**Chapter 22**

**STREETS AND SIDEWALKS**

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*(Revised 02/09)*

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**Chapter 22**

**STREETS AND SIDEWALKS**

**ARTICLE I**

**STREETS**

**Sec. 22-1. Mayor authorized to appoint street commissioner.**

(a) From and after the adoption of this ordinance, the Mayor of the City of Potosi is hereby empowered to appoint one of the duly elected members of the Board of Aldermen to the capacity of street commissioner.

(b) It shall be the duty and responsibility of the street commissioner to monitor the personnel, practices, organization and all other aspects of the Street Department of the City of Potosi, to develop findings with regard to the information obtained through monitoring, to report said findings to the Mayor and Board of Aldermen, and to make recommendations to the Mayor and Board of Aldermen for the betterment and improvement of the Street Department of the City of Potosi.

(c) The appointment of a member of the Board of Aldermen to the position of street commissioner shall be fulfilled without pay and shall be in addition to the duties heretofore imposed upon such elected alderman by the laws of the State of Missouri and the ordinances of the City of Potosi. (Ord. 503, §1; Ord. 720, §§1-3)

**Sec. 22-2. Adverse chemicals on streets and sidewalks prohibited for snow and ice removal.**

(a) ***Adverse chemical substance prohibited -*** It shall be unlawful for any person, including but without limitation, any corporation, business establishment, institution, partnership, agency, sole proprietorship, or other legal entity, to apply to streets, sidewalks, paved alleyways, or other paved walkways, passageways, or parking lots, open to the public, sodium chloride, calcium chloride, or any chemical substance which has an adverse affect to streets and sidewalks, or any substance or compound which is predominantly made up of one of said chemical compound, for the purpose of snow or ice removal, melting, or prevention of accumulation.

(b) ***Drainage of certain chemicals from private parking areas prohibited -*** It shall be unlawful for any person, including but without limitation the entities set out in subsection (a), to apply the chemical compounds prohibited herein to any private street, sidewalk, driveway, or off-street private parking where the natural drainage process would carry the compound or the deposits and remnants thereof onto such public roads as set out in subsection (a).

**CROSS REFERENCES:**

**Burning or depositing trash in city streets, alleys, etc., §11-1; Subdivisions, Ch. 26, Art. II.**

**STATE LAW REFERENCES:**

**Public improvements, RSMo. §§71.290 to 71.367; public works and special assessments, RSMo. Ch. 88.**

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(c) ***City shall offer for sale an approved ice melt substance -*** Being in consideration of the problems created by snow and ice, the board of aldermen of the City of Potosi shall provide for purchase of an approved ice melt substance which shall be offered for sale to any resident, including any commercial establishment, of the City of Potosi, for the price equivalent to the cost of said substance to the City of Potosi.

(d) ***Penalties for violations -*** Any person who shall violate the provisions of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five dollars ($5.00) nor more than five hundred dollars ($500.00), or by imprisonment in the city jail for a term not to exceed thirty days, or by both such fine and imprisonment. (Ord. 469, §§1-4; Ord. 479, §3)

**Sec. 22-3. Resurfacing improvement district established.**

That the board of aldermen does hereby designate and establish the following portion of the City of Potosi beginning at a point which is the northern boundary of Mill Street and the southern boundary of High Street, southerly on Mill Street to its intersection with Lilac Drive; thence easterly on Lilac Drive to its intersection with the western boundary of Hall Street, and all property fronting and bordering on both sides of all streets within the foregoing portion of the City of Potosi, Missouri, as sprinkling, oiling, repairing, surfacing, and resurfacing District No. 1. (Ord. 439, §1)

**Sec. 22-4. Department of Public Safety.**

There is hereby created a Department of Public Safety, encompassing the Police Department, the Homeland Security Advisor, and the Emergency Management Director. The Department of Public Safety shall be headed by a Director, appointed by the Mayor and confirmed by the Board of Aldermen. (Ord. 886, §4)

**Sec. 22-5. Buildings’ address numbers to be displayed – penalty.**

(a) From and after January 1, 2009, all buildings within the City of Potosi, Missouri, shall display the address number for that property upon the building. All such address numbers and letters posted after the above date, shall be in numerals and letters no less than four (4) inches in height, and made of a light reflective material, reflective metal or painted in a highly contrasted color from the building upon which they are affixed.

(b) All buildings within the City of Potosi, Missouri which prior to January 1, 2009 had displayed a proper address number for that property upon the building in numerals and letters of no less than three (3) inches in height, and made of a light reflective material, reflective metal or painted in a highly contrasted color from the building upon which they are affixed, shall be deemed in compliance with this Section.

(c) The numbers and letters for posting addresses shall be mounted in such manner as to be clearly visible from the street, and not obstructed by foliage or other object. On all buildings which have facings on more than one street, the address shall be posted on the building according to the street address of the building. Buildings with multiple occupancy and separate entrances shall have each entrance appropriately posted. It shall be the joint duty of all owners and occupants of each building to maintain the posted address in such a manner as to be clearly readable from the city streets and not obstructed in any way.

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(d) Violation of this Section shall be an infraction, punishable by a fine of not less than ten dollars ($10) or more than one hundred dollars ($100). Each day violation shall be a separate offense. (Ord. 988, §§1-3; Ord. 993, §§1-4)

**Secs. 22-6 to 22-8. Reserved.**

*(Revised 02/09)*

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**ARTICLE II**

**SIDEWALKS**

**Sec. 22-9. Sidewalk District No. 1 and Sidewalk District No. 2 established; improvement provisions.**

(a) ***Sidewalk District No. 1 boundaries -*** That the board of aldermen of the City of Potosi does hereby designate and establish the following portion of the City of Potosi, Missouri, as Sidewalk District No. 1:

Both sides of East High Street between Missouri Street and Stone Street within the corporate limits of the City of Potosi, Missouri.

(b) ***Sidewalk District No. 2 boundaries -*** That the board of aldermen of the City of Potosi does hereby designate and establish the following portion of the City of Potosi, Missouri, as Sidewalk District No. 2:

Both sides of East High Street between Stone Street and Brown Road within the corporate limits of the City of Potosi, Missouri.

(c) ***Supervision of improvements by city engineer; bidding required -*** That the work to be done under this Chapter shall be done under the supervision of the city engineer and in accordance with the plans and specifications heretofore prepared by the city engineer and filed by said engineer with the city clerk, the work to be done shall be done by contract let by the City of Potosi to the lowest and best bidder therefor within the city engineer's estimate of the costs, after advertisement for bids for said work to be done shall have been published by at least two consecutive insertions in a weekly newspaper published in the City of Potosi, Missouri (or seven consecutive insertions in a daily newspaper).

(d) ***Contract within ten (10) days after awarding bid -*** That the successful bidder for said work shall enter into a contract with the City of Potosi, Missouri, within ten (10) days after the same is awarded and give bond for the faithful performance thereof in a sum at least equal to the contract price, with sureties to be approved by the mayor of the City of Potosi, Missouri.

(e) ***Unspecified matters shall be in accordance with local and state regulations -*** The provisions of the general ordinances of the City of Potosi, Missouri, and the laws of the State of Missouri relating to sidewalk construction and kindred subjects shall apply in all matters not herein specifically provided for.

(f) ***Billing and report to board of aldermen -*** On completion of the work as provided for by ordinance, in accordance with the plans and specifications therefor, the city engineer, shall compute the costs thereon and apportion said costs among the lots, tracts, and pieces of ground chargeable therewith as provided by law and ordinance, and report the same to the council or board by bill and shall also report the council or board bill, that the work has been completed according to the plans and specifications therefor, and the date of the commencing and completion of said work.

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(g) ***Special assessment to property owners -*** That the total cost of the aforesaid sidewalk construction as herein contemplated, shall be assessed in favor of the city against the adjoining property fronting, bordering or abutting said streets where such sidewalk construction is done in proportion that the linear feet of each lot, tract or parcel of ground fronting, bordering or abutting thereon bears to the total number of linear feet of all the property chargeable with the special tax aforesaid in the territory embraced by this Chapter, and said assessment shall be levied by ordinance, which said ordinance shall set out separately the title of the ordinance under the authority of which the work is done, a separate description of each lot, tract or parcel of ground assessed, the name of the owner or owners thereof, the number of linear feet abutting, fronting or bordering upon said improvement, the separate items of cost of said improvement and the total amount thereof, and the sidewalks improved, and said assessment ordinance shall further provide for the making out of tax bills by the city clerk, in evidence of said assessments, payable to the city.

(h) ***Special tax bills to be issued by city clerk -*** After said special assessments shall have been levied as provided by the next preceding section, the city clerk shall make out and issue special tax bills against the property charged with said special taxes for the improvement in the name of the owner or owners of such property in conformity with the next preceding section. Said special tax bills shall be issued in numerical order and among other proper facts and recitals therein each special tax bill shall contain a brief general statement of the facts authorizing its issue, the name of the owner or owners of the property against which said special tax is levied, the description of the lot, tract assessed, the number of linear feet of the lots and tracts fronting, bordering, or abutting on the sidewalks improved, the aggregate number of linear feet of the lots and tracts fronting, bordering, abutting on the sidewalks approved under the contract, the cost per linear foot for such assessment, the total cost of the improvement, the amount of the special tax assessed and levied against the lot or tract of land described in the tax bill, the rate of interest which it bears and when it begins to bear interest, that it is a special lien against the land therein described and that time that the lien continues and the sidewalks improved.

(i) ***Special tax bills payable after sixty (60) days; interest -*** Each special tax bill issued as hereinbefore provided, shall be due and payable from and after the delivery and shall bear interest after 60 days from date of issuance at the rate of 8% per annum, and such special tax bill shall be and become a lien on the property charged therewith from and after the commencing of such sidewalk construction, and shall be a lien against the lot or piece of ground described therein for a period of five years after the date of issue, unless sooner paid or offered to be paid.

(j) ***Assigned tax bills collectable -*** All special tax bills issued as hereinbefore provided to pay the cost of sidewalk construction shall be assignable, and may be collected of and from the owners of the land as any other claim in any court of competent jurisdiction. Suit brought to enforce the collection of the aforesaid tax bills shall be instituted in the name of the City of Potosi, Missouri, to the use of the city or the owner or holder thereof. Such special tax bills shall, in any suit brought to enforce the collection thereof, be prima facie evidence of the liability of the property charged therewith to the extent and amount therein specified.

(k) ***Special tax bills shall be certified by city officials -*** All special tax bills herein provided for shall be certified as correct by the city engineer and shall be signed by the mayor, and attested by the city clerk with the corporate seal of the city.

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(i) ***Tax bills shall be abstracted by city clerk -*** All such tax bills shall be abstracted by the city clerk in a book kept for that purpose by him, before delivery of said tax bills and said city clerk shall release said tax bills on the margin of the record thereof upon presentation of tax bill marked paid by the city clerk or assignee or upon presentation of other proper evidence that such tax bill has been paid in full. (Ord. 460, §§2-11; Ord. 456, §§1-2.)

**Sec. 22-10. Sidewalk District No. 3 thru Sidewalk District No. 6 established.**

(a) ***Sidewalk District No. 3 boundaries -*** That the board of aldermen of the City of Potosi does hereby designate and establish the following portion of the City of Potosi, Missouri, as Sidewalk District III: The east side of Mine Street from the Housing Authority line to High Street and the south side of Prospect Street from Mine Street to the line of property owned by R-III School District.

(b) ***Sidewalk District No. 4 boundaries -*** That the board of aldermen of the City of Potosi does hereby designate and establish the following portion of the City of Potosi, Missouri, as Sidewalk District IV: The north side of Citadel from the Housing Authority line to Mill Street.

(c) ***Sidewalk District No. 5 boundaries -*** That the board of aldermen of the City of Potosi does hereby designate and establish the following portion of the City of Potosi, Missouri, as Sidewalk District V: The east side of North Missouri Street from High Street to the alley north of the Courthouse and the north side of High Street from North Missouri Street to the property line of the Washington County Courthouse.

(d) ***Sidewalk District No. 6 boundaries -*** That the board of aldermen of the City of Potosi does hereby designate and establish the following portion of the City of Potosi, Missouri, as Sidewalk District VI: The east side of North Missouri Street to Wreath Street and the west side of North Missouri Street from the alley north of the Courthouse to Limestone Street. (Ord. 493, §§1-4)

**Sec. 22-11. Sidewalk District No. 7 established; improvement provisions.**

(a) ***Sidewalk District No. 7 -*** The board of aldermen of the City of Potosi hereby finds and declares that it is necessary for the following sidewalks within the City of Potosi, Missouri, to be, all or in part, constructed, to-wit:

Sidewalk District No. 7:

Both sides of Cedar Street between Hall and Maple Streets.

(b) ***Supervision of improvements by city engineer; work by contract -*** The work to be done under this Chapter shall be done under the supervision of the city engineer or other qualified person in accordance with the plans and specifications heretofore prepared by the city engineer and filed by said engineer with the city clerk, or in accordance with reasonable construction practices. The work shall be done by contract or by the employees of the City of Potosi; provided however, that in the event said work is done by city employees, no advertisements for bids shall be necessary.

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(c) ***Incorporation of Ord. No. 460 -*** This Chapter incorporates by reference and adopts as a part hereof Sections numbered 5, 6, 7, 8, 9, 10 and 11, of Ordinance of the City of Potosi numbered 460.

(d) ***Special assessment bills -*** It is the purpose of this Chapter to extend the provisions of Ordinance No. 460, which provides for the construction of sidewalks in Sidewalk District No. 1 of the City of Potosi, to provide for the construction of sidewalks in Sidewalk District No. 7 of the City of Potosi. And further to enact an ordinance which shall levy the special assessment upon owners of lots, tracts or parcels fronting, bordering or abutting said streets where such sidewalk construction is being done, the board of aldermen of the City of Potosi being authorized to, within its discretion, enact a single ordinance which shall provide for the levy of the special assessments and issuance of special assessment bills in Sidewalk District No. 7. (Ord. 545, §§1-4.)

**Sec. 22-12. Head of Street Department - Public Works employees.**

The head of the Street Department shall be appointed by the Mayor and approved by the Board of Aldermen. All employees of the Street Department and Park Department shall be Public Works employees, and shall report to the head of the Street Department and shall be given their work assignments by him. (Ord. 886, §5)

**Secs. 22-13 to 22-16. Reserved.**

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