

## Chapter 510

### STREETS, ALLEYS, SIDEWALKS AND PUBLIC PLACES

#### ARTICLE I

#### General Provisions

**Section 510.010. Power To Open and Vacate.** [CC 1964 §5.010]

The Board of Aldermen shall have power to create, open and improve any public square, public park, street, avenue, alley or other highway, old or new, and also to vacate or discontinue the same whenever deemed necessary or expedient; provided, that all damages sustained by the citizens of the City or the owners of the property therein shall be ascertained as prescribed in other cases of condemnation of private property for public use; and provided that whenever any public square, street, avenue or alley, or other highway shall be vacated, the same shall revert to the owners of the adjacent lots in proportion as it was taken from them; and when the grade of any street or alley shall have been once established by ordinance, it shall not be lawful to change such grade without making compensation to all persons owning real estate on such square, street, avenue, alley, or other highway, who may be damaged by such change of grade, to be determined and governed in all respects, with reference to benefit and damages, as is provided by the laws of Missouri with reference to condemnation of private property for public use.

**Section 510.020. Estimate Required.** [CC 1964 §5.020]

Before the Board of Aldermen shall make any contract for building bridges, sidewalks, culverts or sewers, or for paving, macadamizing, curbing, guttering or grading any street, avenue, alley or other highway, an estimate of the cost thereof shall be made by the City Engineer or other person designated by the Board of Aldermen, and submitted to said Board, and no contract shall be entered into for any such work or improvement for the price exceeding such estimate; provided, that no such estimate shall be required for the making of any local or special repairs.

**Section 510.030. Street Improvements — City To Construct, When.** [CC 1964 §10.070]

Whenever the City shall advertise for bids for the construction of any new sidewalk of any kind, or for the construction of new sidewalks in the place of sidewalks condemned, or whenever the City shall advertise for bids for paving, macadamizing, guttering, curbing, or otherwise improving any street, avenue, alley or other highway or any part thereof, and shall receive no bids therefor, the City may proceed to construct or reconstruct any such sidewalks, or pave, macadamize, gutter, curb or otherwise improve any street at its own expense, and shall keep an accurate account of the amount expended for labor and material, including grading and filling, opposite each lot or piece of ground, and present the same to the Board of Aldermen for assessment, and each lot or place of ground abutting on the sidewalk, constructed or reconstructed, or other street improvement made, shall be liable for the costs thereof, as reported to the Board of

Aldermen by the officer or committee having charge of the matter, and special tax bills shall be issued for the amount thereof, and such tax bills shall be as valid in all respects whatever as the other special tax bills provided for in Sections 510.180 to 510.210 and shall be collected in the same way.

## ARTICLE II Grades and Curbs

### **Section 510.040. Grades, How Fixed.** [CC 1964 §5.110]

The grades of all streets and alleys within the City shall be fixed by the Board of Aldermen by ordinance. Such ordinance shall contain a complete and detailed description of the grade established.

### **Section 510.050. Grades To Be Uniform.** [CC 1964 §5.120]

All grades shall extend in unbroken uniformity from intersection to intersection, except when otherwise provided by ordinance, and whenever the grade of any street is broken between intersections, the elevation at such break shall be given together with the location thereof.

### **Section 510.060. Grades Not To Be Changed.** [CC 1964 §5.130]

The grade of any street or alley, the grading of which has been performed under the direction and supervision and the authority of the Board of Aldermen, shall be and remain according to such grading unless a public necessity demands that the same be altered.

### **Section 510.070. Profile Book To Be Kept.** [CC 1964 §5.140]

It shall be the duty of the Street Commissioner or other person designated by the Board of Aldermen to prepare a book or record to be furnished by the Board of Aldermen in which shall be recorded the profiles of all streets and alleys if and when established by ordinance, which shall be filed in the office of the City Clerk.

### **Section 510.080. Location of Curb Lines.** [CC 1964 §5.150]

The curblines on each side of any street shall be fixed and established by ordinance.

### **Section 510.090. Costs of Bringing To Grade.** [CC 1964 §5.160]

Cost of bringing to grade any streets or alleys in the City of Wellington as and when ordered by the Board of Aldermen by ordinance shall be paid out of the General Revenue of the City.

### **Section 510.100. Costs of Curbing.** [CC 1964 §5.170]

The payment of the costs of curbing any street, alley or highway shall be governed by the same provisions governing the payment of costs of general improvement, maintenance and repair.

## ARTICLE III Improvement, Maintenance and Repair

### **Section 510.110. Supervision.** [CC 1964 §5.210]

The improvement, maintenance and repair of all streets, and alleys, of the City, and of all public parking lots within the City shall be under the general supervision and control of the Street Commissioner or such person, committee, or board as may be designated by the Board of Aldermen.

**Section 510.120. Cost — How Paid.** [CC 1964 §5.220]

The cost of the improvement, maintenance, or repair of all streets and alleys of the City, and of all public parking lots within the City shall be paid out of the General Fund of the City; provided, that the Board of Aldermen may, by ordinance, provide for the payment of the cost of the improvement, maintenance, or repair of any street or alley under the provisions of Chapter 88, RSMo., and such other laws of Missouri as may at such time be in force; provided further, that the cost of building all bridges, culverts, public sewers and footwalks across streets and alleys, shall be in all events paid out of the General Revenue Fund of the City.

ARTICLE IV  
**Sidewalks**

**Section 510.130. Sidewalk Improvements — Costs, How Paid.** [CC 1964 §10.010]

The Board of Aldermen shall have power, by ordinance, to provide for and require the building and repairing of sidewalks and sidewalk curbing along any streets, avenues or highways of such City, the cost thereof to be levied as a special assessment on all lots or places of ground abutting on such improvements in proportion to the front foot thereof, and to impose a fine and penalty for the violation of such ordinance. Corner lots shall be liable for the extension of curbs and sidewalks to the curb lines each way.

**Section 510.140. Condemnation of Sidewalks.** [CC 1964 §10.020]

In addition to the powers herein granted, the Board of Aldermen may, by ordinance or resolution, condemn wooden and defective sidewalks, and may remove walks so condemned, and may provide for the construction of new sidewalks in the place of walks so condemned and removed.

**Section 510.150. Notice To Abutting Owners.** [CC 1964 §10.030]

Immediately upon the passage of any ordinance, calling for the construction of any sidewalk, it shall be the duty of the person designated by the Board of Aldermen, to serve written notice upon the owner of the land in front of which said sidewalk is to be constructed if such owner is a resident of the City. If such owner is not a resident of the City, such notice shall be served upon his/her tenant or agent, but if such owner has no tenant or agent in the City, then such notice shall be mailed by registered mail to his/her post office address. Such notice shall contain a statement declaring the passage of the ordinance ordering the construction of said sidewalk within thirty (30) days from the passage of said ordinance.

**Section 510.160. Failure To Construct — Procedure.** [CC 1964 §10.040]

If any person owning property abutting on any street within the City shall fail or refuse to construct any sidewalk, within thirty (30) days from the date of the passage of the ordinance ordering the same, and in strict conformity with the provisions, plans,

specifications, therefor, upon proper notice as provided by this Chapter, the Board of Aldermen may then by ordinance provide for the construction of such sidewalk by contract and the payment for the construction thereof by the issuing of special tax bills against the property abutting thereon, including the grading therefor, and with or without curbing as may be provided in the original ordinance ordering the construction of such sidewalk.

**Section 510.170. Board To Advertise For Bids.**

- A. The Board of Aldermen may, by ordinance, provide for the building of any sidewalk or for the rebuilding and reconstruction of the same, including grading and filling therefor, and including the removal of any obstructions, and including approaches (as defined in Section 88.867, RSMo.) at corner lots, and including the grading or parking of that portion of the street lying between the property line and the street curb line, by contract, and levy a special assessment against each lot or tract along which such work is done, for the cost thereof, as provided in Section 88.890, RSMo.; provided however, that no such contract shall be let until the plans and specifications for said work have been adopted by ordinance (provided that such adoption may be by reference to general plans and specifications, which have already been adopted by ordinance by said City).
- B. No contract shall be let until an advertisement for bids for the doing of said work has been published in at least one (1) issue of a weekly newspaper or at least two (2) consecutive issues of a daily newspaper, published in said City, or if there be no paper published in said City, in some newspaper published in the County in which said City is located, and the date for the opening of said bids shall be at least ten (10) days after the date of the first (1st) publication of said advertisement for bids; and provided further, that before the said bids are opened, the City Engineer, or other proper person designated by ordinance by the Board of Aldermen, shall prepare and file an estimate showing the estimated quantities of grading, filling and of the various materials required for the sidewalk in front of each separate lot, tract or parcel of ground, and an estimate of the cost of said work per cubic yard or per square yard, as the case may be, and an estimate of the cost of the removal of any obstruction; and no contract shall be let for a price in excess of the said estimate of the cost.
- C. After the bids are opened by the Board of Aldermen, the said Board shall let the contract for said work to the lowest and best responsible bidder, and in case there are no bids received, or that all bids are rejected for any reason, the Board of Aldermen may readvertise for bids for said work, or may, by ordinance, order and require the City Engineer or other proper person to build and construct said sidewalk or do the other work as herein contemplated, according to the specifications adopted therefor (provided however, that the cost of said work shall not exceed the estimate of the City Engineer previously filed), keeping an accurate account of the cost of the separate items thereof, and the Board of Aldermen shall pay for the labor and material and all other costs of said work out of any funds which they may have on hand available for such purpose; and at the completion of said work (either by contract or by the City, as last provided) shall levy the cost

thereof as a special assessment against the lot, tract or parcel of ground along which each of said sidewalks or other improvements is made in the manner as provided in Section 88.890, RSMo.

**Section 510.180. Special Tax Bills — Issue, Collection.**

The cost of any of the work or improvements contemplated in Sections 88.863 to 88.913, RSMo., that are made and done either by contract or by the City Engineer or other proper person acting for the City as above provided in Section 88.883, RSMo., (except the cost of condemnation and removal of sidewalks, which shall be paid by the City) shall be levied as a special assessment against the lot, tract or parcel of ground along and in front of which said improvement is made; and the cost of the approaches, as defined in Section 88.867, RSMo., shall be levied as a special assessment against the corner lots which said approaches abut and connect with. And said assessment shall be levied by ordinance, in which ordinance shall be set out separately the number and title of the ordinance under authority of which the work will be done, a separate description of each lot, tract or parcel of ground assessed, the name of the owner thereof, the number of front feet therein abutting on said improvement, the separate items of cost of said improvement and the total amount thereof; and said assessment ordinance shall further provide for the making out of tax bills by the City Engineer, or other proper person therein designated, in evidence of said assessments, payable to the contractor doing the work, and for the delivery of said tax bills in payment for said work, or if the work was done by the City Engineer or other person acting for the City as provided in Sections 88.863 to 88.887, RSMo., the tax bills shall be made payable to such Engineer or other person and for and to the use of the City, and shall be collected the same as other tax bills.

**Section 510.190. Special Tax Bills — Contents.**

A separate tax bill shall be issued against each lot or tract against which an assessment has been made, and shall state therein the name of the owner of record of the lot or tract assessed, an adequate description of said lot or tract, the number of front feet therein abutting on the improvement, the number of the improvement ordinance under which the work was done, and the number of the assessment ordinance under which the tax bills are issued, the different items of improvement and total cost thereof; and shall be payable to the contractor doing the work, or to the City Engineer or other person to and for the City, as the case may be. Said tax bills shall be due in thirty (30) days after the date of issue thereof, and may bear interest as provided by ordinance, after said thirty (30) days, at a rate of not to exceed eight percent (8%) per annum.

**Section 510.200. Street Improvements — Special Tax Bills.** [CC 1964 §10.100]

The assessments made for making and repairing sidewalks and sidewalk curbing, and for paving, macadamizing, curbing and guttering all streets, avenues, alleys and other highways, and repairing the same, as provided in Sections 510.130 to 510.220 shall be known as "*special assessments for improvements*", and shall be levied and collected as a special tax, and a special tax bill shall issue therefor, and shall be paid in the same manner provided by ordinance. Said special tax bills may bear interest after thirty (30) days from the date of issue at the rate of eight percent (8%) per annum, and every such

special tax bill shall be a lien against the lot or piece of ground described in the same until the same is paid.

**Section 510.210. Repairing Sidewalks — No Formality Required.** [CC 1964 §10.110]

No formality shall be required to authorize the repairing of sidewalks. The person designated by the Board of Aldermen, may without notice, cause such repairing to be done, keeping an account of the cost thereof and reporting the same to the Board of Aldermen for assessment; and each lot or piece of ground shall be liable for its part of the costs of such repair done or made along or in front of such lot or piece of ground and special tax bills shall be issued by the City Clerk to defray the costs of said repairs.

**Section 510.220. Payment of Costs From General Fund Not Precluded.** [CC 1964 §10.120]

Nothing herein contained shall preclude the authority of the Board of Aldermen to pay the costs of construction, reconstruction, repair or maintenance of any public sidewalk, or other public work, out of the General Revenue Fund, provided that the proceedings of said Board ordering or contracting for such work specify that payment be made out of the General Revenue Fund.