

**AN ORDINANCE AMENDING TITLE III, "TRAFFIC CODE," BY REPEALING SECTION 340.220 AND TABLE V AND ADOPTING A NEW CHAPTER 390, "WEIGHT LIMITATIONS, CURB CROSSINGS AND COMMERCIAL USE ROUTES"; AND AMENDING CHAPTER 515, "EXCAVATION, GRADING AND FILL," BY ADOPTING A NEW SECTION 515.075, "CURB, GUTTER AND SIDEWALK REQUIREMENTS."**

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

**Section 1.** The Board of Aldermen hereby repeals in their entirety, the following:

1. Section 340.220, "Weight Limits and Truck Traffic on Crescent Road and Crescent Avenue;" and,
2. Schedule V, "Truck Traffic Restrictions."

**Section 2.** The Board of Aldermen hereby adopts a new Chapter 390, "Weight Limitations, Curb Crossings and Commercial Use Routes," to read as follows:

**CHAPTER 390: WEIGHT LIMITATIONS, CURB CROSSINGS AND COMMERCIAL USE ROUTES**

**Article I. Purpose; Definitions**

**Section 390.010: Purpose**

Pursuant to the authority granted to the City to regulate its streets in Section 304.120 RSMo., among other places, and to protect the safety of the travelling public and ensure against unnecessary property damage to City property that will be borne by the taxpayers of the City, the City finds it necessary and proper to adopt the following regulations.

**Section 390.020: Definitions**

For the purposes of this Chapter, the following terms shall have the meanings ascribed to them hereunder:

**CURB CROSSING:** The act of a motor vehicle or other vehicle traversing, crossing or otherwise driving over a curb on a Street at any point other than a properly installed curb cut.

**MOTOR VEHICLE:** Any self-propelled vehicle not operated exclusively upon tracks.

**OPERATOR:** A person who operates or drives any motor vehicle.

**STREET:** Any improved portion of a thoroughfare used for vehicle travel within the jurisdictional limits of Twin Oaks.

**Article II. Damage to Streets**

**Section 390.030: Curb Crossing by Motor Vehicle Prohibited**

- A. No Operator of a motor vehicle operated on a Street shall attempt or complete a Curb Crossing.
- B. No owner or occupant of any real property shall cause, authorize or allow any Operator to attempt or complete a Curb Crossing on or in the right-of-way abutting the real property of such owner or occupant.
- C. In addition to violating this Section, any Operator who causes damage to a Street, or to the right-of-way in general, as a result of a Curb Crossing as defined in this Chapter shall also be in violation of Section 210.1040 (Property Damage).

**Article III. Commercial Use Routes**

**Section 390.040: Commercial Use Routes Designated**

The following are designated Commercial Use Routes:

- A. Missouri Highway 141.
- B. Big Bend Road.
- C. Meramec Station Road.

**Section 390.050: Commercial Use Routes**

- A. All through traffic consisting of vehicles bearing a State license the license weight of which exceeds twelve thousand (12,000) pounds shall use the designated Commercial Use Routes.
- B. No Operator shall operate a vehicle or motor vehicle as through traffic on Crescent Road or Crescent Avenue the license weight of which exceeds twelve thousand (12,000) pounds.

**Section 3.** The Board of Aldermen further hereby amends Chapter 515 by adopting a new section, Section 515.075, "Curb, Gutter and Sidewalk Requirements," to read as follows:

**Section 515.075 Curb, Gutter and Sidewalk Requirements**

- A. *Access via Curb Cut Only.* No vehicular access shall be permitted to any lot abutting a City street without a properly constructed curb cut. Construction of curbs, gutters and sidewalks shall meet the requirements and specifications of Section 405.060 and, in residential districts, Section 400.255.
- B. *Permit.* Prior to commencement of construction of any curbs, gutters and sidewalks, the property owner or his agent shall apply for and receive a permit pursuant to the

terms of Section 515.040 and deliver to the City the associated inspection fee and deposit to guarantee backfilling, restoration and safety.

- C. *Notice.* No construction work shall commence on any in any public right-of-way, nor shall any sidewalks, curbs and gutters on any public right-of-way be cut until at least forty-eight (48) hours' notice of intention to commence work is given to the Building Commissioner by the owner, developer or contractor. Said notice may be waived by the Building Commissioner by the issuance of a permit.
- D. *Inspection.* The City may cause the City Engineer or other qualified inspector to be present during the construction of such street, sidewalk, curb, way, alley or driveway entrance, and the City Engineer or the inspector on the job shall have authority to condemn any material not meeting standards specified by the City Engineer or the inspector. If any portion of the work in the right-of-way fails to meet the minimum requirements, the City Engineer or the designated inspector on the job shall cause all work on the right-of-way to be stopped until the unsatisfactory conditions are remedied.
- E. *Removal of substandard work.* If any portion of any street, sidewalk, curb, right-of-way, alley or driveway entrance is constructed contrary to the provisions of this Section, the City Engineer may order the installed material removed unless the owner, contractor, builder or developer shall cause bores and other tests, according to the requirements of the City Engineer, which satisfy the City Engineer that the work done is in conformity with the applicable specifications.
- F. *City's right to restore surface.* If the permittee shall have failed to restore the surface of the street to its original and proper condition or shall otherwise have failed to complete the excavation work covered by such permit, the Building Commissioner, upon the advice of the City Engineer, may do all work and things necessary to restore the street and to complete the excavation work. The permittee shall be liable for the actual cost thereof and twenty-five percent (25%) of such cost in addition for general overhead and administrative expenses. The City shall have a cause of action for all fees, expenses and amounts paid out and due for such work and shall apply, in payment of the amount due it, any funds of the permittee deposited as herein provided and the City shall also enforce its rights under the permittee's surety bond/escrow provided pursuant to this Chapter.
- G. *Specifications.* No new driveway apron shall be constructed except in compliance with City specifications and shall not be constructed of any material other than asphalt or concrete in compliance with applicable specifications. No new driveway apron may be constructed of rock or gravel.

**Section 4.** This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

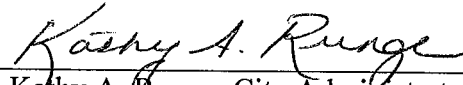
PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 21<sup>st</sup> DAY OF DECEMBER, 2016.



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Russ Fortune, Mayor

Attest:



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Kathy A. Runge, City Administrator/Clerk