

**AN ORDINANCE AMENDING THE EXCAVATION, GRADING AND
FILL CODE, CHAPTER 515, OF THE TWIN OAKS MUNICIPAL CODE.**

WHEREAS, the City desires to make text amendments to the Excavation, Grading and Fill Code, Chapter 515, of the Twin Oaks Building and Construction Regulations contained in the Municipal Code (hereinafter the "Chapter 515") to require the construction of gutters and sidewalks to accompany new curb cuts; and

WHEREAS, the Board of Aldermen, after careful and due deliberation has concluded that the adoption of the proposed amendments to Chapter 515 would be in the interests of health, safety, and welfare of the citizens of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF
THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:**

Section 1. Chapter 515, Section 515.140 entitled "Curb, Gutter, and Sidewalk Requirements" is hereby amended by adding the underlined text and deleting the ~~struck-through~~ text as follows:

Section 515.140. Curb, Gutter, and Sidewalk Requirements.

A. *Access Via Curb Cut Only.* No new vehicular access shall be permitted to any lot abutting a City street without ~~a~~ properly constructed curb cuts, gutters, and sidewalks. Construction of curbs, gutters and sidewalks shall meet the requirements and specifications of Section ~~405.060~~ 405.120 and, in residential districts, Section ~~400.270~~ 400.390, and as provided herein. In instances where vehicular access already exists due to prior development, any new development taking place on such lot shall also be required to comply with this Section and have a properly constructed curb cut, gutter, and sidewalk.

B. *Permit.* Prior to commencement of construction of any curbs, gutters and sidewalks, the property owner or his/her agent shall apply for and receive a permit pursuant to the terms of Section 515.070 and deliver to the City the associated inspection fee and deposit to guarantee backfilling, restoration, and safety.

C. *Notice.* No construction work shall commence on or in any public right-of-way, nor shall any sidewalks, curbs, and gutters on any public right-of-way be cut until at least forty-eight (48) hours' notice of intention to commence work is given to the Code Enforcement Officer by the owner, developer, or contractor. Said notice may be waived by the Code Enforcement Officer by the issuance of a permit.

D. *Inspection.* The City may cause the City Engineer or other qualified inspector to be present during the construction of such street, sidewalk, curb, way, alley, or driveway entrance, and the City Engineer or the inspector on the job shall have authority to condemn any material not meeting standards specified by the City Engineer or the inspector. If any portion of the work in the right-of-way fails to meet the minimum requirements, the City

Engineer or the designated inspector on the job shall cause all work on the right-of-way to be stopped until the unsatisfactory conditions are remedied.

E. Removal of Substandard Work. If any portion of any street, sidewalk, curb, right-of-way, alley, or driveway entrance is constructed contrary to the provisions of this Section, the City Engineer may order the installed material removed unless the owner, contractor, builder, or developer shall cause bores and other tests, according to the requirements of the City Engineer, which satisfy the City Engineer that the work done is in conformity with the applicable specifications.

F. City's Right to Restore Surface. If the permittee shall have failed to restore the surface of the street to its original and proper condition or shall otherwise have failed to complete the excavation work covered by such permit, the Code Enforcement Officer, upon the advice of the City Engineer, may do all work and things necessary to restore the street and to complete the excavation work. The permittee shall be liable for the actual cost thereof and twenty-five percent (25%) of such cost in addition for general overhead and administrative expenses. The City shall have a cause of action for all fees, expenses, and amounts paid out and due for such work and shall apply, in payment of the amount due it, any funds of the permittee deposited as herein provided, and the City shall also enforce its rights under the permittee's surety bond/escrow provided pursuant to this Chapter.

G. Specifications for Driveway Aprons. No new driveway apron shall be constructed except in compliance with City specifications and shall not be constructed of any material other than asphalt or concrete in compliance with applicable specifications. No new driveway apron may be constructed of rock or gravel.

H. Specifications for Curbs, Gutters, and Sidewalks. All new developments or redevelopments abutting City streets shall be required to submit a preliminary plat to the City Clerk's office as required by Section 405.050; provided, however, when property is being developed or redeveloped but not being subdivided or which is not in the jurisdictional limits of the City but will access City streets, improvement plans shall be submitted to the City Clerk's office demonstrating the proposed improvements comply with the City's minimum standards of design and development found in Section 405.120. For property developed or redeveloped but not being subdivided or which is not in the jurisdictional limits of the City, City approval of preliminary/final plats shall not be required. In all cases, the owner, contractor, builder, or developer shall construct, at its sole expense, a curb, gutter, and sidewalk in compliance with City requirements including following the St. Louis County Design Criteria, federal requirements, including the Americans with Disabilities Act ("ADA"), and any applicable Missouri Department of Transportation ("MoDOT") requirements, pertinent to curbs, gutter, and sidewalk construction. The owner, contractor, builder, or developer shall meet the requirements of Sections 515.120 and 515.130 in constructing the necessary gutter and sidewalk, as if the owner, contractor, builder, or developer met the definition of a "ROW User" within Chapter 515. Failure to submit construction drawings/plans to the City for the construction of curb, gutter,

and sidewalk improvements in compliance with this Section shall result in the denial of a curb cut.

Section 2. This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 18th DAY OF OCTOBER 2023.



Russ Fortune, Mayor

Attest:



Frank Johnson, City Clerk/Administrator