

BILL NO. 332

ORDINANCE NO. 319

INTRODUCED BY: Trustees Brockmann, Dresner, Slama, Graves, and Whitmore

AN ORDINANCE AMENDING TITLE I OF THE VILLAGE CODE BY
ADOPTION OF A NEW CHAPTER ESTABLISHING A POLICY WITH
REGARD TO MAINTENANCE OF VILLAGE RIGHT-OF-WAYS

WHEREAS, the Village has historically placed great emphasis on the retention and maintenance of green areas; and

WHEREAS, Village ownership of public property, including right-of-ways has gradually increased; and

WHEREAS, the Board of Trustees deems it necessary and proper to formally adopt a policy regarding standards of maintenance of said publicly-owned properties;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF TWIN OAKS, ST. LOUIS COUNTY, MO AS FOLLOWS:

Section 1: RESOLUTION NO. 37 of the Village dated October 19, 2005 is hereby repealed.

Section 2: TITLE I of the Municipal Code of the Village of Twin Oaks is hereby Amended by adoption of a new Chapter No. 127 entitled Maintenance of Public Right-of-Ways, as follows:

CHAPTER 127: MAINTENANCE OF PUBLIC RIGHT-OF-WAYS

SECTION 127.010 DEFINITION

Throughout this Ordinance the term Public Right-of-Ways shall be read to include:

The area on, below or above a public roadway, highway, street or alleyway in which the political subdivision has an ownership interest.

SECTION 127.020 POLICY AND PROCEDURE

A. Responsibility. The Village adopts responsibility for weed and plant trimming and control required for safety and low maintenance appearance of all Village right-of-ways.

B. Purpose. Maintenance (removing vegetation weeds, shrubs and small trees) from the ROW is intended to promote visibility and to keep vegetation out of streets thereby contributing to safe operation and passage of vehicles. This maintenance can be performed by mechanical means or manual methods. At no time will this maintenance be performed to a high level of horticultural maintenance such as mowing to a 4" height. Using the standards described herein, the maintenance is intended to be performed such that vertical plane limits have somewhat of a natural look and not necessarily a sheared look. Maintenance is to be performed such that it will not immediately grow back and be a problem, i.e. only has to be performed a few times per growing season.

C. Standard. In the enforcement of this policy the Village acknowledges that in some areas, the owners of adjacent property elect to seed and mow the right-of-way abutting their property so as to match their own lawns. Where private citizens provide mowing, and/or such appropriate landscaping as the owner may choose, Village maintenance will not be required. The policy contemplates all other weed and tree trimming required to maintain safety and low maintenance appearance of all Village right-of-ways, at least consistent with the standard established in existing Sections 126.050 and 215.040 A of the Village Code (Tree Care and Nuisance Control).

D. Village Maintenance. There are several conditions as related to maintenance of ROW. First, wherever ROW is adjacent to Village property, the maintenance should occur from the street curb/edge back to the property line and may cross the property in special cases. Second, all ROW at street intersections and curves shall be maintained from the street curb/edge back to the adjacent property lines for sight purposes as outlined in the ordinances. Third, all other ROW adjacent to natural wooded areas or areas not horticulturally maintained shall be maintained 3' back from the street curb/edge (common sense needs to prevail here with regards to steepness of slopes so that additional erosion does not occur into the improved street, whether parking is allowed along the curb line or always keeping in mind the necessity to not have to maintain the ROW on a frequent basis).

E. Citizen Maintenance. Property owners shall maintain the ROW adjacent to their property. This will usually be evidenced by mowing and/or planting and maintaining recognized horticultural ground covers, plants, shrubs or trees. In these cases the Village shall not provide maintenance in the ROW with the following exceptions: if the plants, shrubs or trees are blocking intersection visibility or line of sight requirements, or if the plant material encroaches over the street/curb line. In these cases the Village Administrator will first advise the adjacent

property owner of the problem(s) and allow the owner reasonable time to correct the problem. In the event the property owner elects to not make the necessary corrections, the Village will undertake the maintenance per the guidelines above and either bill-back the homeowner or take such other action as shall be necessary to insure reimbursement of Village costs.

F. Other. There may be dead shrubs or trees in ROW that are not covered in the above situations. This dead plant material should be removed from the ROW. In the event there are dead trees on property adjacent to ROW that, should they fall, could become a hazard, notify the Village Administrator of the concern and the property owner will be asked to address the problem.

Section 3: The Village acknowledges that acts of nature may produce the need for emergency services in clearing streets and right-of-ways. The Village shall maintain a contractual relationship with one or more maintenance services dedicated to respond within twelve hours following notice by the Administrator/Clerk or Chairman of the Board of an emergency.

Section 4: When an emergency situation has been declared, Village property owners shall be allowed to collect and store trimmed greenery upon public right-of-ways adjacent to their property. Such privilege shall extend for a period of two (2) weeks following the declaration of an emergency and the Village shall, at its expense, provide for the expedient removal of such materials during that time.

Section 5. The provisions of this Ordinance shall be printed in the Municipal Code.

Section 6: This Ordinance shall be in full force and effect from and after its passage as by law provided.

PASSED and APPROVED this 1st day of Sept, 2010.

Paul Brockmann
Chairman

ATTEST:
Kathleen E. Yahl
Kathleen E. Yahl, MPCC/MMC
Village Administrator/Clerk

First Reading: 9-1-2010
Second Reading: 9-1-2010