

**ORDINANCE #68598  
Board Bill No. 295  
Committee Substitute**

An Ordinance adding a new Chapter under Title 15, under Chapter 15.83, pertaining to the offenses against the motor vehicles of the others; containing a penalty clause and emergency clause.

**WHEREAS**, the City of St. Louis has had a seventeen percent increase in the number of vehicle break-ins since 2005.

**WHEREAS**, vehicle break-ins have a significant and serious economic impact on the City of St. Louis, its residents and visitors;

**WHEREAS**, vehicle break-ins also have a tremendous psychological impact on the City’s residents and visitors and are a nuisance and a blight and raise safety concerns.

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** No person shall vandalize, deface, attempt to forcibly enter, forcibly enter, enter or damage the motor vehicle of another without permission of the owner.

**SECTION TWO.** No person shall steal, remove or take any item from the motor vehicle of another without permission of the owner.

**SECTION THREE.** For offenses under this Ordinance, the City Counselor shall inform the victim of the pending charges and provide that victim an opportunity to be heard in the Municipal Courts for the City of St. Louis on that matter.

**SECTION FOUR:** The City Court shall not have jurisdiction under this ordinance where the charged person has any prior felony convictions (including any form of probation sentence) or any prior convictions for any stealing or property damage related offenses, or has been charged previously under this ordinance unless charges against such persons have been first referred by the St. Louis Metropolitan Police Department directly to the Circuit Attorney and the Circuit Attorney has refused prosecution on the charges.

**SECTION FIVE:** Any person guilty of a violation of either of these sections shall be sentenced for up to ninety (90) days in jail and up to a \$500 fine.

**SECTION SIX:** Emergency Clause. The passage of this ordinance being deemed necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist within the meaning of Section 20 of Article IV of the Charter, and this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

**Approved: March 16, 2010**

**ORDINANCE #68599  
Board Bill No. 297**

An ordinance pertaining to the Halls Ferry Circle Reconstruction Project, amending Ordinance 67385 by enacting an additional Section allowing for the acquisition of real and personal property rights or interests including easements by purchase, lease, eminent domain, or otherwise as necessary for the completion of the Halls Ferry Circle Reconstruction Project as approved by the Board of Public Service, and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF SAINT LOUIS AS FOLLOWS:**

**SECTION ONE.** Ordinance 67385 of the City of St. Louis is hereby amended with the addition of Section 10 to read as follows:

**SECTION TEN.** The City of St. Louis (the "City") is hereby authorized to acquire any and all said real and personal property rights or interests, in whole or in part, including easements by purchase, lease, eminent domain or otherwise as necessary for the completion of the Halls Ferry Circle Reconstruction Project as approved by the Board of Public Service of the City of St. Louis.

**SECTION TWO.** This ordinance being an ordinance providing for public work and improvement, it is hereby declared to be an emergency measure as defined in Article IV, Sections 19 and 20 of the City Charter and shall become effective immediately upon its passage and approval by the Mayor.

**Approved: March 16, 2010**

**ORDINANCE #68600**  
**Board Bill No. 306**

An ordinance authorizing the Mayor and the Comptroller to execute a quit-claim deed to the Board of Directors of the City of St. Louis Municipal Library District (the "Library") in order to convey all of the right, title, and interest of The City of St. Louis, Missouri, in certain property known as the Central Library; to execute and accept a quit-claim deed from the Library in order to convey all of the right, title, and interest of the Library, in certain property known as Lucas Park; and containing an emergency clause.

**WHEREAS,** the Library owns and operates the improvements known as the Central Library on certain property located in Block 514 of the City of St. Louis, Missouri, commonly known as 1301 Olive Street, and described on Exhibit A, attached hereto and incorporated herein by this reference (the "Library Property"); and

**WHEREAS,** the City owns and operates the improvements known as Lucas Park on certain property located in Block 514 of the City of St. Louis, Missouri, and described on Exhibit B, attached hereto and incorporated herein by this reference (the "Park Property"); and

**WHEREAS,** it is necessary that this Board of Aldermen take appropriate official action respecting the authorization of the execution, attestation, acknowledgment, delivery and recordation of a quit-claim deed to convey the Library Property to the Library and authorization of the acceptance, execution, attestation, acknowledgment, delivery and recordation of a quit-claim deed to convey the Park Property from the Library to the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The Board of Aldermen finds that the conveyance of the Library Property to the Library and acceptance from the Library of conveyance of the Park Property to the City are necessary and in the public interest and are in the interest of the public health, safety, morals, and general welfare of the people of the City.

**SECTION TWO.** The Mayor and Comptroller are hereby authorized and directed to execute, attest, acknowledge, deliver and record a quit-claim deed for the Library Property to the Board of Directors of the City of St. Louis Municipal Library District which shall read in words and figures in substantially the following form, with such modifications and revisions therein including the insertion of legal descriptions and other attachments as are called for in such documents, and such affidavits, and certificates, all as are consistent with the provisions of this Ordinance and the officers executing same, such officers' signatures thereon being conclusive evidence of the approval thereof (copies of such executed documents shall be filed in the records of the City):

**QUIT-CLAIM DEED**

THIS DEED, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2010, by and between THE CITY OF ST. LOUIS, MISSOURI, an instrumentality of government created pursuant to the laws of the State of Missouri with its principal office located at 1200 Market Street in the City of St. Louis, State of Missouri 63103 ("Grantor"), and THE BOARD OF DIRECTORS OF THE CITY OF ST. LOUIS MUNICIPAL LIBRARY DISTRICT, a municipal library district, body corporate and political subdivision of the State of Missouri, organized and validly existing under the Constitution and laws of the State of Missouri, with its principal office located at 1301 Olive Street, St. Louis, Missouri 63103 ("Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, does by these presents **Remise, Release and forever Quit-Claim** unto Grantee, certain Real Estate situated in the City of St. Louis and State of Missouri, more particularly described in Exhibit A attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto Grantee and to the heirs, successors and assigns of Grantee forever. So that neither the Grantor, nor its heirs, successors and assigns, nor any other person or persons for them or in their name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises, or any part thereof, but they and every one of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, Grantor and Grantee have hereunto set their hands the day and year first above written.

GRANTOR:

THE CITY OF ST. LOUIS, MISSOURI

\_\_\_\_\_  
Francis Slay, Mayor

\_\_\_\_\_  
Darlene Green, Comptroller

Approved as to form:

\_\_\_\_\_  
Deputy City Counselor

\_\_\_\_\_  
Register

STATE OF MISSOURI     )  
  ) SS.  
CITY OF ST. LOUIS     )

On this \_\_\_\_ day of \_\_\_\_\_, 2010, before me appeared Francis Slay, Mayor, and Darlene Green, Comptroller, to me personally known, who being by me duly sworn, did say that they are the Mayor and the Comptroller, respectively, of The City of St. Louis, Missouri, an instrumentality of government created pursuant to the laws of the State of Missouri, and that the seal affixed to the foregoing instrument is the seal of said governmental entity, and that said instrument is the seal of said governmental entity, and the said instrument was signed and sealed on behalf of said governmental entity, with due authority, and said Mayor and Comptroller acknowledged said instrument to be the free act and deed of said governmental entity.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the City of St. Louis, State of Missouri, the day and year first above written.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

GRANTEE:

THE BOARD OF DIRECTORS OF THE CITY  
OF ST. LOUIS MUNICIPAL LIBRARY DISTRICT

By \_\_\_\_\_  
Waller McGuire, Executive Director

ATTEST:

\_\_\_\_\_

STATE OF MISSOURI     )  
  ) SS.  
CITY OF ST. LOUIS     )

On this \_\_\_\_ day of \_\_\_\_\_, 2010, before me appeared Waller McGuire, to me personally known, who, being

by me duly sworn, did say that he is the Executive Director of THE BOARD OF DIRECTORS OF THE CITY OF ST. LOUIS MUNICIPAL LIBRARY DISTRICT, a municipal library district, body corporate and political subdivision of the State of Missouri, organized and validly existing under the Constitution and laws of the State of Missouri, and said Waller McGuire acknowledged said instrument to be the free act and deed of said municipal library district.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the City of St. Louis, State of Missouri, the day and year first above written.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
  
\_\_\_\_\_

**[EXHIBIT TO QUIT-CLAIM DEED TO FOLLOW]**

**SECTION THREE.** The Mayor and Comptroller are hereby authorized and directed to execute, attest, acknowledge, deliver and record the acceptance of a quit-claim deed for the Park Property from the Board of Directors of the City of St. Louis Municipal Library District which shall read in words and figures in substantially the following form, with such modifications and revisions therein including the insertion of legal descriptions and other attachments as are called for in such documents, and such affidavits, and certificates, all as are consistent with the provisions of this Ordinance and the officers executing same, such officers' signatures thereon being conclusive evidence of the approval thereof (copies of such executed documents shall be filed in the records of the City):

**QUIT-CLAIM DEED**

THIS DEED, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2010, by and between THE BOARD OF DIRECTORS OF THE CITY OF ST. LOUIS MUNICIPAL LIBRARY DISTRICT, a municipal library district, body corporate and political subdivision of the State of Missouri, organized and validly existing under the Constitution and laws of the State of Missouri, with its principal office located at 1301 Olive Street, St. Louis, Missouri, 63103 ("Grantor"), and THE CITY OF ST. LOUIS, MISSOURI, an instrumentality of government created pursuant to the laws of the State of Missouri with its principal office located at 1200 Market Street in the City of St. Louis, State of Missouri 63103 ("Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, does by these presents **Remise, Release and forever Quit-Claim** unto Grantee, certain Real Estate situated in the City of St. Louis and State of Missouri, more particularly described in Exhibit A attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto Grantee and to the heirs, successors and assigns of Grantee forever. So that neither the Grantor, nor its heirs, successors and assigns, nor any other person or persons for them or in their name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises, or any part thereof, but they and every one of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, Grantor and Grantee have hereunto set their hands the day and year first above written.

GRANTOR:

THE BOARD OF DIRECTORS OF THE CITY  
OF ST. LOUIS MUNICIPAL LIBRARY DISTRICT

By \_\_\_\_\_  
Waller McGuire, Executive Director

ATTEST:  
  
\_\_\_\_\_

STATE OF MISSOURI     )  
   ) SS.  
 CITY OF ST. LOUIS     )

On this \_\_\_\_ day of \_\_\_\_\_, 2010, before me appeared Waller McGuire, to me personally known, who, being by me duly sworn, did say that he is the Executive Director of THE BOARD OF DIRECTORS OF THE CITY OF ST. LOUIS MUNICIPAL LIBRARY DISTRICT, a municipal library district, body corporate and political subdivision of the State of Missouri, organized and validly existing under the Constitution and laws of the State of Missouri, and said Waller McGuire acknowledged said instrument to be the free act and deed of said municipal library district.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the City of St. Louis, State of Missouri, the day and year first above written.

\_\_\_\_\_  
 Notary Public

My Commission Expires:

\_\_\_\_\_

GRANTEE:

THE CITY OF ST. LOUIS, MISSOURI

\_\_\_\_\_  
 Francis Slay, Mayor

\_\_\_\_\_  
 Darlene Green, Comptroller

Approved as to form:

\_\_\_\_\_  
 Deputy City Counselor

Register

STATE OF MISSOURI     )  
   ) SS.  
 CITY OF ST. LOUIS     )

On this \_\_\_\_ day of \_\_\_\_\_, 2010, before me appeared Francis Slay, Mayor, and Darlene Green, Comptroller, to me personally known, who being by me duly sworn, did say that they are the Mayor and the Comptroller, respectively, of The City of St. Louis, Missouri, an instrumentality of government created pursuant to the laws of the State of Missouri, and that the seal affixed to the foregoing instrument is the seal of said governmental entity, and that said instrument is the seal of said governmental entity, and the said instrument was signed and sealed on behalf of said governmental entity, with due authority, and said Mayor and Comptroller acknowledged said instrument to be the free act and deed of said governmental entity.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the City of St. Louis, State of Missouri, the day and year first above written.

\_\_\_\_\_  
 Notary Public

My Commission Expires:

\_\_\_\_\_

[EXHIBIT TO QUIT-CLAIM DEED TO FOLLOW]

**SECTION FOUR.** This Ordinance being deemed necessary for the preservation of the public peace, safety, health and welfare, it is hereby declared to be an emergency ordinance within the meaning of Article IV, Sections 19 and 20, of the Charter of the City of St. Louis, and therefore this Ordinance shall become effective immediately upon its passage and approval by the Mayor.

\_\_\_\_\_  
Clerk, Board of Aldermen

\_\_\_\_\_  
President, Board of Aldermen

Approved: \_\_\_\_\_

Date: \_\_\_\_\_  
\_\_\_\_\_  
Mayor

Truly Engrossed and Enrolled

\_\_\_\_\_  
Chairman

Exhibit A  
(Library Property Legal Description)

A PARCEL OF GROUND IN CITY BLOCK 514, OF THE ST. LOUIS CITY RECORDERS OFFICE, CITY OF ST. LOUIS, MISSOURI.

BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERN LINE OF FOURTEENTH STREET, 72 FEET WIDE, WITH THE NORTHERN LINE OF OLIVE STREET, 108 FEET WIDE;

THENCE NORTHWARDLY ALONG THE EASTERN LINE OF SAID FOURTEENTH STREET, NORTH 14 DEGREES 54 MINUTES 15 SECONDS EAST 314.57 FEET, TO THE SOUTHERN LINE OF LOCUST STREET, 31 FEET WIDE, TO A POINT;

THENCE EASTWARDLY ALONG THE SOUTHERN LINE OF SAID LOCUST STREET, SOUTH 75 DEGREES 05 MINUTES 00 SECONDS EAST 324.44 FEET, TO THE WESTERN LINE OF THIRTEENTH STREET, 60 FEET WIDE, TO A POINT;

THENCE SOUTHWARDLY ALONG THE WESTERN LINE OF SAID THIRTEENTH STREET, SOUTH 14 DEGREES 54 MINUTES 13 SECONDS WEST 314.36 FEET, TO THE NORTHERN LINE OF SAID OLIVE STREET, TO A POINT;

THENCE WESTWARDLY ALONG THE NORTHERN LINE OF SAID OLIVE STREET, NORTH 75 DEGREES 07 MINUTES 15 SECONDS WEST 324.45 FEET, TO THE POINT OF BEGINNING AND CONTAINING 102,027 SQUARE FEET OR 2.34 ACRES, MORE OR LESS AS PREPARED BY PITZMANS COMPANY.

Exhibit B  
(Park Property Legal Description)

A PARCEL OF GROUND IN CITY BLOCK 514, OF THE ST. LOUIS CITY RECORDERS OFFICE, CITY OF ST. LOUIS, MISSOURI.

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERN LINE OF ST. CHARLES STREET, 38.50 FEET WIDE, WITH THE EASTERN LINE OF FOURTEENTH STREET, 72 FEET WIDE;

THENCE EASTWARDLY ALONG THE SOUTHERN LINE OF SAID ST. CHARLES STREET, SOUTH 75 DEGREES 05 MINUTES 49 SECONDS EAST 324.44 FEET, TO THE WESTERN LINE OF THIRTEENTH STREET, 60 FEET WIDE, TO A POINT;

THENCE SOUTHWARDLY ALONG THE WESTERN LINE OF SAID THIRTEENTH STREET, SOUTH 14 DEGREES 54 MINUTES 13 SECONDS WEST 155.57 FEET, TO THE NORTHERN LINE OF LOCUST STREET, 31 FEET WIDE, TO A

POINT;

THENCE WESTWARDLY ALONG THE NORTHERN LINE OF SAID LOCUST STREET, NORTH 75 DEGREES 05 MINUTES 00 SECONDS WEST 324.44 FEET, TO THE EASTERN LINE OF SAID FOURTEENTH STREET, TO A POINT;

THENCE NORTHWARDLY ALONG THE EASTERN LINE OF SAID FOURTEENTH STREET, NORTH 14 DEGREES 54 MINUTES 15 SECONDS EAST 155.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 50,462 SQUARE FEET, OR 1.16 ACRES, MORE OR LESS AS PREPARED BY PITZMAN'S COMPANY.

A PARCEL OF GROUND IN CITY BLOCK 514, OF THE ST. LOUIS CITY RECORDERS OFFICE, CITY OF ST. LOUIS, MISSOURI.

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERN LINE OF LOCUST STREET, 31 FEET WIDE, WITH THE EASTERN LINE OF FOURTEENTH STREET, 72 FEET WIDE;

THENCE EASTWARDLY ALONG THE NORTHERN LINE OF SAID LOCUST STREET, SOUTH 75 DEGREES 05 MINUTES 00 SECONDS EAST 324.44 FEET, TO THE WESTERN LINE OF THIRTEENTH STREET, 60 FEET WIDE, TO A POINT;

THENCE SOUTHWARDLY ALONG THE PROLONGATION OF THE WESTERN LINE OF SAID THIRTEENTH STREET, SOUTH 14 DEGREES 54 MINUTES 13 SECONDS WEST 31.00 FEET, TO THE SOUTHERN LINE OF SAID LOCUST STREET; TO A POINT;

THENCE WESTWARDLY ALONG THE SOUTHERN LINE OF SAID LOCUST STREET, NORTH 75 DEGREES 05 MINUTES 00 SECONDS WEST 324.44 FEET TO THE EASTERN LINE OF SAID FOURTEENTH STREET, TO A POINT;

THENCE NORTHWARDLY ALONG THE PROLONGATION OF THE EASTERN LINE OF SAID FOURTEENTH STREET, NORTH 14 DEGREES 54 MINUTES 15 SECONDS EAST 31.00 FEET, TO THE POINT OF BEGINNING AND CONTAINING 10,058 SQUARE FEET OR 0.23 ACRE MORE OR LESS AS PREPARED BY PITZMAN'S COMPANY.

**Approved: March 16, 2010**

**ORDINANCE #68601**  
**Board Bill No. 308**

An ordinance approved and recommended by the Board of Estimate and Apportionment; providing for the termination of the Agreement authorized by Ordinance 63383 pertaining to the West End Community Center between the City of St. Louis and the West End Community Center Restoration Corp., a Missouri not-for-profit corporation; approving and authorizing the execution and delivery of an Operating Lease Agreement of the property known as the West End Community Center between the City of St. Louis, as lessor, and Demetrious Johnson Charitable Foundation, as lessee; providing for a West End Community Center Advisory Board; with an emergency provision.

**WHEREAS** Ordinance 63383 authorized an agreement with the West End Community Center Restoration Corporation concerning the operation of the building known as the West End Community Center located at 724 Union Avenue; and

**WHEREAS** the City and the West End Community Center Restoration Corporation have agreed to conclude their relationship with respect to the West End Community Center; and

**WHEREAS**, the City conducted an Request for Proposals process for an operator of the West End Community Center; and

**WHEREAS**, the Demetrious Johnson Charitable Foundation was selected to be the operator, subject to an appropriate operating lease agreement; and

**WHEREAS**, the terms of an operating lease agreement have been agreed to, and the form of such an agreement has been approved and recommended by the Board of Estimate and Apportionment.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:**

**SECTION ONE.** The Agreement authorized by Ordinance 63383 pertaining to the West End Community Center between

the City of St. Louis and the West End Community Center Restoration Corp., a Missouri not-for-profit corporation is hereby terminated by mutual agreement of the parties thereto.

**SECTION TWO.** The City hereby approves, and the Mayor and Comptroller are hereby authorized and directed to executed and deliver on behalf of the City, an Operating Lease Agreement of the West End Community Center property, to the Demetrious Johnson Charitable Foundation in substantially the form attached hereto as Exhibit A, with changes or corrections or such other documents as may be approved by the City Counselor and which are not inconsistent herewith and which are incidental to and related to the transactions contemplated by the Operating Lease Agreement.

**SECTION TWO.** A West End Community Center Advisory Board shall be appointed by the Director of Parks, Recreation and Forestry. The Director of Parks, Recreation and Forestry shall consult with the Alderman of the Ward where the West End Community Center is located, the neighborhood association and nearby block units prior to issuing the West End Community Center Advisory Board appointments. The Advisory Board shall consist of five members from the neighborhood adjacent to the West End Community Center. Of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, and three for terms of three years; all members thereafter shall be appointed for terms of three years. The Board's role relation to the operation of the West End Center shall be solely that of advisor to the Foundation and the City's Recreation Commissioner, and the Board shall have no responsibility or authority for the day-to-day operation of the facility.

**SECTION THREE.** This being an ordinance necessary for the immediate preservation of the public peace and health, it is hereby declared to be an emergency ordinance as provided by Article IV, Section 20 of the Charter of the City of St. Louis, and shall be effective immediately upon approval by the Mayor or its approval over his veto.

#### **OPERATING LEASE AGREEMENT**

This Operating Lease Agreement ("this Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2010 by and between the City of St. Louis, Missouri, a constitutional charter city of the State of Missouri, (the "City") and Demetrious Johnson Charitable Foundation, Inc. , a Missouri corporation exempt from federal income taxation under Section 501(c)(3) of the United States Internal Revenue Code (the "Foundation").

#### **PREMISES**

1. The City owns the West End Community Center, a recreational and office facility located at 5242 Enright Avenue/724 Union Boulevard, St. Louis, Missouri 63112 (the "Center").
2. The City desires to lease the Center for operation by a suitable entity, and has conducted a selection process to identify such an operator.
3. The Foundation has been duly selected to be the operator for the City, subject to a mutually acceptable agreement concerning such operation.
4. The City and the Foundation have agreed upon terms for rental and operation of the Center by the Foundation, as hereinafter set forth.

NOW THEREFORE, in consideration of the covenants and agreements hereinafter set forth, the parties agree as follows:

#### **TERMS**

**1. Lease.**

The City hereby leases to Foundation, and the Foundation hereby rents from the City the Center and the land upon which the Center is located, described as follows : a parcel located in City Block 4845, comprising Lots 14 to 18 and W. 19, fronting 271 Feet 10 inches on Enright Avenue with a depth of 170 feet fronting on Union Boulevard, together with an improvement thereon commonly known as the West End Community Center; provided, this lease does not include a former police station located east of the West End Community Center building.

**2. Term.**

The term of this Agreement shall be one year commencing on the date hereof (the "Initial Term"). This Agreement may be renewed by mutual agreement of the Foundation and the City, acting through its Director of Parks, Recreation and Forestry (the

“Director”), for two successive additional terms of one year (respectively, the “First and Second Renewal Terms”) and thereafter by mutual agreement of the parties for one additional term of five years, subject to the approval of the City’s Board of Estimate and Apportionment. Not later than sixty (60) days prior to the expiration of the Initial Term or the First Renewal term, as the case may be, the parties shall notify each other in writing whether or not they wish to renew this Agreement upon the expiration of the Initial Term for the First Renewal Term or the Second Renewal Term, as the case may be. Not later than ninety (90) days prior to the expiration of the Second Renewal Term, the parties shall notify each other in writing whether or not they wish to renew this Agreement upon the expiration of the Second Renewal Term, for an additional term of five years, subject to the approval of the City’s Board of Estimate and Apportionment.

The Foundation shall commence operations as soon as possible after October 31, 2009, and shall continue operations until the expiration of the last renewal term of this Agreement, unless this Agreement is earlier terminated or not renewed pursuant to its terms.

At any time during the Initial term and any renewal term, the City may terminate this Agreement upon ten (10) days written notice for cause, which notice shall specify the cause for termination; provided, that in the event of a notice for termination for cause, the Foundation shall have a ten (10) day period in which to cure the action or omission giving rise to the termination; during such cure period, the Director shall, at the Foundation’s request, meet and confer with the Foundation to determine if the termination can be rescinded.

Grounds for termination for cause shall include, but not be limited to:

- Non-payment or late payment of rent;
- Abusive damage to Center property;
- Failure to comply with any material term of this Agreement, including but not limited to the insurance requirements of section 15 hereof.
- The City does not have funds available for the costs of repairs needed to keep the Center operational;
- The City determines to sell the property;
- The City determines to use the property for other purposes.

### **3. Rent.**

As and for monetary rent, the Foundation shall pay to the City the sum of One Dollar (\$1.00) per year. Receipt of the monetary rent for the initial term of this Agreement is hereby acknowledged by the City.

As additional rent, the Foundation shall perform all of its undertakings and obligations under this Agreement and provide office space and access to facilities within the Center to the City, as provided in Section Nine hereof.

### **4. Business Plan.**

Not less than one hundred and eighty (180) days prior to the expiration of the Initial Term, the Foundation shall submit to the Director for review and approval a detailed business plan for the authorized renewal terms of this Agreement, including: i) a facility budget detailing the costs of personnel, benefits, supplies, equipment, utilities, insurance and other related operational costs for the Center and ii) a detailed breakdown of anticipated revenue, identifying the source of funds to be used to cover operating expenses, including but not limited to office rents, facility rentals, grants (specifying the specific grants to be applied for), fund raising and in-kind services.

### **5. Subleases; Sublease Agreements.**

The parties contemplate that the Foundation will sublet office space in the Center to organizations or persons providing various services to the community in which the Center is located (“Tenants”) as herein provided.

The Foundation shall develop a standard form sublease agreement outlining the conditions of Center use by Tenants, including cost, hours of operation, housekeeping requirements, maintenance responsibilities, decorating/renovation restrictions and other necessary rules and regulations. All sublease agreements shall be subject to all applicable City ordinances, including but not limited to zoning, and to all licensing, permit and inspection requirements of the City or other governmental authority. All sublease agreements must be reviewed and approved by the Director in writing before the sublease agreement is finally executed. Any sublease agreement executed without the Director’s approval shall be void; execution by the Foundation of a sublease without the Director’s approval shall be cause for termination of this Agreement. Sublease rates charged must be comparable to commercial rates within a three (3) mile radius of the facility and must be approved by the Director, which approval shall not be unreasonably withheld. All

sublease agreements must expressly provide that the sublease will terminate immediately upon the termination or expiration of this Agreement.

**6. Tenant Meetings; Advisory Board.**

The Foundation shall conduct regular Tenant meetings on a quarterly basis. The purposes of the meetings will be to supply information about programs in the Center, to allow Tenants to supply information about their programs, to provide Tenants the opportunity to discuss concerns about operational or maintenance issues, and to allow the Foundation to advise Tenants of policies, procedures and operational issues that might impact their programs.

The Foundation shall review correspondence from the West End Community Center Advisory Board, and shall meet from time to time with the Advisory Board and the City's Recreation Commissioner concerning the operation of the Center.

**7. Alterations.**

The Foundation, may in its discretion and at its expense, with the prior written approval of the Director, which approval shall not be unreasonably withheld, and pursuant to plans and specifications approved by the City's Board of Public Service, make alterations and improvements to the Center. All permanent improvements shall become the property of the City.

**8. Revocation of Lease/Rental Agreement.**

Tenants may be removed by the Foundation for cause. Such cause may include, but not be limited to:

- Non-payment or late payment of fees;
- Abusive damage to property;
- Failure to comply with terms of sublease agreement.

In the event the Foundation feels it is necessary to evict a Tenant, the Director must be notified, and approve of the eviction, which approval shall not be unreasonably withheld, prior to tenant eviction.

**9. City Use and Access.**

One (1) office of approximately one hundred forty-four square feet will be provided in the Center at a location determined by the Director, for use by the Director as the Director determines.

Access to gym, pool and other athletic facilities and auditorium shall be provided at times mutually agreed to by the Director and the Foundation, during which times the City may provide sports and community programs to the public. The City also retains the right at times mutually agreed to by the parties to utilize the Center without charge to the City for programs, activities and office space.

**10. Swimming Pool.**

Subject to the availability of funds appropriated for such work, the City shall make necessary repairs to the swimming pool in the Center to ensure it is operational within six (6) months of the execution of this Agreement.

**11. Rental Fees/Program Fees.**

The Foundation may charge fees to rent various portions of the Center on a short term basis to groups and organizations other than Tenants for the conduct of events or programs. Such groups and organizations may charge an admission fee to their event or program. All such rentals and admission fees to be charged are subject to the prior approval of the Director, which approval shall not be unreasonably withheld.

**12. Responsibilities of Foundation.**

The Foundation shall:

- i) be responsible for the day-today operation, maintenance, and costs of the Center and may charge rent and related fees for office space, gym and swimming pool usage, and programs offered, subject to the provisions of this Agreement.

- ii) retain all earned revenue.
- iii) provide all personnel, including security, if required necessary for an efficient, safe, organized, and appropriately operated recreation and community center.
- iv) weather and season permitting, have at least 60 hours of operations per week, from 8:00A.M. to 8:00 P.M. Monday through Friday, with occasional weekend programs.
- v) be responsible for all repairs costing less than \$10,000 up to an aggregate of \$10,000 in a calendar year.
- vi) make the Center accessible to youth and families of the neighboring area for some limited activities that will involve no fees to the participants.
- vii) cause the leased premises to be operated in complete compliance with all applicable environmental laws and regulations.

**13. Repairs, Damages.**

In the event a repair to the facility under \$10,000 is necessary and the Foundation cannot make the repair, the Director can, in the Director’s sole discretion, cause the necessary work to be performed in order to preserve the safety and continued operation of the Center, and then bill the Foundation for said work. Failure by the Foundation to reimburse the City may be deemed a cause for termination or may result in non-renewal of this Agreement. Any damage to the Center caused by the Foundation, its employees, agents, or contractors, or by Foundation operations or programs, shall be repaired, or the costs of repair shall be paid, regardless of the amount, by the Foundation; failure of the Foundation to make any such repair or pay such cost, within sixty after notice to do so from the Director, shall be grounds for termination of this Agreement.

**14. Utilities.**

The City will pay utilities during the Initial Term of this Agreement, that is to say, for one (1) year commencing on the date hereof. During subsequent renewal terms, if any, the Foundation shall pay for all utilities.

**15. Insurance.**

- (a) Commercial General Liability Insurance. The Foundation shall obtain and maintain a commercial general liability insurance (“CGL”) policy, which provides insurance to protect against claims for bodily injury and property damage arising out of premises operations, products and completed operations and advertising and personal injury liability. The City, its officers, and employees shall be included as “additional insureds” under the CGL policy. The CGL policy shall provide limits no less than the following:

	Per Occurrence	In theAggregate
Personal and Bodily Injury	\$3,000,000	\$3,000,000
Property	\$1,000,000	\$2,000,000
Umbrella	\$4,000,000	
Fire Damage	\$50,000	
Medical Expense	\$10,000	

- (b) Workers Compensation Insurance. The Foundation shall obtain and maintain insurance sufficient to discharge its obligations under all applicable workers compensation laws in the state as to work that is to be performed, including any of the federal or maritime laws.
- (c) Miscellaneous. The Foundation shall cause any contractors employed by or contracted with the Foundation to purchase and maintain insurance of the types and limits specified herein (including appropriate motor vehicle insurance). The Foundation shall furnish the City with standard certificates of insurance as evidence of confirmation of all such insurance. All certificates shall provide for thirty (30) days written notice to the City prior to the cancellation, expiration or reduction of the limits of any insurance referred to therein and shall name the City, its officers, and employees as additional insureds. All insurers shall have an A.M. Best rating of A-, IX or higher and be fully authorized to conduct business in the State of Missouri.

Any such required minimum amounts shall not be construed to limit the liability of the Foundation or its

contractor(s). The Foundation shall file certificates of insurance with the City's Comptroller reflecting the coverage required in Section 15 (a) above, naming the City, its officers, and employees as additional insureds. From time to time, but not more frequently than once every five (5) years, the levels or nature of insurance required to be maintained by the Foundation under Section 15 (a) shall be reviewed upon the written request of the City's Comptroller or the Foundation to determine whether such levels or nature of coverage is consistent with that maintained by other parties engaged in similar activities in similar locations, and the levels of required coverage shall be reasonably adjusted as agreed to by the parties.

Upon written notice from the City's Comptroller that the limitations on liability of the City under Section 537.610 RSMo. have been increased pursuant to subsection 537.610.5 above the amounts of coverage provided by the Foundation as of the time of such notice, the Foundation shall within ten business days cause its liability coverage to be increased to the amount determined pursuant to subsection 537.610.5, and shall provide evidence of such increase to the Comptroller.

**16. Capital repairs.**

Except as provided in Section 13, the City will be responsible for capital repairs in excess of \$10,000, subject to applicable law or ordinance and further subject to availability of funds appropriated for such work. Determination of the need for capital repairs in excess of \$10,000 shall be made by City in its sole discretion.

**17. West End Center Accepted As Is.**

The Foundation acknowledges and agrees that it is accepting the West End Center in its current, "as is" condition, and hereby releases the City from any and all claims with respect to the condition of the West End Center. Subject to availability of funds, the City will remove a vacant police station, which is attached to the West End Center, and convert the underlying land to spaces for West End Center parking, within the twenty-four (24) month period commencing on the date hereof. The City makes no warranties or guarantees of any kind as to the suitability of the West End Center or the facilities therein for their intended use.

**18. Non-Discrimination Policy.**

The City is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, age, physical handicap, national origin or sexual orientation. The Foundation and its agents and employees shall not discriminate on the basis of race, color, religion, sex age, physical handicap, national origin, or sexual orientation, nor shall they exclude from participation in, deny benefits of, or subject any person to discrimination under any program or activity made possible or resulting from any agreement with the City.

Minority/Women's Business Enterprise Obligation: The Foundation will be expected to take all reasonable steps necessary to ensure that Minority and Women's Business Enterprises (M/WBEs) as certified with the City of St. Louis as defined in Mayor's Executive Order #28, as amended, have a maximum opportunity to participate in the performance of contracts financed in whole or in part with the City of St. Louis funds under this Agreement, and to agree to comply with all applicable provisions of Executive Orders and ordinances relating to such matters. The Foundation shall not discriminate on the basis of race, religion, color, age, national origin, sex, sexual orientation, or physical handicap in award of and performance of contracts financed in whole or part by the City of St. Louis.

**19. Living Wage.**

The Foundation will be expected to comply with the applicable provisions of the City's Living Wage Ordinance No. 65597.

**20. Audits.**

The City and the City's auditors and accountants shall be afforded access during the term of this Agreement, and for five (5) years following termination, to all of the Foundation's books and records without limitation whatsoever for the purpose of conducting audits. All books and records shall be open to inspection and/or reproduction to the extent necessary to adequately permit evaluation and verification of the company's full compliance with contract documents. In those situations where the company's records have been generated from computerized data or records, in addition to hard copy (reports), the Foundation shall provide such information on disk or in a suitable alternative electronic form.

**21. Service Contracts.**

The Foundation hereby represents to the City that the Foundation is presently uncertain whether it will enter into any service contract pertaining to the leased premises. The Foundation warrants and represents to the City that if it does enter into a service contract pertaining to the leased property that any such service contract shall include:

- A. A provision specifying the minimum prevailing wages to be paid by the service contractor to any service employee;
  - B. A provision specifying the minimum prevailing fringe benefits, to be provided by the service contractor to any service employee; and
  - C. A representation by the service contractor to abide by the terms of Ch. 6.20 of the Revised Code, City of St. Louis and to pay and provide to all service employees the minimum prevailing wage and minimum prevailing fringe benefits as noted in the service contract; and
2. The Foundation warrants and represents to the City that it shall not enter into any service contract with (a) any service contractor debarred in accordance with Ch. 6.20 of the Revised Code, City of St. Louis or (b) any service contractor managed, controlled, or more than fifty percent (50%) owned by a person or entity so debarred; and
  3. For any service contract greater than five-thousand dollars (\$5,000.00) in value and pursuant to Sections 285.525 through 285.555 of the Revised Statutes of Missouri, such service contract shall contain provisions requiring the contractor and any subcontractors to enroll and participate in a federal work authorization program and affirm that the contractor and any subcontractors do not knowingly employ any unauthorized aliens in connection with the contracted services.

THE CITY OF ST. LOUIS, MISSOURI

By: \_\_\_\_\_  
Title: Comptroller, City of St. Louis

By: \_\_\_\_\_  
Director of Department of Parks,  
Recreation and Forestry of the City of St. Louis

DEMETRIOUS JOHNSON FOUNDATION

By \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Secretary, Board of E & A

\_\_\_\_\_  
City Counselor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Approved: March 16, 2010**

**ORDINANCE #68602  
Board Bill No. 321  
Floor Substitute**

An ordinance enacting a curfew for Colonel George H. Blase Park, formerly North Riverfront Park, containing an exception for persons holding permits, and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Notwithstanding Ordinance 58262, no person shall idle, wander, stroll, play or otherwise be in or upon the confines of Colonel George H. Blase Park, formerly North Riverfront Park or the public areas immediately adjacent thereto between the hours of one half-hour after sunset and one half-hour before sunrise.

**SECTION TWO.** The curfew imposed in Section One hereof shall not apply to any person who is occupying such Park under the provision of a permit granted by the board of public service or the director of parks, recreation, and forestry or to public employees while engaged in the performance of their duties.

**SECTION THREE.** Emergency Clause. This being an ordinance for the preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

**Approved: March 16, 2010**

**ORDINANCE #68603**  
**Board Bill No. 324**

An ordinance pertaining to street vending; amending Section One of Ordinance 66680 to adjust the boundaries of the Downtown Vending District; repealing Ordinance 68108, which established the Civic Center Vending District; repealing Section Thirty of Ordinance 65061 as amended and adopting a new section in lieu thereof, providing rules and regulations for vending businesses in the Downtown Vending District; establishing a special fund, to be known as the Downtown Vending District Parks Fund and providing that funds in such fund may be appropriated only for expenditure by the Department of Parks, Recreation and Forestry for maintaining and improving parks which are within the Downtown Vending District; amending Section Thirty-One of Ordinance 65061 to authorize the Director of Parks, Recreation and Forestry to issue up to ten (10) vehicle vendor or fixed location sidewalk vendor permits at one time for the totality of all parts of the City Park Vending District located within the Downtown Vending District; with an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Paragraph A of Section One of Ordinance 66680 is hereby deleted and the following language inserted in its place:

A. "Downtown Vending District" shall mean the area bounded by the east side of Fourth Street on the east, and the centerlines of Cole Street on the north, Eighteenth Street on the west and Chouteau Street on the south.

**SECTION TWO.** Ordinance 68108, approved September 24, 2008, is hereby repealed.

**SECTION THREE.** Section Thirty of Ordinance 65061 as amended by Section Two of Ordinance 66680 is hereby amended by deleting the existing language and the following language inserted in its place:

**SECTION THIRTY.** Rules and Regulations for Downtown Vending District

In addition to all other requirements of this ordinance the following provisions shall apply to every vending business in the Downtown Vending District. The provisions of this section shall supersede any other provision of Chapter 8.108A of the City Code if such provisions are inconsistent.

A. Every vending business in the Downtown Vending District must operate from a fixed location on a public sidewalk or public right of way, other than a roadway except when licensed as a Festival Vendor under the provisions of this ordinance.

B. Vendors must apply for and obtain a permit to operate a vending business in the Downtown Vending District as provided in this section prior to obtaining a vendor's license. Vendor's permits shall be issued by the Director of Streets (the "Streets Director") for locations in the Downtown Vending District which are not within the City Parks Vending District, and by the Director of Parks, Recreation and Forestry (the "Parks Director") for locations in the Downtown Vending District which are within the City Parks Vending District.

C. No person, partnership or corporation shall be issued more than two (2) vendor's permits for locations within the Downtown Vending District, including areas in the Downtown vending District which are within the City Parks Vending District, at any one time. No vendor's permit may be issued for any location which is within one block of any part of the City Parks Vending

District and outside such District.

D. Vendors' permits in the Downtown Vending District shall be approved prior to issuance by the Board of Public Service. No such permit shall be approved unless it has been recommended by the Director of Streets, or in the case of locations within both the Downtown vending District and the City Parks Vending District, by the Parks Director, who shall certify in their recommendation that prior to such recommendation such director consulted with the Partnership for Downtown St. Louis concerning the matter and complied with the requirements of Subsection F of this section. This subsection does not apply to permits regulated by subsections H and I of this section.

E. The minimum annual fee for a vendor's permit shall be \$500; provided, this fee may be increased by the Board of Public Service, in its discretion, to an amount up to \$1000, after request of the Streets Director and the Parks Director, identifying increases in regulatory costs to the City justifying the proposed fee increases. All revenue derived from vendor's permit fees shall be held in the Downtown Vending District Parks Fund established by Ordinance \_\_\_\_ (B. B. \_\_\_\_).

F. When the Streets Director or the Parks Director determine that a vending permit should be issued for a location within the Downtown Vending District or for a location within part of the City Parks Vending District which is within the Downtown Vending District:

1. such director shall establish criteria, as follows:
  - i) vending location;
  - ii) items to be sold, e.g. food, beverages, clothing;
  - iii) hours of vending;
  - iv) type of vending structure, e.g. food cart; provided, the criteria shall expressly provide that no vending may be done from shopping carts ;
  - iv) contribution to diversity of products available from vendors, and diversity of appearance of vendors' facilities, within the Downtown Vending District or within the City Parks Vending District within the Downtown Vending District;
2. such director shall issue a solicitation for permit applications, which shall:
  - i) be published in two newspapers of general circulation in the metropolitan area and on the City's website for two weeks;
  - ii) identify the vending location;
  - iii) state the criteria;
  - iv) request permit applications, which shall
    - a) require applicants to indicate whether they will pay the City sums above the minimum fee;
    - b) require appropriate applicant identity information;
    - c) require photographic and other information about the vending structure, e.g. food cart;
    - d) contain detailed information about items to be sold and prices and suppliers;
    - e) require additional information as deemed appropriate; and
  - v) state the due date for applications.
3. After receipt of permit applications, the Streets Director or the Parks Director, as applicable, shall rank

the applications based on completeness, desirability of product, proposed payments to the City, suitability of vending structure for the location, and contribution to diversity of products available from vendors and diversity of appearance of vendors' facilities, within the Downtown Vending District or within part of the City Parks Vending District within the Downtown Vending District;

4. Such Director shall then consult with the Partnership for Downtown St. Louis concerning the matter.
5. Such Director may reject all applications and shall retain records of his or her proceedings.

G. A sidewalk vendor shall be required to operate a vending business a minimum of ninety (90) days per year for a minimum of four (4) hours per day. No pushcart or other item related to the operation of a vending business shall be located on any City sidewalk or other public areas during non-vending hours, nor shall any such pushcart or any other item be parked, stored or left overnight in the Downtown Vending District or in any part of the City Parks Vending District within the Downtown Vending District;

H. Vendor's permits issued pursuant to this ordinance shall be valid for three (3) years beginning on January 1 following approval of an application and ending on the third subsequent December 31, subject to payment in advance of the annual vendor's permit fee by December 31; provided, the Streets Director or the Parks Director as applicable may recommend to the Board of Public Service by December 1 of each year during the term of a permit that the permit be revoked as of the subsequent December 31 for non-compliance with this ordinance or applicable regulations or failure to maintain a vendor's license. Following the expiration or revocation of a license, the applicable Director may initiate a new solicitation process, if he or she believes continued vending at the location is in the City's interests.

I. Notwithstanding the provisions of this Section, no person shall be permitted to vend on any public sidewalk or within any public right of way within the following described area (also depicted in the diagram attached hereto as Exhibit A) in the Downtown Vending District, which includes the area known as the South Downtown Project Area as defined in Ordinance 65668, unless such person is a designated redeveloper for the South Downtown Project Area or has entered into a valid vending agreement with a designated redeveloper for the South Downtown Project Area and such person has otherwise complied with all requirements of this ordinance and Ordinance 65061:

A tract of land being located in all of Blocks 6465, 6466, 6467, 106, 6509, 1409, 160, 161, 162, 147, and 148 and part of Blocks 188, 425, 417, 418, 419, and 422 of the City of St. Louis, Missouri being more particularly described as follows:

Beginning at the intersection of the Easterly line of former 9th Street vacated by Ordinance No. 9191 and the Southerly line of Walnut Street, thence along the easterly line of former 9th Street and its direct prolongation Southerly to the Northern Line of Gratiot Street, thence along last said Northerly line to the

Westerly line of 4th Street, thence along last said Westerly Line to the Southerly line of Walnut Street, thence along last said Southerly line to the Easterly line of former 9th Street, and the Point of Beginning.

J. Notwithstanding the provisions of this Section, no person shall be permitted to vend on any public sidewalk or within any public right of way within the following described area (also depicted in the diagram attached hereto as Exhibit A) in the Downtown Vending District, unless such person has entered into valid vending agreements with the Convention and Visitors Commission:

The area bounded as follows: beginning at the intersection of the centerlines of 9th Street and Cole Street, thence east along such centerline of Cole Street to its intersection with the west right-of-way line of I-70, thence south along such west right-of-way line of I-70 to its intersection with the centerline of Convention Plaza, thence west along such centerline of Convention Plaza west to its intersection with the centerline of 7th Street, thence south along such centerline of 7th Street to its intersection with the centerline of Washington Avenue, thence west along such centerline of Washington Avenue to its intersection with the centerline of 9th Street, thence north along such centerline of 9th Street to the point of beginning.

**SECTION THREE.** There is hereby established a special fund, to be known as the Downtown Vending District Parks Fund. Funds in the Downtown Vending District Parks Fund may be appropriated only for expenditure by the Department of Parks, Recreation and Forestry for maintaining and improving parks which are within the Downtown Vending District.

**SECTION FOUR.** Section Thirty-One of Ordinance 65061 is hereby amended by deleting Subsection B thereof, and adopting the following in lieu thereof:

B. The Director of Parks, Recreation and Forestry is authorized to establish rules, regulations and fee schedules not inconsistent with the provisions of Chapter 8.108A of the City Code and this ordinance necessary for the proper administration of operating a vending business within City Parks Vending Districts; provided, however, that the Director shall issue not more than ten (10) vehicle vendor or fixed location sidewalk vendor permits at one time for the totality of all parts of the City Parks Vending District located within the Downtown Vending District. Such rules, regulations and fee schedules shall be maintained in the office of the Director and shall be available for public inspection during ordinary business hours.

**SECTION FIVE.** This being an ordinance deemed necessary for the preservation of the public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

**Exhibit A**

**The South Downtown Redevelopment Project Area  
Legal Description**

Beginning at the intersection of the North line of Walnut Street and the West line of Eighth Street; thence Southwardly along said West line of Eighth Street across all intervening streets and alleys to its point of intersection with a line parallel to and 130 feet South of Spruce Street; thence Westwardly along said line 115 feet, more or less, to its point of intersection with the Center line of a former North-South 15 foot wide alley in City Block 417; thence Southwardly along said Center line 70 feet, more or less, to its point of intersection with a line parallel to and 200 feet South of Spruce Street; thence Westwardly 135 feet, more or less, to its point of intersection with the East line of Ninth Street; thence Southwardly along said East line of Ninth Street to its point of intersection with the Eastward prolongation of the South line of a street (30 feet wide) established under provisions of Ordinance No. 9191; thence Westwardly along said Eastward prolongation to its point of intersection with the West line of former Ninth Street, vacated under provisions of Ordinance No. 9191; thence Southwardly along said West line of former Ninth Street to its point of intersection with the South line of the former Cerre Street; thence Eastwardly along said South line of former Cerre Street across all intervening streets and alleys to a point of intersection with the West line of Seventh Street; thence Eastwardly across said Seventh Street to the point of intersection with the East line of Seventh Street and the South line of Cerre Street (as it currently exists); thence Eastwardly along said South line of Cerre Street across all intervening streets and alleys to its point of intersection with the East line of South Broadway; thence Northwardly along said East line of South Broadway across all intervening streets and alleys to its point of intersection with the North line of Walnut Street; thence Westwardly along said North line of Walnut Street across all intervening streets and alleys to the point of beginning.

Said Redevelopment Area contains the following:

Exhibit D Parcel #	Parcel ID #	Exhibit D Parcel#	Parcel ID #
1	04170000100	14	01470001150
2	04170000150	15	01470001050
3	04170000200	16	01470001200
4	04170000300	17	01620000100
5	04180000700	18	01620000200
6	01470000100	19	01620000300
7	01470000200	20	64650000101
8	01470000500	21	64660000100
9	01470000601	22	64690001000
10	01470000700		
11	01470000800		
12	01470000906		
13	01470001000		

**Approved: March 16, 2010**

**ORDINANCE #68604**  
**Board Bill No. 325**  
**Committee Substitute**

An Ordinance that pertains to Streets, Sidewalks and Bridges of the City of St. Louis, which repeals all ordinances presently codified as Title 20, Streets, Sidewalks and Bridges, of the Revised Code of the City of St. Louis, and replaces in lieu thereof a new ordinance on the same subject matter; and containing a emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Title 20 is hereby repealed and the following provisions are enacted in lieu thereof.

**SECTION TWO.**

Chapter 20.12

STREET NAMING

Sections:

- |           |   |
|-----------|---|
| 20.12.010 | Compliance with provisions required.  |
| 20.12.020 | Procedure for naming or renaming a street.  |
| 20.12.030 | Procedure for naming a new street within a resubdivision approved by the Board of Public Service. |
| 20.12.040 | Criteria for street names.  |
| 20.12.010 | Compliance with provisions required.  |

On and after the effective date of this chapter, no new public street or other public right-of-way ("street") shall be named, nor shall any existing street be renamed nor shall any new public street within a resubdivision be named, except as provided by this chapter.

- 20.12.020 Procedure for naming or renaming a street.

A. A petition shall be filed in the office of the Planning and Urban Design Agency on such forms and in such manner as the Agency may prescribe. Such petition must be initiated by the owners of fifty-one percent (51%) or more of the recorded parcels of land fronting on any such street and the Alderman within whose ward any such street is situated, or, if such street is within more than one ward, by the Aldermen of each such ward. Each petition shall include but not be limited to:

1. The proposed name of the street;
2. A general location map of the street;
3. A statement documenting the proposed name's significance; and
4. If the petition seeks to rename an existing street, a statement documenting the existing street name's significance.

B. Within five (5) days after a petition for naming or renaming a street has been filed as provided above, the Director of the Planning and Urban Design Agency shall transmit to the Clerk of the Board of Aldermen, the Board of Public Service, and the Postmaster for the City, copies of the petition together with all exhibits and documents appurtenant thereto.

C. Within forty-five (45) days after such transmittal the Board of Public Service shall review the petition and the Postmaster for the City may review the petition and may transmit to the Planning and Urban Design Agency such advice and recommendations as they may deem appropriate.

- D. The Planning and Urban Design Agency shall, prior to making its determination with respect to the petition,

permit any interested party an opportunity to appear before the Commission and be heard. In its discretion, the Commission may hold a public hearing regarding the petition.

E. After review and consideration of the petition, recommendations of the Board of Public Service, and the Postmaster for the City and comments received from other interested parties the Planning Commission shall:

1. Approve the petition as submitted; or
2. Approve the petition with such modifications or conditions as the Commission shall deem appropriate; or
3. Disapprove the petition.

Such determination shall be in writing and shall be made within ninety (90) days after filing of the petition, or if a public hearing is held, then within sixty (60) days after such public hearing; provided that the Commission may vote to extend such time period to permit additional studies or reports to be completed or for other good cause.

F. In the event of disapproval of the petition, the Commission shall state the reasons therefor and possible alternatives thereto, and shall forward a copy thereof to the petitioner, the Clerk of the Board of Aldermen, the Board of Public Service, and the Postmaster for the City.

G. In the event of approval of a petition, the Planning and Urban Design Agency shall cause to be prepared a bill for consideration by the Board of Aldermen. Within thirty (30) days after the Commission's approval of the petition, a copy of such bill shall be transmitted to the Clerk of the Board of Aldermen, the Board of Public Service, and the Postmaster of the City.

H. After such bill, as provided in subsection G of this section, is introduced in the Board of Aldermen and assigned to the Board's appropriate committee, said bill shall not be voted on by the Board until a public hearing is held by the committee. At least fifteen (15) days prior to the public hearing, the committee shall require the Clerk of the Board of Aldermen to cause to be published in one (1) daily newspaper of general circulation in the City, a notice of the pendency of the bill. The notice shall contain a clear description of the location of the street, the proposed name, and the date, time and place of the hearing at which property owners affected thereby, or others interested therein, may appear before the aforesaid committee to be heard. Provided, however, that before any action shall be taken as provided in this section, the petitioner proposing such street name shall deposit with the Clerk of the Board of Aldermen the sum of one hundred dollars (\$100) to cover the approximated cost of this procedure. Should said deposit be found to be insufficient to cover the actual costs of any newspaper publication herein provided, then petitioner, upon notice from the Clerk, shall immediately and prior to the insertion of any such publication, supply such additional sum of money so found to be required for this purpose. Provided further, however, that under no condition shall money be refunded for failure of said bill to be enacted into law. Any part of the money so deposited which is not expended by the Clerk shall be refunded to the petitioner. In addition, at least ten (10) days prior to the public hearing, the Clerk of the Board of Aldermen shall cause a placard containing the words "Proposed Street Name or Street Name Change in This Block" to be printed in large type and erected at each end of every block fronting said street. Such placards shall also have prominently displayed and firmly attached thereto a copy of the notice which appears in the daily newspapers.

I. Whenever a hearing is held pursuant to subsection H of this section, the committee shall receive evidence for and against the proposed action and hear all protests; rule upon all protests which determination shall be final; and may continue the hearing from time to time. Proceedings shall terminate if protest is made by a majority of the property owners fronting any such street to be named or renamed by the bill.

20.12.030 Procedure for naming a new street within a resubdivision approved by the Board of Public Service.

A. A petition shall be filed in the office of the Planning and Urban Design Agency on such forms and in such manner as the Agency may prescribe. Such petition must be initiated by the developer or his agent and the Alderman within whose ward any such street is situated, or, if such street is within more than one ward, by the Aldermen of each such ward. Each petition shall include, but not be limited to:

1. The proposed street name;
2. A general location map of the street;
3. A statement documenting the proposed name's significance.

B. Within five (5) days after a petition for naming a street has been filed as provided above, the Director of the Planning and Urban Design Agency shall transmit to the Clerk of the Board of Aldermen, the Board of Public Service, and the Postmaster for the City, copies of the petition together with all exhibits and documents appurtenant thereto.

C. Within forty-five (45) days after such transmittal the Board of Public Service shall review the petition and the Postmaster for the City may review the petition and may transmit to the Planning and Urban Design Agency such advice and recommendations as they may deem appropriate.

D. The Planning Commission shall, prior to making its determination with respect to the petition, permit any interested party an opportunity to appear before the Commission and be heard. In its discretion, the Commission may hold a public hearing regarding the petition.

E. After review and consideration of the petition, recommendations of the Board of Public Service, and the Postmaster for the City of St. Louis, and comments received from other interested parties, the Planning Commission shall:

1. Approve the petition as submitted; or
2. Approve the petition with such modifications or conditions as the Commission shall deem appropriate; or
3. Disapprove the petition.

Such determination shall be in writing and shall be made within ninety (90) days after filing of the petition, or if a public hearing is held, then within sixty (60) days after such public hearing; provided, that the Commission may vote to extend such time period to permit additional studies or reports to be completed or for other good cause.

F. In the event of disapproval of the petition, the Commission shall state the reasons therefor and possible alternatives thereto, and shall forward a copy thereof to the petitioner, the Clerk of the Board of Aldermen, and the Board of Public Service, and the Postmaster for the City.

G. In the event of approval of a petition, the Planning and Urban Design Agency shall cause to be prepared a bill for consideration by the Board of Aldermen. Within thirty (30) days after the Commission's approval of the petition, a copy of such bill shall be transmitted to the Clerk of the Board of Aldermen, the Board of Public Service and the Postmaster for the City.

20.12.040 Criteria for street names.

A street may be named for any person, place, creation, or number provided that:

A. It is conducive to good city planning, contributes to the conservation of property values and to the protection of the equity invested by residents and owners of property fronting on said street, as well as the general interests of the other citizens of the City; and

B. It has significance or value as part of the development, heritage, or cultural characteristics of the city, state, or nation and contributes to civic pride and wider public knowledge and appreciation of the heritage and history of St. Louis; and

C. It does not detract from our historical heritage by renaming a street which name has greater significance than the proposed name; and

D. It names or renames all segments of the same street within the boundaries of the City of St. Louis as to avoid the previous confusion that has resulted when just a portion of a street was renamed; provided, however, that a "street," "avenue," or "boulevard" designation may be changed to "place," "terrace" or other suitable designation if a segment of said street has been permanently closed by ordinance; and

E. When a street is to be named or renamed for a person:

1. The petition shall not be filed until after the first anniversary of such person's death, and
2. Only such person's last name shall be used as a street name unless additional identification is necessary to prevent a duplication of street names in the metropolitan area.

**SECTION THREE.**

## Chapter 20.14

## STREET OPENINGS AND DEDICATIONS

## Sections:

- 20.14.010 Subdivision plans.
- 20.14.020 Notice of Alderman of dedication.
- 20.14.030 Quitclaim deeds--Issuance.
- 20.14.040 Quitclaim deeds--Payments.
- 20.14.050 Redemption of property.
- 20.14.060 Notice to be given.
- 20.14.070 Plats to be furnished City Counselor.
- 20.14.080 Placing signs in streets or alleys to be vacated.
- 20.14.090 Street or alley vacation processing fee.

## 20.14.010 Subdivision plans.

All plans of subdivisions, additions or partitions, containing dedications of streets, avenues, boulevards or alleys, shall be submitted to the Board of Public Service. After having been examined and approved by the Board, the subdivision, addition or partition shall be a part of the general plan for the location and grade of the streets within the City, and the Board of Public Service, through the President thereof, shall endorse thereon that the same is in accordance with the general plan of the City; provided, however, that in all cases where any lands within the City are subdivided or laid out in blocks, lots or sublots, the map or plat thereof shall bear the certificate of a responsible surveyor to the effect that the streets thereon represented are correctly shown and located, and they shall be designated as streets, if they have been or are dedicated or opened according to law, or as proposed streets if opening is incomplete.

## 20.14.020 Notice to Alderman of dedication.

Whenever a petition or request is received by the Board of Public Service to approve a dedication or grant, absolute or conditional, of a highway, street, boulevard, parkway, or alley, under the provisions of Section 5 (a) of Article XIII of the Charter, the Board of Public Service is directed to notify the Alderman of the ward in which the proposed dedication or grant is sought by mail within seventy-two hours after receipt of the request or petition that the petition or request has been made of such board.

## 20.14.030 Quitclaim deeds--Issuance.

The Mayor and Comptroller are authorized and directed to issue quitclaim deeds to the parties from whom the City acquired title, or to their legal representatives, for all property bought by the City for assessments of benefits in opening streets and alleys.

## 20.14.040 Quitclaim deeds--Payments.

Before any deed described in Section 20.14.030 shall issue the amount of the purchase money paid by the City for the property, and also all money expended by the City on account of the property, together with interest at the rate of six percent per year, from the date of purchase and expenditure of money aforesaid, and costs, shall be paid into the City Treasury, and a receipt for the same filed with the Comptroller. Thereupon a deed shall issue for the property so redeemed; provided, however, that in all cases in which the City has purchased any real property, or any interest therein, under a judgment or execution in a street or alley proceeding, the parties from whom the City acquired title, or their legal representatives shall pay the sum hereinabove provided within the period of one (1) year from the date the property was purchased; provided further, that in all cases in which the City has heretofore purchased any real property, or any interest therein, prior to March 14, 1941, under a judgment or execution in a street or alley proceeding, the

parties from whom the City acquired title, or their legal representatives shall have the right to redeem the property as provided herein by paying the sum provided within the period of one year from March 14, 1941.

20.14.050 Redemption of property.

In all cases in which the City has purchased any real property or any interest therein, under a judgment or execution in a street or alley proceeding originating prior to October 22, 1876, or there exists an unsatisfied special assessment of the above character in favor of the City, the property affected may be redeemed upon the following conditions:

A. In cases where the property was purchased by the City under a judgment or execution, there shall be paid into the City Treasury one-half of the amount of purchase money named in the deed and thereupon a deed shall issue for the property so redeemed, provided, however, that this section shall not apply to property of which the City is in possession;

B. In cases where there exists an unsatisfied special assessment of the character described above there shall be paid into the City Treasury one-half of the amount of the original assessment, and thereupon the special assessment shall be marked satisfied on the records in the Comptroller's office, provided, property heretofore acquired by the City under this section may be redeemed as provided herein, by the parties from whom the City acquired title, or their legal representatives,, within one year from March 14, 1941.

20.14.060 Notice to be given.

The Comptroller is authorized to notify the parties interested herein, in such manner as to him shall seem most expedient.

20.14.070 Plats to be furnished City Counselor.

Whenever the Board of Aldermen shall provide by ordinance for establishing, opening, widening or altering any boulevard, street, avenue, alley, wharf, marketplace or public square or route for a sewer or water pipe or for changing an existing street into a boulevard or to condemn private property for other or different public uses than those already specified in this section, and it is necessary to take private property for the same, the Director of Streets shall furnish the City Counselor with all necessary plats showing the property affected by the proposed improvement and the metes and bounds and the names of the owners thereof.

20.14.080 Placing signs in streets or alleys to be vacated.

Whenever a bill vacating a street, alley, public walk, or parkway is introduced in the Board of Aldermen, the Clerk of the Board shall forward a copy thereof to the Director of Streets, who shall cause one or more signs to be posted within or adjacent to the area to be vacated. The signs shall state, in letters not less than two inches high, that a bill is pending in the Board of Aldermen to vacate the street, alley, public walk or parkway, as the case may be. When the signs are posted, the Director of Streets shall notify the Clerk, in writing, and the Clerk shall file the notice with the Committee of the Board of Aldermen to which the bill is referred.

When an ordinance authorizing the filing of a condemnation suit to open or widen a public highway is introduced, and contains a provision for the vacation of a portion of a street or alley, this section shall not apply.

20.14.090 Street or alley vacation processing fee.

A processing fee of five hundred dollars (\$500.00) is hereby established to be paid at the time a petition is submitted to vacate any street or alley within the City.

**SECTION FOUR.**

Chapter 20.16

HOUSE NUMBERING

Sections:

20.16.010 Manner of numbering.

20.16.020 New numbers.

20.16.030	Base line and central base line.
20.16.040	Rectifying lines.
20.16.050	Assignment of numbers.
20.16.060	Location of numbers.
20.16.070	Certificate of proper number.
20.16.010	Manner of numbering.

The numbering of all houses, buildings and other structures fronting on or having entrances on public streets within the City limits in force on January 1, 1916, shall be in conformity with the following rules and regulations:

A. The odd numbers shall be applied to the north and west sides of the streets and even numbers shall be applied to the south and east sides of the streets;

B. On all streets running in a northerly and southerly direction, the numbering shall commence with the numbers one and two at Market Street, and shall increase proceeding north and south at the rate of one hundred numbers for each City block as nearly as possible;

C. On all streets running in a westerly direction, the numbering shall commence at the wharf, and shall increase proceeding westerly at the rate of one hundred numbers for each City block as nearly as possible.

20.16.020 New numbers.

The Building Commissioner may number or renumber any block, house, building or other structure or the plural thereof as he in his discretion may deem necessary. He shall establish rectifying lines as may be necessary for the numbering of any new districts, but not so as to conflict with the rectifying lines established.

Within six (6) months of the passage of the ordinance codified in this section, it shall be the responsibility of all owners of structures located within the City to place proper street numbers on their respective premises, as set forth in and described in this section and Section 20.16.060. Buildings numbered on the date of the effectiveness of the ordinance codified in this section are exempt if they have numbers, although the numbers are not of the size specified in this chapter.

Numbers may be placed on porch columns, building walls, on awnings, mailboxes, front yard fence posts, step risers, hand rail end posts, front lawn light posts, door frames, side lights, transoms, storm or screen doors, or other approved locations, in addition to the locations mentioned in this section.

Numbers may be metal, wood, plastic, decals, carved into architectural features, or of any approved material.

Enforcement of this chapter is delegated to the Division of Building and Inspection when it issues occupancy permits or building orders under the Property Maintenance Code. All penalties and appeals provisions of the Property Maintenance Code then apply.

House numbers being vital to the public safety, the St. Louis Fire Department is hereby empowered to enforce this chapter as a portion of the Fire Prevention Code. All appeals and penalties of that code then apply. In addition, the St. Louis Police Department is empowered to cite violators under the penalty provisions of this section.

Penalty Clause. Any person who shall violate provisions of this chapter shall upon conviction thereof, be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the court.

20.16.030 Base line and central base line.

A base line and a central base line are established. The base line shall run north and south along the entire Mississippi River front to the intersections by the northern and southern City limits lines, and the central base line at Market Street, thence running westerly along Market Street to the intersection of Laclede Avenue to the intersection of the eastern line of Forest Park, thence

westerly through Forest Park to the intersection of the west line of Skinker Road at Wydown Boulevard, thence westerly along Wydown Boulevard to the intersection of the City limits line.

20.16.040 Rectifying lines.

Rectifying lines are established as follows: Jefferson Avenue shall be twenty-six hundred west; Grand Avenue shall be thirty-six hundred west; King's Highway, north from the intersection of Lindell Avenue, shall be fifty hundred west, and King's Highway, south from the intersection of Euclid Avenue to its intersection with Gravois Avenue, shall be forty-nine hundred west; Euclid Avenue from its intersection with King's Highway to its intersection with Lindell Avenue shall be forty-nine hundred west; Park Avenue, from the east line westerly to the center line of Missouri Avenue, shall be fourteen hundred south; Park Avenue, from the center line of Missouri Avenue westwardly to Tower Grove Avenue, shall be fifteen hundred south; Arsenal Street, from the base line to the intersection of the western City limits, shall be thirty-one hundred south; Eichelberger Street, from the base line to the intersection of the western City limits, shall be fifty-four hundred south; Cass Avenue, from the base line to the intersection of Easton Avenue, shall be fifteen hundred north; Easton Avenue, from the intersection of Cass Avenue to the western City limits, shall be fifteen hundred north; Salisbury Street, from the base line to the intersection of Natural Bridge Avenue, shall be thirty-seven hundred north; Natural Bridge Avenue, from the intersection of Salisbury Street, to the western City limits line, shall be thirty-seven hundred north; Calvary Avenue, from the base line westerly to the intersection of Florissant Avenue, shall be seventy-five hundred north, except at Florissant Avenue, which shall be seventy-four hundred north. In the district bounded by Grand Avenue, Laclede Avenue (central base line), Florissant Avenue, and the western City limits line, the streets shall be treated and numbered as north streets from central base line. Florissant Avenue shall retain its present system of numbering.

20.16.050 Assignment of numbers.

There shall be one number allowed for every twenty feet of vacant ground or building, house or structure. There shall be a full number assigned for any building, house or structure twenty feet in width. There shall also be assigned a half number for any building, house or structure or through passage way leading from any street to rear of premises less than twenty feet in width. There shall also be assigned a full number, with the letter "A" for any entrance leading directly from any street or highway to any second floor apartment, regardless of the purpose for which the apartment is to be used. All numbering shall be done as directed by the Street Commissioner. All numbers shall be assigned to meet the door openings as nearly as possible. The Street Commissioner shall, where a block is more than one thousand feet long, cause duplicate numbers to be issued, except that the full number will have the letters "N," "S," or "W," as follows: On all east and west streets where the house, building, or structure shall be ten hundred twenty feet from the starting number, the house, building or structure shall take the starting number of the block with the letter "W" for the first floor entrance; second floor entrance to have a full number with the letters "W-A." This shall continue until two thousand feet have been reached, or until a rectifying line has been reached or until a change of hundred has been reached. The above shall apply, also, to streets numbered south from the central base line, except that the letter "S" shall be used for the first floor and "S-A" for the second floor. The same mode of numbering shall be applied to streets numbered from the central base line north, except that the letter "N" shall be used for the first floor and the letters "N-A" shall be used for the second floor entrances.

20.16.060 Location of numbers.

The responsibility for the proper numbering of each house, building or other structure on the street front and, if there be an alley entrance, also at the alley entrance to the premises, on which the house, building or structure is located shall rest upon its owner, trustee, lessee, agent, or occupant, who shall cause the same to be numbered. The number shall be placed either on the front transom bar, front transom glass, or front show window over or on either side of the entrance, the address numbers shall be Arabic numerals and shall be of paint or metal and at least three inches in height with a minimum stroke width of 0.5 inches, the color of the numbers to be in contrast to the immediate background, and shall be so placed as to be in full view from the opposite side of the street. No house number shall be covered with any sign, drapery or other obstruction tending to conceal the number. All old numbers must be removed from any house, building or other structure when a new number has been assigned or when so directed by the Building Commissioner. The house number shall be placed conspicuously at the alley entrance, the same to be of paint or metal figures not less than three inches high. The Building Commissioner may require the numbering and renumbering of any house, building or other structure and the alley entrance thereof, in accordance with his directions.

20.16.070 Certificate of proper number.

The Building Commissioner shall furnish a certificate of the proper house number to all persons taking out building permits, and to all persons desiring data or information for the proper numbering of any house, building or other structure.

**SECTION FIVE.**

Chapter 20.18

CONSTRUCTION,REPAIR AND MAINTENANCE OF STREETS AND ALLEYS

Part I

Public Streets and Alleys

Sections:

- 20.18.010        Cleaning.
- 20.18.030        Vehicles belonging to City employees not to be used in City work.
- 20.18.040        City vehicles.
- 20.18.050        Repair defined.
- 20.18.060        Payment for repairs.
- 20.18.070        Materials for repair.
- 20.18.080        Private construction--Permit required.
- 20.18.090        Private construction--Supervision of work.
- 20.18.100        Private construction--Cleaning and repair by City after construction.
- 20.18.110        Private construction--Conditions upon which permit granted.
- 20.18.120        Private construction--Deposit.

Part II

Private Streets, Curbs, Sidewalks and Alleys

- 20.18.130        Private streets, curbs, sidewalks and alleys--Authorized.
- 20.18.140        Construction of private streets, curbs, sidewalks and alleys--Permit required.
- 20.18.150        Bond required.
- 20.18.160        Special tax bills.

Part III

Cash Match Alley Improvement Program

- 20.18.170        Established--Exceptions.
- 20.18.180        Definitions.
- 20.18.190        Procedure to determine participation in cash match program.

## Part I

## Public Streets and Alleys

## 20.18.010 Cleaning.

The work of sweeping and cleaning the roadways, including the gutters, of all paved public streets in the City shall be done under the supervision of the Street Commissioner

## 20.18.030 Vehicles belonging to City employees not to be used in City work.

No teams, wagons, carts, trucks, automobiles or other vehicles belonging in whole or in part to the Street Commissioner or to any officer or employee in any of the Departments shall be used, directly or indirectly, for any work done or performed for or by the City.

## 20.18.040 City vehicles.

The Street Commissioner and superintendents in the Street Division shall be furnished conveyances and the cost of maintenance shall be paid out of the City Treasury.

## 20.18.050 Repair defined.

“Repair” as used in this chapter means:

To restore any hole, depression or excavation in any street or highway to a good, safe or sound condition after deterioration, injury, damage, dilapidation or partial destruction.

## 20.18.060 Payment for repairs.

Unless otherwise provided for, whenever in the opinion of the Director of Streets the pavement of the roadway of any improved public highway is in need of repair, it shall be the duty of the Street Commissioner to cause the repairs to be made and the cost thereof shall be charged to and paid out of appropriations for current expenses of the street division. When the repairs have become necessary as a result of an excavation in or under the pavement of the highway or of the passage in the highway of vehicles not conforming to the City ordinances regulating weight, equipment and character of vehicles or of any other act not consistent with the lawful use of the highway, the cost of the repairs shall be charged against the person responsible for the damage and collected as other indebtedness to the City is collected.

## 20.18.070 Materials for repair.

Whenever the Board of Public Service shall consider it advisable and for the best interest of the City to utilize materials for the repair or maintenance or in the resurfacing of the roadway of an improved public highway different in character from the materials with which the roadway has previously been constructed or reconstructed, it may, by a vote of the majority of all of its members, authorize the use of other specified materials in the repair of the roadway and upon such action by the board it shall authorize and direct the Director of Streets to cause the roadway to be repaired and maintained as authorized by the board; provided, however, that the Street Commissioner, with the approval of the Director of Streets, in making temporary and emergency repairs of the roadways of public highways, may use suitable materials, although different in character, from the materials with which the roadway has previously been constructed or reconstructed.

## 20.18.080 Private construction--Permit required.

The Board of Public Service is authorized to grant permission to the owners of property fronting upon or adjoining any street, avenue, public highway or alley to grade, construct or reconstruct the curbing, guttering, roadway paving or sidewalk paving of the street, avenue, public highway or alley at the property owner's own cost and expense.

## 20.18.090 Private construction--Supervision of work.

All work authorized by Section 20.18.080 shall be done under the supervision of and according to plans and specifications approved by the Board of Public Service.

20.18.100 Private construction--Cleaning and repair by City after construction.

The roadways of streets, avenues and public highways constructed or reconstructed under the provisions of Section 20.18.080 shall be cleaned and repaired by the City as other streets of similar material and construction are cleaned and repaired.

20.18.110 Private construction--Conditions upon which permit granted.

All permits granted under the provisions of Section 20.18.080 shall be given upon the express condition that they shall not be construed to impair in any way the right of the City to reconstruct the streets, avenues, public highways or alleys at any time, nor to entitle the owners to any claim for damages against the City for reconstructing the same.

20.18.120 Private construction--Deposit.

Before permission is issued under the provisions of Section 20.18.080, the person making application therefor shall pay into the City Treasury a sum of money to be fixed by the Board of Public Service, but not less in any case than two hundred fifty dollars. The moneys shall be a special fund out of which shall be paid the cost of all engineering and inspection which shall become necessary on account of any work done under permission, as well as all costs for refilling or any other expenses to which the City may be put on account of the work or any violations of the conditions or regulations under which the same is done, and if, after deducting all payments there be any remainder, it shall be returned to the person by whom the fund was deposited.

## Part II

### Private Streets, Curbs, Sidewalks and Alleys

20.18.130 Private streets, curbs, sidewalks and alleys--Authorized.

The construction, reconstruction and repair of streets, curbs, sidewalks and alleys intended for the private use of designated property owners is hereby authorized under the conditions and requirements set forth in this part. For purposes of this part any street, curb, sidewalk or alley which has not been dedicated for public use through the Board of Public Service shall be intended for private use.

20.18.140 Construction of private streets, curbs, sidewalks and alleys--Permit required.

A. No property owner, contractor or any other person shall construct, reconstruct or repair, or cause to be constructed, reconstructed or repaired, any street, curb, sidewalk or alley which is private or intended to be private without having previously obtained written permission to do so from the Director of Streets.

B. The work shall be done in accordance with specifications approved by the Board of Public Service, and under the supervision and to the satisfaction of the Director of Streets or his duly authorized agent.

C. In case of failure on the part of the permittee to proceed in conformity with the specifications and directions, the Board of Public Service shall cause the street, curb, sidewalk or alley to be removed or reconstructed.

20.18.150 Bond required.

Before any permit is issued under the provisions of Section 20.18.130, the person submitting the application shall post a bond with the Comptroller in an amount set by the Board of Public Service to insure and guaranty, to the extent of the amount specified by the Board of Public Service in its estimate of the cost thereof, the construction and completion of the improvement for which the permit is sought. The Comptroller shall release the surety from all or any part of its obligation under the bond only upon receipt of written notification from the Board of Public Service that said improvements have been completed in a satisfactory manner and approved by the Director of Streets.

20.18.160 Special tax bills.

In the event that the Board of Public Service is required to remove, reconstruct or repair any private street, curb, sidewalk or alley under the provisions of Section 20.18.140 of this part subsequent to the release of the surety under Section 20.18.150, the total cost of the removal, reconstruction or repair shall be determined by the Board of Public Service and certified to the Street Commissioner who shall prepare and issue a bill for payment of a pro-rata share of said cost to the owners or their representatives of each lot of ground adjacent to said improvement. In the event that these bills are not paid within 60 days of issue, the Comptroller

shall prepare and issue a special tax bill to any owner who has failed to submit the requested payment to be collected as permitted by law.

### Part III

#### Cash Match Alley Improvement Program

##### 20.18.170 Established--Exceptions.

There is hereby established a cash match concrete alley improvement program for the purpose of providing for an incentive to property owners to participate with the City in the cost of the improvement of alleys. The provisions of this part shall not be applicable to alleys which abut any lot in a J, K or L zoning district.

##### 20.18.180 Definitions.

For the purpose of this part, the following definitions shall apply:

“Alley” means improved alleys that are within public right-of-way which have been previously improved, unimproved alleys within public rights-of-way or private alleys upon dedication to the City.

“Cost” means all costs incurred in connection with an alley improvement under this part, including, but not limited to costs incurred for the preparation of preliminary reports, the preparation of preliminary reports, the preparation of plans and specifications, fees and expenses of consultants, the cost of materials, labor and other lawful expenses incurred in planning and doing any improvement, including the acquisition of right-of-way and easement, reasonable construction contingencies, and work performed.

“Improvement” means removal of pavement, new pavement, reconstruction of existing pavement, necessary drainage measures, grading, fence removal and replacement and utility adjustment.

“Nonowner funds” means matching funds appropriated from the Citywide account of the capital appropriation for the City of St. Louis and the aldermanic ward improvement account of the capital appropriation for the ward in which the alley to be improved is located.

“Owner” means every person designated as grantee or party of the second part on a deed recorded with the Recorder of Deeds.

##### 20.18.190 Procedure to determine participation in cash match program.

A. In order to become eligible for funding for an alley improvement under this program, a petition supporting the improvement and any cost associated with the improvement must be presented to the Board of Public Service signed by sixty-seven percent (67%) of the owners of property that abut the alley to be improved. The petition forms will be available in the Board of Public Service and shall contain a statement disclosing the estimated cost per lineal foot of the alley improvement. The petition must contain the name, address and signature of the required number of property owners; the City block number in which the alley is located; the names of all streets bounding the designated City block; and the approximate width and length of the alley. A separate petition is necessary for every City block.

B. Upon receipt of the petition, the Board of Public Service shall determine within fourteen calendar days whether there are nonowner funds available for the project. If the Board of Public Service determines that there are insufficient nonowner funds available for the alley improvement the petition representative shall be notified, and the petition shall become null and void ninety days after such notification. If the Board of Public Service determines that there are nonowner funds available for the improvement of the alley the petition representative and the Street Department shall be notified.

C. Except for good cause, the Board of Public Service shall within thirty calendar days of receipt of the petition make a determination as to the probable cost of the alley improvement. Said determination shall for one-third of the probable cost to be paid by the property owners, one-third to be paid from the alderman’s ward capital improvement account and one-third to be paid from the Citywide account of the capital appropriation. The cost determination shall be forwarded to the Alderman and to the petition representative within seven calendar days of said determination. The Board of Public Service shall also advise the Alderman and the petition representative of the approximate commencement date and completion date for the project.

D. Once the petition representative is notified of the cost determination said representative shall notify all of the owners whose property abuts the alley to be improved of the total cost of the project to the owners. The cost to each owner shall be determined by dividing one-third of the total cost of the project ratably by the linear footage of each parcel abutting the alley, except as herein provided. If more than one side of a parcel abuts the alley to be improved the cost to the property owner shall not be more than the cost attributable to the narrowest side of the parcel abutting the alley. The balance of the total cost shall be paid from funds set aside for this project by the Alderman from the ward allocation.

E. After the notification required in subsection D of this section the owners shall have forty-five calendar days to submit one hundred percent (100%) of the owner's share of the probable total cost to the Comptroller who shall establish a special account for each improvement hereunder. The owner's funds shall be deposited into the special account which shall be interest bearing.

F. Once the owners' funds are deposited with the Comptroller, the Street Department shall commence the project. Except for good cause, the improvement shall be completed within one year of the owners' funds being deposited with the Comptroller. If for any reason the improvement cannot be commenced within six months of the deposit, the petition representative shall be notified. Within thirty days of such notification, a majority of the owners may cancel the improvement by notifying the President of the Board of Public Service in writing. If the improvement is canceled because of this provision the owners shall be refunded their money, in full, with interest within thirty days of notice of cancellation. Upon such occurrence, there shall be no obligation on any person or party to commence or complete the improvement.

G. Upon completion of construction, the total actual cost for the project will be determined. The actual cost for each owner shall be determined as set forth herein. Any additional cost shall be paid from the aldermanic ward allocation account. If there are residual funds in the owner's account after the actual cost has been determined each owner will receive a refund determined by the formula used to calculate each owner's cost.

## SECTION SIX.

### Chapter 20.20

#### TEMPORARY CLOSING OF STREETS

##### Sections:

20.20.010 Authority of Director of Streets.

20.20.020 Use prohibited.

20.20.030 Duty of police.

20.20.040 Placarding.

20.20.050 Removal of placards.

20.20.010 Authority of Director of Streets.

The Director of Streets is authorized, with the approval of the Mayor, to close any street, alley, public place or highway and withdraw the same from public use temporarily and during the period public work thereon shall make the action necessary.

20.20.020 Use prohibited.

Any person using or attempting to use any street, alley or public place or highway withdrawn from public use under the provisions of this chapter or driving or attempting to drive any animal or vehicle thereon, shall be deemed guilty of a misdemeanor.

20.20.030 Duty of police.

It shall be the duty of the police within their respective districts to watch for and arrest persons violating the provisions of Section 20.20.020.

## 20.20.040 Placarding.

Whenever any street, alley, public place or highway is temporarily closed, and withdrawn from public use, as provided in Section 20.20.010 the Director of Streets shall cause to be placed at each end of the portion withdrawn from public use a placard, printed in large type, in the following words: "street closed. This street is temporarily withdrawn from public use by authority of the Revised Code of St. Louis."

## 20.20.050 Removal of placards.

Any person who shall remove a placard from any public street, or tear, deface or mutilate a placard shall be guilty of a misdemeanor.

**SECTION SEVEN.**

## Chapter 20.22

## AREAWAY, VAULTS IN STREETS AND SIDEWALKS

## Sections:

20.22.010 Permit required--For construction or maintenance in streets.

20.22.020 Permit required--Excavation or construction in sidewalks.

20.22.030 Vaults to be covered.

20.22.040 Covers.

20.22.010 Permit required--For construction or maintenance in streets.

No permit for the construction or maintenance of an areaway or vault in any public street, highway or alley may be issued except by the Board of Public Service. The board may issue a permit only after the owner of the property adjacent to the portion of the public street, highway or alley in which the areaway or vault is proposed to be constructed or maintained has filed with the board an application for a permit accompanied by copies of complete detailed plans of the proposed areaway or vault, sufficient in number to meet the needs of the board. Permits shall be subject to the following conditions:

A. The outer face of the walls of the areaways or vaults shall not extend beyond the curb line of the public street or highway;

B. The outer face of the walls of such areaways or vaults in any public alley shall not be more than five feet from the property line of the adjacent property;

C. No areaway or vault shall extend into the entrance of any public alley between the property line and curb line of any public street or highway;

D. The areaway or vault shall be constructed and maintained in accordance with plans filed with and approved by the Board of Public Service;

E. No steps shall be built or placed in the areaway or vault;

F. The City reserves the right to enter the areaway or vault and take the space deemed necessary by the Board of Public Service for any public purpose or use;

G. The permit is subject to revocation at any time by the Board of Public Service.

H. Other reasonable conditions as the Board of Public Service may impose to insure the public safety and protect the public interest.

20.22.020 Permit required--Excavation or construction in sidewalks.

Except as provided in Sections 20.30.010--20.30.030, no person, property owner, agent or builder shall excavate or construct any vault or areaway in the sidewalk area of any public highway and no person, property owner, agent or builder shall cause any such excavation or construction to be made without having previously obtained from the board of public service a permit for excavation or construction. Any person, property owner, agent or builder who violates the foregoing provision or who, having violated such provision and having been notified by the Director of Streets of the violation, fails to remove the areaway or vault and restore the public highway or areaway or vault to conform to the plans approved by the Board of Public Service, shall be deemed guilty of a misdemeanor and every day the vault or areaway is allowed to remain or is not changed or altered to conform to the approved plans shall be deemed a separate offense.

20.22.030 Vaults to be covered.

Whoever shall in this City, dig or cause to be dug, in any highway, thoroughfare or sidewalk, a vault, and shall not arch or cover the same over, and secure the grating or covering of the opening thereof, in such manner as to prevent persons, animals and vehicles from falling therein, shall be guilty of a misdemeanor.

20.22.040 Covers.

Any opening in a paved sidewalk leading into an area or vault beneath, or into a cellar, shall be fitted with wood or iron cover or grating, set in flagging even with the surface of the sidewalk. The covering or grating shall have no lock, hinge or any fastening projecting above the sidewalk, and shall be secured in a manner to prevent accident to any one passing over it. Any person who shall fail to comply with the provisions of this section, or who shall leave an opening in a sidewalk uncovered, shall be guilty of a misdemeanor.

## **SECTION EIGHT.**

### Chapter 20.24

#### STRUCTURES OVERHANGING OR CROSSING STREETS

##### Sections:

20.24.010 Permit required--Bridge or support.

20.24.020 Permit required--Fixed canopy.

20.24.030 Permit required--Fixed awning.

20.24.040 Permit required--Existing structures.

20.24.050 Work to be done under supervision of Directors of Streets and public safety.

20.24.060 Fee for permit.

20.24.070 Inspections.

20.24.080 Right to require removal.

20.24.010 Permit required--Bridge or support.

No person, firm or corporation shall erect nor cause to be erected, nor maintain nor cause to be maintained, any bridge, overhead passageway, arch, support for pipes, support for hoist nor any similar structure over or across any public highway or other public place without a permit from the Board of Public Service and subjects to reasonable conditions and regulations as the board may specify.

20.24.020 Permit required--Fixed canopy.

No person, firm or corporation shall erect nor cause to be erected nor maintain nor cause to be maintained any fixed canopy,

as hereinafter defined, nor any other similar structure any supports of which rest in or upon any portion of a public highway without a permit from the Board of Public Service and subject to reasonable regulations and conditions as the board may specify.

20.24.030 Permit required--Fixed awning.

No person, firm or corporation shall erect nor cause to be erected, nor maintain, nor cause to be maintained any fixed awning, as hereinafter defined, which projects more than six feet three inches over the public highway, without a permit from the Board of Public Service and subject to reasonable regulations and conditions as the board may specify.

A fixed awning projecting not more than six feet three inches over the public highway and not less than two feet from the curb line shall be not less than eight feet above the public sidewalk and not less than fourteen feet six inches over the public roadway.

“Fixed awning” means a rigid roof-like structure of noncombustible materials, supported entirely from the walls or frame of a structure which does not encroach on the public highway.

20.24.040 Permit required--Existing structures.

Any person, firm or corporation now maintaining any bridge, overhead passageway, arch, support for pipes, support for hoist or any similar structure or fixed canopy or fixed awning over, on or across any part of a public highway or other public place without a permit from the Board of Public Service so to do shall before November 10, 1956, obtain from the board a permit to continue to maintain such a structure, or failing to obtain a permit within the time limit, shall forthwith remove the structure from the public highway.

20.24.050 Work to be done under supervision of Directors of Streets and public safety.

The work of construction of any structure in this chapter, in its relation to and effect upon the public highway, shall be done under the supervision and to the satisfaction of the Director of Streets and as to structural details under the supervision and to the satisfaction of the Director of Public Safety.

20.24.060 Fee for permit.

For the privilege of erecting and maintaining in the public highway any such structure as mentioned in this chapter, the fee to be paid for the permit issued by the Board of Public Service shall be one hundred dollars (\$100.00) or, if an engineering review of the plans and structure is required, then the fee shall be based upon actual hours spent rendering the service. The fee shall accompany the application to the board for such a permit. Such fee shall be for the use of the Department of Streets as reimbursement for investigations, examination of plans and supervision of construction of such structures.

20.24.070 Inspections.

The Director of Streets shall cause a semi-annual inspection to be made of all fixed canopies and other structures, the supports of which rest in or upon any part of the public highways. The Director of Streets shall cause such additional inspection to be made as he deems necessary to public safety of all such structures to which the provisions of this chapter shall apply, but no fees shall be charged for such additional inspections.

20.24.080 Right to require removal.

No permit shall be granted for the erection of any structure under authority of this chapter except on the condition that the City reserves the right on three months notice to require the structure to be removed from the public highway at the expense of the owner.

## SECTION NINE.

### Chapter 20.26

#### CONSTRUCTION, REPAIR AND MAINTENANCE OF SIDEWALKS

Sections:

20.26.010 Repairs--Notice to owner.

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20.26.020	Repairs--Failure of owner to show cause.
20.26.030	Repairs--Costs--Constitute lien.
20.26.040	Repairs--Costs--Computed and assessed as special tax.
20.26.050	Private construction.
20.26.060	Construction or reconstruction--Notice to owner.
20.26.070	Construction or reconstruction--Failure of owner to show cause.
20.26.080	Width requirements.
20.26.090	Cross slope.
20.26.100	Crosswalks.
20.26.110	Revolving fund for sidewalk repair--Created.
20.26.120	Revolving fund for sidewalk repair--Payment of special tax bill.
20.26.130	Revolving fund for sidewalk repair--Warrant by Comptroller.
20.26.140	Bond or Deposit required for issuance of building permit.
20.26.150	Building demolition.
20.26.160	Bonding persons doing concrete work for hire.
20.26.170	Penalty for violation of Section 20.26.160.
20.26.175	Bonding of persons doing asphalt paving work for hire in the public right-of-way.
20.26.180	Hazardous sidewalks--Notice to repair.
20.26.190	Hazardous sidewalks--Appeal--Time extension.
20.26.200	Hazardous sidewalks--Penalty for violation.
20.26.210	Tax bill for sidewalk repair--Issued when.
20.26.220	Curbs.
20.26.230	Contracts for repairs.
20.26.240	Sidewalks--Authority of Street Department to repair.
20.26.250	Notice to property owners.
20.26.260	Notice of costs to property owners.
20.26.270	Special tax lien.
20.26.280	Nonentitlement to credit or rebate.
20.26.290	Residential walks--Special revolving fund.
20.26.010	Repairs--Notice to owner.

Whenever any sidewalk or driveway or the covering over any areaway or vault in the sidewalk in any public highway shall need repair, the Director of Streets shall notify the owner of the property adjoining the sidewalk, or his agent, through the mail, to have the same repaired to the satisfaction of the Director of Streets within thirty days from the date of the notice, or to appear before the Board of Public Service on the day and hour specified in the notice. The time shall be the time of the first meeting of the Board after the expiration of the thirty day period. The owner shall show cause why the Board should not have the sidewalk or driveway or the covering over any areaway or vault in the sidewalk repaired, and the cost thereof assessed as a tax against the property abutting the sidewalk area in which the work is done.

20.26.020 Repairs--Failure of owner to show cause.

At the meeting of the Board of Public Service at which a hearing is held for the repair of a sidewalk or driveway or the covering over an areaway or vault, or within three days following the meeting, the Board shall make its decision regarding the repair. If, in the opinion of the Board, the owner or agent has failed to show cause why the repair should not be made, the Board shall authorize and instruct the Director of Streets to cause the 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 the work.

20.26.030 Repairs--Costs--Constitute lien.

The expense incurred by the City for labor, including supervision, and materials employed in the repair of any sidewalk or driveway or the covering over any areaway or vault in the sidewalk in any public highway under authority of the Board of Public Service and Sections 20.26.010 and 20.26.020, shall be charged as a lien against the property adjoining the sidewalk area in which the work is done.

20.26.040 Repairs--Costs--Computed and assessed as special tax.

Upon completion of the repair of any sidewalk or driveway or the covering over any areaway or vault in the sidewalk in any public highway by the Director of Streets, as authorized by the Board of Public Service under authority of Sections 20.26.010--20.26.030, the Director shall cause the total cost of the repair to be determined and certify the same to the Board of Public Service.

Upon the approval of the report by the Board, the report, with the approval of the Board endorsed thereon, shall be transmitted to the person designated by the Board to prepare special tax bills, who shall assess the same as a special tax against each lot of ground chargeable therewith, in the names of the owners thereof, respectively, and shall make out and certify to the Comptroller bills of the cost and assessments accordingly as required by law.

20.26.050 Private construction.

No property owner, contractor or any other person shall construct, reconstruct or repair, or cause to be constructed, reconstructed or repaired, any sidewalk or driveway, or the covering over any areaway or vault in the sidewalk in any public highway in the City without having previously obtained written permission so to do from the Director of Streets.

The work shall be done in accordance with specifications approved by the Board of Public Service, and under the supervision and to the satisfaction of the Director of Streets or his duly authorized agent.

In case of failure on the part of the permittee to proceed in conformity with the specifications and directions, the Board of Public Service shall cause the walk to be removed or reconstructed in the manner provided for in Sections 20.26.010--20.26.040.

Whenever the Board of Aldermen shall direct, by ordinance, the improvement of a public street or avenue, the Board of Public Service shall, upon the application of the owner of any property fronting or bordering the improvement, grant permission to the owner to construct the sidewalk in front of the property. If the permit is for the construction of a sidewalk in front of a corner lot, the permit will be given on condition that the sidewalk be laid to the curb lines of the intersecting street. Without such permission no sidewalk shall be constructed.

20.26.060 Construction or reconstruction--Notice to owner.

Whenever a sidewalk adjoining any property should be constructed or completely reconstructed, in the opinion of the Director of Streets, the Director shall notify the owner of the property adjoining the area on which the sidewalk should be constructed or completely reconstructed, or the agents of the owners, through the mail, to have the sidewalk constructed or completely

reconstructed, in accordance with the specifications approved by the Board of Public Service, as provided in Section 20.26.050, within thirty days from the date of the notice, or to appear before the board on the day and hour specified in the notice. The time shall be the first meeting of the board after the expiration of the thirty day period. The owner shall show cause why the board should not cause the sidewalk to be constructed or completely reconstructed, and the cost thereof assessed as a special tax against the property adjoining the area on which the sidewalk is to be constructed or reconstructed.

20.26.070 Construction or reconstruction--Failure of owner to show cause.

At the meeting of the Board of Public Service at which the hearing is held for the construction or reconstruction of a sidewalk, or within three days following such meeting, the board shall make its decision regarding the construction or reconstruction. If, in the opinion of the Board, the owner or agent has failed to show cause why the sidewalk should not be constructed or reconstructed, the Board shall cause the sidewalk to be constructed or reconstructed, as the case may be, and cause special tax bills to be issued therefor, all as directed by the Charter for doing public work to be paid for by a special assessment.

20.26.080 Width requirements.

Except in those cases where the width of sidewalks shall be fixed by order duly entered by the Board of Public Service, as hereinafter provided, the widths of all sidewalks in the City shall be as follows:

In all streets of thirty and under thirty-eight and one-half feet in width the sidewalks shall be five and one-half feet wide; those of thirty-eight and one-half and under forty feet in width shall have sidewalks six and one-half feet wide; those of forty and under fifty feet in width shall have sidewalks eight feet wide; those of fifty and under sixty feet in width shall have sidewalks ten feet wide; those of sixty and under seventy-five feet in width shall have sidewalks twelve feet wide; those of seventy-five and under eighty feet in width shall have sidewalks fourteen feet wide; those of eighty and under one hundred feet in width shall have sidewalks fifteen feet wide; those of one hundred feet and upwards shall have sidewalks twenty feet wide; provided, however, that the Board of Public Service may at any time, by order duly entered, fix the width of any sidewalk or sidewalks, in the City at variance with the widths above set out, whenever it may seem best to do so in the discretion of the board.

20.26.090 Cross slope.

No sidewalk shall be constructed, the cross grade of which or rise from the curbstone, shall be greater than one-quarter inch vertical rise to one foot horizontal distance except with the approval of the Board of Public Service. In each instance the cross grade shall slope toward the street and the curb line shall be maintained at its correct elevation above the City directrix which shall be determined from the construction of the particular street in question.

20.26.100 Crosswalks.

The Board of Public Service shall grant any person permission to construct a crosswalk at his own expense at any point upon any street, avenue or highway when the crosswalk will not obstruct the public carriage way or inconvenience the public. The crosswalk shall be constructed of the kind of material and in the manner directed by the Board of Public Service.

20.26.110 Revolving fund for sidewalk repair--Created.

There is created a revolving fund to expedite the repair of sidewalks and driveways and of the covering over of areaways and vaults in the sidewalks, in order to provide funds to carry out the provisions of Section 20.26.060, above, and the amount hereinafter appropriated, together with any money hereafter appropriated to the fund, shall be used to pay the cost of the repairs.

20.26.120 Revolving fund for sidewalk repair--Payment of special tax bill.

Upon the payment of any special tax bill issued against private property for the cost of repairs made pursuant to Section 20.26.060, the cost of which repairs was paid out of the fund, the proceeds of the special tax bill shall be deposited to the credit of the fund and may be again used for the purposes for which the fund is created and in the same manner as money hereinafter appropriated.

20.26.130 Revolving fund for sidewalk repair--Warrant by Comptroller.

The Comptroller is authorized and directed to draw his warrant upon the fund upon the written request of the Director of Streets.

20.26.140 Bond or Deposit required for issuance of building permit.

No building permit or occupancy permit shall be issued by the Building Commissioner to erect, alter, add to, or use a structure for any purpose whatever prior to the placing on deposit with the Director of Streets a sum equal to, or a corporate surety bond of at least ten thousand dollars and equal to a sum equal to, the cost of erecting a new sidewalk and/or driveway where none is in existence or repairing an existing sidewalk and/or driveway.

20.26.150 Building demolition.

Whenever any building or structure on any premises is wrecked, removed or demolished, in whole or in part, and the building or structure is served by a coal hole, cellar or basement door or passageway, water stopcock box, gas stopcock box, which is located within the public sidewalk area adjacent to the building or structure, and is abandoned, the owner, his agent, contractor or subcontractor engaged in the wrecking, demolition or removal of the building or structure shall at the time of the demolition, removal or wrecking remove or fill in with earth, sand or other similar material, properly tamped and compacted, the coal hole, the cellar or basement door or passageway, water stopcock box or gas stopcock box located within the public sidewalk or parkway and shall cause the surface of same to be paved with materials equal to the surface materials of the surrounding public sidewalk. The paving shall be at the established grade of the sidewalk and shall be level with the sidewalk surface adjoining the same.

20.26.160 Bonding persons doing concrete work for hire.

Every person, firm, or corporation engaged in the business of doing concrete work for hire in the public sidewalk area shall give bond to the City in the sum of ten thousand (\$10,000.00) dollars.

This bond shall be given prior to the issuance of any permits from the Department of Streets for sidewalk work.

The bond shall be approved by the Comptroller and shall be filed with the Register and conditioned that the party principal therein will faithfully observe all directions of the Director of Streets, or his agents, and also all City ordinances relating to construction. All concrete work must be done by the principal, or under the direction of the principal and executed in a workmanlike manner. The principal shall indemnify and save the City harmless from all accidents and damages caused by any negligence in protecting their work or by any unlawful or inadequate work done by themselves or their agents. The bond shall also be for the benefit of any person or persons injured, or whose property is injured, by the violation or neglect to observe the requirements of the Department of Streets. The bond shall be considered in effect until the City is notified, in writing, of cancellation by the bonding company. The indemnifying bond shall be written by a person, firm, or corporation authorized to do business in the state and shall be approved by the Comptroller.

20.26.170 Penalty for violation of Section 20.26.160.

Any person, firm, or corporation who shall do any concrete work in the public sidewalk area without giving bond to the City as required by Section 20.26.160 of this ordinance shall be in violation of the provisions of Section 20.26.160, and upon the conviction of same shall be fined not less than fifty dollars, nor more than five hundred dollars for each offense, or by imprisonment for not more than ninety days, or by both fine and imprisonment. Each day's violation shall constitute a separate offense.

20.26.175 Bonding of persons doing asphalt paving work for hire in the public right-of-way.

A. Every person, firm, or corporation engaged in the business of doing asphalt paving work for hire in the public right of way area shall give bond to the City in the sum of ten thousand dollars.

This bond shall be given prior to the issuance of any permits by the Department of Streets for right of way work.

Said bonds shall be approved by the Comptroller and shall be filed with the Register of the City and conditioned that the party principal therein will faithfully observe all directions of the Director of Streets, or his agents, and also all City ordinances relating to construction. All asphalt paving work must be done by the principal, or under the direction of such principal and executed in a workmanlike manner. That indemnify and save the City harmless from all accidents and damages caused by any negligence in protecting their work or by any unlawful or inadequate work done by themselves or their agents. Said bond shall also be for the benefit of any person or persons injured, of whose property is injured, by the violation or neglect to observe the requirements of the Department of Streets. Said bond shall be considered in effect until the City is notified, in writing, of cancellation by the bonding company. Such indemnifying bond shall be written by a person, firm, or corporation authorized to do business in the State and shall be approved by the Comptroller of the City.

B. Any person, firm, or corporation who shall do any asphalt paving work, for hire, in the public right-of-way without giving bond to the City as required by subsection A of this section shall be in violation of the provisions of subsection A of this section, and upon the conviction of same shall be fined not less than fifty dollars, nor more than five hundred dollars for each such offense, or by imprisonment. Each day's violation shall constitute a separate offense.

20.26.180 Hazardous sidewalks--Notice to repair.

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

20.26.190 Hazardous sidewalks--Appeal--Time extension.

Any owner of such a sidewalk may within the thirty days after receipt of the Director's notice or, completion of the corrective action by the City, appeal to the Board of Public Service the Director's determination of the hazardous condition of the sidewalk, or seek an extension of time for accomplishing the repair of the sidewalk, which may be granted by the Board if the sidewalk can be immediately and temporarily rendered safe for the public and the owner so alleviates the condition. While an appeal remains undetermined, the owner shall not be prosecuted and when the sidewalk condition is alleviated to the satisfaction of the Board and within the time granted by the Board, the owner shall not be prosecuted.

20.26.200 Hazardous sidewalks--Penalty for violation.

If the owner shall fail to repair or replace a hazardous sidewalk, or portion thereof within thirty days after notification by the Director unless the time is extended as provided in Section 20.26.190, or shall fail to appeal as provided, or shall fail to repair or replace the sidewalk or portion thereof as may be ordered by the Board, providing that in the case of raised sidewalk blocks caused by tree roots raising the sidewalk blocks the City must first have taken all steps required by the Municipal Code for the correction thereof, he shall be deemed guilty of violation of Sections 20.26.180--20.26.200 and shall upon conviction be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and each day that any violation shall continue shall constitute a separate offense.

20.26.210 Tax bill for sidewalk repair--Issued when.

A. The Board of Public Service is hereby authorized to issue special tax bills for sidewalk repair on all public streets within the City where property owners have refused to accept the City's fifty percent sidewalk shared cost program. Said tax bills shall be in ten (10) equal annual payments due upon service of the notice of said tax bills.

B. The Director of Streets shall monthly forward to the Board of Public Service a list of locations where special tax bills should be issued. The Board of Public Service, as authorized by Article XXIII, shall prepare and issue said tax bills.

20.26.220 Curbs.

No new or replacement curbing or new or replacement sidewalk within ten (10) feet of curbing at an intersection is to be constructed unless the curb and sidewalk configuration be constructed so as to provide a gradual slope to the level of the street from the grade of the sidewalk and provide an uninterrupted line of travel between pedestrian and motorized lines of travel, and at other points where necessary to avoid abrupt changes in grade. The Board of Public Service's standard specification for the construction of a handicap access ramp (wheelchair ramp) shall be used as the primary design pattern for the construction of the replacement sidewalk and curbing unless the existing configuration of curbing, sidewalk and other existing structures is such as to inhibit its implementation in which case, the Street Department and the Office of the Disabled shall prescribe standards of slope, gradient and slip resistant qualities to assure the sidewalk will accommodate a person in a wheelchair or other person with disabilities. These standards shall be included in the Revised Traffic Code.

20.26.230 Contracts for repairs.

Provided an appropriation has been made to pay costs, the Board of Public Service is authorized to let and enter into annual contracts from the first day of July of every year for emergency work required for the maintenance and necessary repairs of sidewalks which require prompt attention, as determined by the Director of Streets. The emergency work and necessary repairs shall be done with materials similar to the existing sidewalks.

20.26.240 Sidewalks--Authority of Street Department to repair.

A. The Street Department is hereby authorized to repair or have repaired sidewalks that abut property in Zoning Districts "A" through "G" or abuts property in any zoning district upon which is located a building designed for and used primarily for residential purposes which are in poor condition and need of repair as determined by the Director of Streets or the Director's designee and requiring that the property owners pay one-half of the total repair cost. This shall include sidewalks that are on a private street if such street is open to the general public.

B. Notwithstanding any provision of this section to the contrary, owners of residential and commercial property shall not be required to pay the repair cost of any portion of an abutting sidewalk which has been damaged by trees growing in the public easement immediately abutting to such sidewalk.

20.26.250 Notice to property owners.

The Director of Streets shall as authorized by Section 20.26.010 notify property owners of sidewalks in need of repair. He shall also notify said property owners that are covered under Sections 20.26.240--20.26.280 that the City will pay half the cost of repair if the owner provides matching funds.

20.26.260 Notice of costs to property owners.

Upon completion of work the Street Department shall notify the property owner in writing of their cost of the work and the property owner shall have ten (10) months in which to pay the bill.

20.26.270 Special tax lien.

Any covered property owner who has been notified of a defective sidewalk and refuses to voluntarily comply with the fifty percent shared cost program shall have a special tax lien as authorized by Article XXIII of the Charter of the City placed against their property.

20.26.280 Nonentitlement to credit or rebate.

Any non-covered property owner may make repairs as authorized by Section 20.26.050; however, he shall not be entitled to any rebate as authorized herein

20.26.290 Residential walks--Special revolving fund.

There is hereby created as part of the matching funds program here established, a special revolving account to administer said program for each ward as established in the City; upon the receipt of payment of funds by the property owner in compliance with the billing provisions of Section 20.26.260, the funds so received and any interest earned on such funds shall be deposited in the revolving account of the ward in which the improvements have been made. Thereafter said funds and interest shall not be transferred or reallocated to any other account or fund, nor shall said funds or interest be assigned to general revenue, but said funds and interest shall be used solely in furtherance of the purposes stated in Section 20.26.240 within the ward boundaries of the ward for that specific account or revolving fund has been established.

## SECTION TEN.

### Chapter 20.28

#### OBSTRUCTIONS AND ENCROACHMENTS

##### Sections:

20.28.010 Authority of Director of Streets.

20.28.020 Notice to owner.

20.28.030 Extension of time for compliance.

20.28.040 Duties--Penalty.

- 20.28.050 Removal by Director of Streets.
- 20.28.060 Special tax bill.
- 20.28.070 Duty of police.
- 20.28.080 Material from burned buildings.
- 20.28.090 Landings, balconies or steps.
- 20.28.100 Canvas awnings.
- 20.28.110 Parking ramp permit--Required.
- 20.28.120 Parking ramp permit--Application.
- 20.28.130 Parking ramp permit--Hearing.
- 20.28.140 Parking ramp permit--Revocation--Nontransferable.
- 20.28.150 Banner Permit.
- 20.28.160 Sidewalk Café Permit.
- 20.28.170 Bus Shelter Permit.

20.28.010 Authority of Director of Streets.

Whenever it shall come to the knowledge of the Director of Streets that any street, alley, sidewalk, or other right-of-way that has been duly dedicated or established according to law has not been opened, is in any manner illegally obstructed, or that there are any illegal encroachments upon any public rights-of-way within the City limits and if he shall find that the removal thereof is desirable as a matter of public convenience, he shall prepare a notice for removal to be directed to the owner of real property at the location of the illegal obstruction or encroachment.

20.28.020 Notice to owner.

The Director of Streets, through his agents, shall notify by First Class mail with postage prepaid the owner of the real property of the location and description of the obstruction or encroachment and the duty to remove said obstruction or encroachment within ten days from date of the notice.

Notice by First Class mail shall be deemed to be received seventy-two hours after it is mailed. The Director of Streets shall also attach a copy of the notice to the obstruction or encroachment directing the owner of the real property to remove the obstruction or encroachment within ten days, and shall take a photograph of the obstruction or encroachment within the notice attached. The removal period provided in the copy of the attached notice shall correspond to the ten day removal period stated in the notice delivered through the mail.

20.28.030 Extension of time for compliance.

If the owner of the real property, upon receipt for the removal notice, is unable to comply with the order of the Director of Streets for some reasonable cause, the Director of Streets may grant an extension of time. However, if the obstruction constitutes an immediate hazard, the Director may cause it to be removed immediately.

20.28.040 Duties--Penalty.

It shall be the duty of every owner of abutting real property to not place or permit illegal obstructions or encroachments in the public right-of-way. No person, firm, corporation or partnership shall place any object in the right-of-way without first having obtained a proper permit from the Board of Public Service. Any person, firm corporation or partnership who shall violate the provisions of this section and who shall fail, refuse or neglect to remove the illegal obstruction or encroachment within the time period allotted for removal, shall be punished by a fine of not less than ten dollars or more than one hundred dollars; and each day

that a violation shall continue shall constitute a separate offense.

20.28.050 Removal by Director of Streets.

If upon the expiration of the time set out in the notice served under the provisions of Sections 20.28.020 and 20.28.030 the obstructions or encroachments are not removed, the Director of Streets shall have them removed.

20.28.060 Special tax bill.

As soon as the amount of the entire expense of the removal under the provisions of Section 20.28.050 shall have been ascertained, it shall be assessed in favor of the City, against the ground fronting upon the obstruction or encroachment, pro rata, and the owner thereof, and a special tax bill shall be issued therefor by the Comptroller and delivered to the collector for collection.

20.28.070 Duty of police.

It shall be the duty of police in their respective districts to enforce the provisions of this chapter, and to arrest any person violating any provisions thereof. It shall also be their duty to promptly report to the Director of Streets any and all streets or highways upon which any article has been placed, spilled or thrown in violation of the provisions of this chapter. They shall examine the condition of the streets and alleys within their respective districts from time to time, and report, without delay, to the Director of Streets, through the Police Commissioners such as are obstructed in violation of any of the provisions of this chapter.

20.28.080 Material from burned buildings.

Whenever a public sidewalk is obstructed by debris or rubbish caused by the burning of any building it shall be the duty of the owner of the property or his duly authorized agent to cause the same to be removed within seventy-two hours thereafter. All serviceable building material which may be collected after the burning of the building may be placed by the owner or his duly authorized agent upon the street in front of the property. In no case shall the space thus occupied exceed that permissible in Section 20.32.090 nor shall he be allowed to occupy this space for a period longer than one month unless a building permit is taken out for the reconstruction of the building, and a permit from the Director of Streets is issued for the occupation of the street, alley or sidewalk.

20.28.090 Landings, balconies or steps.

If any owner of a building or his duly authorized agent, shall construct or allow to be constructed a landing, gallery, balcony, bay or show window, permanent platform, column, steps or any part of his building so that it projects beyond the building line of a street, into, on or over a public sidewalk, or shall fail to remove the same forthwith, when notified by the Director of Streets, he shall be deemed guilty of a misdemeanor; provided, however, that nothing herein contained shall prohibit the erection of a balcony from the second floor of any house extending not more than three feet beyond the building line; provided further, that nothing contained in this section shall be construed as prohibiting the repair, alteration or replacement with the same or different materials, in accordance with plans approved by the Board of Public Service, of any steps heretofore constructed beyond the building line of a street and into, on or over a public sidewalk.

20.28.100 Canvas awnings.

No person shall erect, or cause to be erected, and no person shall maintain, or cause to be maintained, any canvas awning that projects over the public highway in the City, unless the framework of the awning is not less than seven and one-half feet above the surface of the highway over which the awning projects, and unless the curtain and lowest part of the awning are not less than six feet eight inches above the surface of the highway over which the awning projects.

“Public highway” as used in this section shall be construed to include the sidewalk area as well as the roadway of the highway.

20.28.110 Parking ramp permit--Required.

The Board of Public Service is authorized and directed to issue a special encroachment permit for the use of space above the public street or public alley for the erection, construction and use of parking driveway ramps when the board shall find, after a public hearing thereon, that the encroachment into the public street or public alley is:

- A. At least fourteen and one-half feet clearance above the portion of the public street or public alley used for the

movement of automotive or other vehicles and at least twelve feet clearance above that portion of the public street used for pedestrian traffic;

- B. Constructed of materials having a fire restrictive value of at least four hours;
- C. Illuminated with lighting to an intensity of at least 0.6 foot candle power at all points of encroachment;
- D. Located within the "G" commercial, "H" commercial, "I" central business and "J" industrial use zoning districts under the comprehensive zoning ordinance of this City;
- E. Is not a traffic hazard. "Traffic hazard" means that the encroachment will not interfere with the vision of the operators of motor vehicles in the operation of vehicles within two hundred feet of the encroachment and will not interfere with the movement of trucks, tractors, trailers or other commercial vehicles within two hundred feet of the encroachment because of insufficient height and clearance to the contour of the public street or public alley;
- F. Does not deprive the surrounding properties within two hundred feet of the proposed encroachment of light and air;
- G. Does not project more than one-fourth of the width of the public street or public alley;
- H. The area of the ramp projection over the street is not to exceed three hundred ten square feet.

20.28.120 Parking ramp permit--Application.

Any person, firm or corporation proposing to build or erect a parking ramp which may encroach into the public street or public alley shall file an application with the Board of Public Service on the form required by the Board and submit detailed plans thereof showing the proposed encroachment.

20.28.130 Parking ramp permit--Hearing.

Upon receipt of the application the Board of Public Service shall within fifteen days conduct a hearing thereon. The Board shall post, at least five days before the hearing, a notice on the property from which the proposed parking driveway ramp will project, showing a drawing of the proposed encroachment and also a notice of the time, place and date where the hearing will be held.

20.28.140 Parking ramp permit--Revocation--Nontransferable.

The permit issued under the provisions of Sections 20.28.110--20.28.140 shall be revocable by the Board of Public Service upon the giving of a sixty-day notice to the holder thereof if the Board shall find that the parking driveway ramp interferes with or impedes, in any way, the movement of traffic along the public street or public alley. The permit granted shall not be transferable and should the property be sold or in any way transferred, either by sale, gift, lease, or in any other manner, the new owner or lessee shall be required to apply for a new permit if the party desires to continue such encroachment. If a permit is revoked or terminates under provisions of Sections 20.28.110--20.28.140, the encroachment shall be immediately removed.

20.28.150 Banner Permit.

No person shall erect, or cause to be erected and no person shall maintain or cause to be maintained a banner mounted on City light standards without an encroachment permit from the Board of Public Service and a banner permit from the Street Department. The fee for the banner permit shall be one hundred dollars (\$100.00) per pole and the permit shall be valid for up to one year from the date of issuance. A portion of the banner permit fee, fifty dollars (\$50.00) per light pole, will be refundable upon maintaining and removal of the banner(s) at the end of the year.

20.28.160 Sidewalk Café Permit.

No person or business shall have a sidewalk café without obtaining an encroachment permit from the Board of Public Service and a sidewalk café permit from the Street Department. The fee for the sidewalk café permit shall be two hundred dollars (\$200.00) plus \$1.00 per square foot of sidewalk being utilized for the café. The sidewalk café permit shall be valid for up to one year from the date of issuance.

## 20.28.170 Bus Shelter Permit.

No person or business shall erect, or cause to be erected, or maintain, or cause to be maintained, a bus shelter on a public sidewalk without an encroachment permit from the Board of Public Service and a bus shelter permit from the Street Department. The bus shelter permit fee shall be two hundred dollars (\$200.00) annually per shelter. The bus shelter permit fee is separate from the ten dollar (\$10.00) per shelter application fee required every three years by ordinance.

**SECTION ELEVEN.**

## Chapter 20.30

## EXCAVATIONS

## Sections:

- 20.30.010 Permit required.
  - 20.30.020 Installation of scales or railroad switch track.
  - 20.30.030 Deposit or bond.
  - 20.30.040 Regulations.
  - 20.30.050 Footbridge over sidewalk excavations.
  - 20.30.060 Temporary roadway.
  - 20.30.070 Length limit.
  - 20.30.080 Fencing and lighting.
  - 20.30.090 Deposits of materials excavated.
  - 20.30.100 Refilling--Layers--Tamping.
  - 20.30.110 Refilling--General regulations.
  - 20.30.120 Refilling--Reasons for not granting a permit.
  - 20.30.130 Trenches.
  - 20.30.140 Inspector's time.
  - 20.30.150 Lateral supports.
- 20.30.010 Permit required.

Subject to the provisions of this chapter, no person except the Water Commissioner shall make or cause to be made any excavation in any public street or alley without written permission of the Director of Streets so to do. The Water Commissioner at the time of ordering any excavation shall notify the Director of Streets of the action. It is provided, however, that such permission shall not be required for public work to be done under authority and supervision of the Board of Public Service or its duly authorized agent, and applicants qualified to pay annual inspection fees pursuant to Section 20.30.140 may be granted permits on an annual basis.

## 20.30.020 Installation of scales or railroad switch track.

No permit for excavation in any public street or alley for the purpose of installing a vehicular platform scale or railroad switch track shall be issued by the Director of Streets unless the applicant for such a permit shall have secured from the Board of Public Service a permit for the installation of such scale or switch track.

## 20.30.030 Deposit or bond.

Subject to the exceptions specified by ordinance, no excavation for any purpose whatever shall be made in a public street, sidewalk or alley without a permit from the Director of Streets. The permit may be for any purpose other than for the installation of a vehicular platform scale or railroad switch track. Applicants for all permits for excavations shall provide liability insurance in the amount of five hundred thousand dollars (\$500,000.00) saving the City harmless from all accidents and damages caused by any negligence in protecting their work or by any unlawful or inadequate work done by themselves or their employees. Applicants for permits for excavation less than twenty feet in length shall deposit with the Treasurer a sum of money to be fixed by the Director of Streets to cover the entire expense of backfilling the pavement or surfacing material, or post a bond in the amount of ten thousand dollars (\$10,000.00) conditioned that the applicant will indemnify the City for the entire cost of backfilling and repaving. Any applicant who is a bonded and licensed drainlayer or plumber, in accordance with the building code of the City, need not furnish additional bond, provided the existing bond provides that applicant will indemnify the City for the cost of backfilling and paving. If the cash deposit is insufficient, the permittee shall pay the deficiency to the Treasurer within ten days after notice by mail. Failure to pay the deficiency shall be grounds for refusing further permits.

## 20.30.040 Regulations.

Excavations in any street, sidewalk, alley or other public way shall not remain open unless work is progressing at a reasonable rate. The Director of Streets may, at his discretion and for good cause, grant an extension to the excavation permit allowing the excavation to remain open. If, in the opinion of the Director of Streets, any excavation work is not continuing at a reasonable rate, he shall cause the excavation to be backfilled and the cost thereof charged to the contractor holding the permit for the excavation; provided first, that written notice be given to permittee and that twenty-four hours elapse since receipt of the notice. The notice shall be mailed to the address of the permittee as shown on the permit and notice shall be deemed received thirty-six hours after mailing.

## 20.30.050 Footbridge over sidewalk excavations.

Whenever any person shall excavate the sidewalk of any street for building purposes, he shall place a strong and substantial footbridge over the excavation in the line of the sidewalk. The bridge shall be at least five feet broad and securely railed on each side, so that foot passengers may pass over it safely and conveniently at all times.

## 20.30.060 Temporary roadway.

In all cases where excavations are made entirely across the public highway, a substantial roadway shall be maintained by the party making the excavation across the highway, until the excavation is refilled, and at all times be subject to the approval of the Director of Streets.

## 20.30.070 Length limit.

No excavation shall be made in any public street or alley more than two blocks in length at any one time except by special permit from the Director of Streets.

## 20.30.080 Fencing and lighting.

Every person who shall cause to be made any excavation in or adjoining public street, sidewalks, alley or public place shall cause the same to be protected in the manner as may be specified in the excavation permit, and so placed as to prevent persons, animals or vehicles from falling into the excavations. Every person making or causing to be made any excavation, and every person who shall occupy or cause to be occupied any portion of any public street, sidewalk, alley, or public place with building materials or any obstruction, shall cause one red or amber light to be securely and conspicuously posted on or near the excavation, building material or obstruction provided the obstruction does not extend more than ten feet in length, and if over ten feet or less than fifty feet, two red or amber lights, one at each end, shall be so placed, and one additional light for each additional fifty feet or part thereof, and shall keep the light burning or flashing during the entire night.

Whether defendant street railway company was negligent in placing lights to guard street excavation as required by ordinance was question for jury.

Tort liability cannot be imposed on a City for failure to observe the requirements of its own ordinances.

20.30.090 Deposits of materials excavated.

In making excavations in any public street or alley, the paving material and earth removed must be deposited in a manner that will occasion the least inconvenience to the public with provision for proper surface drainage and a safe passageway for travel.

20.30.100 Refilling--Layers--Tamping.

Excavations in any street or alley shall be refilled immediately after the excavation project is completed. The excavation shall be refilled with granular material in a size and thickness determined by the Director of Streets. The refill material shall be compacted with equipment approved by the Director of Streets until the excavation is filled up to the proper line for placing the pavement thereon.

20.30.110 Refilling--General regulations.

If the refilling is not done in compliance with the provisions of this chapter, then the Director of Streets may remove all the earth from the excavation and have the same refilled at the expense of the person who made the excavation, and charge the cost thereof against the deposit of money belonging to the aforesaid person. The street or alley pavement, after refilling, shall be placed in as good shape and condition as it was before the excavation was made. All deficiencies in material shall be made good with new material by the persons making the excavation. Backfilling may be done with chat or other material approved by the Director of Streets. All dirt or other substance remaining at or near any excavation after the refilling thereof shall be removed from the site by or at the direction of the person making the excavation.

20.30.120 Refilling--Reasons for not granting a permit.

A contractor having a record of three or more deficient excavations, as determined by the Director of Streets, within a period of one year shall be refused any additional permits for a period not to exceed one year from the date of the determination of the last deficiency as defined, following a hearing before the Board of Public Service.

No contractor may subcontract all or any portion of any work to be done concerning an excavation in a public street or alley, nor shall any contractor be permitted to obtain a permit under his/her name for use by another contractor or person without the approval of the Director of Streets.

20.30.130 Trenches.

Whenever a trench is excavated in any public street or alley, the Director of Streets shall supervise the opening and closing of the trench, or whenever a trench is excavated in any public street or alley upon which is laid a pavement of granite, brick, asphalt, bitulithic, wood blocks or concrete, the Director of Streets shall direct how much of a pavement it will be necessary to remove.

20.30.140 Inspector's time.

A. Whenever a person applies for a street excavation permit, he shall state in writing in his application the hour he will commence work or the manner in which notice of commencement will be given. An inspection fee of \$125.00 per excavation shall be charged for work under twenty feet (20') in length and for excavations over twenty feet (20') shall be charged at the rate of \$20.00 per day, provided that applicant who, in the five preceding years, have regularly done their own backfilling and have paid inspection fees in excess of \$5,000.00 per year may elect to pay a flat annual fee for inspection in an amount equal to the average of the inspection fees paid annually by such applicant in the five preceding years, such annual fee to be in quarterly installments.

B. Double Fees. In case any work for which a permit is required by this code is started or proceeded prior to obtaining said permit, the total normal fees applicable shall be doubled, but the payment of said double fee shall not relieve any persons from fully complying with the requirements of this code for performance or execution of the work, nor from other penalties prescribed by law.

20.30.150 Lateral supports.

Whenever any street, alley, or other public place shall have been deprived of its lateral support by any excavation alongside the street, alley or other public place, or sufficiently close thereto to cause the surface of the street to sink, or render it unsafe for travel, the Director of Streets shall notify, in writing, the owner of the land on which the excavations shall exist or his duly authorized agent, or shall cause a notice to be posted on the land, to restore the lateral support, then the Director of Streets shall cause the excavations to be filled to the extent necessary to restore the lateral support of the street, alley or other public place. The cost thereof

shall be repaid to the City by the owner of the land

**SECTION TWELVE.**

Chapter 20.32

CONSTRUCTION OBSTRUCTING STREETS AND SIDEWALKS

Sections:

- 20.32.010 Permit required.
- 20.32.020 Building permit and deposit required.
- 20.32.030 Permittee to keep streets, alleys and sidewalks in clean and orderly condition.
- 20.32.040 Failure to keep streets clean.
- 20.32.050 Additional deposit.
- 20.32.070 Driveways--Elevation of temporary sidewalks.
- 20.32.080 Roof over sidewalks.
- 20.32.090 Extent of occupation.
- 20.32.100 Protection of paving--Removal of earth and rubbish.
- 20.32.110 Derricks.
- 20.32.120 Termination of occupation.
- 20.32.130 Red or amber lights.
- 20.32.140 Permission to occupy may be extended beyond the limits of proposed buildings.
- 20.32.150 Withdrawal of deposit.

20.32.010 Permit required.

Any person desiring temporarily to occupy any portion of any public street, alley or sidewalk for the purpose of placing thereon materials or rubbish from building operations or for excavation of any area under a sidewalk, or for any purpose whatever in connection with the erection, removal, alteration or repair of any building or other structure, shall apply to the Director of Streets for a permit for the temporary occupation aforesaid, and it shall be unlawful to occupy or obstruct any street, alley or sidewalk as aforesaid without a permit from the Director of Streets.

20.32.020 Building permit and deposit required.

The permit required by Section 20.32.010 shall only be issued by the Director of Streets upon the presentation of a building permit, from the Building Commissioner, authorizing the work which is to be done, and the City Treasurer's receipt that the applicant has deposited with the City Treasurer the sum of fifty dollars, without regard to the number of permits as a special fund, to be used by the Director of Streets to defray expenses by reason of a failure of the person, to whom the permit may be issued, to keep the streets, alleys and sidewalks adjacent to the premises whereon the building operations are carried on in a clean and orderly condition during the time for which permission for temporary occupation is asked.

20.32.030 Permittee to keep streets, alleys and sidewalks in clean and orderly condition.

It is the duty of any person carrying on any building operations to keep the streets, alleys and sidewalks adjoining the premises whereon the operations are conducted in a clean and orderly condition during operations, and at the expiration of the time

stipulated in the permit, which shall not exceed the time stipulated in the building permit, or whenever ordered by the Director of Streets, the person to whom the permit may be issued shall remove all materials and rubbish from the streets, alleys and sidewalks adjoining the premises and shall leave the same in a clean and orderly condition.

20.32.040 Failure to keep streets clean.

The Director of Streets is authorized to clean the streets, alleys or sidewalks adjoining any premises whereupon building operations are being carried on whenever the same may be found in an unclean or disorderly condition. He shall remove or repile any building materials, rubbish or obstructions which may be found outside of the spaces authorized by his permit to be occupied thereby or within four feet of any fireplug or electric conduit manhole. He shall issue a voucher for the payment of the cost of cleaning or removal, which shall be charged against and paid from the deposit provided for in Section 20.32.020.

20.32.050 Additional deposit.

Whenever the whole or part of the deposit required by Section 20.32.020 shall have been expended for the purpose herein described, the Director of Streets shall notify the person, to whom the permit may be issued to pay so much money into the City Treasury as will bring the deposit again up to the amount hereinbefore required, and in the event of the failure of the depositor to deposit the additional sum the Director of Streets shall revoke the permit and it shall be unlawful to occupy any of the aforesaid streets, alleys or sidewalks with materials, dirt or rubbish after the revocation of the permit or to neglect or refuse to remove all materials, dirt and rubbish from the streets, alleys, and sidewalks after having been notified so to do by the Director of Streets.

20.32.070 Driveways--Elevation of temporary sidewalks.

It is not intended by this chapter to prohibit the maintenance of a driveway for the delivery of material across the sidewalk from the curb line to the building side. It shall be permitted for the purpose of delivering material to the basement of the building to elevate temporary sidewalks to a height not exceeding four feet above the curb level of the street.

20.32.080 Roof over sidewalks.

If the building to be erected is more than four stories in height and is set at or near the street line, there shall be built over the sidewalk a roof, having a framework and covering composed of supports and stringers of three by twelve timbers, not more than eight feet from centers, covered by two layers of two-inch plank. The roof shall be maintained as long as material is being used or handled on the street front and above the level of the sidewalk. In all such cases the temporary sidewalks and their railings and approaches and the roofs over the same shall be made, as regards ease of approach, strength and safety to the satisfaction of the Director of Streets.

20.32.090 Extent of occupation.

The extent of occupation of street, alley or sidewalk or part thereof for which a permit may be granted under this chapter by the Director of Streets shall be as follows:

The permit shall not authorize the occupation of any sidewalk, street or alley, or part thereof, other than that immediately in front of or in the rear of the premises for the building upon which the permit is issued.

The occupation of the street for the storage of building materials shall never exceed, in front of any one building, one-quarter of the width of the roadway of the same, and in the streets containing railroad tracks the occupation shall not exceed one-half the distance from the curbstone to the railroad tracks. The occupation of any public alley, as aforesaid, shall not exceed one-half of the width of the same.

20.32.100 Protection of paving--Removal of earth and rubbish.

Brick, asphalt and bituminous macadam paving shall be protected with wood covering composed of one-inch plank before any material is placed on it. Earth taken from excavations and rubbish taken from buildings must not be stored upon sidewalk or roadway of streets or alleys, and must be removed from day to day as rapidly as produced. Where dry rubbish likely to produce dust is being handled, it must be kept wet, so as to prevent its being blown about by the wind.

20.32.110 Derricks.

For all buildings more than four stories in height the use of derricks set upon the sidewalks is prohibited. Materials for

buildings shall be hoisted entirely within the inclosing walls of the same.

20.32.120 Termination of occupation.

The permission to occupy streets and sidewalks for purposes of building is intended only for use in connection with the actual erection, repair, alteration or removal of buildings and must terminate with the completion of the operation. It shall be unlawful to occupy any sidewalk or alley after the expiration of the time for which a permit has been issued by the Director of Streets. It shall also be unlawful to occupy a sidewalk, street or alley, under authority of the permit for the storage of articles not intended for immediate use in connection with the operations for which the permit has been issued.

20.32.130 Red or amber lights.

Red or amber lights shall be displayed and maintained during the whole of every night at each end of every pile of material in any street or alley and at each end of every excavation. Lights shall be securely and conspicuously posted on or near the excavation materials or obstruction.

20.32.140 Permission to occupy may be extended beyond the limits of proposed buildings.

It is provided that if the written consent and a waiver of claims for damages against the City of the owners of the property abutting upon the site of the proposed buildings first obtained and filed with the Director of Streets, the permission to occupy the roadway may be extended beyond the limits of the building, upon the same terms and conditions as those herein fixed for the streets in front of the building sites themselves.

20.32.150 Withdrawal of deposit.

Whenever any person who has a deposit with the City Treasurer for the purpose of taking out permits as described desires to withdraw the deposit, he shall notify the Director of Streets, who thereupon shall certify to the Comptroller a voucher for the unexpended balance of the deposit; provided, that all streets, alleys or sidewalks have been cleaned, as required by this section, to the satisfaction of the Director of Streets. The Comptroller shall thereupon draw his warrant upon the City Treasurer in favor of the person for the amount standing to the credit of the special fund created by the payments provided, and shall take his receipt in full of all claims against the City on account of the payments.

**SECTION THIRTEEN.**

Chapter 20.34

RAILROAD TRACKS IN STREETS

Sections:

- 20.34.010 Permit required.
- 20.34.020 Deposit required.
- 20.34.030 Refund of deposit.
- 20.34.040 Work done by City.
- 20.34.050 Replenishing deposit.
- 20.34.060 Existing tracks.

20.34.010 Permit required.

Unless specifically authorized by an ordinance of the City, it is unlawful to construct, reconstruct, repair, maintain or remove any railroad track in any public street, highway or alley without a permit to do so from the Board of Public Service.

20.34.020 Deposit required.

A. No such permit may be issued by the Board of Public Service unless, previous to the issuance thereof, the applicant therefor has deposited with the Comptroller the sum of fifteen dollars (\$15.00) for each lineal foot of such track to be constructed, reconstructed, repaired, maintained or removed from the public street or alley. It is provided, however, that when the deposits by any such applicant have reached the total sum of twenty thousand dollars (\$20,000.00) no additional deposits shall be required from such applicant under this chapter except for the purpose of maintaining such deposit; and provided further, that the deposit of twenty thousand dollars (\$20,000.00) by such applicant shall be used as a general fund for the use by the City for the proper construction, reconstruction, repair and maintenance of all the tracks of such applicant in the public streets and alleys and for the removal of such tracks and restoration of the streets and alleys upon abandonment of such tracks or discontinuance of the use thereof or revocation of the permits for such tracks.

B. The length of a track shall be the distance along the center line thereof to the mean end of the track. Where a switch or turnout is in the public street or alley, the length of the track shall be taken to the point of switch of the track.

20.34.030 Refund of deposit.

A. The deposit required in Section 20.34.020 shall be refunded to the depositor or permittee upon the completion of the removal of all of the tracks of the permittee and restoration of the public streets and alleys from which such tracks shall have been removed, under the supervision and to the satisfaction of the Director of Streets.

B. In case the removal of tracks and restoration of the public streets and alleys under the supervision and to the satisfaction of the Director of Streets reduces the total lineal feet of tracks remaining in the public streets and alleys to less than the minimum for which a deposit of twenty thousand dollars (\$20,000.00) is required, the City shall refund that portion of the deposit in excess of the amount necessary to comply with the requirements of this chapter, that is, the deposit required shall be fifteen dollars (\$15.00) per lineal foot of track remaining in such public streets and alleys.

20.34.040 Work done by City.

Upon failure of the permittee to properly construct, reconstruct, repair and maintain any of the tracks of the permittee, when notified to do so by the Director of Streets, the Director shall cause the work to be done and the cost thereof certified to the Comptroller who shall charge against the deposit the amount so certified.

20.34.050 Replenishing deposit.

When any portion of the fund required is used by the Director of Streets, in accordance with Section 20.34.040, the permittee, upon written notice from the Director and within thirty days from date of the notice, shall cause to be deposited with the Comptroller the amount so certified. Upon failure by the permittee to comply with the foregoing requirement, the Board of Public Service shall revoke the permit for the track involved, cause the track to be removed from the public street, highway or alley, the street, highway or alley restored and the cost of all the removal and restoration certified to the Comptroller who shall charge the amount so certified against the deposit hereinbefore required.

20.34.060 Existing tracks.

Every railroad track now existing in any public street, highway or alley, and not authorized by ordinance, shall be subject to the provisions of this chapter, upon February 10, 1949, and the Board of Public Service is authorized and directed to notify, in writing, all permittees for the tracks to comply with the requirements of this chapter.

## SECTION FOURTEEN

### Chapter 20.36

#### USE BY MERCHANTS

Sections:

20.36.010 Merchandise display--Permit required.

20.36.020 Width of sidewalk areas.

- 20.36.030 Public hearing.
- 20.36.040 Permits for a period of three (3) days or less.
- 20.36.050 Permit cost, insurance, inspection and display of permit.
- 20.36.060 Temporary use for shipping and receiving.
- 20.36.070 Prohibitions and penalties.
- 20.36.080 Annual renewal.

20.36.010 Merchandise display--Permit required.

Any person, firm, corporation or other entity wishing to expose, offer any merchandise, new or used, food, horticultural product, or services by auction or otherwise upon any public street, sidewalk, or other public place or on private property abutting and in view of any public street, sidewalk or public place shall first obtain the written consent of the owner or tenant of the abutting property and a permit from the Board of Public Service. The issuance of any permits pursuant to this section shall be subject to the conditions set forth in this chapter

20.36.020 Width of sidewalk areas.

No permit shall be issued hereunder for occupying sidewalks of ten (10) feet or less in width measured from the curb; sidewalks of more than ten (10) feet and less than twelve (12) feet in width shall be limited to three (3) feet for such occupancy; those of twelve (12) feet and less than fifteen (15) feet in width shall be limited to four (4) feet for such occupancy; those of more than fifteen (15) feet shall be limited to five (5) feet for such occupancy.

20.36.030 Public hearing.

Prior to the issuance of any permit for a period of more than three (3) days, the Board of Public Service shall conduct a public hearing. The applicant shall provide the Office of the Secretary, Board of Public Service, on forms approved by that office, the location, the type of merchandise to be displayed and the extent of the sidewalk planned to be occupied and proof of current payment of all state and local taxes. The Office of the Secretary, Board of Public Service, shall cause placards to be placed at the subject premises, and at each end of the block where the subject premise is located for a period not less than fourteen (14) days before the scheduled public hearing and notice shall be given to the Alderman of the Ward in which the property is located.

20.36.040 Permits for a period of three (3) days or less.

The Board of Public Service may issue permits for the use of any public street, sidewalk or other public place, or private property abutting and in view of any public street, sidewalk or other public place to any person, firm, corporation or other entity for a period of time not to exceed three (3) days without holding a public hearing as provided in Section 20.36.030. No such permit shall be issued for the same location or any portion thereof within six (6) months following the prior issuance of a permit as provided in this section, unless a public hearing is held.

20.36.050 Permit cost, insurance, inspection and display of permit.

A. Upon approval of the application by the Board of Public Service, the applicant shall pay to the Department of Streets a fee of one hundred dollars (\$100.00) for the permit to display merchandise plus one dollar (\$1.00) per square foot of sidewalk being utilized for the display of merchandise. Such fee shall be for the investigation of conditions and inspection of the public street and sidewalk and shall be paid annually.

B. The applicant shall keep harmless and defend the City from all damages which may be sustained by it and all claims which may be made against it by reason of any injury to person or damage to property resulting from anything done in connection with the permit, and for this purpose an insurance policy providing coverage up to \$100,000 for injury to any one person, \$300,000 for injury to any two or more persons, and \$25,000 for property damage, conditioned as above, approved by the City Counselor as to form and by the Comptroller as to surety, shall be filed with the Comptroller before the permit is issued.

C. All permittees shall maintain a copy of the merchandise display permit so positioned at the premises as to be conspicuous and visible to the public.

D. The Director of Streets shall cause to be made frequent inspections of all locations having merchandise display permits.

20.36.060 Temporary use for shipping and receiving.

Merchants and manufacturers may occupy with their merchandise not more than one-half (1/2) of the width of the sidewalk upon which the respective merchants' or manufacturers' place of business abuts without obtaining a permit; provided, that the merchant, manufacturer, their agents or suppliers are actively engaged in the shipping or receiving of merchandise, that such use does not exceed two (2) hours in duration and that such merchandise shall not remain on the sidewalk when the place of business abutting upon such sidewalk is not open for business.

20.36.070 Prohibitions and penalties.

A. No person, firm, corporation or other entity who shall occupy any portion of the public street, sidewalk or other public right-of-way area or private property abutting and in view of such public area for the purpose of displaying or offering for sale, by auction or otherwise, any new or used merchandise, food horticultural products or services without a merchandise display permit. Any person, firm, corporation or other entity displaying merchandise without permit shall upon conviction, be fined not less than fifty dollars (\$50), nor more than five hundred dollars (\$500), for each such offense. Each day's violation shall constitute a separate offense.

B. No person, firm, corporation or other entity, having properly obtained a merchandise display permit, shall encroach into the public right-of-way beyond the area allowed by the permit. Any object or objects found illegally encroaching into the public right-of-way shall be subject to removal as authorized by Ordinance 60850, codified as Sections 20.28.010 through 20.28.050 of the Revised Code.

C. The Board of Public Service may revoke for cause any merchandise display permit it has issued if in the opinion of said Board, the public interest demands such revocation. Such cause shall include, but not be limited to, failure to maintain insurance as required in this chapter, failure to properly display the permit, failure to properly maintain the sidewalk area, failure to keep the area neat and orderly, for more than one instant of encroachment into the right-of-way beyond the range of the permit or for displaying items prohibited by law.

20.36.080 Annual renewal.

A. Because permits for the private use of public rights-of-way are temporary in nature and under the provisions of Article XIII, Section 5(b) of the City Charter may be revoked at will by the Board of Public Service; the permittee shall make an application for renewal of existing permits at least annually.

B. The Secretary of the Board of Public Service shall send a notice to the holder of the permit that unless an application for renewal is received by the Board thirty (30) days prior to the day and month of approval of the permit, the permit will be revoked effective on the anniversary date thereof.

C. The application for renewal shall be made as provided in Section 20.36.030 of the Revised Code.

## **SECTION FIFTEEN.**

### Chapter 20.38

#### GENERAL USE RESTRICTIONS

##### Sections:

- 20.38.010 Barbed wire fences--Prohibited.
- 20.38.020 Barbed wire fences--Failure to remove.
- 20.38.030 Downspouts.
- 20.38.040 Signs.

- 20.38.050 Projections of merchandise and other articles.
- 20.38.060 Placing or throwing articles on highways.
- 20.38.070 Hoisting merchandise over thoroughfare.
- 20.38.080 Unauthorized obstructions, excavations and defacing property.
- 20.38.090 Gasoline, oil, salt water and other liquids.
- 20.38.100 Oil wagons and tanks.
- 20.38.110 Vehicles using oils.
- 20.38.120 Salt or salt water from ice cream vehicles.
- 20.38.130 Licensing certain vehicles.
- 20.38.140 Breaking or removal of danger signals.
- 20.38.150 Signposts, lanterns and clocks.
- 20.38.160 Playing ball games.
- 20.38.170 Flying kites or playing in streets.

20.38.010 Barbed wire fences--Prohibited.

It shall be unlawful for any person to erect, construct or to hereafter maintain or use any fence heretofore erected or constructed composed in whole or in part of barbed wire upon any street or any public or private alley or passage or way or other public thoroughfare which is fifteen feet or less in width within the limits of the City. Any violation hereof shall be a misdemeanor.

20.38.020 Barbed wire fences--Failure to remove.

Any person violating provisions of Section 20.38.010, after being duly notified by the police in writing to remove same within ninety days, shall be deemed guilty of a misdemeanor.

20.38.030 Downspouts.

Every person owning or occupying any building in this City shall cause the pipes conducting the water from the eaves of the building to be so constructed as not to spread the water over the sidewalks. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

20.38.040 Signs.

It shall be unlawful for any person to erect or cause to be erected or to maintain or cause to be erected or to maintain or cause to be maintained any signs, signbox, illuminated sign, lettered lamp or other fixture which shall extend over or upon any public highway more than eighteen inches from the property line of the highway except as authorized in the building code.

20.38.050 Projections of merchandise and other articles.

It shall be unlawful for any person to suspend any merchandise or other article over the public highway in such a manner that the merchandise or article extends more than eighteen inches into the highway, if the merchandise or article is less than eight feet above the surface of the highway, or extends more than twenty-four inches into the highway at any height above the highway.

20.38.060 Placing or throwing articles on highways.

It shall be unlawful to place or throw or cause to be placed or thrown upon any public highway or other public place in this City any article whatsoever so as to obstruct or otherwise encumber the highway.

20.38.070 Hoisting merchandise over thoroughfare.

Any person in this City who shall hoist, lower or let down on the outside of any building over any thoroughfare any merchandise, grain or building or other material or article, shall be deemed guilty of a misdemeanor.

20.38.080 Unauthorized obstructions, excavations and defacing property.

Any person who shall himself, or by another, place, use, utilize or maintain upon any highway or other public place any obstruction not authorized by this code or by ordinance, or make any excavation in such place without lawful authority, or displace or remove in such public place any cover of any sewer manhole, inlet, catch basin, stop valve, water meter or any cover belonging to any public utility corporation without lawful authority, or displace or remove any stones, stakes or other landmarks placed by any officer of this City, under authority thereof, or injure or deface any property, shall be deemed guilty of a misdemeanor.

20.38.090 Gasoline, oil, salt water and other liquids.

No person shall pour or spill, or permit to drip upon any asphalt or bituminous macadam pavement laid on any street or alley or public place in the City, any kerosene, benzine, gasoline or other similar oil or oily substance or liquid, or salt or salt water.

20.38.100 Oil wagons and tanks.

All oil delivery wagons or tanks shall have securely fastened under the taps or faucets thereunto attached, an absolutely oil or watertight, zinc-lined box or tray, and in filling any measure or other vessel from such taps or faucets, the measures or other vessels must be held so that any drip or overflow shall flow into the box or tray, and in removing the same from over the asphalt or bituminous macadam pavement, no drip or overflow from the measure or other vessel shall be permitted to fall upon the pavement, and no receptacle for holding oil shall be placed on the asphalt or bituminous macadam pavement.

20.38.110 Vehicles using oils.

All automobiles and autocycles and all other vehicles using kerosene, benzine, gasoline or other similar oils, shall be provided with a pan or pans or other efficient receptacles so that no drip or overflow shall fall upon the asphalt or bituminous macadam pavement.

20.38.120 Salt or salt water from ice cream vehicles.

All vehicles delivering, hauling or handling ice cream shall haul away and not deposit or throw upon any asphalt or bituminous macadam pavement any salt water or salt nor shall they deposit upon the pavement any receptacles which contain salt or salt water.

20.38.130 Licensing certain vehicles.

It shall be the duty of the License Collector to refuse to issue a license for oil delivery wagons, tanks, automobiles, autocycles and other vehicles using or transporting kerosene, benzine, gasoline or other similar oils, unless the provisions of Sections 20.38.090--20.38.110 are complied with.

20.38.140 Breaking or removal of danger signals.

Any unauthorized person who shall remove, break or extinguish any lantern or danger signal, which has been placed on any street or alley to protect persons against accidents, shall be deemed guilty of a misdemeanor.

20.38.150 Signposts, lanterns and clocks.

No signpost, lantern or clock shall be constructed or maintained in any public street, highway or alley without a permit from the Board of Public Service who shall impose reasonable and general regulations governing the construction and maintenance.

20.38.160 Playing ball games.

Any person who shall play a game of ball upon any public highway, street or alley, shall be guilty of a misdemeanor.

20.38.170 Flying kites or playing in streets.

Any person who shall, in any highway or thoroughfare of this City, fly a kite, or use any sport or exercise likely to scare horses, injure passengers or embarrass the passage of vehicles, shall be guilty of a misdemeanor.

**SECTION SIXTEEN.**

Chapter 20.40

DANGEROUS EXCAVATIONS

Sections:

- 20.40.010 Fencing--Filling.
- 20.40.020 Notice to owner.
- 20.40.030 Fencing by City.
- 20.40.040 Expenses incurred by City.

20.40.010 Fencing--Filling.

All holes, depressions, excavations or other dangerous places within the City that are below the natural or artificial grades of the surrounding or adjacent street, shall be properly enclosed with fences or walls or be plated or filled up, so as to prevent persons and animals from falling into them.

20.40.020 Notice to owner.

The Director of Streets shall notify the owners or occupants of premises on which such dangerous places exist to cause fences or walls to be built around them or to cause the same to be filled up, within such period as he shall deem the exigencies of the case may require. In case of failure to comply by any of the owners or occupants of such premises, after the notification required has been given, then they shall be guilty of a misdemeanor.

20.40.030 Fencing by City.

Whenever the owner or occupant under the provisions of Section 20.40.020 cannot be found, then the Director of Streets shall cause such dangerous places to be fenced in.

20.40.040 Expenses incurred by City.

The expense incurred by the Department of Streets in doing the work mentioned in this chapter shall be charged to and paid out of appropriation for streets and alleys.

**SECTION SEVENTEEN.**

Chapter 20.42

PRIVATE BRIDGES

Sections:

- 20.42.010 Clearance signs.
- 20.42.020 Inspection certificates--Required.
- 20.42.030 Inspection certificates--Closing bridge.
- 20.42.040 Inspection certificates--Due dates.

## 20.42.010 Clearance signs.

By June 1, 1969, owners of private bridges vertically clearing and traversing roadways of public highways, streets and alleys in the City, having a maximum vertical clearance from the underside of the bridge to the nearest surface of the roadway laying beneath such bridge of less than sixteen feet, shall give warning of the actual clearance by clearly marking on each side of the bridge perpendicular to the highway, street or alley, the vertical distance from the underside to the surface of the roadway at its minimum distance, in feet and inches, and the markings shall conform in all details to specifications adopted by the Director of Streets, pursuant to the requirements hereof.

## 20.42.020 Inspection certificates--Required.

The owners of all bridges approaching the City shall furnish the Director of Streets with two- and five-year certificates of safety inspection, the certificates of inspection shall be prepared in substantial compliance with Instructional Memorandum 40-1-68, 32-40, issued March 12, 1968, published by the Bureau of Public Roads and the Informational Guide for Inspection of Highway Bridges, March 1968, published by the Bureau of Public Roads, and any supplements thereto.

## 20.42.030 Inspection certificates--Closing bridge.

The Director of Streets may cause any of the bridges to be closed if the inspection certificate is not furnished within one month of the date due or if the necessary repairs, which are indicated by the inspection, are not completed within six months of their discovery.

## 20.42.040 Inspection certificates--Due dates.

The first two year inspection report shall be furnished to the Director of Streets by January 1, 1969, and the first five year inspection report shall be due three years thereafter on January 1, 1972.

**SECTION EIGHTEEN.**

## Chapter 20.46

## PERMITS FOR USE

## Sections:

20.46.010 Imposition and collection of permit fees--Exemptions.

20.46.020 Exemptions.

20.46.030 Penalty for no permit.

## 20.46.010 Imposition and collection of permit fees--Exemptions.

The Director of Streets is hereby authorized and directed to impose and collect the following permit fees:

A. For each transportation of equipment permit: twenty-five dollars (\$25.00);

B. For each parking exempting permit: twenty dollars (\$20.00) per day per 25 feet where no parking meters exist. Where parking meters exist: twenty dollars (\$20.00) per day;

C. Street, sidewalk or alley blocking permit.

1. Nonresidential areas. For each street, curb lane only, sidewalk, or alley blocking permit in a nonresidential area the fee shall be twenty dollars (\$20.00) per day per block. The permit fee shall be thirty dollars (\$30.00) per day, per block, for each additional street lane in a nonresidential area. Alleys shall not be blocked on trash pickup days.

2. Residential areas. For each street, sidewalk, or alley blocking permit in a residential area the fee shall be ten dollars (\$10.00), per parcel, per week unless the blocking permit is for a commercial dumpster and then

the fee shall be twenty dollars \$20.00 per week. Alleys shall not be blocked on trash pickup days.

3. Blocking permits for a storage container shall be issued for one week only and may obtain a maximum of one additional week extension. The permit fee shall be twenty five dollars (\$25.00) per week for the storage container blocking permit.

4. No charge is necessary under this subsection if a minimum passage of four (4) feet is allowed and does not impede pedestrian traffic or pedestrian friendly scaffolding is used. It shall be the discretion of the Director of Streets to make the determination of whether a development is residential or nonresidential. However, a project consisting of a commercial and residential mix or a building of four (4) or more units shall be considered nonresidential for this subsection;

D. For each parade permit: one hundred dollars (\$100.00); except for parades in residential areas;

E. For each driveway construction permit the fee shall be one hundred dollars (\$100.00) per driveway per commercial driveway; fifty dollars (\$50.00) per residential driveway. For each driveway reconstruction permit, the fee shall be fifty dollars (\$50.00) per commercial driveway; twenty-five dollars per residential driveway.

F. For each sidewalk construction permit in residential zoning areas: ten twenty-five dollars (\$25.00);

G. For all other sidewalk construction permits (other than residential zoning areas): fifty dollars (\$50.00).

20.46.020 Exemptions.

Nonprofit, charitable or philanthropic organizations shall not be required to pay for fees for parade, festival and parking permits. The blocking of any streets or alleys where vacations are pending shall be without fee.

20.46.030 Penalty for no permit.

In case any work for which a permit is required by this Title is started or proceeded with prior to obtaining said permit, the total normal fees applicable shall be doubled for the first offense and tripled for the second offense, but the doubling and tripling of the fees shall not exceed five hundred dollars (\$500.00) for each offense. The payment of said doubled or tripled fee shall not relieve any persons or entity from fully complying with the requirements of this Title for performance or execution of the work, nor from other penalties prescribed by law. If a person and or entity fails to obtain a permit as required by this Title more than two times, then the penalty shall be five hundred dollars per day and each day that work is performed without a permit shall constitute a separate offense.

## SECTION NINETEEN.

### Chapter 20.50

#### ABATEMENT OF DANGEROUS CONDITIONS

Sections:

20.50.010	Barricades--Investigation.
20.50.020	Notice to owner.
20.50.030	Repair by City.
20.50.040	Contracts.
20.50.050	Costs.
20.50.060	Owner's duty.
20.50.070	Fund--Created.

20.50.080 Fund--Use.

20.50.090 Penalty for violation.

20.50.010 Barricades--Investigation.

In the event it is determined by the Director of Streets that a hole, depression, cave-in or other similar condition in a street or alley causes the street or alley to be in such condition as to constitute an immediate danger to the lives and property of the citizens of St. Louis and a hazard to public safety, then the Director shall cause fences, walls, plates, or barricades to be placed around the hole, depression, cave-in or other similar condition and shall immediately cause an investigation to be made to determine the cause of the dangerous condition.

20.50.020 Notice to owner.

In the event the Director of Streets determines that the condition described in Section 20.50.010 is caused by a defective or faulty private sewer lateral and the property is not eligible for the sewer lateral repair program, then the Director will notify, in writing, the owner of the premises served by the private sewer lateral to make the repairs as are necessary to abate the defective or faulty condition which causes the hole, depression, cave-in or other similar condition in a street or alley; or to appear before the Director at a time and place specified within five days after notification in order to show cause why the owner should not be required to make repairs.

20.50.030 Repair by City.

In the event the owner does not cause the private sewer lateral to be repaired and made safe within five days and does not appear before the Director of Streets to show cause why he should not be so required then, the Director of Streets shall cause the same to be repaired and the expenses incurred as a result thereof shall be paid out of the revolving fund created in Section 20.50.070.

20.50.040 Contracts.

The Director of Streets is authorized to cause repairs to be made by employees of the Street Department or any other City employees qualified to perform the repairs. In the event the Metropolitan St. Louis Sewer District has available personnel who are qualified, the Director may make arrangements for the use of personnel as are agreeable to the Director and Metropolitan St. Louis Sewer District. In the event the Director determines that the above sources of manpower and equipment are unavailable or inadequate, then he may let for bid or otherwise award contracts with the approval of the Comptroller to private firms qualified to perform repairs to private sewer laterals to abate the dangerous condition in the street or alley. The Comptroller is authorized and directed to draw his warrant upon the fund established in this chapter upon the written request of the Director of Streets.

20.50.050 Costs.

The Director of Streets shall notify in writing the owner of the premises of the amount of the said costs and that he is responsible for same. The owner shall make payment thereof within thirty days after the notification. In the event the owner fails to make a full payment of the costs within the thirty days or make other suitable arrangements for the payment thereof acceptable to the Comptroller, then the Comptroller shall notify the law department. The law department shall take appropriate legal steps to obtain a final judgment in the amount of the cost with interest against the owner and shall take all further steps necessary to obtain full and complete payment of the judgment and any interest thereon.

20.50.060 Owner's duty.

No person who is the owner or occupant of a premise shall allow the private sewer lateral serving the premises to be in such condition that the condition of the sewer lateral causes holes, depressions, cave-ins or other dangerous conditions to exist in a street or alley in the City.

20.50.070 Fund--Created.

There is created a revolving fund to be known as the "Private Sewer Repair Fund." The moneys in the fund are to be kept apart from any and all other moneys of the City. The purpose of the private sewer repair fund shall be to enable the City to repair, cause to be repaired and do all other things necessary with respect to private sewer laterals which are in such condition as to cause holes, depressions, cave-ins and other dangerous conditions to exist in a street or alley in the City.

20.50.080 Fund--Use.

All moneys collected and paid to the City in pursuance of the term and conditions of this chapter shall be deposited in the private sewer repair fund and shall be used only for the purposes set forth in this chapter.

20.50.090 Penalty for violation.

Each person convicted of a violation of this chapter shall be punished by a fine of not less than five dollars nor more than five hundred dollars or by imprisonment for not more than ninety days or by both fine and imprisonment. Each day that any violation shall continue shall constitute a separate offense.

## SECTION TWENTY.

### Chapter 20.51

#### BENCHES AND SHELTERS

##### Sections:

- 20.51.010 Definitions.
- 20.51.020 Permit--Required.
- 20.51.030 Application for permit.
- 20.51.040 Conditions for permit.
- 20.51.050 Standards for maintenance and installation.
- 20.51.060 Location and placement.
- 20.51.070 Violations.
- 20.51.080 Appeals.
- 20.51.090 Penalty for violation.

20.51.010 Definitions.

For purpose of this chapter, the following terms and words shall have the meaning herein given to them:

- A. Distributor shall mean the person responsible for placing and maintaining a bench or shelter in a public right-of-way.
- B. Parkway means that area between the sidewalk 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 any area within a Roadway that is not open to vehicular travel.
- C. Roadway means that portion of a street improved, designed, or ordinarily used for vehicular travel.
- D. Sidewalk means all that area dedicated to pedestrian public use for public street purposes and shall include, but not be limited to, areas abutting Roadways, Parkways and alleys.

20.51.020 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 right-of-way or place, in the City of St. Louis any bench or shelter without first having obtained a permit from the Board of Public Service specifying the exact location of such bench(es) or shelter(s). One permit may be issued to include any number of benches or shelter(s).

## 20.51.030 Application for permit.

Application for such permit shall be made, in writing, to the Director of Streets upon such form as shall be provided by him, and shall contain the name, address and telephone number of the applicant and of the distributor, the proposed specific location of said benches or shelters, and shall be signed by the applicant. A letter of support from the Alderman of the ward in which the bench or shelter will be located shall accompany the original application; otherwise the application shall not be accepted. This section shall not apply to benches or shelters that have been erected pursuant to a permit issued by the Board of Public Service.

## 20.51.040 Conditions for permit.

A. As an express condition of the acceptance of such permit, the permittee thereby agrees to indemnify and save harmless the City, its officers, directors, and employees against any loss or liability or damage, including expenses and costs for bodily or personal injury, and for property damage sustained by any person as the result of the installation, use or maintenance of a bench or shelter within the City of St. Louis. This section shall not be construed as relieving any person, firm or corporation from obtaining a building permit for construction or erection of any shelter on the public right-of-way.

B. Insurance. A certificate of insurance covering each person up to \$100,000.00 and each accident up to \$500,000.00 and \$50,000.00 property damage approved by the City Counselor as to form and by the Comptroller as to surety and naming the City of St. Louis as a co-insured shall be filed with the Board of Public Service before the permit is issued. Said certificate of insurance shall be kept in effect during the entire time the bench or shelter is on the public right-of-way. Such certificate shall be so conditioned as to require thirty (30) days notification before cancellation.

C. Permits shall be issued for the installation of benches and shelters with inspection which shall take place no later than twenty-one (21) days after application has been filed. A ten dollar (\$10.00) inspection fee per bench or shelter shall accompany each permit application.

D. Such permits shall be valid for three (3) years and shall be renewable pursuant to the procedure for original applications referred to in this chapter.

E. Stickers showing the permit number shall be issued by the Board of Public Service with the permit and must be displayed on the back of each bench and shelter at all times.

## 20.51.050 Standards for maintenance and installation.

Any bench or shelter which in whole or in part rests upon, in or over any public Sidewalk or Parkway, shall comply with the following standards:

A. No new bench, except for replacement of existing benches, shall exceed forty-eight (48) inches in height, seventy-two (72) inches in width, or twenty-eight (28) inches in depth.

B. No shelter shall exceed the height, width and depth approved by the Director of Streets.

C. Notwithstanding the provisions of any other ordinance, benches or shelters may be used to advertise services or products if such benches are located within F, G, H, J or K Zoning Districts as defined and described in Title 26 of the Revised Code of the City of St. Louis.

D. Each bench and shelter shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each bench and shelter shall be serviced and maintained so that:

1. It is reasonably free of dirt and grease.
2. It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof.
3. It is reasonably free of rust and corrosion in the visible unpainted metal areas thereon.
4. The clear plastic or glass parts thereof, if any, are unbroken and reasonably free of cracks, dents, blemishes and discoloration.
5. The structural parts thereof are not broken or unduly misshapen.

6. It is not painted with fluorescent, day-glow aircraft visibility or similar paint materials.

20.51.060 Location and placement.

A. No bench or shelter shall be used or maintained which projects onto, into, or over any part of the Roadway of any public street, or which rests, wholly or in part upon, along, or over any portion of the Roadway of any public street.

B. No bench or shelter shall be chained, bolted, or otherwise attached to any fixture located in the public right-of-way.

C. Benches may be placed next to each other, provided that no group of benches shall extend for a distance of more than twelve (12) feet.

D. No bench or shelter shall be placed, installed, used or maintained:

1. Within three (3) feet of any marked crosswalk.
2. Within twelve (12) feet of the curb rounding of any unmarked crosswalk.
3. Within five (5) feet of any fire hydrant, fire call box, police call box or other emergency facility.
4. Within five (5) feet of any driveway.
5. Outside an area three (3) feet ahead or fifteen (15) feet to the rear of any sign marking a designated bus stop, except for benches that do not advertise services or products.
6. At any location whereby the clear space for the passageway of pedestrians is reduced to less than six (6) feet.
7. Within three (3) feet of or on any public area improved with lawn, flowers, shrubs, trees or other landscaping.
8. Within one hundred (100) feet of any other benches or shelters on the same side of the street in the same block, except as provided in Subsection C of this section.
9. Within any designated historic district or located within three hundred feet (300) of any designated historic district or any improvement, site, street, or right-of-way which is designated a landmark, or any public park or public building as defined in Title 24 of the Revised Code of the City of St. Louis, without the written approval of the Heritage and Urban Design Commissioner.
10. On any handicap access ramp.

E. No new bench, except for replacement benches, shall be located within the Central Business District bounded by Chouteau Ave. on the south, Jefferson Avenue on the west, Cass Avenue on the north and the Mississippi River on the east.

20.51.070 Violations.

Upon determination by the Director of Streets that a bench or shelter has been installed, used or maintained in violation of the provisions of this chapter, or a complaint has been filed by the abutting property owner an order to correct the offending condition or complaint will be issued to the Distributor of the bench or shelter. The Director of Streets, or his delegate, shall notify said Distributor by First Class Mail, with postage prepaid of the location of the bench and the alleged violations and complaints. The order shall specifically describe the offending condition, suggest actions necessary to correct the condition, and inform the Distributor of the right to appeal. Failure to properly correct the offending condition with ten (10) days (excluding Saturdays, Sundays, and legal holidays) after the mailing date of the order; or to appeal the order within ten (10) days after the mailing date; or to keep current with the office of the Director of Streets, the name, address and telephone number of the Distributor; shall result in the offending bench or shelter being summarily removed and processed as unclaimed property. If the offending bench or shelter is not properly permitted under provisions of this chapter it shall be removed immediately and processed as unclaimed property. An impound fee, which shall be measured by the City's cost and expense of impounding, shall be assessed against each bench or shelter summarily removed. The Director of Streets shall cause inspection to be made of the corrected condition or of a bench or shelter reinstalled after removal under

this section. The Distributor of said bench or shelter shall be charged a \$10.00 inspection fee for each bench so inspected.

20.51.080 Appeals.

Any person or entity aggrieved by a finding, determination, notice, order or action taken under the provisions of this chapter by the Director of Streets may appeal and, in the case of an applicant, shall be apprised of his right to appeal to the Board of Public Service. An appeal by an Applicant must be perfected within ten (10) days after the mailing date of notice of any protested decision or action by filing with the office of the Director of Streets a letter of appeal briefly stating therein the basis for such appeal. An appeal by any other aggrieved person or entity must be perfected within thirty (30) days after the erection of a bench or shelter by filing with the office of the Director of Streets a letter of appeal briefly stating therein the basis for such appeal. A hearing shall be held on a date no more than thirty (30) days after receipt of the letter of appeal. Appellant and Distributor, if he is not the appellant, shall be given at least five (5) days notice of the time and place of the hearing. The Board of Public Service shall give the appellant, and any other interested party a reasonable opportunity to be heard, in order to show cause why the determination of the Director of Streets should not be upheld. At the conclusion of the hearing, the Board shall make a final and conclusive decision. This decision shall be immediately appealable to a court of competent jurisdiction.

20.51.090 Penalty for violation.

Any person, firm, or corporation violating this chapter, shall upon conviction thereof be fined not less than one dollar or more than five hundred dollars. Each day a violation shall continue shall constitute a separate offense.

**SECTION TWENTY-ONE.**

Chapter 20.52

**STREET LIGHTING**

Sections:

20.52.010 On private streets.

20.52.020 Lighting of utility easements.

20.52.010 On private streets.

The Comptroller and the Director of Public Utilities are authorized to contract to furnish, operate and maintain street lighting along private streets upon annual payment in advance of the cost to the City of maintenance, operation and remaining undepreciated costs.

20.52.020 Lighting of utility easements.

The Department of Public Utilities is authorized and directed to provide lighting of utility easements throughout the City which such lighting installations are to conform to the same design criteria as that established for the City alley lighting program. Said Department shall be authorized to let contracts to accomplish this program through the Board of Public Service or in such manner as shall be authorized under the Charter for such program. The utility easement lighting program shall not be extended to include those public places which have been vacated for public surface rights for vehicle, equestrian, and pedestrian travel as recommended by the Board of Public Service and in accordance with Charter authority and all in conformity with Section 14, Article XXI of the Charter. Funds to pay for such program shall be appropriated from general revenue and be a part of the operating budget for said installation and all other necessary or reasonable expenses related thereto. Continuation of the lighting installation program and the operation of and maintenance of same shall be contingent upon adequate appropriations in the general operating budget of the Department of Public Utilities.

**SECTION TWENTY-TWO.**

Chapter 20.53

**PORTABLE STORAGE UNITS**

Sections:

20.53.010	Definitions.
20.53.020	Permit required--Application--Insurance.
20.53.030	Permit fee.
20.53.040	Duration.
20.53.050	Placement of units.
20.53.060	Festival areas.
20.53.070	Unlawful placement of portable storage units.
20.53.080	Exceptions.
20.53.090	Rules and regulations.
20.53.100	Violations and penalties.

20.53.010 Definitions.

For purposes of this chapter, the following terms shall apply:

“Applicant” shall mean any person, partnership, corporation or other entity who enters into a contract with a portable storage unit vendor for the placement and use of a portable storage unit.

“Portable storage units” shall mean any container, storage unit, shed-like container or other portable structure that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building, other than an accessory building or shed complying with all building codes and land use requirements.

“Portable storage unit vendor” shall mean any person, partnership or corporate entity that lease or rent portable storage units within the City of St. Louis.

20.53.020 Permit required--Application--Insurance.

Before placing a portable storage unit within the City of St. Louis, a portable storage unit vendor must submit an application and receive a permit from the Street Department. The application shall contain the name of the portable storage unit vendor, the name of the person(s) to whom the portable storage unit is supplied, whether the person(s) owns, rents, occupies or controls the property, the address at which the portable storage unit will be placed, the delivery date and removal date. A copy of such permit shall be posted on the portable storage unit. Every portable storage unit vendor providing portable storage units within the City of St. Louis shall have on file with the Street Department a current certificate of insurance in an amount of not less than one million dollars (\$1,000,000) showing the City of St. Louis as an additional insured.

20.53.030 Permit fee.

If a portable storage unit is to be placed for any part of three (3) calendar days or less, excluding Sunday, the permit fee shall be ten dollars (\$10). If such portable storage unit is to be placed for more than three (3) calendar days, the fee for such permit shall be twenty-five dollars (\$25.00).

20.53.040 Duration.

A. Permits to place a portable storage unit within a public right-of-way shall be granted for a period of not more than seven (7) calendar days or part thereof. At the expiration of the seven-day period, an applicant may seek a one time extension of such permit for an additional period of not more than seven (7) calendar days, or part thereof, by submitting an extension application to the Street Department. Extension of a permit shall require an additional twenty-five dollars (\$25) permit fee.

B. Permits to place a portable storage unit on private property shall be granted for a period of not more than thirty (30) calendar days or part thereof. It shall be a violation of this chapter to permit any portable storage unit to remain on private

property for more than thirty (30) days or part thereof.

C. The Street Department shall not issue more than two (2) portable storage unit permits to the same applicant for the same address within any twelve (12) month period. Such permits shall not be granted so as to be allowed to run either concurrently or consecutively

20.53.050 Placement of units.

Portable storage unit(s) placed pursuant to a permit issued under the provisions of this chapter shall not exceed a footprint of one hundred thirty (130) square feet and twenty-two (22) linear feet.

20.53.060 Festival areas.

The Street Department shall not issue a permit for placement of a portable storage unit within the public right-of-way for any area designated by permit as a festival area or parade area during the duration of such festival or parade permit unless the holder of the festival area or parade area permit is the applicant for the portable storage unit permit or has consented in writing to the issuance of the portable storage unit permit.

20.53.070 Unlawful placement of portable storage units.

It shall be a violation of this chapter for any person to park, place or cause to be parked or placed a portable storage unit without first obtaining a permit under the provisions of this chapter.

It shall be a violation of this chapter to park or place a portable storage unit in the front yard of a residential property, or to park or place a portable storage unit upon any sidewalk, alley or designated fire lane or in such a manner as to block or interfere with access to a shared garage, refuse collection, handicapped parking areas or off-street parking areas.

20.53.080 Exceptions.

The provisions of this chapter shall not apply to the use or placement of construction dumpsters or trailers on property in association with ongoing construction activities carried out pursuant to a valid building permit, nor to the placement of accessory buildings or storage sheds complying with all building codes and land use requirements.

20.53.090 Rules and regulations.

The Director of Streets is authorized to promulgate rules and regulations for the implementation and administration of the provisions of this chapter.

20.53.100 Violations and penalties.

Any portable storage unit vendor who shall be found guilty of violating any of the provisions of this chapter shall be assessed a fine of not less than twenty-five dollars (\$25). Each day that such violation continues shall constitute a separate violation.

**SECTION TWENTY-THREE.**

Chapter 20.54

TRASH CONTAINERS

Sections:

- 20.54.010 Privilege to highest bidder.
- 20.54.020 Term.
- 20.54.030 Container specifications.
- 20.54.040 Advertising on containers.

20.54.050 Placement.

20.54.060 Condition of containers.

20.54.070 Indemnity.

20.54.080 Insurance.

20.54.010 Privilege to highest bidder.

The Board of Public Service is authorized to let to the highest and best bidder the exclusive privilege of supplying and placing on the public sidewalk areas of the City, trash receptacles or containers for the collection and temporary deposit of waste paper, trash or other litter as may be upon the public streets or sidewalks, and for the placing of private advertisements on the containers or receptacles in accordance with this chapter.

20.54.020 Term.

The agreement shall be for a term, not to exceed five years.

20.54.030 Container specifications.

The size, design and color of the containers shall be subject to the approval of the Board of Public Service.

20.54.040 Advertising on containers.

The type of advertising to be placed on the containers shall be subject to the approval of the Board of Public Service.

20.54.050 Placement.

The placement of containers may not interfere with the safe and efficient passage of pedestrians and may not impede pedestrians access to or use of traffic control devices.

20.54.060 Condition of containers.

The grantee shall maintain the containers in a safe and clean condition at all times. Damaged or disfigured containers shall be repaired or replaced immediately upon notification or discovery of damage or disfigurement.

20.54.070 Indemnity.

The holder of any permit issued under the terms of this chapter, shall always release and indemnify, defend and save harmless the City, its officers, agents, and employees from and against any and all claims, actions, causes of action, demands, judgments, costs, expenses, and all damages of every kind and nature incurred by or injuring any person whatsoever predicated upon injury to or death of any person, or loss of or damage to property, public or private, or whatever ownership, or damage to business, provided the injury, death, loss, or damage shall arise out of or be connected directly or indirectly with the exercise of any right or privilege granted by the permit.

20.54.080 Insurance.

No permit issued shall be effective until the permittee, at his own cost and expense and without cost to the City shall procure and maintain a liability policy or policies, including public liability and property damage on an occurrence basis, covering his operations under such permit, with bodily injury limit of not less than three hundred thousand dollars as to any one person and five hundred thousand dollars as to any one occurrence, and with property damage of not less than one hundred thousand dollars for any one occurrence. The insurance coverage constitutes a minimum requirement and shall in no way be deemed to limit or lessen the liability of the permittee under the terms of the permit. All of the insurance coverage so required shall be written in form and by a company or companies approved by the City Counselor and authorized to do business in the state. A certified copy or certified copies of all insurance policies shall be filed with the City Counselor and Board of Public Service and each policy shall contain a statement therein or endorsement thereon that it will not be cancelled or materially changed or altered without at least thirty days prior written notice, by registered or certified mail, to the City Counselor. All insurance policies shall be specially endorsed to include all liability assumed by the permittee and the City shall be named a co-insured.

**SECTION TWENTY-FOUR.**

## Chapter 20.55

## STREET PERFORMERS

## Sections:

20.55.010	Definitions.
20.55.020	Permit--Required.
20.55.030	Permit--Conditions.
20.55.040	Permit--Display.
20.55.050	Permit--Revocation.
20.55.060	Rules and regulations.
20.55.070	Acceptance of contributions.
20.55.080	Special events.
20.55.090	Violation--Penalty.
20.55.010	Definitions.

The following terms are defined for the purpose of this chapter as follows:

“Perform” includes, but is not limited to, the following activities: acting, singing, pantomime, juggling, magic, dancing and playing musical instruments, radios or other machines or devices for the producing or reproducing of sound.

“Performer” means an individual to whom a permit has been issued for the purpose of performing on the public area.

“Public area” means and includes any public sidewalk, alley, parkway, playgrounds or public right of way or easement located in any nonresidential dwelling district, as so designated in the zoning ordinance, within the City of St. Louis, except the 8th, 11th, 20th, 24th and 27th Wards, Metrolink transit platforms and stations operated by Bi-State Development Agency and any area in which performing is prohibited or otherwise regulated by law.

20.55.020 Permit--Required.

No person may perform in a public area without have obtained a permit issued under Section 20.55.030.

20.55.030 Permit--Conditions.

A. A permit shall be issued by the Director of Streets to each applicant therefor in exchange for a completed application and a fee of \$25.00.

B. A completed application for a permit shall contain the applicant’s name, address, telephone number and type of performance and shall be signed by the applicant.

C. A permit shall be valid from the date on which it is issued through December 31 of the year in which it is issued.

D. The permit shall be numbered and contain the name of the applicant and the year in which it is issued.

E. A permit shall be nontransferable.

F. Upon issuing a permit, the Director of Streets shall also issue to the performer a printed copy of the ordinance codified in this chapter and a copy of any other ordinance, map or information pertaining to the existing prohibitions and regulations of performers within the city.

20.55.040 Permit--Display.

A performer shall carry and display a permit on said performers person at all times while performing in a public area.

20.55.050 Permit--Revocation.

The Director of Streets may revoke any permit issued under the terms of this chapter if the permit holder violates any provision of this chapter or any permit regulation.

20.55.060 Rules and regulations.

A. A performance may take place in any public area, but only between the hours of 10:00 a.m. and 9:00 p.m. on Sundays through Thursdays and between 10:00 a.m. and 10:00 p.m. on Fridays and Saturdays.

B. A performer may not block the passage of the public through a public area. If a sufficient crowd gathers to see or hear a performer such that the passage of the public through a public area is blocked a police officer may disperse that portion of the crowd that is blocking the passage of the public.

C. A performer may not perform in a public area so as to obstruct access to private property, except with the prior consent of the owner or manager of the property.

D. A performer may not use electric or electronic amplification except for devices powered only by self contained batteries. The conduct and behavior of all performers shall comply in all respects with existing noise ordinances.

E. No performer or group of performers shall perform at a distance of less than 50 feet from another performer or group of performers who are already performing.

20.55.070 Acceptance of contributions.

A. A performer may accept contributions of money or property at a performance. Contributions may be received in any receptacle. Performers may accept contributions in exchange for representations of their own work, however, no product may be offered at a fixed price with the exception of musical reproductions.

B. A performer who performs and accepts contributions under the provisions of this chapter shall not be guilty of aggressive begging under Section 15.44.010 (Revised Code) or of peace disturbance under Section 15.46.030 (Revised Code) unless it is determined by a police officer that such a performance is not in the spirit of entertainment but rather calculated to provoke a breach of the peace.

C. No other license is required for any activity permitted in this section.

20.55.080 Special events.

Nothing contained in this chapter shall be construed to apply to special events conducted by the City of St. Louis or to events conducted by permission of the City of St. Louis.

20.55.090 Violation--Penalty.

Any person who violates the provisions of this chapter, or who knowingly furnishes false information on the permit application, shall be subject to a fine of not less than \$50.00 nor more than \$500.00

**SECTION TWENTY-FIVE.**

## Chapter 20.56

## STREET MERCHANTS AND PERFORMERS

## Sections:

20.56.017 Performance restrictions--8th, 10th, 20th, 23rd and 27th Wards.

20.56.017 Performance restrictions--8th, 10th, 20th, 23rd and 27th Wards.

A. No person shall perform upon any public street, alley or in the public area bounding the streets and alleys, or on public sidewalks within the geographical areas created in Ordinance 62476, approved on December 20, 1991, for the 8th Ward, the 10th Ward, the 20th Ward, the 23rd Ward, and the 27th Ward except during the period of time for which a parade or festival permit has been issued, pursuant to Chapter 20.46 of the Revised Code of the City for a parade or festival to be conducted within the aforementioned geographic area, provided that said performer has obtained the written permission of the permit holder of any said festival.

B. This section shall not be construed to forbid merchants occupying with their performers a limited portion of the sidewalk adjacent to the property occupied by them in conformity with the conditions of a permit obtained from the Department of Streets or the Board of Public Service.

C. This section shall not be construed as prohibiting any performance within any residence or business within the aforementioned geographical area.

**SECTION TWENTY-SIX.**

## Division III

## EMINENT DOMAIN

## Chapter 20.58

## CONDEMNATION PROCEEDINGS

## Sections:

20.58.010 Notice and place of hearings.

20.58.020 Partial reports.

20.58.030 Taking possession.

20.58.040 Final report to include partial reports.

20.58.050 Additional or supplemental petitions.

20.58.060 Commissioners sessions.

20.58.070 Comptroller duties.

20.58.080 Payment of benefits--Execution sales.

20.58.090 Satisfaction of judgment.

20.58.100 Compensation of Commissioners.

20.58.110 Clerical work.

20.58.120 Sale of condemned buildings and other material obstructions.

20.58.130 Revolving fund.

20.58.010 Notice and place of hearings.

It shall be the duty of the City Counselor, jointly with the Commissioners appointed by the circuit court in any condemnation proceedings, to publish the notice required by the Charter to be published by the Commissioners relative to their hearings. The hearings of the Commissioners shall be conducted at the City Hall in a room or office of the law department by the City Counselor set apart for use by the Commissioners.

20.58.020 Partial reports.

In all condemnation suits brought by the City, that are now pending, and in all suits that may hereafter be brought, the Commissioners appointed by the court may, either upon the request of the judge in whose division the suit may be pending, or of their own motion, file partial reports covering their assessments of damages, or of benefits, or of both, up to the time when the report may be filed.

20.58.030 Taking possession.

At any time after a partial report shall have been filed by Commissioners, the City may pay into court the amount of damages assessed, less benefits, if any, and thereupon it shall be entitled to take possession of and damage the property, assuming the lien of all general taxes not then payable on property actually appropriated.

20.58.040 Final report to include partial reports.

All partial reports authorized by Sections 20.58.020 and 20.58.030 shall be embodied in the final report made by the Commissioners, and any party interested may file exceptions in writing within twenty days from the filing of the final report. Parties shall have the right to file exceptions at any time after any partial report may have been filed.

20.58.050 Additional or supplemental petitions.

In any action now pending or hereafter instituted under Article XXI of the Charter, there may, from time to time, before final judgment, be filed therein by the City an additional and supplemental petition within the time and in form as required by the Charter, pursuant to and in conformity with and after any ordinance, duly recommended by the Board of Public Service, for amendment of the public use improvement or work defined, designated or proposed by prior ordinance authorizing the action, whether the same be an amendment to increase or decrease, or otherwise alter, the taking or damaging of any properties, or of estates, therein previously affected, or an amendment or omission of any properties or estates, or for addition of any properties or estates not theretofore affected, or change, increase or addition of the burdens for public use. Notice of the filing of the amended or supplemental petition, with a description of the property to be taken or damages, as amended, shall be filed and recorded, that notice in the cause shall be given by summons, or otherwise, as provided by the Charter, to any new parties defendant, owners of any property or estate not theretofore affected and to be taken or damaged upon the amendments of and for public use, and that otherwise the proceedings and orders shall be had in the cause appropriate to the status of the cause and to the amendment of the public improvements, all consistent with the provisions of the Charter. For any increased or additional taking the value of the damage to the private property shall be ascertained as of the date the amending ordinance became effective.

20.58.060 Commissioners sessions.

The Commissioners in all proceedings for opening of any street or alley shall hold their sessions at the City Hall, and each adjournment shall be to a day certain which shall be noted on the record and the case set upon the session docket for that day, and the session docket shall be opened to the inspection of the public.

20.58.070 Comptroller duties.

After final action is taken by the circuit court on the report of Commissioners in any condemnation proceedings under the Charter, and has been certified to the Comptroller, the latter shall issue to any persons wishing to pay any judgment for benefits a statement showing the amount due, and the Treasurer upon receipt of payment of any such judgment shall execute triplicate receipts issued by the Comptroller, one to the party paying, one to the Comptroller, and one to the City Counselor, and the payments shall be credited to the fund appropriated by ordinance for the condemnation proceeding.

20.58.080 Payment of benefits--Execution sales.

The benefits against property adjudged by the final action of the circuit court, in condemnation proceedings shall be paid into the City Treasury, together with interest added to the principal of the judgment from date of judgment until so paid as follows:

A. If paid within thirty days after the ordinance appropriating the money to pay damages assessed by the final action takes effect shall be with interest at the rate of one percent per year;

B. If paid after thirty days after date of judgment, then at the rate of six percent per year.

At all execution sales for the enforcement of payment of judgments, the Comptroller or someone in the Comptroller's office, designated by the Comptroller, is authorized on behalf and in the name of the City to protect the City's interest by bidding for the property to be sold, any amount not to exceed the judgment, interest, costs and expenses.

20.58.090 Satisfaction of judgment.

Upon delivery of any receipt described in Section 20.58.080 to the City Counselor, duly executed by the Treasurer, the City Counselor shall acknowledge satisfaction of the judgment insofar as the same affects the property against which the judgment for benefits so assessed has been paid as evidenced by the receipt.

20.58.100 Compensation of Commissioners.

A minimum of two hours service or attendance at a hearing by the Commissioners in condemnation proceedings per diem shall be necessary to entitle a Commissioner to the compensation prescribed by the Charter. Compensation in one proceeding only shall be due any Commissioner for attendance on any one calendar day.

20.58.110 Clerical work.

The clerical work of the Commissioners, including writing the report, shall be done and performed by the force employed in the City Counselor's office. No compensation shall be allowed or paid to any Commissioner for such work, or to any person, whomsoever.

20.58.120 Sale of condemned buildings and other material obstructions.

In all cases where property, such as buildings, walls, fences, sheds, outhouses or other material obstructions, shall have been taken or condemned in any proceeding for the opening of any public highway, a sale thereof shall be made by the City Marshal, at public venue, to the highest bidder, for cash, which shall be paid at the time of the sale and deposited in the City Treasury within two days thereafter.

The conditions of the sale shall be, that in the event the property so sold shall not be moved off the public highway within twenty days from the date of sale, the City Marshal shall proceed to sell the property so previously sold, or any portion thereof, again, and the money received at the first sale shall be forfeited to the use of the City, without recourse therefor, either by purchaser so neglecting to remove same, his heirs or assigns.

20.58.130 Revolving fund.

There is created, out of the proceeds of bonds authorized by Ordinance 32496, approved May 29, 1923, and particularly pursuant to subdivision one of section six of such ordinance, a revolving fund to expedite the execution of improvements for the establishment, opening and widening of streets. The amounts hereinafter appropriated, together with any other money hereafter appropriated to the fund shall, upon the recommendation of the City Counselor, be used for the purpose of depositing in court the amount of awards reported by the Commissioners in condemnation proceedings for the establishment, opening and widening of streets as damages suffered by the owners of property who are parties to such proceedings, pending the final judgment in the case, in accordance with the provisions of Section 6 of Article XXI of the Charter. When final appropriation is made for the payment of damages pursuant to final judgment in any cause in which deposit in court has been made from the revolving fund created by this section, the amount so deposited in court shall, from the latter appropriation, be credited and paid back into the revolving fund, subject to be again used in the manner herein provided.

**SECTION TWENTY-SEVEN.** Severability Clause. The sections, subsections and clauses of this ordinance shall be severable. In the event that any section, subsection or clause of this ordinance is found by a court of competent jurisdiction to be invalid, the

remaining sections, subsection, or clauses of this ordinance are valid, unless the court finds the valid sections of the ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board of Alderman would have enacted the valid section without the void ones, or unless the court finds that the valid sections standing alone are incomplete and incapable of being executed in accordance with the legislative intent.

**SECTION TWENTY-EIGHT.** Emergency Clause. The passage of this ordinance being deemed necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist within the meaning of Section 20 of Article IV of the Charter, and this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

**Approved: March 16, 2010**

**ORDINANCE #68605  
Board Bill No. 327  
Floor Substitute**

An Ordinance pertaining to election rules and procedures relating to the payment of all taxes and Missouri Ethics Commission fees by candidates for elective City offices; containing an emergency clause and a severability clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Payment of all taxes by candidates for elective City offices.

1. Any person who files as a candidate for elective City office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any personal property taxes, real property taxes on any real property located within the City and owned in whole or in part by the candidate, earnings taxes, or city income taxes on the day that such person files their declaration of candidacy for their respective office, so long as the person has failed to take remedial action as detailed in subsections 3 and 4 below. This subsection does not include taxes owed by any corporation, limited liability company, professional corporation, or other corporate entity **unless any such corporation, limited liability company, professional corporation, or other corporate entity is owned one hundred percent (100%) by the candidate.**

2. Each potential candidate for elective City office shall file an affidavit with the Board of Election Commissioners at the time the potential candidate files his or her declaration of candidacy. Such affidavit shall be in substantially the following form:

“AFFIRMATION OF TAX PAYMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any personal property taxes, real property taxes on any real property located within the City and owned in whole or in part by the candidate, earnings taxes, or city income taxes.

\_\_\_\_\_ Candidate’s Signature

\_\_\_\_\_ Printed Name of Candidate.”

3. Upon written receipt of a [written] complaint alleging a delinquency of the candidate in the filing or payment of any personal property taxes, real property taxes on any real property located within the City and owned in whole or in part by the candidate, earnings taxes, or city income taxes, the Board of Election Commissioners shall investigate such potential candidate to verify the claim(s) contained in the complaint. If the Board of Election Commissioners finds such claim to be true, they shall notify the candidate of the outstanding tax(es) or fee(s) due and give the candidate seven (7) days to remit any such outstanding tax(es) or fee(s) owed which were not heretofore the documented subject of dispute between the respective department and the candidate. If the candidate fails to remit such amounts in full within seven (7) days, the candidate shall be disqualified from participating in the current election and barred from refilling for an entire election cycle, even if the individual pays all outstanding tax(es) or fee(s) that were the subject of the complaint. Any such complaint must be filed no later than two (2) weeks prior to the election, provided that any complaint filed later than seven (7) weeks before the election that is later found to be true will result in disqualification of the candidate but may not necessarily result in the candidate’s name being physically removed from the ballot.

4. Nothing herein shall either preclude or require the Board of Election Commissioners from independently investigating all candidates in any given election to determine if any such candidates are delinquent in the filing or payment of any personal property taxes, real property taxes on any real property located within the City and owned in whole or in part by any candidate, earnings taxes, or city income taxes. If the Board of Election Commissioners commences such an investigation and

discovers that any candidates are delinquent in the filing or payment of any personal property taxes, real property taxes on any real property located within the City and owned in whole or in part by the candidate, earnings taxes, or city income taxes, the Board of Election Commissioners shall notify the candidate of the outstanding tax(es) or fee(s) due and give the candidate seven (7) days to remit any such outstanding tax(es) or fee(s) owed which were not heretofore the documented subject of dispute between the respective department and the candidate. If the candidate fails to remit such amounts in full within seven (7) days, the candidate shall be disqualified from participating in the current election and barred from refilling for an entire election cycle, even in the individual pays all outstanding taxes that were the subject of the complaint.

**SECTION TWO.** The Board of Election Commissioners shall confirm the filing of an affidavit with the department of revenue as defined in Section 115.342 of the Missouri Revised Statutes.

**SECTION THREE.** Payment of all Missouri Ethics Commission fees by candidates for elective City offices.

1. Any person who files as a candidate for elective City office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any fees as determined by the Missouri Ethics Commission on the day that such person files their declaration of candidacy for their respective office, so long as the person has failed to take remedial action as detailed in subsections 3 and 4 below.

2. Each potential candidate for elective City office shall file an affidavit with the Board of Election Commissioners at the time the potential candidate files his or her declaration of candidacy. Such affidavit shall be in substantially the following form:

“AFFIRMATION OF MISSOURI ETHICS COMMISSION FEES PAYMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the payment of any fees as determined by the Missouri Ethics Commission under Section 105.963 and Section 105.961.4 of the Missouri Revised Statutes.

\_\_\_\_\_ Candidate’s Signature

\_\_\_\_\_ Printed Name of Candidate.”

3. Upon written receipt of a written complaint alleging a delinquency of the candidate in the payment of fees as determined by the Missouri Ethics Commission under Section 105.963 and Section 105.961.4 of the Missouri Revised Statutes, the Board of Election Commissioners shall investigate such potential candidate to verify the claim(s) contained in the complaint. If the Board of Election Commissioners finds such claim to be true, they shall notify the candidate of the outstanding fee(s) due and give the candidate seven (7) days to remit any such outstanding fees (s) owed which were not heretofore the documented subject of dispute between the respective department and the candidate. If the candidate fails to remit such amounts in full within seven (7) days, the candidate shall be disqualified from participating in the current election and barred from refilling for an entire election cycle, even if the individual pays all outstanding fees (s) that were the subject of the complaint. Any such complaint must be filed no later than two (2) weeks prior to the election, provided that any complaint filed later than seven (7) weeks before the election that is later found to be true will result in disqualification of the candidate but may not necessarily result in the candidate’s name being physically removed from the ballot.

4. Nothing herein shall either preclude or require the Board of Election Commissioners from independently investigating all candidates in any given election to determine if any such candidates are delinquent in the payment of any fees as determined by the Missouri Ethics Commission under Section 105.963 and Section 105.961.4 of the Missouri Revised Statutes.

If the Board of Election Commissioners commences such an investigation and discovers that any candidates are delinquent in the payment of any fees as determined by the Missouri Ethics Commission under Section 105.963 and Section 105.961.4 of the Missouri Revised Statutes, the Board of Election Commissioners shall notify the candidate of the outstanding fees (s) due and give the candidate seven (7) days to remit any such outstanding fees (s) owed which were not heretofore the documented subject of dispute between the respective department and the candidate. If the candidate fails to remit such amounts in full within seven (7) days, the candidate shall be disqualified from participating in the current election and barred from refilling for an entire election cycle, even in the individual pays all outstanding taxes that were the subject of the complaint.

**SECTION FOUR.** Severability Clause.

The sections, subsections and clauses of this ordinance shall be severable. In the event that any section, subsection or clause of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections, subsection, or clauses of this

ordinance are valid, unless the court finds the valid sections of the ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board of Alderman would have enacted the valid section without the void ones, or unless the court finds that the valid sections standing alone are incomplete and incapable of being executed in accordance with the legislative intent.

**Approved: March 16, 2010**

**ORDINANCE #68606  
Board Bill No. 334  
Committee Substitute**

An Ordinance that provides for a twelve month moratorium on the erection, construction or installation of any new digital sign, including any digital outdoor general advertising device ("digital billboard"), so as to provide time for a study to be conducted to determine appropriate regulations for said signs and devices; and containing an emergency clause.

WHEREAS, the City of St. Louis officials have received a number of complaints regarding the brightness and distracting nature of digital signs and digital billboards with video displays;

WHEREAS, the Board of Aldermen has heard testimony that digital signs and digital billboards with video displays impact safety and quality of life in the City of St. Louis and create a visual distraction for drivers; and

WHEREAS, the City of St. Louis has determined that the regulation of digital signs and digital billboards is a complex issue and that a study needs to be conducted to determine appropriate regulations for digital signs and digital billboards.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** For purposes of this ordinance, a "digital sign" shall mean a sign as defined in Chapter 26.68 of the Revised Code of the City of St. Louis that has the capacity to display a changeable image on an electronic, LED, or plasma video display face and a "digital outdoor general advertising device" or "digital billboard" shall mean a general outdoor advertising device as defined in Chapter 24.44.010 and Chapter 26.68 of the Revised Code of the City of St. Louis that has the capacity to display a changeable image on an electronic, LED, or plasma video display face. The definition of digital sign for purposes of this moratorium shall exclude LED and electronic message center reader board signs.

**SECTION TWO.** There is hereby established, commencing on the effective date of this Ordinance, a twelve month moratorium on the erection, construction or installation of any new digital signs or digital outdoor general advertising devices and on the replacement of existing non-digital static display signs and outdoor general advertising devices with digital signs and digital outdoor advertising devices. The Building Commissioner shall not issue any permits for the erection, construction or installation of any digital signs or digital outdoor general advertising devices during said twelve month moratorium.

**SECTION THREE.** The Zoning Section of the Building Division of the Department of Public Safety and the Planning and Urban Design Agency shall within ten (10) months after the effective date of this Ordinance submit to the Board of Aldermen proposed regulations concerning the erection, construction or installation of new digital signs and digital outdoor general advertising devices.

**SECTION FOUR.** Emergency Clause. The passage of this ordinance being deemed necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist within the meaning of Section 20 of Article IV of the Charter, and this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

**Approved: March 16, 2010**

**ORDINANCE #68607  
Board Bill No. 336**

An ordinance pertaining to the planting, maintenance, preservation and management of trees, shrubs and plants; containing legislative findings and declarations; repealing Ordinances 49772, 56447 and 64804; with definition of terms and administrative, regulatory and penalty provisions; with severability and emergency provisions.

WHEREAS, properly maintained and managed trees, shrubs and plants are natural resources that enhance the quality and aesthetics of the physical environment of the City of St. Louis (the "City") and are essential to the comfort, welfare and health of its citizens;

**WHEREAS**, Article I Section 1(25) of the City Charter in part empowers the City to define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, uses of property and all things whatsoever detrimental to the health, comfort, safety, convenience or welfare of the inhabitants of the city and all nuisances and causes thereof;

**WHEREAS**, Article I Section 1(33) of the City Charter in part empowers the City to do all things whatsoever expedient for promoting or maintaining the comfort, peace, health, and welfare, of the City or its inhabitants:

**NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**Section One Purpose and Intent**

The Board of Aldermen of the City of St. Louis finds and declares as follows:

1. The planning, development, maintenance and cultivation of a diverse, plentiful and healthy urban forest within the City of St. Louis (the "City") in perpetuity is desirable and in the interest of the health, welfare, comfort and general well being of the City's citizens, because of the positive environmental, social and economic benefits trees provide, such as oxygen production, dust filtration, storm water runoff reduction, pollution absorption, erosion control, phytoremediation, creation and enhancement of recreational spaces, energy cost reduction and the provision of shade.
2. The presence of mature and healthy trees is important in the stabilization and growth of neighborhoods, as attractive tree-lined streets contribute to increased property values and general neighborhood improvements.
3. The presence of trees within the City promotes tourism and commerce because of the positive effect trees have on the appearance and attractiveness of the physical environment of the City.
4. The proper management, care and protection of the City's urban forest requires policies and specifications for the planting, maintenance, preservation and management of trees, shrubs and plants on City property, and in some circumstances on private property, to preserve public safety and prevent or control infectious diseases and insect pests harmful to the tree, shrub and plant population in the City.
5. With proper management, planning and resources the benefits of a diverse, plentiful and healthy urban forest can be fully realized and maintained for the City in perpetuity.
6. The Board of Aldermen finds and declares that:
  - A. this ordinance is a "police power" regulation necessary to protect the public health, safety, welfare and peace;
  - B. the effective administration of this ordinance will entail the exercise from time to time of administrative discretion;
  - C. it is not possible to provide in legislation comprehensive rules for the appropriate exercise of administrative discretion in all circumstances relating to the proper regulation and management of trees, shrubs and plants;
  - D. accordingly, it is appropriate to vest discretion in the Commissioner, as hereinafter defined, and the Division, as hereinafter defined, in circumstances where matters affecting proper selection, location, condition, planting and removal of trees, shrubs and plants are not expressly addressed by this ordinance, and it is the intent of the Board of Aldermen, to the fullest extent permitted by law, to vest such discretion in the Commissioner and the Division, to be exercised in furtherance of the underlying purpose of this ordinance.

**Section Two Existing Ordinance Repeal**

Ordinance 49772 and Ordinance 56447, presently codified as Ch. 22.48 of the Revised Code, and Ordinance 64804, are hereby repealed.

**Section Three Rules of Construction, Definitions**

- (a) In this ordinance:

- (i) The singular number includes the plural number and the plural includes the singular.
- (ii) Shall is mandatory and may is permissive.
- (iii) The masculine gender includes feminine and neuter.

(b) In this ordinance when the following words or phrases are used, they shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise:

- (i) *Caliper*: The diameter of a Tree measured at a point 6 inches above ground line if the resulting measurement is no more than 4 inches. If the resulting measurement is more than 4 inches then the measurement is made at a point 12 inches above the ground line.
- (ii) *City Property*: All real property which is owned, leased or maintained by the City, any part of any right-of-way within the City, other than parks.
- (iii) *City Tree*: Any Tree found or located on City Property.
- (iv) *Commissioner*: The Commissioner of Forestry of the City of St. Louis or such Commissioner's designated employee.
- (v) *Contractor*: A Person acting under a contract or written agreement with the City, the Department of Parks, Recreation and Forestry or the Forestry Division for the performance of an activity or function called for by this ordinance.
- (vi) *Critical Root Zone*: All or part of a Tree's root system that must remain undisturbed to offer the Tree the best chance for survival. Critical rooting distance shall be determined by multiplying the Tree's diameter in inches at 4.5 feet above soil line by 2.5. For Trees growing in areas that are less than their critical rooting distance the Critical Root Zone is all of the growing area.
- (vii) *Diameter Breast Height*: The diameter of a Tree measured at 4.5 feet above average grade.
- (viii) *Director*: The Director of the City's Department of Parks, Recreation and Forestry.
- (ix) *Division*: The Division of Forestry of the City's Department of Parks, Recreation and Forestry.
- (x) *Hazard Tree*: A Tree possessing qualities in structure and/or growth that create an unacceptable level of risk to public safety.
- (xi) *Plant*: Any form or type of vegetation that is not a Tree or Shrub.
- (xii) *Right-of-Way*: Property located within and adjoining streets, roads and alleys within the City, which is owned, controlled or maintained by the City, including but not limited to areas commonly referred to as "tree lawn" between sidewalks and curbs.
- (xiii) *Shrub*: Any self-supporting multi-stemmed woody plant that attains at maturity a height of 12 feet or less.
- (xiv) *Tree*: Any self-supporting woody plant having a well defined stem, a more or less well defined crown and a mature height of greater than 12 feet and/or a trunk diameter measuring no less than 1.5 inches measured at diameter breast height, or a cluster of main stems having an aggregate diameter of not less than 2 inches in diameter measured at diameter breast height.
- (xv) *Weed*: Any unwanted Plant, Shrub or Tree, which because of its location and/or growth characteristics or habits is commonly considered an undesirable element in the landscape.
- (xvi) *Person*: An individual Person, corporation, association or entity of any kind.

**Section Four *Applicability/ Park Trees***

A. All provisions of this ordinance shall apply to all City Property, except as otherwise provided in this ordinance.

B. Except as otherwise provided in this ordinance, Trees, Shrubs and Plants now or hereafter located on City parks or on other land maintained by the Parks Division of the Department of Parks, Recreation and Forestry shall be controlled and managed by the Parks Commissioner, who shall enforce all applicable provisions of this ordinance as they pertain to such Trees, Shrubs and Plants; provided, however, that the Director may grant the Commissioner of Forestry the authority to assume specific Tree, Shrub and Plant management and maintenance duties in City parks.

**Section Five *Commissioner of Forestry***

- (a) The Division shall be in the charge of a Commissioner appointed by the Director. The Commissioner shall be responsible for planting, trimming and maintaining all City Trees along all public Right Of Way. The Commissioner shall also be responsible, as herein provided, for the planting, maintenance and management of all Trees, Shrubs and Plants located upon City Property, and for developing standard practices and procedures and planting, maintenance and management specifications for the Division to ensure the effective management of Trees, Shrubs and Plants within the City's jurisdiction.

**Section Six *Administrative Responsibilities***

The Commissioner shall:

(a) keep a record of all transactions of the Division, and whenever the Director may require, make a full detailed report concerning the same in addition to the annual report required by Section 10 of Article VIII of the City Charter.

(b) be the custodian of records and papers of the Division and prepare and maintain all necessary literature, notifications, and records necessary for the administration of this ordinance.

(c) prepare and implement a Master Street Tree Planting and Maintenance Plan, consistent with this ordinance, which shall include an inventory of existing City Trees, Tree planting standards, standards for the acceptance of nursery stock and Tree planting recommendations that promote species diversity and a sustainable and healthy urban forest, and procedures and standards required to effectively and safely facilitate all Tree maintenance activities of the Division. Such Plan shall be kept on file at the Division's office and in the City Register's office.

(d) prepare and implement an Emergency Tree Management Plan, consistent with this ordinance, that shall include procedures and steps for maintaining and restoring the city's urban forest during and following an emergency such as a tornado, thunderstorm, windstorm, ice storm, flood or other act of God. Such Plan shall be kept on file at the Division's office and in the City Register's office.

(e) develop and maintain a list of equipment and labor costs associated with services provided by the Division for the purposes of assessing penalties as provided for in Section Twenty Five of this ordinance.

**Section Seven *Employees***

(a) The Commissioner is authorized to appoint and control the number of assistants and subordinate employees necessary to perform the duties of the Division, subject to the Civil Service provisions of the City Charter and applicable ordinances.

(b) The Commissioner may designate a deputy to act in the Commissioner's place in the event of the Commissioner's temporary absence from the City.

**Section Eight *Authority***

The Commissioner shall have the power and authority to:

(a) prepare and implement procedures, standards and specifications pertaining to the planting, pruning, removal, disease and insect treatment, protection and other necessary maintenance and management activities of all Trees, Shrubs or Plants planted on City Property.

(b) recommend to the Director possible future ordinance provisions pertaining to Trees, Shrubs and Plants located on private property which would, if enacted, tend to prevent the spread of infectious disease and insect pests harmful to the general health and well being of the entire Tree, Shrub and Plant population within the City and to control and/or abate nuisance and Hazard Trees.

(c) enter upon private property at reasonable hours for the purposes of inspecting Trees thereon, if there is reasonable cause to believe by virtue of its appearance, or otherwise, that a Tree has structural or growth conditions that make it a hazard, or is or may be infected with a infectious disease or vectors that may transmit an infectious disease or an insect pest harmful to the general well being of the entire Tree population in the City. The Commissioner shall have the power and authority to mark or otherwise identify any such Tree and remove any samples or portions thereof for purposes of further diagnosis of any suspected disease or insect problems.

(d) cause Trees on private property to be free of hazards, diseases and insect pests.

(e) cause Trees on private property to be maintained so as to prevent the obstruction of: vehicular or pedestrian traffic, street corners and intersections, alleys, traffic control signs and devices and the safe passage of light as described in Section 15 of this ordinance.

#### **Section Nine Tree Placement and Planting**

(a) The Commissioner shall determine, by regulations issued pursuant to section Twenty Seven of this ordinance, and maintain standards for the appropriate Tree species, sizes, spacing and placement on City Property, including a list of undesirable and desirable street Trees, and standards for the minimum size for Tree boxes/wells, and the appropriate spacing distances for existing Trees located on City Property.

(b) The Commissioner shall determine and maintain standards for the acceptance of nursery stock for Trees to be planted or placed upon any Right of Way.

(c) The Commissioner shall inspect and approve all street Trees prior to their planting on any Right of Way.

(d) The Commissioner shall review and approve all plans for the planting of Trees on City or private property by any City department or agency, and for the planting of trees on private property as part of any development project of any kind approved by any City department or agency, including agencies operated by St. Louis Development Corporation.

(e) Any Trees hereafter set out, planted or raised on City Property, which are not consistent with the standards provided for in this section, are hereby declared a public nuisance and subject to treatment and abatement as such.

#### **Section Ten Tree Planting**

(a) When in the judgment of the Commissioner it is necessary or desirable that Trees be planted on City Property the Commissioner shall develop and implement such plans as necessary to cause said Trees to be planted. The Commissioner is further authorized to develop programs, policies and procedures to foster and encourage the planting of Trees by city residents, other public agencies and businesses.

(b) The Commissioner shall provide on an annual basis to each alderman an accounting of street Trees removed and planted so as to indicate their net gain or loss within their ward.

(c) The Commissioner shall provide on an annual basis to the Director an accounting of street Trees removed and planted indicating the net gain or loss of City Trees within each ward of the city and the net gain or loss of City Trees within the City as a whole.

(d) Whenever the Division shall remove any City Tree, the Division shall plant a new City Tree not less than 2.5 inches in caliper size to replace the removed City Tree. When site conditions permit, the replacement City Tree shall be planted within 500 feet of the site of the removed Tree. If a suitable planting location cannot be found within 500 feet of the removal location, the replacement City Tree shall be planted at another location determined by the Commissioner within the ward where the removal occurred. The cost of such replacement City Trees shall be charged by the Commissioner to the tree planting or similar account of the alderman of the ward where the removal occurred, unless otherwise provided by this ordinance.

**Section Eleven *Permit Required to Plant***

- (a) No Person shall plant, transplant, relocate or replace any Tree on City Property without first obtaining a permit ("Permit to Plant") from the Commissioner. This section shall not apply to planting or reforestation activities of the Division or Contractors.
- (b) The Commissioner shall develop policies and procedures for the Division to cause the efficient and equitable issuance of Tree planting permits under the provisions of this section.
- (c) Work done under any Permit to Plant permit must be done in compliance with any other applicable sections of this ordinance.
- (d) Any Permit to Plant shall specify the species and size of each Tree to be planted.
- (e) Permits to Plant Trees larger than 4 inches in caliper size shall expressly provide, as a condition of the issuance of the permit to plant, that the permittee will pay replacement and associated replacement costs for a period of 5 years after planting.
- (f) Any and all Trees hereafter set out, planted or raised upon City Property in violation of this Section are hereby declared a public nuisance and subject to treatment and abatement as such.

**Section Twelve *Permit to Maintain Required***

- (a) No Person shall directly or indirectly perform maintenance, including but not limited to pruning, spraying or removal, on any City Tree without first obtaining a permit ("Permit to Maintain") from the Commissioner. This section shall not apply to Tree maintenance activities performed by the Division or by Contractors, or by or on behalf of any City department or agency.
- (b) The Commissioner shall develop policies and procedures for the Division to cause the efficient and equitable issuance of Permits to Maintain under this section.
- (c) A Permit to Maintain shall only be valid for a period of time specified by the Division..
- (d) The Commissioner may issue Permits to Maintain without formal application in order to avoid danger or hazard to Persons or property in emergency situations requiring immediate maintenance of a City Tree; provided, that a formal application shall be filed within seventy-two hours of starting such emergency action. If in such an emergency the Commissioner or a representative of the Division cannot be reached, it shall be lawful to perform the necessary emergency maintenance required; provided, the Person performing such emergency maintenance shall report such action to the Commissioner within seventy-two hours of starting such maintenance.
- (e) Any application for a Permit to Maintain shall identify the Person performing the work, and only that Person may perform the work authorized by the permit. If after a Permit to Maintain is issued the identity of such Person changes, the permit holder shall contact the Division for approval to amend the permit within forty-eight hours prior to the start of the work, or immediately if the change occurs after work has begun.
- (g) The Commissioner may issue a general Permit to Maintain Trees to public and private utility companies for a period not to exceed two years; provided the company's pruning or maintenance specifications comply with all other provisions of this ordinance and other applicable rules and regulations; and provided that the removal of any City Tree shall be specifically approved in advance in writing by the Commissioner. Pruning of branches of City Trees under such a permit shall be done in accordance with the most recent edition of American National Standard Institute for Tree Care Operations - Tree, Shrub, and Other Woody Plant Maintenance Standard Practices (Pruning) (ANSI A300 Part 1).

**Section Thirteen *Permit Conditions, Denial and Revocation***

The Commissioner shall :

- (a) establish , by regulation pursuant to section Twenty Seven of this ordinance, reasonable conditions on which Permits to Plant or Maintain are to be issued, performed and completed.
- (b) deny the issuance of any permit under any section of this ordinance if, in his judgment, issuing said permit is not

in the best interest of the City in the maintenance, preservation, sustainability and/or health of its urban forest. The Commissioner's decision to deny an issuance of a permit may be appealed in writing within 10 days of such denial to the Director, whose decision shall be final.

(b) The Commissioner may suspend or revoke any permit should the permittee at any time fail to comply with the conditions of the permit. Upon suspension all work must cease until the conditions of the permit are met.

(c) A permittee who fails to comply with the conditions of a permit shall be deemed in violation of this section and subject to the penalties prescribed in Section Twenty Five A, and to any repair and replacement costs defined in Section Twenty Five B of this ordinance required to repair, replace or restore any element or feature of landscape, hardscape or infrastructure.

(f) Any Person performing work under a permit shall have in their possession and produce upon request by the Commissioner all licenses to operate within the city required by law or other applicable ordinances.

(g) Any permittee assumes all liability and risk relating to or arising out of any work performed or undertaken under a permit, and all permits shall expressly so provide, and shall further provide that the permittee agrees to indemnify the City for claim, liability or damage which the City may incur as a result of the issuance of the permit or any action or omission under the permit.

(h) Any Person found by the Commissioner to have knowingly falsified or concealed information on a permit application shall have their permit application denied, or, if a permit has been issued it shall be revoked. Any such falsification or concealment is a violation of this ordinance.

#### **Section Fourteen *Permit Fees***

(a) There shall be no fee for a Permit to Plant, or for a Permit to Maintain which does not involve removal of a City Tree.

(b) The Commissioner shall assess, for the privilege of removing a City Tree, a reforestation fee for each City Tree approved for removal on a Permit to Maintain application, as provided in this Section. The Commissioner may waive such fee for good cause.

(c) The reforestation fee for removal of Trees shall be determined as follows:

i) for Trees less than 8 inches in size at diameter breast height, the fee shall be the retail cost to the Forestry Division to purchase a Tree of 2.5 to 3 inches in caliper size of similar canopy type of the tree removed.

ii) for Trees that exceed 8 inches in size at diameter breast height, the fee shall be the retail cost to the Forestry Division to purchase a Tree of 2.5 to 3 inches in caliper size of similar canopy type of the tree removed plus the cost to purchase an additional tree 2.5 to 3 inches in caliper size for every additional 6 inches of size at diameter breast height. For example, the reforestation fee for removal of a tree 20 inches in diameter breast height would be the cost of 3 trees as provided in this sub-paragraph.

iii) Multi-stemmed trees shall have the aggregate diameter of each of their trunks used in determining their size.

(d) The Commissioner shall maintain a current schedule of such retail costs and current values in the Division office and available to the public.

(e) Permit to maintain applications that will involve the removal of Trees shall be accompanied by the applicable reforestation fee, in full. The reforestation fee must be paid in full to the Commissioner before a Permit to Maintain will be issued pursuant to Section Twelve of this ordinance. The Commissioner shall have the authority to waive the reforestation fees in his discretion, for example for the removal of Trees in poor condition or of species that are considered undesirable or poorly located.

#### **Section Fifteen *Tree Clearance Requirements***

(a) The Commissioner shall determine and maintain standards for appropriate height and spatial clearances for all City Trees so as to allow the safe use or occupancy of the space around said Tree. Such standards shall include, but not be limited to, height and spatial clearances for streets, sidewalks, alleys, building and other structures, traffic control signs and devices, street and alley lights, public utility wires and intersections and intersection approaches.

(b) The Commissioner shall determine and maintain standards for the growth and maintenance of Trees, Shrubs and Plants located on any lot or parcel or land within the City so as to prevent the obstruction of vehicular or pedestrian traffic, street corners, intersections and intersection approaches, traffic control signs and devices and the safe passage of light.

(c) The Commissioner shall perform maintenance of Trees, Shrubs and Plants on City Property for clearance in a manner consistent with the most widely accepted arboricultural practices.

(d) In the event a standard provided under this Section is changed, for purposes of contracts, the applicable standard in effect at the time a contract was made shall be used during the term of the contract.

#### **Section Sixteen *Tree Preservation and Replacement***

(a) It is the policy of the City:

(i) to suffer no net loss in the population and canopy of the urban forest under its jurisdiction, as such losses would be detrimental to the health, welfare, comfort and general well being of City residents by reducing the benefits provided by the city's urban forest;

(ii) to preserve City Trees whenever possible during development and land improvement by using the most appropriate and feasible arboriculturally sound methods to preserve City Trees from injury and damage; and, where City Trees cannot be preserved during development or land improvement, to plant appropriate replacement City Trees as prescribed by this ordinance; and

(iii) to increase and expand the population and canopy of the urban forest under its jurisdiction by planting new City Trees whenever possible to increase the total benefit provided by the City's urban forest.

(b) Any Person issued a building permit shall be responsible for complying with this section; provided, that fees required for a Permit to Maintain for the removal of any City Tree shall be the responsibility of the Person making application for said permit. In the event a building permit is not issued for work which may affect City Trees then the property owner shall be responsible for complying with all provisions of this section.

(c) Any Person employed, contracted or otherwise working on behalf of the City shall be subject to all applicable provisions of this section.

(d) A Permit to Maintain for removal of a City Tree as a result of the demolition, renovation, improvement or erection of any building or outbuilding or any type of improvement on any parcel of land in the City must be issued pursuant to Section Twelve of this ordinance before such Tree can be removed by any Person, including persons employed, contracting with or otherwise working on behalf of the City and all conditions and fees as prescribed in Sections Thirteen and Fourteen of this ordinance shall apply. Any Person who removes or causes to have removed a City Tree without the prescribed Permit to Maintain shall be deemed in violation of this section and subject to a Five Hundred Dollar fine for acting without a required permit, and to an additional fine for destruction of City property equal to the applicable reforestation fee under Section Fourteen (a), (b) or (c) and any replacement and repair costs as determined by Section Twenty Five of this ordinance, up to a maximum of Five Hundred Dollar for each Tree regardless of their actual health and desirability at the time of their removal.

(e) All reasonable steps shall be taken to prevent destruction of or damage to City Trees (other than City Trees approved for removal), during the improvement, demolition, renovation, improvement or erection of any building or outbuilding or any type of improvement on any parcel of land in the City. Such steps include, but are not limited to the following Tree preservation activities:

(i) The placing of protective fencing at the boundary or limits of the established Critical Root Zone of each City Tree that has been determined by the Commissioner to have the potential of being injured during construction or, in the absence of such determination by Commissioner, within the area of construction. Such protective fencing shall be installed before construction of any type is to begin, with a minimum height of at least 4 feet and installed in such a manner that it maintains its rigidity and effectiveness as a barrier.

(ii) Construction equipment, trailers, traffic and storage must remain outside of the Critical Root Zone of any City Tree.

(iii) No materials, equipment, spoil, or waste or washout water may be deposited, stored or parked within

the Critical Root Zone of any City Tree.

(iv) Erosion control devices such as silt fencing, debris basins and water diversion structures shall be installed in such a manner to prevent siltation and/or erosion within Critical Root Zone of any City Tree.

(v) Spoil from trenches, basements, or other excavations shall not be placed within the Critical Root Zone of any City Tree, either temporarily or permanently.

(vi) No burn piles or debris pits shall be placed within the Critical Root Zone of any City Tree.

(vii) No ashes, garbage or debris may be dumped or buried within the Critical Root Zone of any Tree.

(viii) Any herbicides placed under paving materials must be safe for use around Trees and labeled for that use and not be readily transported by water.

(ix) Any brush clearing required within the Critical Root Zone of any City Tree shall be accomplished using hand-operated equipment and approved by the Commissioner. (x) City Trees shall be root pruned before grading, pad preparation or excavation for foundations or walls or utility trenching occurs. Root pruning requires a Permit to Maintain applied for and issued in accordance with Section Twelve and any other applicable section of this ordinance. Roots shall be root pruned to 1 foot outside of their Critical Root Zone and cut cleanly using either manual or mechanical methods such as chainsaws, vibrating knife, rock saw, narrow trencher or other root pruning equipment approved by the Commissioner. The use of any type of equipment that otherwise tears, rips or pulls roots is not permissible.

(xi) All underground utilities and drain or irrigation lines shall be routed around the Critical Root Zone of City Trees. If underground utilities must pass through a Critical Root Zone, they shall be tunneled or bored under the Tree for the duration of the Critical Root Zone, unless deemed unreasonable do so by the Commissioner.

(xii) City Trees shall not be pruned or otherwise maintained in any manner without a Permit to Maintain first being applied for and issued pursuant to this ordinance.

(f) The Commissioner by regulation issued pursuant to Section Twenty Seven of this ordinance may provide other practices and specifications necessary to effectively preserve City Trees at construction sites.

(g) Prior to the start of construction any Person may request the Commissioner to waive of any provisions of subsection (e) of this section which they feel are unreasonable or impose undue financial hardship in the completion of construction. No waiver request made after the start of construction may be granted. The Commissioner's decision on any such waiver request shall be final.

(h) The Commissioner is authorized to issue an emergency stop work order for up to seventy-two hours if in the Commissioner's opinion the precautions required by subsection (e) of this section were not undertaken before construction commenced or are not maintained at any time during construction. The Commissioner may rescind such order within twenty-four hours if the violations for which the order was issued is remedied. If the violations are not corrected within twenty-four hours after issuance of the stop work order and the project is supervised by the Board of Public Service, the Commissioner may request the Board of Public Service to issue a permanent stop work order. Penalties, if any, levied by the Board of Public Service shall be in addition to all fines and penalties imposed and prescribed by this ordinance. The Board of Public Service may issue a stop work order at any time of its own volition to any Person that fails to comply with any requirement of subsection (e) of this Section, until such provisions are met, or may issue a permanent stop work order.

(i) Failure to obtain any permit required by this Section, or to take any precaution as prescribed in this Section, before construction commences or at any time during construction, is a violation of this ordinance and punishable by a fine of Two Hundred Fifty Dollars for each precaution not undertaken or maintained, in addition to any other applicable fine under this ordinance.

(j) Failure to stop work upon issuance of an emergency stop order by the Commissioner or a stop work order by the Board of Public Service is a violation of this ordinance and punishable by a fine of Five Hundred Dollars, in addition to any other fines or penalties prescribed by this ordinance. Each full hour that work continues after the issuance of a stop work order is a separate violation.

(k) Any Person who damages any City Tree, Shrub or Plant during construction, demolition, renovation,

improvement or erection of any building or outbuilding or any type of improvement on any parcel of land is in violation of this ordinance and subject to a fine of Two Hundred Fifty Dollars for each City Tree, Shrub or Plant damaged, in addition to any other penalties or fines applicable under this ordinance.

(l) Any City department that plans to excavate, cut or otherwise remove or damage roots within the Critical Root Zone of any City Tree shall, where possible report the scheduled occurrence of such activities forty-eight hours in advance to the Commissioner, who shall review such activities and if available offer less damaging alternatives. In the event advance notification cannot be provided, then the Commissioner shall be notified within forty-eight hours of the occurrence of the root damage or removal so an assessment can be performed to determine the health, stability and safety of the affected Tree.

#### **Section Seventeen Sewer Damage**

(a) No City Tree shall be removed or otherwise be treated because of sewer related damage allegedly caused by such Tree until the Commissioner has reviewed the matter and approved the appropriateness of such removal or treatment.

(b) No City Tree shall be considered for removal by the Commissioner until the alleged sewer related damage is substantiated by the submission of paid bills or receipts by the property owner requesting the removal. Any such bills or receipts must be determined by the Commissioner to be directly attributable to root related damage. Any Person who knowingly falsifies or submits fraudulent bills or receipts is in violation of this ordinance.

(c) The Commissioner may waive the requirements of subsection (b) of this Section of this ordinance if the Tree has been listed as undesirable for street Tree use under this ordinance or is determined by the Commissioner to be in an unsafe and/or unhealthy condition.

(d) Each City Tree removed for sewer related damage shall be replaced with three Trees with a caliper size of no less than 2.5 inches per Tree. The species of such replacement Trees shall be determined by the Commissioner. The Commissioner, where site conditions permit, shall plant a replacement Tree at the site where the Tree was removed and two additional Trees at locations of his choosing within the ward where the Tree removal occurred. If the site of the Tree removal is not suitable for a replacement Tree then a replacement Tree shall be planted at a location within the ward where the removal occurred, as determined by the Commissioner. The cost of said replacement Trees shall be charged by the Commissioner to the Tree planting account or similar account of the alderman of the ward where the removal occurred.

(e) The Commissioner shall not proceed with the removal of any Tree for sewer related damage until sufficient funds are available for replacement Trees pursuant to Subsection (d), unless the safety or stability of the Tree is in question, or the need for removal is urgent in the judgment of the Commissioner.

#### **Section Eighteen Sidewalk Damage**

(a) It shall be the duty of property owners to notify the City when any City Tree located street adjacent to their property is believed to be causing damage to any public sidewalk or other pedestrian thoroughfare. It shall further be the duty of the property owner, in a timely manner to keep the surface portion of such sidewalk or pedestrian thoroughfare free of seed, leaf, twig and any other debris created and otherwise dropped by the natural growth of the Tree so as to allow the reasonable and safe passage of pedestrian traffic.

(b) Where damage to a sidewalk or curb occurs due to the close proximity or growth of City Tree roots, the Division shall make every reasonable effort to correct the problem without damaging or injuring the Tree.

(c) In cases where Tree removal is necessary, the Commissioner shall not proceed with removing the Tree until he receives confirmation from the Street Division that it has scheduled the repairs, unless the safety or stability of the Tree, Shrub or Plant is in question, or the need for removal is urgent in the judgment of the Commissioner.

(d) Each Tree removed on City Property for sidewalk related damage shall be replaced with three (3) Trees with a caliper size of no less than 2.5 inches per Tree. The species of such replacement Trees shall be at the determination of the Commissioner. The locations of such replacement Trees shall be determined in like manner as are the locations of replacement trees under Section Seventeen (d). The cost of said replacement Trees shall be charged by the Commissioner to the Tree Planting account or similar account of the alderman of the ward where the removal occurred.

(e) The Commissioner shall not proceed with the removal of any Tree for sidewalk related damage until sufficient funds are available for replacement Trees pursuant to subsection (d) of this Section, unless the safety or stability of the Tree is in

question, or the need for removal is urgent in the judgment of the Commissioner.

**Section Nineteen *Mutilation or Theft of Trees, Shrubs or Plants on City Property***

(a) No Person shall break, mutilate, injure, poison, destroy, remove or otherwise alter or disrupt any Tree, Shrub or Plant or any other related vegetative improvement on City Property.

(b) The practice of Tree topping, defined as the practice of cutting back branches of Trees to stubs or lateral branches that are not large enough to assume a terminal role, is prohibited on all City Trees. The Commissioner's determination on whether a Tree has been topped or not shall be final.

(c) Except as provided in this section, no Person shall fasten or attach any wire, rope, sign, handbill or other thing to any Tree, Shrub or Plant growing on City Property, nor to any guard or protection of such Tree, Shrub or Plant.

(d) No Person shall without written permission of the Commissioner attach any wire, insulator or support device of any nature used for telecommunications or electric transmission or distribution to any Tree, Shrub or Plant growing on City Property.

(e) No Person shall without written permission of the Commissioner attach, hang or suspend lights or lighting devices of any kind to any Tree, Shrub or Plant growing on City Property.

(f) Lights or lighting devices of any kind which the Commissioner permits to be attached, hung or suspended from any Tree, Shrub or Plant must be installed so as to be least damaging to the Tree, Shrub or Plant as prescribed by the Commissioner and cannot remain in the Tree, Shrub or Plant for longer than one hundred twenty days. The Person permitted to install the lights or lighting devices shall be responsible for removing them in a manner least damaging to the Tree, Shrub or Plant within the prescribed period of time or be deemed in violation of this section.

(g) All lights or lightning devices that are in violation of this section are hereby declared public nuisances and subject to treatment and abatement as such by the Commissioner.

(h) Any Person having any wire charged with electricity shall securely fasten the same so that such wire shall not come in contact with any Tree, Shrub or Plant growing on City Property.

(i) No Person shall permit any toxic or injurious chemical or substance to seep, drain or be emptied on or within the Critical Root Zone of any City Tree.

(j) Without written permission from the Commissioner, no person shall place or maintain upon the ground any stone, cement or other impervious material or substance in such a manner as may obstruct the free access of air and water within a City Tree's Critical Root Zone. Any stone, cement or other impervious material placed or maintained in violation of this subsection is hereby declared a public nuisance and subject to treatment and abatement as such by the Commissioner.

(k) Without written permission from the Commissioner, it shall be unlawful for any Person to install grates or any other covering over the tree box or well of any City Tree. Such grates and other coverings shall be considered an extension of the pedestrian walk which they adjoin and are the responsibility of the adjacent property owner to maintain in a condition that is safe for passing pedestrian traffic.

(l) No person shall maintain a grate or other covering over the tree box or well of any City Tree in a condition that is injurious to such Tree or to the safety of passing pedestrian traffic. Any grate or other covering found in violation of this section is hereby declared a public nuisance and is subject to treatment and abatement as such as by the Commissioner.

(m) Any Person who violates subsection (b) of this section shall be subject to a fine of Five Hundred Dollars per affected Tree. Any Person found in violation of any other provision of this section shall be subject to the a fine of up to \$500, including and any necessary repair and replacement costs defined in Section 25 of this ordinance required to replace or restore the condition of the affected Tree, Plant, Shrub or landscape.

**Section Twenty *Treelawn and Parkway Planting Requirements and Criteria***

(a) The appearance and maintenance by adjacent owners of those portions of street rights of way in the City, commonly referred to as the tree lawn, have a substantial impact on the appearance of city neighborhoods and streets and a significant relationship to property values. Deterioration of street landscapes occurs when inappropriate Plants and landscape items are installed

that are incompatible with the landscape of a given area, neighborhood or business district or are not, or cannot be, maintained to acceptable standards of appearance. This results in a reduction of property values, poor appearance and the impairment of the public health, safety and welfare. Therefore, the City declares it has a governmental interest in regulating the types of vegetation and landscape items installed in its street right of way and may establish criteria for the maintenance of said items. Provided, this Section shall not apply to the Division or to Contractors.

(b) Shrubs, Plants and other landscape features or items now or hereafter growing or set out, placed, planted or raised in the right of way of any street or alley and on all City Property by any Person other than the City, that are in violation of the provisions of this section are hereby declared public nuisances and subject to treatment and abatement as such. The Commissioner is hereby authorized to remove, trim or otherwise treat any Shrub, Plant or landscape feature or item found in violation of this section without warning or notification.

(c) The City, its officers and employees shall have no liability for landscape features, Shrubs, Plants or other items placed or otherwise installed in or on any City Property by any Person not acting under the authority of a permit or on behalf of the City to install said items. The Person installing said items assumes all responsibility and liability for their maintenance and upkeep unless otherwise provided by ordinance, contract or other agreement.

(d) Fire hydrants shall have a clear area established around them which shall consist of a circle 4 feet in radius measured from the center point at the top of the hydrant and 6 feet in height as measured upwards from the highest point of ground immediately adjacent to the hydrant. Vegetation of any type that is intended to be grown or otherwise maintained at a height that exceeds twelve inches shall not be planted or otherwise maintained in such clear area. In addition, a clear unobstructed field of vision of not less than thirty degrees from each side of a perpendicular line drawn from the top of the fire hydrant to the nearest curb or street line must also exist. Vegetation adjacent to the clear area prescribed in this sub-section shall be maintained in such a way that it does not overgrow or otherwise overhang into such clear area.

(e) Water meter pits, vaults and service shutoffs shall have a clear area established around them which shall consist of a circle two feet in diameter measured from the center of the pit, vault or valve and extending six feet in height as measured upwards from the highest point of ground immediately adjacent to the pit, vault or valve. Vegetation of any type that is intended to be grown or otherwise maintained at a height that exceeds twelve inches shall not be planted or otherwise maintained in such clear area. Vegetation adjacent to such clear area shall be maintained in such a way that it does not overgrow or otherwise overhang into such clear area.

(f) The placement of any Shrubs, Plants or landscape features or items with a maintainable mature height of more than twelve inches is prohibited within fifteen feet from any street corner.

(g) Street light poles, public utility poles, traffic signals and street signs of any type shall be kept free of all climbing or creeping vegetation.

(h) Climbing or creeping vegetation growing on any City Tree is subject to removal if deemed by the Commissioner to be detrimental to the Tree's continued growth or health.

(i) Any Tree, Shrub or Plant that is known to possess features or growth characteristics that make all or parts of them poisonous, allergenic or invasive in nature shall be subject to immediate destruction and removal by the Commissioner and shall be prohibited from use on any City Property. Such vegetation shall include but is not limited to *Cirsium arvense* (Canada thistle), *Convolvulus arvensis* (Field bindweed), *Sorghum halepense* (Johnsongrass), *Pueraria lobata* (kudzu), *Rosa multiflora* (Multiflora rose), *Lythrum salicaria* (purple loosestrife), *Dipsacus fullonum* (Common teasel), *Dipsacus laciniatus* (Cutleaf teasel), *Carduus nutans* (Musk thistle), *Onopordum acanthium* (Scotch thistle), *Lonicera japonica* (Japanese honeysuckle), *Lonicera morrowii* (Morrow's honeysuckle), *Lonicera maackii* (Amur honeysuckle), *Alliaria petiolata* (Garlic mustard), *Toxicodendron Radicans* (Poison ivy), *Toxicodendron diversilobum* (Poison oak), *Xanthium sp.* (Cocklebur), *Datura stramonium* (Jimsonweed) and any Tree, Shrub or Plant that is determined by the Commissioner to be alleopathic to adjacent City Trees, Shrubs or Plants, diseased or infested, an alternative host for a Tree, Shrub or Plant disease or habitat for a Tree, Shrub or Plant disease vector.

(j) Any Person who installs any Tree, Shrub or Plant in violation of subsections (d) through (i) of this Section shall be subject to a fine of One Hundred Dollars for each Tree or Shrub planted in addition to removal, replacement or remediation costs as provided for in Section Twenty-Five of this ordinance.

(k) The installation, construction or erection of raised planters or landscape walls around the trunks of Trees after their installation is detrimental to the long term health of Trees and is hereby prohibited around any City Tree unless approved by the Commissioner. The use of ornamental or landscape edging is prohibited around City Trees unless it is located far enough way

so as not to cut into the root flare of the Tree or restrict or impede its growth, does not extend more than four inches above the soil line at its highest point, and does not entail soil excavation greater than a trench or hole six inches wide and three inches deep as measured from the soil line.

(l) Any person wishing to install, place, or construct any non-vegetative landscape feature or item, including but not limited to raised planters, retaining walls, decorative or ornamental rocks, fencing or any kind of landscape rock within any street or alley right of way in the City shall first obtain a Landscape Permit from the Commissioner authorizing such items.

(m) Any Person wishing to install and plant a "Landscape Bed", hereby defined as a grouping of Plants of similar or dissimilar type in an area of landscape that is more or less continuous in nature and greater than nine square feet in size in any street or alley right of way in the City, shall first obtain a Landscape Permit authorizing such bed from the Commissioner.

(n) The issuance of Landscape Permits under this Section shall be in accordance with any applicable provisions of Section Thirteen of this ordinance.

(o) Any Person that fails to obtain a Landscape Permit as required by subsection (m) of this Section commits a violation of this ordinance punishable by a fine of One Hundred Dollars plus any removal, replacement or remediation costs as provided for in Section Twenty-Five of this ordinance.

(p) The disturbance of the Critical Root Zone of any City Tree, with the exception of Trees already planned or otherwise authorized for removal by the Commissioner, by any tillage method, hand or mechanical, for the purpose of installing landscape Plants, features or items is prohibited, unless expressly approved and monitored by the Commissioner.

#### **Section Twenty-One *Private Tree Hazards***

Any Tree in the City determined by the Commissioner to be:

(i) dead, defective, diseased, infested or decayed and to threaten real property or users thereof; or

(ii) alleopathic to adjacent City Trees or an alternative host for a Tree disease or a habitat or breeding habitat for a Tree disease vector; or

(iii) not grown or otherwise maintained by the property owner to meet all applicable Tree clearance standards provided for by Section Fifteen of this ordinance is hereby declared a public nuisance and subject to treatment and abatement as such by the Commissioner. The Commissioner shall be authorized to order the treatment and abatement of any such Tree. After thirty days of said order being issued the Commissioner may enter upon any lot or parcel of land within the City for the purpose of treating or abating such nuisance and may bill the owner pursuant to Subsection (t) of this Section.

(b) The Commissioner shall serve treatment and abatement orders, as authorized in this section, to property owners found in violation of this section by personal service, or by U. S. mail to the person to whom was sent the tax bill for general taxes for the preceding year, or to the current owner of record. Such notice shall identify the street address of the property, the problem conditions, and what is required of the property owner to be in compliance with this Section and/or Section Fifteen.

(c) Any notice served on a property owner by the Commissioner under the provisions of this section may be appealed to the Board of Public Service whose decision in the matter shall be final. Any appeal from an order of the Commissioner under this section must be filed within ten days of receipt of such order on such forms as may be determined by the Commissioner and approved by the Board of Public Service.

(d) The Commissioner shall bill the owner of any lot or parcel of land on which the City or a City contractor abates or treats any Tree under the provisions of this section for the cost of such abatement and/or treatment. Any such bill issued by the Commissioner pursuant to this section of ordinance that is unpaid ninety (90) days after it is first mailed may be sent to a collection agency for collection and shall bear interest at the rate allowed by law for judgment in civil actions.

(e) All monies collected as provided in subsection (d) of this section shall be transmitted daily to the Treasurer of the City of St. Louis in the form and manner prescribed by the Comptroller.

(f) When the condition of a Tree is such that the Commissioner believes it is in imminent danger of falling or is creating an immediate hazard to the safety of the general public which is too great a risk to leave uncorrected while standard

procedures for giving notice are followed, the Commissioner may, in his discretion enter onto any lot or parcel of land in the City and abate or otherwise remediate the condition without following said procedures.

- (i) Any owner of a lot or parcel of land upon who fails to comply with an order issued from the Commissioner pursuant to this section within thirty days of receipt of such order violates this section and shall be punishable by a fine of Two Hundred Fifty Dollars.

#### **Section Twenty-Two *Private Tree Disclaimer***

Nothing in this ordinance shall be deemed or construed to relieve the owner of any private property from the duty to keep and maintain any Tree located on their property in a condition such as to prevent it from becoming a hazard to adjacent private and public property; and to prevent it from becoming a hazard or an impediment to travel or vision upon any street, alley, sidewalk or other public place in the City, or to impose any liability upon the City, its officers or employees in connection with any Tree located on private property.

#### **Section Twenty-Three *Enforcement***

(a) The Commissioner shall be responsible for the administration and implementation of this ordinance. He may serve notice to any Person in violation thereof and may report violations to the police department and City Counselor for appropriate proceedings, which are each hereby directed to take all appropriate actions to assist in the enforcement of this ordinance.

(b) In instances where a Person is found to be maintaining or removing or destroying a City Tree in the absence of an appropriate permit for such action in their possession, the police department shall require such Person to cease such operations until the necessary permit and/or certification is obtained pursuant to this ordinance.

#### **Section Twenty-Four *Interference***

It shall be a violation of this ordinance for any Person:

(a) to impede, hinder, delay or interfere with the Commissioner or the Division or any person acting under the Commissioner's authority in the administration or enforcement of any provision of this ordinance.

(b) to impede, hinder, delay or interfere with the Commissioner or his subordinates while engaged in the planting, pruning, spraying, cultivating, maintaining or removal of any Tree, Shrub or Plant located on City Property.

(c) to impede, hinder, delay or interfere the Commissioner or his subordinates from entering onto private property for the purposes of carrying out their lawful duties under this ordinance.

(d) to impede, hinder, delay or interfere with a Contractor in the fulfillment of his contractual obligations for the planting, pruning, spraying, cultivating, maintaining or removal of any Tree, Shrub or Plant located on City Property.

(e) to impede, hinder, delay or interfere with a Contractor in the fulfillment of his contractual obligations from entering onto private property for the purposes of carrying out his lawful duties.

#### **Section Twenty-Five *Penalty/ Replacement and Repair Costs***

(a) Except as otherwise provided by this ordinance, any Person who violates any provision of this ordinance shall be punishable by a fine of not less than One Hundred Dollars and not exceeding Five Hundred Dollars or by imprisonment up to thirty (30) days, or both such fine and imprisonment for each separate offense. All such violations that are of a continuing nature shall constitute a separate offense for each day the violation continues. If, as a result of the violation, the injury, mutilation or death of a Tree, Shrub or Plant located on City Property occurs, the cost of the repair and/or replacement as provided in subsection (b) of this section shall be included in the calculation of the fine, up to the maximum of Five Hundred Dollars.

(b) Where this ordinance provides that the replacement and repair costs for Trees, Shrubs or Plants shall be assessed as a fine or penalty, said costs shall be calculated by the Commissioner as follows:

- (i) Replacement and repair costs for Trees less than 10 inches in size at diameter breast height or with an aggregate diameter of less than 15 inches at diameter breast height shall be the retail price of a similar or same sized and species Tree plus the equipment and labor costs required by the Division or any Contractor or Person

acting on behalf of the Division to remove and replace said Tree.

(ii) Replacement and repair costs for Trees that exceed 10 inches in size at diameter breast high or with an aggregate diameter of larger than 15 inches shall be their value, as determined using the most recent edition of the Guide for Plant Appraisal as prepared by the Council of Landscape Appraisers, plus the equipment and labor costs required by the Division or any Contractor or Person acting on behalf of the Division to remove and replace said Tree.

(iii) Costs to repair or remediate Tree, Shrub or Plant damage and/or the repair, replacement or restoration of any element or feature of landscape, hardscape or infrastructure shall be determined based upon the equipment, labor and material costs for the Division and/or other City Departments or public agencies required to perform said services or the equipment, labor and material costs of any Contractor performing such services.

(iv) Shrubs and Plants shall have their value determined by the retail price of a Shrub or Plant of a similar size and species, plus the equipment and labor costs required to remove and replace said Shrub or Plant by the Division or by a Contractor.

- (a) (v) In lieu of prosecution for a violation of this ordinance, the Commissioner is authorized to bill any Person who causes expense to the City as calculated under this Section, and to refer such bill which is unpaid ninety days after it is first mailed to a collection agent for collection, subject to applicable law.

#### **Section Twenty-Six *Injunctive Relief***

(a) Whenever there exists reasonable cause to believe that any Person is violating any provision of this ordinance or any term, condition or provision of an approved permit, the City may, either before or after the institution of any other action or proceeding authorized by this ordinance, institute an action for a mandatory or prohibitory injunction and/or an order of abatement as the City deems appropriate in the circumstances. Injunctive relief under this section shall not relieve any Person from any otherwise applicable fine or penalty.

#### **Section Twenty-Seven *Regulations***

(a) The Commissioner is authorized to issue regulations as provided by this section. Any such regulations shall be consistent with this ordinance and other applicable law, and shall be subject to approval prior to issuance by the Director, the Board of Public Service and the City Counselor's office. Any such regulations shall be kept on file at the Division's office and in the City Register's office.

- (b) Such regulations may address the following matter or subjects:
- i) whether, consistent with sound biological science, any particular type of vegetation shall be classified as a Plant, Shrub, Tree or Weed for purposes of this ordinance;
  - ii) conditions for permits issued pursuant to Sections Eleven and Twelve of this ordinance;
  - iii) standards for appropriate height and spatial clearances for City Trees, as contemplated by Section Fifteen (a) of this ordinance and for the growth and maintenance of Trees, Shrubs and Plants anywhere within the City so as to prevent obstruction, as contemplated by Section Fifteen (b) of this ordinance;
  - iv) rules for protection of City Trees at construction sites, in addition to the provisions of Section Sixteen of this ordinance;
  - v) Poisonous, allergenic or invasive plants in addition those prohibited by Section Twenty of this ordinance.

#### **Section Twenty-Eight *Severability provision***

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held to be invalid.

**Section Twenty-Nine *Emergency provision; citation***

The passage of this ordinance being necessary for the immediate preservation of public health and welfare it is hereby declared to be an emergency measure and shall become effective immediately upon its passage and approval by the Mayor. This ordinance shall be known and referred to and cited as the "City of St. Louis Forestry Ordinance of 2010"

**Approved: March 16, 2010**

**ORDINANCE #68608  
Board Bill No. 341  
Committee Substitute**

An Ordinance Authorizing The Execution Of A Transportation Project Agreement Between The City, And Railway Exchange Building Transportation Development District; Prescribing The Form And Details Of Said Agreement; Making Certain Findings With Respect Thereto; Authorizing Other Related Actions In Connection With The Transportation Project; And Containing An Emergency Clause And A Severability Clause.

**WHEREAS**, the City of St. Louis, Missouri (the "City"), is a body corporate and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of its charter, the Constitution and laws of the State of Missouri; and

**WHEREAS**, pursuant to sections 238.200 to 238.280 RSMo. (2009) (the "TDD Act"), by that certain Judgment and Order of the Circuit Court of the City of St. Louis, Missouri, in Cause No. \_\_\_\_\_, Division 1, entered \_\_\_\_\_, 2010 (the "Order"), the Railway Exchange Building Transportation Development District (the "TDD") was created; and

**WHEREAS**, the TDD intends to undertake that certain "Transportation Project" as described and defined in the Order, which Transportation Project will provide a benefit to the City by increasing the available supply of parking; and

**WHEREAS**, the City of St. Louis constitutes the "local transportation authority" for the purposes of the Transportation Project, and as a result of the Missouri Highway Transportation Commission's declining jurisdiction over the Transportation Project, approval of the Transportation Project is vested exclusively with the City; and

**WHEREAS**, the TDD Act provides that prior to construction or funding of a proposed project, such project shall be submitted to the local transportation authority for its prior approval, subject to any required revisions of such project, and the district and local transportation authority in question entering into a mutually satisfactory agreement regarding the development and future maintenance of the Transportation Project; and

**WHEREAS**, the City hereby desires and intends to approve the Transportation Project, subject to the TDD and the City entering into a mutually satisfactory agreement regarding the development and future maintenance of the Transportation Project; and

**WHEREAS**, the City intends to enter into that certain Transportation Project Agreement (the "Agreement"), in the form attached hereto as **Exhibit A** and incorporated herein by reference, with the TDD, as a mutually satisfactory agreement regarding the development and future maintenance of the Transportation Project; and

**WHEREAS**, the TDD Act provides that, within six months after development and initial maintenance costs of a project have been paid, the district shall transfer control and ownership of the project in question to the local transportation authority pursuant to contract; and

**WHEREAS**, the TDD intends to transfer and the City intends to accept such control and ownership pursuant to and on the terms set forth in the Transportation Project Agreement; and

**WHEREAS**, the Board of Aldermen hereby determines that the terms of the Transportation Project Agreement attached as **Exhibit A** hereto and incorporated herein by reference are acceptable and that the execution, delivery and performance by the City and the TDD of their respective obligations are in the best interests of the City and the health, safety, morals and welfare of its residents.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The Board of Aldermen hereby approves the Transportation Project as submitted to the City.

**SECTION TWO.** The Board of Aldermen further finds and determines that it is necessary and desirable to enter into the Transportation Project Agreement with the TDD in order to implement the Transportation Project.

**SECTION THREE.** The Board of Aldermen finds and determines that the Transportation Project is necessary and desirable in order to increase the supply of available parking in the City.

**SECTION FOUR.** The Board of Aldermen hereby approves, and the Mayor and Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the Transportation Project Agreement by and between the City and the TDD in similar form to that attached hereto as **Exhibit A**, and the City Register is hereby authorized and directed to attest to the Transportation Project Agreement and to affix the seal of the City thereto. The Transportation Project Agreement shall be in substantially the form attached, with such changes therein as shall be approved by said Mayor and Comptroller executing the same and as may be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out the matters herein authorized.

**SECTION FIVE.** The Mayor and Comptroller of the City or his or her designated representatives are hereby authorized and directed to take any and all actions to execute and deliver for and on behalf of the City any and all additional certificates, documents, agreements or other instruments as may be necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the Board of Aldermen necessary to authorize such action by the Mayor or Comptroller or his or her designated representatives.

**SECTION SIX.** The Mayor and Comptroller or his or her designated representatives, with the advice and concurrence of the City Counselor and after approval by the Board of Estimate and Apportionment, are hereby further authorized and directed to make any changes to the documents, agreements and instruments approved and authorized by this Ordinance as may be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the Board of Aldermen necessary to authorize such changes by the Mayor or Comptroller or his or her designated representatives.

**SECTION SEVEN.** It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

**SECTION EIGHT.** The Board of Aldermen hereby finds and determines that this ordinance constitutes an "emergency measure" pursuant to Article IV, Section 20 of the City Charter, because this Ordinance establishes the District, which is a taxing district, and as such, this Ordinance shall take effect immediately upon its approval by the Mayor as provided in Article IV, Section 20 of the City Charter.

**SECTION NINE.** After adoption of this Ordinance by the Board of Aldermen, this Ordinance shall become effective on the 30th day after its approval by the Mayor or adoption over his veto; *provided that* if, by September 1, 2010, a closing on the sale of the Railway Exchange Building has not occurred, the provisions of this Ordinance shall be deemed null and void and of no effect.

#### **EXHIBIT A**

Transportation Project Agreement

### **RAILWAY EXCHANGE BUILDING TRANSPORTATION DEVELOPMENT DISTRICT**

#### **TRANSPORTATION PROJECT AGREEMENT**

THIS RAILWAY EXCHANGE BUILDING TRANSPORTATION PROJECT AGREEMENT (this "Agreement") is made and entered into as of the \_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the RAILWAY EXCHANGE BUILDING TRANSPORTATION DEVELOPMENT DISTRICT, a political subdivision duly organized and existing under the laws of the State of Missouri (the "TDD"), and the CITY OF ST. LOUIS, MISSOURI, a city and political subdivision duly organized and existing under its charter and the Constitution and laws of the State of Missouri (the "City").

Recitals:

A. The TDD is a political subdivision and transportation development district formed pursuant to the Missouri Transportation Development District Act, Sections 238.200 to 238.275 of the Revised Statutes of Missouri, as amended (the "TDD Act").

B. Railway Exchange Building TIF, Inc., a Missouri corporation, or an affiliate (the "Developer"), is the owner of certain real property described on Exhibit A, attached hereto and incorporated herein by this reference, together with certain improvements thereon, located in the City (the "Property").

C. The TDD shall acquire from the Developer a leasehold interest in a portion of the Property, upon which the Developer may design, develop, and construct a TDD Project, may cause the design, development, and construction of a TDD Project, or which may be acquired for a TDD Project (as hereinafter defined).

D. Upon completion of acquisition of the TDD Project, the TDD intends to issue Obligations (as defined hereinafter) in a principal amount sufficient to finance the TDD Project and related costs of the TDD, including, without limitation, the costs of issuance of the Obligations and accrued interest thereon; in the alternative, the TDD may pledge its revenues to the City (or an authority located within the City with the power to issue obligations) for the repayment of any obligations issued with respect to the redevelopment of the Property, at least a portion of which shall be issued on behalf of the TDD with respect to the TDD Project. The contribution by the TDD towards the acquisition and/or construction of the TDD Project will be in the form of payment for the Property plus reimbursement of Developer's construction and soft costs.

E. Preliminary plans and specifications ("Preliminary Plans") of the TDD Project are set forth on Exhibit B, attached hereto and incorporated herein by this reference, which Preliminary Plans have been approved by the City.

F. The City and the TDD desire to enter into this Agreement in order to: (i) acknowledge the general economic benefit and value to the community created by the TDD Project and to provide for public access within the TDD Project on the terms set forth herein; (ii) memorialize the agreement of the City, acting in its capacity as local transportation authority (as defined in the TDD Act) regarding development and future maintenance of the TDD Project; and (iii) serve as the contract pursuant to which the TDD shall transfer control and ownership of the TDD Project to the City after the costs thereof have been paid in accordance with Section 238.275.1 of the TDD Act. The City acknowledges that it is entering into this Agreement for the overall benefit of the community and that the commitment to provide public access to the TDD Project does not constitute a specific economic benefit to the City or the TDD.

**NOW, THEREFORE**, in consideration of the foregoing, and for other good and valuable consideration, receipt and sufficiency of which are acknowledged, the TDD and the City hereby agree as follows:

**Section 1. Definitions.** In addition to the capitalized terms defined elsewhere in this Agreement and in the Recitals, the following capitalized terms used in this Agreement shall have the meanings ascribed to them in this Section.

*Lease.* That certain lease agreement entered into between the Developer, as landlord, and the TDD, as tenant, for the TDD Project, as may be amended from time to time by the parties thereto.

*Obligations.* Obligations issued by the TDD to assist in the finance the design, development, construction and/or the acquisition of the TDD Projects; including, the pledging of revenues by the TDD to the City (or an authority located within the City with the power to issue obligations) for the repayment of obligations issued with respect to the redevelopment of the Property, at least a portion of which shall be issued on behalf of the TDD with respect to the TDD Project.

*Property.* The real property described in Exhibit A hereto, all of which is located within the boundaries of the TDD.

*TDD Ground Sublease.* That certain sublease agreement entered into between the TDD, as Landlord, and the Developer, as subtenant, as may be amended from time to time by the parties thereto.

*TDD Project.* The Transportation Project described in Exhibit C of the Petition for the Creation of a Transportation Development District, filed in the Circuit Court of the City of St. Louis, Cause No. \_\_\_\_\_, Division 1, on \_\_\_\_\_, 2010.

*TDD Revenues.* The TDD Sales Tax and any other sales taxes, special assessments, real property taxes and other fees and charges that may be imposed by the TDD pursuant to the applicable provisions of the TDD Act.

*TDD Sales Tax.* The transportation development district sales tax that the TDD is authorized to impose pursuant to Section 238.235 of the TDD Act.

*Term.* The period commencing on the date of execution of the TDD Ground Sublease and, unless otherwise terminated hereunder prior thereto, continuing until the end of the calendar month that includes that date that is the later of: (i) the end of the TDD Project's reasonably expected useful life, as determined by an engineer qualified to provide engineering services in the State of Missouri; or (ii) the satisfaction in full of all Obligations.

**Section 2. Access to TDD Project.** The TDD shall, and shall cause its agents and contractors to, comply with any and all applicable laws in connection with its operation of the TDD Project. Prior to the Transfer (as hereinafter defined), the TDD shall retain all operational control of the TDD Project. After the Transfer, the City shall have all operational control of the TDD Project for the duration of the Lease term, subject to any existing encumbrances.

**Section 3. Transfer of Ownership and Control.** The City and the TDD agree to execute an Assignment of Lease Agreement in form mutually agreeable to the parties immediately upon maturity or termination of the Obligations, by which the TDD transfers to the City its interest in the Lease for the remaining term of the Lease (the "Transfer"). The TDD and the City acknowledge that, upon execution, the transactions contemplated by the Assignment of Lease Agreement shall constitute the transfer of control and ownership of the Project as required pursuant to Section 238.275 of the TDD Act, provided that the TDD shall remain responsible for operation and maintenance of the Project even after such transfer, in accordance with Section 4 hereinafter.

**Section 4. TDD Project Operation and Maintenance.** Except as otherwise provided in the Lease, while the Obligations remain outstanding, the TDD shall perform, or cause to be performed, all obligations connected with or arising out of owning, occupying or using the TDD Project or any part thereof, including without limitation the payment of all expenses required for the operation of the TDD Project, including, without limitation, payment of any real or personal property taxes, assessments, payments in lieu of taxes assessed, any expenses incurred, performance of any cleaning or maintenance services required to maintain the TDD Project in good condition, and provision of any repairs for any damage to the TDD Project (the "TDD Maintenance"). The TDD agrees to operate and maintain the TDD Project in accordance with all applicable laws and regulations. Following the satisfaction in full of all Obligations, and during the remaining Term of this Agreement, the City shall be responsible for the TDD Maintenance.

**Section 5. Indemnification and Release.** To the extent permitted by law, the TDD agrees to indemnify, defend, and hold the City, its employees, agents, and independent contractors and consultants harmless from and against any and all suits, claims, costs of defense, damages, injuries, liabilities, and costs and/or expenses, including court costs and reasonable attorneys' fees and expenses, resulting from, arising out of, or in any way connected with: (i) the acquisition of the TDD Project, including liability under any Environmental Laws; and (ii) the negligence or willful misconduct of the TDD or its respective employees, agents or independent contractors in connection with the management, and acquisition of the TDD Project. To the extent permitted by law, the City agrees to indemnify, defend, and hold the TDD and its employees, agents, and independent contractors harmless from and against any and all suits, claims, damages, injuries, liabilities, and costs and/or expenses, including court costs and reasonable attorneys' fees and expenses, resulting from, arising out of, or in any way connected with the negligence or willful misconduct of the City, its employees, agents, and independent contractors and consultants, or arising from a default by the City of its obligations hereunder. The indemnifications set forth in this Section shall survive termination or expiration of this Agreement.

#### **Section 6. Miscellaneous.**

**6.1 Representations and Warranties of the TDD.** The TDD hereby represents and warrants to the City and the Developer that: (i) the TDD is authorized to enter into and perform this Agreement and each agreement to be executed and performed by the TDD pursuant to this Agreement; (ii) this Agreement was duly authorized by the governing body of the TDD; and (iii) this Agreement is binding upon, and enforceable against the TDD, in accordance with its terms.

**6.2 Representations and Warranties of the City.** The City hereby represents and warrants to the TDD and the Developer that: (i) the City is authorized to enter into and perform this Agreement and each agreement to be executed and performed by the City pursuant to this Agreement; (ii) this Agreement was duly authorized by the governing body of the City; and (iii) this Agreement is binding upon, and enforceable against the City, in accordance with its terms.

**6.3 Termination.** In the event that the Ordinance authorizing the execution of this Agreement shall become ineffective, then this Agreement shall terminate.

**6.4 Applicable Law.** This Agreement shall be taken and deemed to have been fully executed, made by the parties in, and governed by, the laws of the State of Missouri.

**6.5 Representatives Not Personally Liable.** No elected or appointed official, agent, employee or representative of the City or the TDD shall be personally liable to the Developer in the event of any default or breach by any party under this Agreement, or for any amount which may become due to any party or on any obligations under the terms of this Agreement. No member, partner, agent, employee or representative of the Developer shall be personally liable to the City or the TDD in the event of any default or breach by any party under this Agreement, or for any amount which may become due to any party or on any obligations under the terms of this Agreement.

**6.6 Entire Agreement; Amendment.** This Agreement constitutes the entire agreement between the TDD and the City with respect to the matters herein and no other agreements or representations other than those contained in this Agreement have been made by the parties. It supercedes all prior written or oral understandings with respect thereto. This Agreement shall be amended only in writing and effective when signed by the authorized agents of the TDD and the City.

**6.7 Counterparts.** This Agreement is executed in multiple counterparts, each of which shall constitute one and the same instrument.

**6.7 Severability.** In the event any term or provision of this Agreement is held to be unenforceable by a court of competent jurisdiction, the remainder shall continue in full force and effect to the extent the remainder can be given effect without the invalid provision, unless the unenforceable or invalid term or provision is such that a court reasonably would find that the parties, or any of them, would not have entered this Agreement without such term or provision, or would not have intended the remainder of this Agreement to be enforced without such term or provision.

**6.8 Notices.** Any notice, demand, or other communication required by this Agreement to be given by any party hereto to the others shall be in writing and shall be sufficiently given or delivered if dispatched by certified mail, postage prepaid, or delivered personally as follows:

In the case of the TDD:      Railway Exchange Building Transportation Development District  
706 Demun  
St. Louis, Missouri 63105  
Attention: Richard Yackey

With a copy to:              Husch Blackwell Sanders LLP  
190 Carondelet Plaza, Suite 600  
St. Louis, Missouri 63105  
Attention: David Richardson, Esq.

In the case of the City, to:      City of St. Louis  
City Hall  
1200 Market Street  
St. Louis, Missouri 63103  
Attention: Mayor, Room 200  
Attention: Comptroller, Room 212

With a copy to:              St. Louis Development Corporation  
1015 Locust Street, Suite 1200  
St. Louis, Missouri 63101  
Attention: Executive Director

and

City Counselor  
City of St. Louis  
1200 Market Street, Room 314  
St. Louis, Missouri 63103  
Attention: Patricia A. Hageman

or to such other address with respect to either party as that party may, from time to time, designate in writing and forward to the other as provided in this Section.

[Signature Pages to Follow.]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date first written above.

RAILWAY EXCHANGE BUILDING  
TRANSPORTATION DEVELOPMENT  
DISTRICT

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

CITY OF ST. LOUIS, MISSOURI

By: \_\_\_\_\_  
Comptroller

Attest: \_\_\_\_\_  
Register

Approved as to form: \_\_\_\_\_  
City Counselor

**EXHIBIT A  
DISTRICT LEGAL DESCRIPTION**

A tract of land consisting of the majority of City Block 128 and City Block 129 in the City of St. Louis, Missouri, and being more particularly described as follows:

Beginning at a point, said point being the intersection of the south right-of-way line of Locust Street and the east right-of-way line of 7th Street; thence southeasterly along south right-of-way line of Locust to the intersection of the south right-of-way line of Locust Street and the west right-of-way line of 6th Street; thence southwesterly along the west right-of-way line of 6th Street to the intersection of the north right-of-way line of Olive Street and the west right-of-way line of 6th Street; thence southwesterly along the west right-of-way line of 6th Street to the intersection of the south right-of-way line of Olive Street and the west right-of-way line of 6th Street; thence southwesterly along the west right-of-way line of 6th Street to the intersection of the west right-of-way line of 6th Street and the southeast corner of that parcel having an address of 207 N. 6th Street, currently or formerly owned by C A G Properties LLC (also known as City of St. Louis Tax Assessor Parcel ID 1290001000); thence northwesterly along the south line of said parcel to the east right-of-way line of a 15' W. north-south alley; thence southwesterly along the east right-of-way line of said 15' W. north-south alley to a point on the north right-of-way line of Pine Street; thence northwesterly along the north right-of-way line of Pine Street to the intersection of the southeast corner of that parcel having an address of 617 Pine Street, currently or formerly owned by James Angelos, May Department Stores Shopping Center Inc. Lessee (also known as City of St. Louis Tax Assessor Parcel ID 1290001300); thence northeasterly along east line of said parcel to the northeast corner of said parcel; thence northwesterly along north line of said parcel to the northwest corner of said parcel; thence southwesterly along the west line of said parcel to the intersection of the north right-of-way of Pine Street and the southwest corner of said parcel; thence northwesterly along the north right-of-way line of Pine Street to the intersection of the north right-of-way line of Pine Street and the east right-of-way line of 7th Street; thence northeasterly along the east right-of-way line of 7th Street to the intersection of the east right-of-way line of 7th Street and the southwest corner of that parcel having an address of 216 N. 7th Street, currently or formerly owned by the Jack, Catherine A, Louis, & Eunice Berkley Trust (also known as City of St. Louis Tax Assessor Parcel ID 1290001500); thence southeasterly along the south line of said parcel to the southeast corner of said parcel; thence northeasterly along the east line of said parcel to the northeast corner of said parcel; thence northwesterly along the north line of said parcel to the intersection of the east right-of-way line of 7th Street and the northwest

corner of said parcel; thence northeasterly along the east right-of-way line of 7th Street to a point on the east right-of-way line of 7th Street, also being the northwestern point of that portion of 7th Street vacated by Ordinance #50495; thence southeasterly 12 feet along the northern line of that portion of 7th Street vacated by said Ordinance #50495 to a point on the east right-of-way line of 7th Street; thence northeasterly along the east right-of-way line of 7th Street to the intersection of the east right-of-way line of 7th Street and the south right-of-way line of Olive Street; thence southeasterly along the south line of Olive Street to the intersection of the south right-of-way line of Olive Street and the northwest corner of that parcel having an address of 614 Olive Street, currently or formerly owned by Neil Tober Trs, May Department Stores Co Lessee (also known as City of St. Louis Tax Assessor Parcel ID 1290000300); thence southwesterly along the west line of said parcel to the southwest corner of said parcel; thence southeasterly along the south line of said parcel to the southeast corner of said parcel; thence northeasterly along the east line of said parcel to the intersection of the south right-of-way line of Olive Street and the northeast corner of said parcel; thence northeasterly to a point on the north right-of-way of Olive Street, directly across from the northeast corner of said parcel; thence northwesterly along the north right-of-way line of Olive Street to the intersection of the north right-of-way line of Olive Street and the east right-of-way line of 7th Street; thence northeasterly along the east right-of-way line of 7th Street to the Point of Beginning.

Together with all intervening streets and alleys, including a portion of Olive Street and a 15' W. north-south alley in City Block 129.

**EXHIBIT B**  
**PRELIMINARY PLANS OF TDD PROJECT**  
[SEE ATTACHED]

**Approved: March 16, 2010**

**ORDINANCE #68609**  
**Board Bill No. 345**

An ordinance recommended by the Board of Public Service authorizing the 2010 St. Louis Works and the 50/50 Sidewalk Programs City Wide providing for the construction and reconstruction of gutters, streets, driveways, spot curbs, sidewalks, alleys, traffic controls, beautification, tree planting, resurfacing and related engineering adjustments listed herein, appropriating \$4,800,000.00 from the Street Improvement Fund; containing sections for description of the work, approval of plans and specifications, work and material guarantees, estimated costs from City funds and supplemental agreements and reversion authorizations, applicable state and federal wage rate requirements, equal opportunity provisions, the Mayor's Executive Orders, contract advertising statutes, and a public work emergency clause.

**BE IT ORDAINED BY THE CITY OF SAINT LOUIS AS FOLLOWS:**

**SECTION ONE:** The Board of Public Service is hereby authorized to let contracts, employ and pay for labor, wages, consultants, equipment, computer programs and hardware, employees, supervision and otherwise provide for designing, constructing, reconstructing, replacing, beautifying, traffic controls, landscaping, paving, resurfacing, and related engineering adjustments to the streets, alleys and public rights-of-way in the twenty-eight wards of the City for the 2010 St. Louis Works and the 50/50 Sidewalk Programs as evidenced by Exhibit "A" attached hereto and on file in the City Register's Office.

**SECTION TWO:** There is hereby appropriated Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) which is the aggregate estimated cost of the City's share of the Public Work authorized herein, from funds set aside and placed to the credit of the Street Improvement Fund established by Ordinance 55852, approved March 31, 1971 and Ordinance 55964, 55965, and 55966, approved July 1, 1971 and any other subsequent ordinance, as amended and the Comptroller is authorized to draw warrants, accept gifts, make payments from the general fund and the Street Improvement Funds as they become available throughout the year to pay any portion of the cost of the labor, contracts, materials, equipment, computer programs, and public improvements contained and authorized herein by this St. Louis Works Construction Ordinance.

**SECTION THREE:** The work provided for herein shall be carried out in accordance with detailed plans and specifications and necessary supplemental agreements to be approved by the Board of Public Service before bids are advertised therefore.

**SECTION FOUR.** If let by contract said contract, or contracts, shall provide that the contractor, or contractors, doing said work shall guarantee and keep in repair all of the work, equipment and materials used in connection therewith for a term of at least one year, commencing on the date of acceptance of the work by the City.

**SECTION FIVE.** All construction contracts let under authority of this ordinance shall provide that no less than the prevailing hourly rate of wages in the City of St. Louis, as determined by the Department of Labor and Industrial Relations of the State of Missouri (Section 290.210 through 290.340 RSMo 1995) for each craft or type of work needed in the actual labor on the jobs herein authorized, as well as the general prevailing rate of pay for legal holidays and overtime work shall be paid to all workers. All contracts let in connection with the work provided for herein shall be subject to, and in conformance with, all statutes of the State of Missouri and the Charter and Code of the City of St. Louis.

**SECTION SIX:** Any revenue received by the City from the 50/50 Sidewalk Program, gifts or cooperation agreements shall be deposited to the credit of the individual wards, as established in Ordinance 62206.

**SECTION SEVEN:** To allow full participation and to help in the St. Louis Works Program, and to accomplish the overall goals for the improvements in all twenty-eight wards of the City; the Board of Public Service and the Comptroller are authorized to enter into supplemental agreements with various Federal, State, Local, and private entities to provide for funds, work, site dedications, and acquisitions by negotiations and condemnations.

**SECTION EIGHT:** All specifications approved by the Board of Public Service and contracts let under authority of this ordinance shall provide for compliance with the Presidential Executive Order 11246 and 379 on Equal Opportunity and the Mayor's Executive Order of December 22, 1986 on selection of experts and consultants. The Board of Public Service shall establish goals on all contracts of no less than twenty five (25%) participation by minority subcontractors and material suppliers and no less than five percent (5%) participation by women subcontractors and suppliers. It is the policy of the City of St. Louis to pursue the goal of having thirty percent of apprenticeship positions and twenty-five percent of all other positions involved in construction work in the St. Louis metropolitan area filled by residents of the City of St. Louis of these positions it is intend that one half be filled by members of minority groups and ten percent (10%) by females. The City will make a determination if the contractor has made a good faith effort to achieve these goals.

**SECTION NINE:** All sections of this ordinance are and shall be severable. In the event that any section of this ordinance is found to be illegal, the remaining sections of this ordinance shall remain valid and to the benefit of the City.

**SECTION TEN:** All advertisements for bids pursuant to this Ordinance shall be subject to Section 8.250, RSMo 1995.

**SECTION ELEVEN:** This being an ordinance to provide for public work and improvements, it is hereby declared to be an emergency measure and shall become effective immediately upon its passage and approval by the Mayor.

## Saint Louis Work's 2010

To Alderman:		C.Q.Troupe	Ward 1	Funding
Street Proposals	Street	From	To	S.L.W.
Comments	Lee	Euclid	Shreve	\$ 32,600
	Lilburn	Euclid	Kingshighway	\$ 12,000
	Harney	Euclid	Kingshighway	\$ 12,000
	Ashby	Euclid	Kingshighway	\$ 11,700
	Rosalie	Euclid	Kingshighway	\$ 11,700
			<b>Total</b>	<b>\$ 80,000</b>
To Alderwoman:		D. Flowers	Ward 2	Funding
Street Proposals	Street	From	To	S.L.W.
	Mclaran	Hallsferry	Broadway	\$ 32,000
	Mclaran	Riverview	Park Lane	\$ 48,000
			<b>Total</b>	<b>\$ 80,000</b>
To Alderman:		F. Bosley	Ward 3	Funding
Street Proposals	Street	From	To	S.L.W.
Comments	Prairie	Florissant	Broadway	\$ 80,000
			<b>Total</b>	<b>\$ 80,000</b>
To Alderman:		S.Moore	Ward 4	Funding
Street Proposals	Street	From	To	S.L.W.
Comments	Maffitt	Marcus	Newstead	\$ 80,000
			<b>Total</b>	<b>\$ 80,000</b>
To Alderwoman:		April Griffin	Ward 5	Funding
Street Proposals	Street	From	To	S.L.W.
	Spring	St.Louis	M.L.King	\$ 80,000
			<b>Total</b>	<b>\$ 80,000</b>
To Alderwoman:		K.C.Triplett	Ward 6	Funding
Street Proposals	Street	From	To	S.L.W.
	Washington	Jefferson	Leffingwell	\$ 60,000
	<i>Alley Bounded on the North By</i>	<i>Bounded on the East By</i>	<i>Bounded on the west By</i>	
	Henrietta	Ohio	California	\$ 9,000
	Sam Shepard	Beaumont	Leffingwell	\$ 6,000
	Shenandoah	Nebraska	Minnesota	\$ 5,000
			<b>Total</b>	<b>\$ 80,000</b>
To Alderwoman:		Phyllis Young	Ward 7	Funding
Street Proposals	Street	From	To	S.L.W.
	Ohio	Russell	Geyer	\$ 15,000
	California	Russell	Sidney	\$ 65,000
			<b>Total</b>	<b>\$ 80,000</b>
To Alderman:		S. Conway	Ward 8	Funding
Street Proposals	Street	From	To	S.L.W.
	ARSENAL ST	KINGSHGHWAY	BRANNON AVE	\$50,800
	VICTOR ST	ARKANSAS AVE	GRAND AVE	\$15,500
	RUSSELL BLVD	ALFRED AVE	VANDEVENTER	\$13,700
			<b>Total</b>	<b>\$80,000</b>
To Alderman:		Ken Ortmann	Ward 9	Funding
Street Proposals	Street	From	To	S.L.W.
	CAVE ST	BROADWAY ST	SEVENTH ST	\$4,800
	LYNCH ST	THIRD	BROADWAY	\$32,000
	SALENA ST	BROADWAY ST	PRESIDENT ST	\$7,400
	SIDNEY ST	THIRD	SEVENTH ST	\$35,800
			<b>Total</b>	<b>\$80,000</b>
To Alderman:		Joseph Vollmer	Ward 10	Funding
Street Proposals	Street	From	To	S.L.W.
	DAGGETT AVE	LILLY AVE	SUBLETTE AVE	\$9,700

## Saint Louis Work's 2010

	FIFTY NINTH ST	JANUARY	JUANITA	\$6,400
	MORGANFORD RD	THOLOZAN AVE	FYLER AVE	\$63,900
			<b>Total</b>	<b>\$80,000</b>
<b>To Alderman:</b>		<b>Matt Villa</b>	<b>Ward 11</b>	<b>Funding</b>
<b>Street Proposals</b>	<b>Street</b>	<b>From</b>	<b>To</b>	<b>S.L.W.</b>
	COURTOIS ST	IVORY AVE	ALABAMA AVE	\$14,700
	COURTOIS ST	DEADEND	ALASKA AVE	\$9,200
	HAVEN ST	IDAHO AVE	I-55	\$2,000
	MICHIGAN AVE	ESPENSCHIED ST	DEADEND	\$7,100
	MINNESOTA AVE	DEADEND	CATALAN ST	\$3,600
	POLK ST	DAVIS ST	DEADEND	\$8,200
	REILLY AVE	ESPENSCHIED	MARCEAU ST	\$7,500
	REILLY AVE	PRIMM ST	COURTOIS ST	\$6,900
S/W 9	RIVER BLUFF PL	BROADWAY ST	CUL-DE-SAC	\$6,000
	STEINS ST	VULCAN ST	WATER ST	\$10,700
	VULCAN ST	PRIMM ST	COURTOIS ST	\$4,100
			<b>Total</b>	<b>\$80,000</b>
<b>To Alderman:</b>		<b>Fred Heitert</b>	<b>Ward 12</b>	<b>Funding</b>
<b>Street Proposals</b>	<b>Street</b>	<b>From</b>	<b>To</b>	<b>S.L.W.</b>
	BLOW ST	GRAVOIS AVE	MOELLENHOFF ST	\$23,900
	BLOW ST	MOELLENHOFF ST	JANUARY AVE	\$24,900
	BLOW ST	JANUARY AVE	LOUGHBOROUGH AVE	\$20,400
	JANUARY AVE	GRESHAM ST	LISETTE AVE	\$10,800
			<b>Total</b>	<b>\$80,000</b>
<b>To Alderman:</b>		<b>Fred Wessels</b>	<b>Ward 13</b>	<b>Funding</b>
<b>Street Proposals</b>	<b>Street</b>	<b>From</b>	<b>To</b>	<b>S.L.W.</b>
	BATES ST	GRACE AVE	ULENA AVE	\$58,400
	DEWEY AVE	WILMINGTON AVE	DOVER PL	\$7,400
	IDAHO AVE	WALSH ST	DELOR ST	\$14,200
			<b>Total</b>	<b>\$80,000</b>
<b>To Alderman:</b>		<b>S. Gregali</b>	<b>Ward 14</b>	<b>Funding</b>
<b>Street Proposals</b>	<b>Street</b>	<b>From</b>	<b>To</b>	<b>S.L.W.</b>
	NEOSHO ST	KINSHIGHWAY	MACKLIND AVE	\$46,900
	NEWPORT AVE	DELOR ST	ITASKA DR	\$11,900
	TAFT AVE	NEWPORT AVE	GRAVOIS AVE	\$21,200
			<b>Total</b>	<b>\$80,000</b>
<b>To Alderwoman:</b>		<b>J. Florida</b>	<b>Ward 15</b>	<b>Funding</b>
<b>Street Proposals</b>	<b>Street</b>	<b>From</b>	<b>To</b>	<b>S.L.W.</b>
	OLEATHA AVE	ROGER PLACE	BENT AVE	\$35,500
	THOLOZAN AVE	ROGER PLACE	BENT AVE	\$27,700
	UTAH ST	ROGER PLACE	OAK HILL AVE	\$16,800
			<b>Total</b>	<b>\$80,000</b>
<b>To Alderwoman:</b>		<b>Donna Baringer</b>	<b>Ward 16</b>	<b>Funding</b>
<b>Street Proposals</b>	<b>Street</b>	<b>From</b>	<b>To</b>	<b>S.L.W.</b>
	LORAN AVE	HAMPTON AVE	TAMM AVE	\$45,200
	LORAN AVE	DONOVAN AVE	JAMIESON AVE	\$13,000
	SULPHUR AVE	WINONA AVE	CHIPPEWA ST	\$10,000
	TAMM AVE	NOTTINGHAM	MURDOCH AVE	\$11,800
			<b>Total</b>	<b>\$80,000</b>
<b>To Alderman:</b>		<b>J. Roddy</b>	<b>Ward 17</b>	<b>Funding</b>
<b>Street Proposals</b>	<b>Street</b>	<b>From</b>	<b>To</b>	<b>S.L.W.</b>
	<b>Sarah</b>	Manchester	Forest Park Ave	\$ 80,000
<b>To Alderman:</b>		<b>Terry Kennedy</b>	<b>Ward 18</b>	<b>Funding</b>

## Saint Louis Work's 2010

Street Proposals	Street	From	To	S.L.W.
	AUBERT AVE	MAPLE AVE	PAGE BLVD	\$11,200
	BOYLE AVE, N	LINDELL BLVD	MARYLAND AVE	\$13,400
	BOYLE AVE, N	MARYLAND	MCPHERSON	\$10,700
	C.D. BANKS AVE	DEADEND	PENDLETON AVE	\$19,600
	CORA AVE	PAGE BLVD	EVANS AVE	\$9,000
	KENSINGTON	CLARENDON AVE	UNION BLVD	\$16,100
		<b>Total</b>		<b>\$80,000</b>
<b>To Alderwoman: M.Davis Ward 19 Funding</b>				
Street Proposals	Street	From	To	S.L.W.
	Olive	Vandeventer	Spring	\$ 40,000
	Enright	Spring	Vandeventer	\$ 40,000
		<b>Total</b>		<b>\$ 80,000</b>
<b>To Alderman: Craig Schmid Ward 20 Funding</b>				
Street Proposals	Street	From	To	S.L.W.
S/W 9	KOSCIUSKO ST	CAHOKIA ST	CHIPPEWA ST	\$4,200
S/W 9	KOSCIUSKO ST	CHIPPEWA ST	WINNEBAGO ST	\$3,200
	WINNEBAGO ST	MARINE AVE	SALENA ST	\$9,800
	CHEROKEE ST	CALIFORNIA AVE	NEBRASKA AVE	\$19,700
S/W 9	CHEROKEE ST	NEBRASKA AVE	PENNSYLVANIA AVE	\$5,100
	CHEROKEE ST	PENNSYLVANIA AVE	VIRGINIA AVE	\$38,000
		<b>Total</b>		<b>\$80,000</b>
<b>To Alderman: A.French Ward 21 Funding</b>				
<b>50 / 50</b>	<b>Side Walk Program</b>	<b>Various Location's</b>		<b>S.L.W.</b>
				<b>\$ 80,000</b>
<b>To Alderman: Jeffrey Boyd Ward 22 Funding</b>				
Street Proposals	Street	From	To	S.L.W.
	Belt	M.L.King	Wabada	\$ 50,000
	Hodiamont	Etzel	Plymoth	\$ 30,000
		<b>Total</b>		<b>\$ 80,000</b>
<b>To Alderman: J.Vaccaro Ward 23 Funding</b>				
Street Proposals	Street	From	To	S.L.W.
	LINDENWOOD	CHIPPEWA	WATSON RD	\$29,500
	SMILEY AVE	DEADEND RXR TRACK	JAMIESON AVE	\$3,700
	<i>Alley Bounded on the North By</i>	<i>Bounded on the East By</i>	<i>Bounded on the west By</i>	
FD	Lindenwood	Praether	Wenzlick	\$13,500
PRO	Arsenal	Ivanhoe	Leola	\$16,400
	Mardel	Tamm	Childress	\$8,900
	Oleatha	Regal	January	\$8,000
		<b>Total</b>		<b>\$80,000</b>
<b>To Alderman: W.Waterhouse Ward 24 Funding</b>				
Street Proposals	Street	From	To	S.L.W.
S/W 23	MITCHELL PL	GLADES AVE	MITCHELL AVE	\$8,200
	TAMM AVE	ODELLST	MARMADUKE AVE	\$4,900
	TAMM AVE	MARMADUKE AVE	SOUTHWEST AVE	\$19,100
	WEST PARK AVE	HAMPTON AVE	GRAHAM ST	\$34,300
	WYATT AVE	PRATHE AVE	CENTRAL AVE	\$6,300
	ELIZABETH AVE	ESTHER AVE	KNOX AVE	\$7,200
		<b>Total</b>		<b>\$80,000</b>
<b>To Alderman: S.Cohn Ward 25 Funding</b>				
Street Proposals	Street	From	To	S.L.W.
	DUNNICA AVE	BAMBERGER AVE	GUSTINE AVE	\$15,000
	PUTNAM ST	BATES ST	DEADEND	\$8,800
	VERMONT AVE	BATES ST	DEADEND	\$6,900

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S/W 25	BATES ST	VIRGINIA AVE	ALABAMA AVE	\$10,300
	GASCONADE ST	LOUISIANA AVE	GRAND AVE	\$24,000
	GASCONADE ST	GRAND AVE	MERAMEC	\$15,000
<b>Total</b>				<b>\$80,000</b>

To Alderman:	<b>Street</b>	<b>Frank Williamson</b>	<b>Ward 26</b>	<b>Funding</b>
		<b>From</b>	<b>To</b>	<b>S.L.W.</b>
	PARKLAND PLACE	MAPLE PLACE	CUL-DE-SAC	\$16,700
	SAVOY COURT	UNION BLVD	DELMAR BLVD	\$8,000
	SEMPLE AVE	PAGE BLVD	WELLS AVE	\$40,400
	SHAWMUT PL	JULIAN AVE	PAGE BLVD	\$14,900
<b>Total</b>				<b>\$80,000</b>

To Alderman:	<b>Street</b>	<b>Gregory Carter</b>	<b>Ward 27</b>	<b>Funding</b>
		<b>From</b>	<b>To</b>	<b>S.L.W.</b>
	Oriole	W.Florissant	Thekla	\$ 40,000
	Robin	W.Florissant	Thekla	\$ 40,000
<b>Total</b>				<b>\$ 80,000</b>

To Alderwoman:	<b>Street</b>	<b>Lyda Krewson</b>	<b>Ward 28</b>	<b>Funding</b>
		<b>From</b>	<b>To</b>	<b>S.L.W.</b>
	MARYLAND AVE	NEWSTEAD AVE	EUCLID AVE	\$ 80,000

Approved: March 16, 2010

**ORDINANCE #68610**  
**Board Bill No. 322**  
**Floor Substitute**

An ordinance pertaining to a registration fee for certain buildings and structures, repealing Ordinance 64678, and enacting a new ordinance requiring establishing semiannual registration fee of two hundred dollars to be charged to the owner of any parcel of residential property improved by a residential structure, or commercial property improved by a structure containing multiple dwelling units, which is vacant and has been vacant for at least six months, and which is in violation of the building code of the City of St. Louis; authorizing the Building Commissioner to inspect properties which may be subject to such fee and to make the determination as to which properties shall be assessed the fee; authorizing the Building Commissioner to establish a procedure for the collection of the fee; permitting the owner of such property to appeal the determination of the Building Commissioner as to the assessment of the fee; permitting any delinquent fees to be collected in the same manner as delinquent real property taxes; and permitting the fee to be waived if the property is subsequently sold to a bona fide purchaser; establishing an authorized agent if required; requiring vacant building maintenance; establishing a Vacant Building Initiative Fund; containing a penalty clause, severability clause and emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Ordinance 64678 is hereby repealed and enacted in lieu thereof is the following:

**SECTION TWO.** There is hereby established a semiannual registration fee of two hundred dollars (\$200.00) which shall be charged to the owner of any parcel of residential property improved by a residential structure, or commercial property improved by a structure containing multiple dwelling units, which is vacant and has been vacant for at least six months, and which is in violation of the Building Code of the City of St. Louis. Any property subject to a specific redevelopment agreement with the City of St. Louis and its development agencies shall be exempt from this ordinance.

**SECTION THREE.** The Building Commissioner or his designee or a Neighborhood Stabilization Officer shall inspect any property that may be subject to such registration fee. The inspecting officer shall report his findings and recommendations and the Building Commissioner or his designee shall determine whether any such property shall be subject to the registration fee. Within five business days of such determination, the Building Commissioner or his designee shall notify by mail the owners of property on which the registration fee has been levied at their last known address according to the records of the office of the Assessor. The property owner shall have the right to appeal the decision of the Building Commissioner to the municipal court within thirty days of such notification. Absent the existence of any valid appeal or request for reconsideration pursuant to Section Four of this ordinance, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the decision of the Building Commissioner.

**SECTION FOUR.** Within thirty days of the Building Commissioner making such notification, the property owner may complete any improvements to the property that may be necessary to revoke the levy of the registration fee and then may request a reinspection of the property and a reconsideration of the levy of the registration fee by the city. If the Building Commissioner or his designee revoke the registration fee, no such assessment shall be made and the matter shall be considered closed. If the Building Commissioner or his designee affirm the assessment of the registration fee, the property owner shall have the right to appeal the reconsideration decision of the Building Commissioner to the municipal court within thirty days of such decision. Absent the existence of any valid appeal to the municipal court or other court of competent jurisdiction, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the reconsideration decision of the Building Commissioner.

**SECTION FIVE.** The Building Commissioner is hereby authorized to establish procedures for the payment of the registration fee and penalties for delinquent payments of such fees. Any registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem only by presenting evidence that the violations of the applicable housing code cited by the Building Commissioner have been cured and presenting payment of all registration fees and penalties. Upon bona fide sale of the property to an unrelated party said lien shall be considered released and the delinquent registration fee forgiven.

**SECTION SIX.** The property owner shall provide the property owner's street address, phone number and email address to the Assessor's Office. The information shall include the property owner's name, the property owner's street address, phone number and email address. If the property owner does not reside in Missouri or Illinois, the property owner is required provide the name, street address and telephone number of a natural person eighteen (18) years of age or older, designated by the property owner as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of this code. This person must

maintain an office either in the State of Illinois or Missouri or must actually reside either in the State of Illinois or Missouri. The Building Division shall be responsible for providing the information to the City Information Technology Services Agency and the information shall be available through the Geo St. Louis website.

**SECTION SEVEN. Vacant Building Maintenance**

- A. The owner of any building that has become vacant shall, within thirty (30) days, do the following:
1. Enclose and secure the building, as defined under the St. Louis City Revised Code Chapter 25.01.030, Section 118.3.1. All doors must be properly secured and windows on all floors of the building shall be properly secured;
  2. Maintain the building in a secure and closed condition until the building is again occupied or until repair or completion of the building has been undertaken.

**SECTION EIGHT. Collected Funds**

The Comptroller of the City of St. Louis is hereby authorized and directed to establish a Special Account to be known as the Vacant Building Initiative Fund in which all funds received pursuant to this ordinance shall be deposited and such funds shall be kept separate and apart from all other funds. Such funds are hereby appropriated for the costs associated with this ordinance. All interest generated on deposited funds shall be accrued to the Vacant Building Initiative Fund Account.

**SECTION NINE. Penalty Clause**

If an owner fails to pay the registration fee under Section Two of this ordinance thirty (30) days after the registration fee is assessed, a penalty shall be assessed of two hundred- fifty dollars (\$250.00) per occurrence. Any owner found to be in violation of provisions of Section Six of this ordinance shall be subject to a fine of not more than five hundred dollars (\$500.00) or to a term of imprisonment of not more than ninety days (90) or to both a fine and imprisonment. Any owner found to be in violation of provisions of Section Seven of this ordinance shall be subject to a fine of not more than five hundred dollars (\$500.00) or to a term of imprisonment of not more than ninety days (90) or to both a fine and imprisonment. Every day that a violation continues shall constitute a separate and distinct offense.

**SECTION TEN. Severability Clause**

If any provision, clause, sentence, paragraph or word of this ordinance or the application thereof to any person, entity or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are declared severable.

**SECTION ELEVEN. Emergency Clause.**

The passage of this ordinance being deemed necessary for the preservation of the public peace, health and safety, it is hereby declared to be an emergency measure and shall become effective immediately upon its passage and approval by the mayor.

**Approved: March 16, 2010**

