

**CHAPTER 20.**

**STREETS AND SIDEWALKS.**

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**Article I. In General.**

**Section 20-1. PLACING DEBRIS ON STREETS PROHIBITED.**

No person shall place or throw, or cause to be placed or thrown, any asphalt, macadam, concrete, gravel, clay, dirt, wood, earth, nails, glass, barbed wire, tacks, refuse, rocks or any other substance or material whatsoever upon any public street, alley, sidewalk, square or other public place, or after having dropped or spilled any such material accidentally upon any such place, shall knowingly allow the same to remain upon such place.

**Section 20-1.1. ADOPT-A-ROADWAY PROGRAM.**

(a) The City Administrator is hereby directed to draft and implement a City of Eureka Adopt-A-Roadway agreement including program guidelines, safety precautions and operational requirements and any other instruments necessary for the operation of this program, which may be supplemented and amended by staff from time to time as required.

(b) All proposed Eureka Adopt-A-Roadway participants must present to the Board of Aldermen their business, organization, family or individual name as it will appear on signage, the proposed roadway and the portion thereof proposed for maintenance, the minimum term of commitment and the frequency with which the subject roadway will be maintained. If approved, the Board of Aldermen will pass a resolution approving the participation in the program by the business, organization, family or individual and erect appropriate designation and recognition signage.

(c) All approved City of Eureka Adopt-A-Roadway participants must enter into an agreement to acknowledge observance of established program guidelines, safety precautions and operational requirements, which may be amended from time to time, or program participation authority will be rescinded. (Ord. No. 1093 §§1-3, 4-5-94; Ord. No. 1667 §1, 12-17-02)

**Article II. Excavations.****Section 20-2. PERMIT.**

No person shall make or cause to be made any excavation in any public place, street, highway, walkway, alley, right-of-way or easement, without first obtaining a permit from the city street commissioner or plumbing inspector. Such permit will only be granted when in the opinion of the officers the excavation requested is necessary, and each separate and distinct excavation shall require a separate permit.

Application for excavation permits shall be made in writing and before the permit is issued, the applicant shall furnish proof of adequate insurance and protection to the city against all claims for damages arising from the prosecution of the work; deposit with the city, a sum adequate to repay the city for its cost of backfilling and repaving, as set out below and shall pay to the city, to be turned into the city treasury, a fee of one dollar to cover the cost of the permit and a fee of six dollars to cover the cost of the inspection of the proposed excavation by the city. (Ord. No. 123, §1; Ord. No. 197, §1)

**Section 20-3. REGULATIONS GENERALLY.**

In the making of excavations in any street, highway or public place, the excavated materials from the trenches shall be placed where they will cause the least possible inconvenience to the public. The width of excavation shall be no greater than is necessary for doing the work and sheathing and bracing shall be used as necessary, to keep the sides of the trench vertical and to prevent caving. Adequate provision for proper drainage of the areas surrounding the work shall be maintained at all times.

Excavations made in or under street, walk or driveway pavements are to be backfilled with granular material thoroughly tamped into place as hereinafter specified and the pavement surface restored to its original condition. In such locations excavated materials are to be removed from the site of the work as the excavation is made and no such material allowed to accumulate on the site.

Substitution may be made for granular backfill only with specific approval of the city street commissioner or plumbing inspector in each instance.

Approved granular backfill material shall be composed of a mixture of crushed stone or gravel and sand, free from clay lumps and trash and conforming to the following sieve analysis:

Passing 1" screen	100%
Passing 1/4" screen	35 to 65%
Passing #50 screen	Not more than 20%
Total clay and silt	Not more than 10%

Other materials may be used only when they have approval.

Granular backfill is to be placed in horizontal layers not greater than six inches thick before compaction and shall be thoroughly compacted by mechanically operated tamping. During placement and compaction care must be taken to avoid undue segregation of coarse and fine particles.

Excavations in parkways, outside of the paved area of streets or walks may be backfilled with earth and all grassed areas returned to their original condition. Earth backfill is to be placed and compacted in the same manner



as described for granular fills or thoroughly jetted to obtain maximum settlement and shall be maintained by the person making the excavation until the area has been stabilized in the original condition. As soon as the excavation has been backfilled, all excess excavated materials shall be removed from the area and disposed of.

The actual work of placing and compacting granular backfill and repaving excavated area in paved streets and walks is to be performed by the person making the excavation. (Ord. No. 123, § 2; Ord. No. 197, § 2.)

**Section 20-4. DEPOSITS.**

(a) No person shall receive any permit to excavate in or under any public place, street, highway, walkway, alley, right-of-way, easement or any other public thoroughfare until he shall have first deposited with the city collector a sum of money calculated as follows:

For placing backfill.

Improved surfaces	.....	\$3.00 per square foot with a \$25.00 minimum
Unimproved surfaces	.....	2.00 per square foot with a \$15.00 minimum

For restoring surface.

Concrete	.....	1.25 per square foot
Asphaltic concrete	.....	1.00 per square foot
Bituminous macadam	.....	.75 per square foot
Macadam	.....	.50 per square foot
Unimproved surfaces	.....	.00 per square foot

If the length of an excavation exceeds the width of the street on which such excavations are made, the person requesting permission to make the excavation shall, before receiving a permit, deposit with the city collector five hundred dollars for each such excavation.

The total deposit shall be an amount equal to the sum of the amount calculated for placing backfill plus the amount calculated for restoring the surface in accordance with the above schedule. A separate deposit shall be required for each separate and distinct excavation.

(b) The deposit so made shall be held by the city to assure the satisfactory placing of the backfill and restoration of the surface in accordance with the provisions of this article. If the person making such excavation shall delay or refuse, after due notice from the street commissioner, to place the backfill in an excavation or restore the surface of the public place, street, highway, walkway, alley, right-of-way, easement or any other public thoroughfare in which the excavation was made as required under this article, it shall be the duty of the street commissioner to place the backfill or restore the surface, or both, and the expense of the placing or restoring or both shall be defrayed out of the deposit made as required by this

article. The balance of the deposit, if any, after all lawful charges against it have been made, shall be returned to the person who made the deposit.

(c) Any person having occasion to make frequent excavations in or under the public places, streets, highways, walkways, alleys, right-of-ways, easements or any other public thoroughfare in the city, may in lieu of the deposits required in the preceding paragraphs, deposit with the city collector one hundred dollars to assure the proper placing of backfill and restoration of the surface of excavations made by him or it where such excavations shall not exceed the width of the public place, street, highway, walkway, alley, right-of-way, easement or other public thoroughfare in which such excavations are made. The deposit shall be subject to all the conditions of the preceding paragraphs. (Ord. No. 197, § 3.)

**Section 20-5. OBSTRUCTION OF TRAFFIC TO BE MINIMIZED; DETOUR; RESTORATION OF STREET SURFACE.**

All excavations shall be made in such manner as not to inconvenience or interfere with the public use or travel upon the streets, avenues, alleys, sidewalks or other public places when possible. When such use is unavoidably obstructed, the person making such excavation shall exercise all reasonable dispatch in prosecuting the work so that the public use will not be obstructed beyond a reasonable time. In cases where excavations are made entirely across a public highway, and adequate detour for traffic is not available, a substantial driveway shall be maintained across such excavation until such excavation is refilled. Detours may not be established except on special permit from the city street commissioner and then only after notice to the fire department and police department. All sidewalks, crosswalks, curbs, gutters, streets, avenues, alleys or public places disturbed, interfered with or injured in making any excavation, shall be restored, replaced and repaired to as good condition as they were before such excavation was made. (Ord. No. 123, § 3.)

**Section 20-6. BARRICADES, WARNING DEVICES, ETC.; INDEMNIFICATION OF CITY.**

Every person who shall cause to be made any excavation in or adjoining any public street, alley, highway or public place, shall provide, erect and maintain at all times along the line of work all such barricades, signs, lights and warning signals as may be necessary to protect the public from the hazards arising from the operation and shall indemnify and save harmless the city, its officers and employees from any suits, actions or claims of any character brought because of any injuries or damages received or sustained by any person or property on account of the work or on account of or in consequence of any neglect in safeguarding the work. (Ord. No. 123, § 4.)

**Section 20-7. BOND REQUIRED.**

No excavation permit shall be issued to any person unless the person is bonded with the county department of plumbing inspection or has furnished a bond approved by the Mayor of the City. (Ord. No. 197, § 6.)

**Article III. New Road Construction.**

**Section 20-8. GENERALLY.**

(a) All new road construction shall be designed in accordance with specifications

promulgated by the St. Louis County Department of Highways and Traffic, with the exception of islands within cul-de-sacs which shall be prohibited. The plans shall be submitted for review and approval to the City Engineer through the office of the City Administrator.

(1) The maximum vertical grade of a new bridge constructed within the City may not be greater than 7.99 percent. All other bridge criteria shall be in accordance with the St. Louis County Department of Highways and Traffic specifications.

(b) Fees for reviewing the road construction plans are included in the subdivision review fees. Where a road is to be constructed absent a subdivision, then the actual cost of the plan review shall be the review fee, as determined by the City Administrator.

(c) Prior to commencing new road construction a permit shall be obtained. The permit fee shall be ten dollars (\$10.00), plus a seventeen dollar (\$17.00) per hour inspection fee. The City Administrator shall estimate the number of inspection hours, which will be adjusted to actual hours at the end of construction. All fees must be paid prior to consideration of acceptance for maintenance by the City. These fees shall be adjusted on an annual basis, effective January first (1st) of the year in question, to reflect increases, if any, in the November offering next preceding this January first (1st) of the Cost of Living Index for all urban consumers for the St. Louis area published by the Bureau of Labor Statistics of the United State Department of Labor, as compared to the previous November offering, using the period 1967=100 as the base period. All such computation of increases made as provided herein shall be rounded to the nearest fifty-cent (\$.50) figure, and shall not be further adjusted during the course of the year in question until the following January first (1st) of the next year in question, when such further adjustments, if warranted as provided herein, shall be made. (Ord. No. 618, § 1.; Ord. No. 1671 §1, 2-4-03; Ord. No. 1748 §1, 3-16-04)

#### **Article IV. Sidewalks, Driveway Entrances.**

##### **Section 20-9. SIDEWALKS; OBSTRUCTIONS PROHIBITED; CLEANING.**

(a) *Sidewalk Obstructions Prohibited.* No item may be placed upon a public sidewalk that, in the opinion of the Building Commissioner, would impede the normal flow of pedestrian traffic.

(b) *Cleaning Sidewalks.* The tenant or occupant of premises occupied by him and the owner or agent of vacant lots or the person in their control shall keep the sidewalks in front of and adjoining the property owned, controlled or occupied by him, or affixed within a public right-of-way adjacent to the property, swept and clear of paper, dirt, mud, filth and animal or vegetable matter or any substance or article. After any fall of snow or sleet or the formation of ice thereon, the owner, agent, occupant or tenant shall cause the same to be immediately removed from the sidewalk. Where a building is occupied by more than one (1) tenant, it shall be the duty of the person occupying the tenement nearest the street to comply with the requirements of this Section. (Ord. No. 890, §1.; Ord. No. 1755 §1, 4-20-04)

##### **Section 20-10. SIDEWALKS; DRIVEWAY ENTRANCES.**

(a) *Repair.* It shall be the duty of every owner of real estate to keep his sidewalks, and driveway entrances adjacent to his property in good repair at all times and free from irregularities and offsets in the surface thereof which may render the same unsafe for use.

(b) *Sidewalk with engrade.* The required width of the sidewalk shall be established by the Director of Public Works, but in no event shall the width of sidewalks be less than three (3) feet. Sidewalks shall conform to the established grade; provided, however, that the Director of Public Works may require sidewalks built to some other grade if in the best interest of the public.

(c) *Supervision of work.* All work of constructing, reconstructing or repair of sidewalks and driveway entrances shall be done under the supervision of the Director of Public Works. (Ord. No. 840, §1.)

**Section 20-11. FAILURE TO REPAIR HAZARDOUS SIDEWALKS; APPEAL.**

(a) Whenever the Director of Public Works or his authorized representatives shall be informed that any sidewalk lawfully used by the public in the City in a hazardous condition likely to cause bodily injury to persons using the same, he may cause reasonable protective measures to be taken to guard the public and shall notify the owner, through reasonable means, of such situation and at such time command the owner to repair or replace such sidewalk within thirty (30) days from the receipt of such notification or, if the City has a receipt of such notification or, if the city has a responsibility of correcting any condition contributing to the hazard, then within thirty (30) days from the completion of such correction.

(b) Notice of the aforesaid required work shall be given by directing a written order by certified mail to the last known address of said owner, or, if no address is available for such owner, by posting a copy of said order on the subject premises. Any owner who fails, neglects or refuses to comply with such an order within thirty (30) days of the receipt or posting thereof or correction of any condition contributing to the hazard to the City, shall be deemed guilty of a misdemeanor.

(c) Any owner of such a sidewalk may within thirty (30) days after receipt of the Director of Public Works' notice or completion of the corrected action by the City, appeal to the Board of Aldermen, the Director of Public Works' determination of the hazardous condition of the sidewalk, or seek an extension of time for accomplishing the repairs of said sidewalks, which may be granted by said Board if the sidewalk can be immediately and temporarily rendered safe for the public and the owner so alleviates the condition; provided, however, while an appeal remains undetermined, the owner shall not be prosecuted. When a sidewalk condition is alleviated to the satisfaction of the Board of Aldermen and within the time granted by said Board, the owner shall not be prosecuted.

(d) If the owner shall fail to repair or replace a hazardous sidewalk or portion thereof within thirty (30) days after notification by the Director of Public Works unless such time is extended as provided in Subsection (c) herein, or shall fail to appeal as herein provided, or shall fail to repair or replace said sidewalk or portion thereof as may be ordered by the Board of Aldermen, the Board shall authorize and instruct the Director of Public works to cause said construction, reconstruction or repair to be done under his direction and to his satisfaction, and an accurate account kept of the cost of all labor, including supervision, and material entering into said work. (Ord. No. 840, §1.)

**Section 20-12. DEFECTIVE SIDEWALKS AND REPAIR.**

The Board of Aldermen may, by ordinance or resolution, condemn defective sidewalks and make assessments therefor, but the Board of Aldermen, without notice to property owner, may order the Director of Public Works to cause such work to be done, and the Director of Public Works shall keep an account of the cost thereof and report the same to the Board of Aldermen for assessment. (Ord. No. 840, §1.)

**Section 20-13. NEW CONSTRUCTION.**

(a) *Contract.* Where a sidewalk has been condemned and is to be replaced by a new walk, or where a petition of any ten (10) or more residents of the city is received for the construction of a new sidewalk where no sidewalk has previously existed, the Board of Aldermen in its discretion shall contract for the construction of such sidewalk, including grading therefor, with or without curbing, along the street involved. Such contract shall be let to the lowest and best bidder, upon plans and specifications filed therefor by the Director of Public Works with the City Clerk/Collector, not less than one (1) week's advertisement for bids thereon being made in some newspaper published in the county. Before advertising for bids, an estimate on the cost of the work shall be made by the Director of Public Works and submitted to the Board of Aldermen, and no contract shall be made for the work at a price exceeding such estimate.

(b) *Work by City.* When after advertisement no bid is received for the construction of sidewalks, the Board of Aldermen may order the Director of Public Works to cause the work to be done. In such case, the Director of Public Works shall keep an accurate account of the amount expended for labor and materials, including grading and filling, opposite each lot and present such account to the Board of Aldermen for assessment as provided in this Article. (Ord. No. 840 §1.)

**Section 20-14. ASSESSMENTS.**

When the Director of Public Works or other proper officer has reported to the Board of Aldermen the cost of construction, reconstruction or repair of any sidewalk, the Board of Aldermen in its discretion may levy the cost as a special assessment against each lot abutting the sidewalk, and each such lot shall be liable for its part of the cost of the work done or made along or in front of such lot. The City Clerk/Collector shall issue separate tax bills therefor against each such lot. The cost of said construction, reconstruction or repair may be paid in whole or in part by special assessments against adjacent real property. (Ord. No. 840, §1.)

**Section 20-15. ADDRESS NUMBERS REQUIRED.**

(a) *Commercial Buildings.* All commercial buildings located within the City Limits shall have affixed thereto an address, which address shall contain numbers of a minimum height of four inches (4"); and the numbers shall be placed a minimum of three (3) feet from the ground at such location on the commercial buildings or property so as to be clearly visible from the street or from a thoroughfare located on the subject property. Where commercial buildings are located within a row of such buildings (e.g., within a shopping center or mall)

and such building has a rear door, then the rear door shall have said address numbers affixed thereto also.

(b) *Residential Property.* All residential property located within the City Limits shall have affixed thereto address numbers of a minimum height of four inches (4"), and the numbers shall be placed on the residence or on the ground surrounding the residence so as to be clearly visible from the street passing in front of the residence.

(c) *Penalty for Violation of Section.* Any person convicted of a violation of the provisions of this Section shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than five hundred dollars (\$500.00) for each day that such violation continues. (Ord. No. 934, §1.)

#### **Section 20-16. SALE OF MERCHANDISE ON SIDEWALKS.**

A properly licensed business may display and sell merchandise on public and private sidewalks in the City subject to the following conditions:

- (a) A sidewalk sale permit must be obtained from the city.
- (b) Property owner permission must be obtained in the case of private sidewalks.
- (c) A business may conduct such activity for a period not to exceed three (3) consecutive days, no more than four (4) times per year.
- (d) The sidewalk sale can be operated only in front of the business conducting the activity.
- (e) An unobstructed area a minimum of thirty-six (36) inches in width shall be maintained to allow unimpeded pedestrian access through the area.
- (f) No litter or debris may be generated from the sidewalk sale operation.
- (g) All merchandise and displays must be removed at the end of each business day. (Ord. No. 2093 §1, 8-18-09)

#### **Article V. Driveways**

*Editor's Note—Ord. no. 1742 §1, adopted January 20, 2004, repealed art. V "Allenton street improvements escrow accounts" and enacted the new provisions set out herein. Former art. V derived from ord. no. 931 §§1–4.*

#### **Section 20-17. DRIVEWAYS AND DRIVEWAY EXTENSIONS.**

With the exception of a single driveway limited to a width and length necessary to serve only the capacity of the principal garage or carport operated in connection with a single residence, no driveways or driveway extensions may be constructed or utilized unless such are authorized by the Board of Aldermen subject to the following:

(a) *Application.* An application shall be made to the Board of Aldermen which must include:

(1) Applicant's name and signature;

(2) Subject address;

(3) Plot plan depicting the locations of existing driveways and any proposed driveways or driveway extensions, as well as the locations of any existing and proposed structures.

(b) *Application Review.* The Board of Aldermen shall give consideration to the application based on the following criteria:

(1) That the driveway or driveway extension shall not create a traffic or safety hazard to the subject or adjacent properties; and

(2) That the driveway or driveway extension shall not substantially impact storm water conditions; and

(3) That the driveway or driveway extension shall not negatively affect the character or general welfare of the neighborhood.

(c) *Notification.* Letters shall be sent to the adjoining neighbors notifying them of any proposal and the date of the meeting at which the proposal will be considered.

(d) Lots located within the Large Lot Residential Zoning District are not subject to the above requirements provided that the proposed driveway or driveway extension is a minimum of twenty (20) feet from all property lines. (Ord. No. 1742 §1, 1-20-04; Ord. No. 2093 §1, 8-18-09)

