEWAYS AND CURB CUTS

DIVISION 1. GENERALLY

Sec. 32-160. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Driveway. The surface area extending from the roadway surface across all or any portion of the adjacent right-of-way.

Frontage. That portion of the right-of-way lying between lines drawn perpendicular from the centerline of the roadway to the nearest exterior corners of the adjacent lot, tract or parcel of land.

Plans. The standard driveway plans, marked "Appendix 'C,'" to Ordinance 7438 on file in the office of the city clerk and expressly incorporated by reference into the provisions of this article.

Right-of-way. All land within the city dedicated or conveyed to the city for public use or used by the public for streets, alleys, avenues, drives, boulevards or other public ways.

Roadway. Any street, alley, avenue, drive or boulevard or other public way within the city.

Specifications. The standard driveway specifications, marked "Appendix 'B,'" to Ordinance 7438 on file in the office of the city clerk and expressly incorporated by reference into the provisions of this article.
(Code 1977, § 33-54)

Sec. 32-161. Plans and specifications adopted by reference.

The standard driveway specifications, marked "Appendix 'B,'" to Ordinance No. 7438 and the standard driveway plans, marked "Appendix 'C,'" to Ordinance No. 7438 both of which documents are on file in the office of the city clerk, are hereby adopted and expressly incorporated by reference into this chapter as the official driveway plans and specifications for the city.
(Code 1977, § 33-55)

Sec. 32-162. Standards of performance.

A. The standards of work for the construction, alteration or relocation of any driveway, or the cutting and removal of any curb in any right-of-way are established as those appearing in the plans and specifications adopted by section 32-161.

B. Every person doing any work involving the construction, alteration or relocation of any driveway, or the cutting and removal of any curb within any right-of-way, pursuant to a permit of the city, shall perform the work in strict accordance with the established standards.
(Code 1977, § 33-60)

Sec. 32-163. Curb replacement where driveway no longer in use, etc.

Upon a determination by the Director of Community Development that any driveway constructed, altered or relocated pursuant to a permit issued by the city is no longer necessary or used for the purpose mentioned in the application, the Director of Community Development shall give written notice to the owner of the premises adjacent to the frontage upon which the driveway is located to replace the curb across the entrance of the driveway within thirty (30) days from receipt of the notice, and the owner shall replace the curb as directed in the notice. (Code 1977, § 33-62; Ord. No. 13301, 11-5-2001)

Sec. 32-164. Driveway width.

A driveway constructed, altered or relocated to serve residential property shall not, without special permission from the city council, exceed twenty (20) feet in width, and a driveway constructed, altered or relocated to serve nonresidential (commercial, business or industrial) property shall not exceed forty (40) feet in width, unless the city council, through the Department of Community Development, authorizes in writing the construction of a driveway at a greater width. (Code 1977, § 33-63; Ord. No. 13301, 11-5-2001)

Secs. 32-165 - 32-175. Reserved.

DIVISION 2. PERMIT

Sec. 32-176. Required.

A. Subject to the provisions of subsection (B) of this section, no person shall construct, alter or relocate a driveway, or cut and remove any curb within any right-of-way, without first filing an application with, and securing a permit from, the Director of Community Development.

B. A permit shall not be required for a driveway when the curb is fashioned for a driveway entrance and the driveway apron is constructed at the time the roadway is constructed. (Code 1977, § 33-56; Ord. No. 13301, 11-5-2001)

Sec. 32-177. Application.

A. The form of the application shall be prescribed by the Community Development Department.

B. The original and two (2) copies of the application shall be executed. The original application shall be signed by the owners of the land described therein, and their signatures shall be acknowledged in the same manner as is required by law for instruments conveying title to real estate. If the applicant is not the owner of the land described in the application, the original application shall bear the signature of the applicant, and the signature shall be acknowledged in the same manner.

C. The executed application shall constitute an agreement between persons whose signatures appear thereon and the city that such persons shall be obligated to, and will, perform all covenants, on their part or the part of their heirs, grantees, assigns, personal representatives or successors, to be performed. (Code 1977, § 33-57; Ord. No. 13301, 11-5-2001)

Sec. 32-178. Fee and issuance.

A. There is hereby established a fee as set forth in Appendix Y, for a curb cut or driveway permit, which amount shall be paid to the Director of Community Development; provided, however, if any wedging is necessary, this amount may be revised to include the minimum cost of the bituminous street cut permit. The finance department shall endorse its receipt of the permit fee on the original and both copies of the application, retain one copy thereof and return the original and the other copy to the applicant.

B. Upon presentation of the original and one copy of the application bearing the receipt of the finance department, the Director of Community Development shall keep the original, attach the permit to the copy of the application and deliver such permit and application to the applicant.

(Code 1977, § 33-58; Ord. No. 13301, 11-5-2001; Ord. 14272, §10, 10-15-2007)

Sec. 32-179. Inspection and approval or disapproval of work; return or retention of security deposit.

The Director of Community Development shall inspect the work described in the application on the expiration date of the permit. If the work has been completed and meets the established standards and the adjacent roadway is in as good condition as existed before the work started, the Director of Community Development shall endorse his approval of the work on the permit; otherwise, he shall note his disapproval of the work on the original of the application.

(Code 1977, §§ 33-61(a); Ord. No. 13301, 11-5-2001)

Sec. 32-180. Records.

The Director of Community Development shall see that an accurate and complete record of all permits issued, indexed by street locations, and all original applications for permits to construct, alter or relate a driveway or to cut and remove any curbs are kept and maintained.

(Code 1977, § 33-59; Ord. No. 11904, § 4, 5-17-93; Ord. No. 13301, 11-5-2001)

Secs. 32-181 - 32-191. Reserved.

ARTICLE VII. PARADES³

Sec. 32-192. Definitions.

As used in this article, the following terms shall mean as follows:

Parade. Any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the city.

Parade permit. A permit as required by this article.

Sec. 32-193. Permit required.

No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the chief of police.
(Code 1977, § 23-135(a),(f))

Sec. 32-194. Permit application.

A. A person seeking issuance of a parade permit shall file an application with the chief of police not less than seven (7) days before the date on which it is proposed to conduct the parade on forms provided by such officer.

B. The application for a parade permit shall set forth the following information:

1. The name, address and telephone number of the person seeking to conduct such parade.
2. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.
3. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.
4. The date when the parade is to be conducted.
5. The route to be traveled, the starting point and the termination point.
6. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles.
7. The hours when such parade will start and terminate.
8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.
9. The location by streets of any assembly areas for such parade.
10. The time at which units of the parade will begin to assemble at any such assembly area

or areas.

11. The interval of space to be maintained between units of such parade.
12. If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the chief of police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.
13. Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should issue.

C. The chief of police, where good cause is shown therefor, and with the written approval of the mayor, shall have the authority to consider any application hereunder which is filed less than seven (7) days before the date such parade is proposed to be conducted.
(Code 1977, § 23-135(b))

Sec. 32-195. Standards for issuance.

The chief of police issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- A. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- B. The conduct of the parade will not require the diversion of so great a number of police officers of this municipality to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to this city.
- C. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of this city other than that to be occupied by the proposed line of march and areas contiguous thereto.
- D. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.
- E. The conduct of such parade will not interfere with the movement of fire-fighting equipment en route to a fire.
- F. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
- G. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
- H. The parade is not to be held for the sole purpose of advertising any product, cause, goods or event and is not designed to be held purely for private profit.
(Code 1977, § 23-135(c))

Sec. 32-196. Notice of permit rejection.

If the chief of police disapproves the permit application, he shall mail to the applicant within three (3) days after the date upon which the application was filed, a notice of his action.

Sec. 32-197. Alternative permit.

The chief of police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within two (2) days after notice of the action of the chief of police, file a written notice of acceptance with the chief of police. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under this article.

Sec. 32-198. Contents of permit.

Each parade permit shall state the following information:

- A. Starting time.
- B. Minimum speed.
- C. Maximum speed.
- D. Maximum interval of space to be maintained between the units of the parade.
- E. The portions of the streets to be traversed that may be occupied by the parade.
- F. The maximum length of the permit in miles or fractions thereof.
- G. Such other information as the chief of police shall find necessary to the enforcement of this article.

Sec. 32-199. Possession of permit.

The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

Sec. 32-200. Compliance with law required.

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(Code 1977, § 23-135(g))

Sec. 32-201. Revocation of permit.

The chief of police shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as herein set forth.

Sec. 32-202. Obstruction, interference, etc.

Whenever the chief of police issues a permit under this article, no nonparticipant in such parade shall obstruct or in any way interfere with the order of such march, parade or procession by any means whatsoever. (Code 1977, § 23-135(e))

Sec. 32-203. Exceptions.

This article shall not apply to:

- A. Funeral processions.
- B. Students going to and from school classes or participating in education activities, providing such conduct is under the immediate direction and supervision of the proper school authorities.
- C. A governmental agency acting within the scope of its functions.

Secs. 32-204 - 32-209. Reserved.

ARTICLE VIII. NEWSRACKS

Sec. 32-210. Intent and purpose.

The city council of the City of Jefferson, Missouri, finds and declares that:

A. The uncontrolled placement of newsracks in public rights-of-way presents an inconvenience and danger to the safety and welfare of persons using such rights-of-way, including pedestrians, persons entering and leaving vehicles and buildings, and persons performing essential utility, traffic-control and emergency services.

B. Newsracks so located as to cause an inconvenience or danger to persons using public rights-of-way, and unsightly newsracks located therein, constitute public nuisances.

C. The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, safety and general welfare of persons in the City of Jefferson in their use of public rights-of-way.

(Ord. No. 10219, § 1, 6-4-84)

Sec. 32-211. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

Block. One side of a street between two (2) consecutive intersecting streets.

Distributor. The person responsible for placing and maintaining a newsrack in a public right-of-way.

Newsrack. Any self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display and sale of newspapers or other news periodicals.

Parkway. That area between the sidewalks and the curb of any street, and where there is no sidewalk that area between the edge of the roadway and property line adjacent thereto. Parkway shall also include the area within a roadway which is not open to vehicular travel.

Roadway. That portion of a street improved, designed or ordinarily used for vehicular travel.

Sidewalk. Any surface provided for the exclusive use of pedestrians.

Street. All that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys and sidewalks.

(Ord. No. 10219, § 1, 6-4-84)

Sec. 32-212. Permit required.

It shall be unlawful for any person, firm or corporation to erect, place, maintain or operate on any public street or sidewalk, or in any other public way or place, in the City of Jefferson any newsrack without first having obtained a permit from the city specifying the exact location of such rack(s). One (1) permit may be issued to include any number of newsracks. All newsracks on a public street or sidewalk, or in any other public way or place, on the date this article becomes effective shall comply with the provisions of this article, including permit

requirements, within thirty (30) days after the article becomes effective.
(Ord. No. 10219, § 1, 6-4-84)

Sec. 32-213. Application for permit.

Application for such permit shall be made, in writing, to the Director of Community Development upon such form as shall be provided by the director, and shall contain the name and address of the applicant, contain the proposed specific location of said newsracks, and be signed by the applicant. The application shall also contain the name, address and phone number of a person designated by the applicant to receive the notices and emergency calls designated in this article.

(Ord. No. 10219, § 1, 6-4-84; Ord. No. 13301, 11-5-2001)

Sec. 32-214. Conditions for permit.

A. Permits shall be issued immediately upon application for the installation of a newsrack or newsracks without prior inspection of the location, but such newsrack or newsracks and the installation, use or maintenance thereof shall be conditioned upon observance of the provisions of this article.

B. Such permits shall be valid for one (1) year and shall be renewable pursuant to the procedure for original applications referred to in section 32-213.

(Ord. No. 10219, § 1, 6-4-84)

Sec. 32-215. Standards for maintenance and installation.

Any newsrack which in whole or in part rests upon, in or over any public sidewalk or parkway shall comply with the following standards:

A. No newsrack shall exceed five (5) feet in height, thirty (30) inches in width, or two (2) feet in thickness.

B. No newsrack shall be used for advertising signs or publicity purposes other than those dealing with the display, sale or purchase of the newspaper or news periodical.

C. Each newsrack shall have affixed to it in a readily visible place so as to be seen by anyone using the newsrack a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction, or to secure a refund in the event of a malfunction of the coin-return mechanism, or to give the notices provided for in this article.

D. Each newsrack shall be maintained in a neat and clean condition and in good repair at all times.

(Ord. No. 10219, § 6-4-84)

Sec. 32-216. Location and placement of newsrack.

Any newsrack which in whole or in part rests upon, in or over any public sidewalk or parkway shall comply with the following standards:

A. No newsrack shall be permitted to rest upon, in or over any public sidewalk or parkways, when such installation, use or maintenance endangers the safety of persons or property, or when such site or location

unreasonably interferes with public utility purposes, public transportation purposes or other governmental use, or when such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, the ingress into or egress from any residence or place of business or any legally parked or stopped vehicle, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted and located at or near said location.

B. No newsrack shall be chained or otherwise attached to any public property, except that newsracks may be bolted to the sidewalk under guidelines established by the Director of Community Development. The guidelines shall minimize cracking or other damage to the sidewalk, shall minimize hazardous projections, and shall require installation of a nature which minimizes damages and hazardous projections when the rack is removed. (Ord. No. 13301, 11-5-2001)

C. Newsracks may be chained or otherwise attached to one another. No more than three (3) newsracks may be joined together in this manner, and a space of no less than twenty-four (24) inches shall separate each group of three (3) newsracks so attached.

D. Notwithstanding the provisions of subsection (a), no newsrack shall be placed, installed, used or maintained:

1. Within three (3) feet of any crosswalk.
2. Within fifteen (15) feet of any fire hydrant.
3. Within five (5) feet of any driveway, public or private.
4. Within fifty (50) feet of any fire or police station.
5. Within three (3) feet ahead or thirty (30) feet to the rear of any designated bus stop sign, except that this provision does not prohibit a newsrack on the building side of the sidewalk in this area as long as it complies with the other provisions of this article.
6. Within five (5) feet of any designated taxi stand or place marked for handicapped parking.
7. Within three (3) feet of any bench or the entrance to a bus shelter.
8. On the same side of the street in the same block with any other newsrack which contains the same issue or edition of the same newspaper or news periodical.
9. So as to interfere with or impair the vision of operators of vehicles at street intersections and/or street and alley intersections.
10. In such a manner as to impede or interfere with the reasonable use of a window used for display purposes. A newsrack placed at least six (6) feet away from a display window does not impede or interfere with its reasonable use.

(Ord. No. 10219, § 1, 6-4-84)

Sec. 32-217. Violations.

A. Any newsrack installed, used or maintained in violation of the provisions of this article shall be tagged with a "notice of violation" stating the violation, date of tagging, notice of intention to remove the newsrack if the violation is not corrected within seven (7) days, and the procedure for obtaining a hearing before the city

administrator, if desired. In addition, an order to correct the offending condition will be issued to the distributor of the newsrack by mailing a copy of the order by certified mail, return receipt requested.

B. If the newsrack remains in violation past the seven-day correction period, and no hearing has been requested, the newsrack shall be removed by the Director of Community Development or his designated officer and stored in any convenient place. The Director of Community Development or his designated officer shall notify the distributor by mailing a "notice of removal" to the last known address of the distributor. The notice shall state the date the newsrack was removed, the reasons therefor, the location and procedure for claiming the newsrack, and the procedure for obtaining a post-removal hearing before the city administrator. Any such newsrack removed and stored pursuant to these provisions shall be released to the owner thereof if claimed within forty-five (45) days after such removal. The cost of the removal and storage shall be billed to the distributor. Upon failure of the distributor to claim the newsrack within forty-five (45) days after the mailing of written notice of removal, the newsrack shall be deemed to be unclaimed property and may be disposed of pursuant to the provisions of the city Code. (Ord. No. 13301, 11-5-2001)

C. Any newsrack in violation of the provisions of this article, which violation creates an immediate danger to the health, safety or welfare of the public, and which cannot be corrected by moving or otherwise repositioning the newsrack, may be removed and stored in a convenient location so as to eliminate the danger. The Director of Community Development or his designated officer shall notify the distributor by mailing a "notice of removal" to the last known address of the distributor. The notice shall state the date the newsrack was removed, the reasons therefor, the location and procedure for claiming the newsrack, and the procedure for obtaining a post-removal hearing before the city administrator. Any newsrack removed and stored pursuant to this paragraph shall be released to the owner thereof if claimed within forty-five (45) days after the mailing of written notice of removal. The cost of the removal and storage shall be billed to the distributor. Upon failure of the distributor to claim the newsrack within forty-five (45) days after the mailing of written notice of removal, the newsrack shall be deemed to be unclaimed property and may be disposed of pursuant to the provisions of this city Code. (Ord. No. 10219, § 1, 6-4-84; Ord. No. 13301, 11-5-2001)

Sec. 32-218. Appeals.

Any person or entity aggrieved by a finding, determination, notice or action taken under the provisions of this article may appeal, and shall be apprized of the right to appeal, to the city administrator. An appeal must be perfected within seven (7) days after receipt of notice of any protested decision or action by filing with the office of the city administrator a letter of appeal briefly stating therein the basis for such appeal. A hearing shall be held on a date no more than ten (10) days after the receipt of the letter of appeal. A hearing shall be held on a date no more than ten (10) days after the receipt of the letter of appeal. Appellant shall be given at least seven (7) days notice of the time and the place of the hearing. The city administrator shall give the appellant, and any other interested party, a reasonable opportunity to be heard. Any party may be represented by counsel, and all parties shall have an opportunity to be heard and present such evidence as shall be relevant to a determination of whether or not the newsrack is in violation of the provisions of this article, and whether or not the procedures required by this article have been substantially followed. The city shall be required to present its evidence first. All testimony shall be under oath, which shall be administered by the city administrator. Within ten (10) days from the date of the hearing, the city administrator shall render his decision and shall mail a copy of that decision to the distributor. (Ord. No. 10219, § 1, 6-4-84)

Sec. 32-219. Disclaimer.

This article, while regulating newsracks in public rights-of-way, is not to be construed as a sanction of them. The first amendment to the Constitution of the United States has been interpreted by the courts as prohibiting the banning of newsracks. Therefore, nothing contained in this article shall be construed as the city's

acquiescence in, liability for, or assumption of the risks of the placement of newsracks in the city, whether or not they are in conformity with the provisions of this article.
(Ord. No. 10219, § 1, 6-4-84)

Sec. 32-220. Severability.

If any section, subsection, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article.
(Ord. No. 10219, § 1, 6-4-84)

ARTICLE IX. SIDEWALK CAFES.

Sec. 32-230. Sidewalk café permits.

The Department of Community Development may issue a permit to use a City sidewalk, pursuant to this section of the Code of the City of Jefferson, for a sidewalk café, subject to the following conditions:

- A. The permittee shall at all times comply with ordinances of the City of Jefferson, Missouri and laws of the State of Missouri, as well as applicable rules and regulations pertaining to the handling of food and the operation of a restaurant.
- B. A permit shall be granted to permittee only in conjunction with an existing restaurant in an area adjacent to such restaurant. A permit may be granted upon a determination that the operation of the sidewalk café does not prevent the reasonable use of the City sidewalks by the public and that it does not interfere with businesses in the area. The permittee shall limit the use of the sidewalk to those activities that have been approved.
- C. The permittee shall submit with the application a plan showing disposal procedures for litter, which include procedures for keeping the area clean. The permittee shall make adequate provision for the disposal of litter and shall maintain the premises used for said sidewalk café free of litter. Litter generated by the sidewalk café operation shall be the responsibility of the permittee, and the permittee shall make reasonable provision to see that such litter does not become a nuisance and is properly picked up from the public ways in and around the sidewalk café. The City may require a bond or cash to guarantee that the area will be cleaned up. In the event the permittee does not clean up the area, the City reserves its right to do the cleaning itself and to charge the permittee for the cost of the cleanup. This charge shall be a private debt against the permittee, and failure to pay shall constitute cause to revoke or not renew the permit.
- D. The permittee shall at all times maintain insurance to protect the City from any liability which might arise from the activities in the area, in an amount and form to be determined by the law department of the City of Jefferson, Missouri. Permittee shall submit copies of said insurance to the finance department for approval prior to licensee commencing the operation of the sidewalk café.
- E. Before any work is performed on the sidewalk or other City property, the applicant shall submit a written plan describing the work. No work shall be performed on City property until the Director of Community Development has authorized the same and a permit is issued by the City to do the work. In no event shall the work exceed that which is described in the permit as approved by the City.
- F. The permittee shall remove all chairs and tables at the end of each working day, as well as all other appurtenances, unless permission is otherwise granted in the license.
- G. The permittee shall at all times maintain a four (4) foot throughway on the sidewalk for pedestrian access.
- H. The permittee shall agree to indemnify and hold harmless the City of Jefferson, Missouri with respect to any claims that might be made, arising out of the operation of the sidewalk café. The permittee shall accept the permit, subject to his own determination, concerning the authority of the City of Jefferson, Missouri to grant said permit, and all risk with respect to whether or not the City has said authority is upon permittee. The City makes no affirmative representations concerning its authority to grant said permit.
- I. In the event the permittee violates any of the conditions of this Article or conditions which are a part of the permit, the Director of Community Development shall have the authority to suspend or revoke said

permit or the license to operate a restaurant, pursuant to procedures set forth in this Article. Permittee shall thereafter terminate the use of that area described in the permit unless the City gives permittee an opportunity to correct said violation. This permit may be terminated by either party upon fifteen (15) days notice. Any person who violates this section or the conditions of the permit shall also be subject to the penalties set forth in section 1-13 of the Code of the City of Jefferson.

J. Permittee agrees to comply with all laws of the State of Missouri and ordinances of the City of Jefferson in the operation of the sidewalk café.

K. The City shall cause a permit to be prepared, in accordance with the conditions set forth herein and conditions established by the Director of Community Development, which permit and conditions shall be accepted by the permittee.
(Ord. No. 13301, 11-5-2001)

Sec. 32-231. Extension of Liquor License.

Notwithstanding the other provisions of Chapter 4, Alcoholic Beverages, where a permittee holds a liquor license for an existing restaurant, the license shall be deemed to extend to the premises of the sidewalk café.

Sec. 32-232. Consumption of Alcohol.

Notwithstanding the provisions of section 4-17 of Chapter 4, Alcoholic Beverages, where a permittee holds a liquor license for an existing restaurant, the consumption of intoxicating liquor shall be deemed to be permitted on the premises of the sidewalk café.
(Ord. No. 12798, § 1, 8-17-98)

ARTICLE X. HOUSE NUMBERS ON CURBS

Sec. 32-310. Purpose and intent.

The purpose of this Article is to provide for the licensing and regulation of the business of painting street addresses on curbs within the City of Jefferson.

Sec. 32-311. Posting bills, painting signs, etc., prohibited; exceptions.

A. It shall be unlawful for any person to post or cause to be posted any bill, or paint, write or print, or cause to be painted, written or printed, any sign or device on any sidewalk, street, bridge, viaduct, pole, tree, post or on any wall, building or structure, or other property of another, unless in the case of private property, the prior consent of the owner thereof has been secured. For the purposes of this section, the presence of any bill, sign, device, painting, or printing in a location prohibited by this section which contains or includes the name of a business or corporation or the name by which a business or corporation is doing business, shall be prima facie evidence that both the business or corporation and its manager(s), officer(s) and director(s) had knowledge thereof and had posted, painted, written, or printed such bill, sign, device, painting or printing in such location or caused the same to be posted, painted, written or printed in such location. Further for the purposes of this section, the presence of any bill, sign, device, painting or printing in a location prohibited by this section which shall contain or include the name of any person shall be prima facie evidence that such person had knowledge thereof and had posted, painted, written or printed such bill, sign, device, printing or painting in such location or caused the same to be posted, painted, written or printed in such location.

B. The Director of Community Development is hereby authorized to issue permits allowing the placing of house numbers on curbs on public streets and other public rights-of-way. The Director of Community Development is authorized to issue permits under such conditions and to such persons as the director deems competent and responsible. The provisions of paragraph (a) of this section shall not apply to the placing of street numbers on curbs which conform to the rules and regulations and for which a permit has been issued.

C. Nothing in this Article shall be construed to prohibit a property owner from placing house numbers on curbs on public streets and public rights-of-way in front of their own property in the manner provided in section 32-312, except that the provisions of subparagraphs (d) and (f) of section 32-312 shall not apply to property owners.

(Ord. No. 13301, 11-5-2001)

Sec. 32-312. Requirements for painting on curbs.

- A. Numbers shall be uniform, easily legible and meet the following standards:
1. Numbers shall be on a white background six inches (6") by eighteen inches (18").
 2. Numbers shall be black, round-block style, 3 inches (3") high with a height-stroke ratio of 6:1.
 3. Paint shall be of a quality meeting A.S.T.M. Standards for Traffic Marking Paint for appearance, durability and night visibility. Paint quality shall be approved by the Director of Community Development.
- B. Numbers shall be placed only on curbs in good condition.

C. Numbers shall be located on the curb in front of the house.

D. Business licenses will be issued by the finance department.

E. Persons applying these signs and markings to the curbs who do not comply with these standards shall have their business license revoked and be responsible for removal of any work done.

F. Permits will be issued by the Community Development Department.
(Ord. No. 13301, 11-5-2001)

Sec. 32-313. Revocation of permit.

A. Any permit issued pursuant to the provisions of this Article may be revoked by the Director of Community Development if the licensee or anyone acting under the licensee's direction or control as an agent or employee violates any of the provisions of this Article.

B. Any permit issued pursuant to the provisions of this Article may be revoked by the Director of Community Development if the licensee knowingly has made any false, misleading or fraudulent statement of material fact in the application for a license required in this Article.

C. Any permit issued pursuant to the provisions of this Article shall be revoked by the Director of Community Development if the licensee or any person acting under the licensee's direction or control as an agent or employee has displayed to a customer or prospective customer for curb address painting, either the original of or any copy of an expired or revoked license.

(Ord. No. 12603, § 1, 4-21-97; Ord. No. 13301, 11-5-2001)

Secs. 32-314 - 32-324. Reserved.

ARTICLE XI. NEIGHBORHOOD IMPROVEMENT PROGRAM

Sec. 32-330. Purpose.

The purpose of this Article is to provide encouragement and cooperation for the making of improvements to streets, sidewalks and other infrastructure through a voluntary program of citizen participation in cost.

Sec. 32-331. Petition necessary.

For each project which may be eligible for inclusion in the City's Neighborhood Improvement Project (NIP), a petition shall be submitted by the owners of the requisite front footage as specified in this Article. Petitions shall remain under consideration for funding until such time as they are funded, rejected for funding or withdrawn by counter petition.

Sec. 32-332. Street rebuild projects.

- A. Projects which involve the rebuilding of any street or portion thereof, including curb and gutter, pavement, sidewalks, etc., shall be petitioned by greater than fifty percent (50%) of the owners of the front footage abutting the proposed projects.
- B. For each project included in the NIP and funded the cost to each abutting property owner shall be \$10/front foot.

Sec. 32-333. Sidewalk projects.

- A. Sidewalk replacement
 - 1. Projects which involve the replacement of one block or more of sidewalk shall be petitioned by greater than fifty percent (50%) of the owners of the front footage abutting the proposed projects.
 - 2. For each project included in the NIP and funded the cost to each abutting property owner shall be \$5/front foot in residential properties, and \$15/front foot in commercial properties.
- B. New sidewalk in existing development
 - 1. Projects which involve the construction of one block or more of new sidewalk in existing developments shall be petitioned by greater than sixty-six percent (66%) of the owners of the front footage abutting the proposed projects.
 - 2. For each project included in the NIP and funded the cost to each abutting property owner shall be \$5/front foot in residential properties when constructed on both sides of the street; \$3/front foot to abutting on either side, if by petition of property owners on both sides of the street, the sidewalk is to be constructed only on one side; and a minimum of \$10/front foot for any commercial property which abuts the project.
- C. Repair of less than one block

1. Projects which involve the repair of less than one block of sidewalk shall be petitioned by one hundred percent (100%) of the owners of the front footage abutting the proposed projects.
2. For each project included in the NIP and funded the cost to each abutting property owner shall be \$5/front foot.

Sec. 32-334. Alley rebuilds / new.

- A. Projects which involve the rebuilding or new construction of any alley or portion thereof, shall be petitioned by greater than seventy-five percent (75%) of the owners of the front footage abutting the proposed projects.
- B. For each project included in the NIP and funded the cost to each abutting property owner shall be 75% of the total actual cost.

Sec. 32-335. Funding, criteria for project selection.

Decisions on funding any petition projects within the NIP shall be at the discretion of the council. Decisions on funding shall be made within the city's budgeting process. In determining which projects shall be funded the following criteria will be considered:

- A. Funding available.
- B. Number of properties affected
- C. Existing conditions
- D. Property share prepaid vs. tax bill
- E. Overall effect on area

Sec. 32-336. Discount for prepayment.

Any person who is subject to a tax bill for participating in a NIP project shall receive a discount of 10% of the total if payment is received before the project's construction begins. Any tax bills issued shall be for the full amount of the assessment.

(Ord. No. 12938, §1, 6-21-99)

Sec. 32-337. Street lighting in improved subdivisions.

- A. Where street lighting doesn't meet the minimum requirements of 33-9(E). Abutting property owners may petition the City for street lighting. The Director of Community Development may approve street lighting request, within budget constraints based on the following criteria.
 1. Installation of the street lights will generally be at spacings no less than 250 feet (residential) and 180 feet (commercial).
 2. The spacing may be less than in A.1. at locations of abrupt horizontal or vertical grade changes when needed for traffic safety.

3. The City may grant additional lighting on the basis of high concentration of pedestrian traffic such as downtown, school areas, serious traffic hazards, or high incidence of crime as determined by the Chief of Police. The latter would not relieve the property owner of the responsibility of security lighting.
- B. Property owners requesting lighting would pay 25% (residential) and 50% (commercial) for installation and the City would install and pay for maintenance and operation when installation is approved.
- C. Objections to the decision of the Director of Community Development with respect to placing of street lighting can be appealed to the City Council within thirty (30) days of the decision of the Director of Community Development.

(Ord. No. 12962, §1, 8-2-99; Ord. No. 13301, 11-5-2001)

NOTES

1. Cross references - Definitions and rules of construction generally, § 1-2; certain ordinances relating to streets saved from repeal, § 1-3(3); posting of bills or notices on public property, § 18-226; placement or operation of mechanical amusement devices on city property, § 18-227; benchmarks, § 25-1; street and house numbering, § 25-31 et seq.

State law reference - General authority over streets, sidewalks, etc., RSMo. § 77.520.

2. State law reference - Special assessments generally, RSMo. § 88.507 et seq.

3. Cross reference - Funeral procession identification, § 19-302.