

COUNCIL BILL NO. 2008-501

ORDINANCE NO. 2008-020

AN ORDINANCE amending Article III, Improvement Permits, and Article IV, Excavations, of Chapter 106, Streets, Sidewalks, and other Public Places, of the Code of Ordinances of the City of Joplin to implement certain fee changes.

WHEREAS, the City has not raised fees since 1977 and the costs of services have substantially increased and exceed revenues, and,

WHEREAS, the Council of the City of Joplin desires to increase fees to meet the reasonable expenditures of this function.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That Article III, Improvement Permits, of Chapter 106, Streets, Sidewalks, and other Public Places, be amended to read as follows:

**"CHAPTER 106 STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES
ARTICLE III. IMPROVEMENT PERMITS**

Sec. 106-61. Permit required for street improvements.

Whenever any owner or his agent shall desire, or be notified by the city through its proper officers, to make any street improvement by constructing or reconstructing any curb, gutter, walk, curb and gutter, or driveway, including the necessary grading for the curb, gutter, walk, curb and gutter, or driveway, and grading of the parkway in front of and abutting any lot, tract or parcel of ground owned by the applicant or by the person for whom the applicant is agent, within the city along any street, avenue, alley or other part thereof, where the grade of such street shall have been established, such person shall take out a permit to do such work, and pay to the city such fees as are specified in this article, and the city engineer is hereby authorized to grant such permit and to collect such fee, provided that the work described in the permit shall be completed in accordance with city specifications, to required lines and grades, within 30 days from date of issuance of the permit, and provided that an acceptable bond be posted. The director of public works may extend the permit for such length of time as he may deem necessary.

Sec. 106-62. Inspection fees.

Before any permit shall be issued under the provisions of this article, the applicant therefor shall pay a fee determined as follows:

- (1) Driveway, one percent of the estimated cost, with a minimum fee of \$25.00.
- (2) Curb and gutter, one percent of the estimated cost, with a minimum fee of \$25.00.
- (3) Sidewalk, one percent of the estimated cost, with a minimum fee of \$25.00.

Sec. 106-63. Bond.

Whenever any person or contractor shall desire to do any work for any person as mentioned and contemplated in this article, he shall file with the city a bond in the sum of \$10,000 and such other bonds as may be required of him, payable to the city, in the sum of \$10,000, to continue in effect for one year from the date thereof, to cover any work that he does as contemplated by this article. Such bond shall be conditioned that he shall hold the city harmless for any and all damages that may result by reason of any negligence on his part, or on the part of any owner of the property, to any person or property by reason of construction or reconstructing any sidewalk, curb and gutter.

Sec. 106-64. Procedure for making street improvement by private contract.

(a) Whenever any property owners desire to let a private contract for grading, paving or otherwise improving the roadway of any street, avenue, alleyway or public thoroughfare in the city, they shall submit detailed plans and specifications describing the proposed improvement to the director of public works for his approval. Plans and specifications for the proposed construction must conform to the standard plans and specifications of the city. Approval of the plans and specifications will not relieve the owner or contractor of the responsibility for the satisfactory completion of the work. The director of public works may withdraw the approval of plans and specifications if any inspection of the work reveals the construction work does not conform to the approved plans and specifications.

(b) Permit and bond requirements set out in this article shall apply to this section.

(c) If the owners so desire, the director of public works will prepare the plans and specifications for the proposed improvement, and will perform the necessary engineering; provided that compensation therefor shall be paid to the director of public works in such amount as he shall fix for such work.

Sec. 106-65. Director of public works to provide necessary information and assistance.

It shall be the duty of the director of public works, or his assistants, to locate the street line, curblines, and the location of any fire hydrants, or other work to be done or other things to be installed, as mentioned in this article, and connections therewith, and to give the grades and such other information and assistance as is necessary to any person who requires the services of such director, for the purpose of installing the improvements mentioned in this article, and such person shall pay to the city for such services such an amount as is the prevailing charge for such work.

Secs. 106-66--106-90. Reserved."

Section 2. That Article IV, Excavations, of Chapter 106, Streets, Sidewalks, and other Public Places, be amended to read as follows:

"ARTICLE IV. EXCAVATIONS

Sec. 106-91. Permit required.

Any person, for himself or representing any other person, who desires or shall be required by this article to lay, repair and make connection with any water, gas, sewer pipes or other conduits, in and underneath the public highways, parks or other public grounds within the city, or who shall desire or be required to install any poles, railroad tracks and appurtenances, or to make connections with such pipes or other things, on the ground and underneath the surface of such highways, parks or other public places, including not only the work already installed but also that to be constructed, shall first make application for and take out a permit, stating therein the purpose of making the excavation necessary for the installation of the things to be done as mentioned in this section, and such application shall give the location and extent, the time of making such excavation, when such excavation shall begin, and when it will be completed and properly refilled and tamped in accordance with the specifications recited in this article. He shall make such application to the director of public works, and such permit, if issued, shall show the requirements mentioned in this section, together with the approximate amount to be charged by and to be paid to the city by the applicant for making necessary repairs of such excavation and restoring the excavation to the finished top of the street, sidewalk or other improvement to its original condition as near as may be, and as provided in this article.

Sec. 106-92. Emergency work.

Any person, having complied in all respects with this article, shall have the right to make an excavation in case of emergency without waiting to procure a permit, but a permit shall be taken out by such person for such excavation as soon as the permit can be procured from the office of the director of public works, and such person shall be, both before the permit is issued and afterward, controlled by the provisions of this article.

Sec. 106-93. Payment of fees and charges.

All amounts which shall become due to the city from holders of permits to make excavations under the provisions of this article, or any provision thereof, shall become and be due on the tenth day of the month following the date upon which the work is done or expense incurred, and payment thereof shall be made on or before such due date, to the director of finance, and shall draw interest at the rate of six percent per annum from and after the due date. No permit shall be issued to any person to make any excavation in any public street, alley or public place in the city who is indebted to the city for any payment which is past due under the terms of this section and the provisions of this article, and such permit to do such excavating shall be withheld from such person until payment has been made, in full, of all such past due amounts. The excavation permit fee shall be \$25.00. City Council shall review the costs of services associated with all user fees at least on a bi-annual basis during the budget process to determine the appropriateness of the fee charge.

Sec. 106-94. Changes to permit.

Whenever any person shall have been granted a permit to make excavation in the street for installing any of the things described and required to be installed by this article and it should afterwards become necessary to install some other connection or pipes or other things in the same ditch before the ditch is closed, then the person taking such permit, by making application to the director of public works, may have the permit changed to include such other work, if in the judgment of the director such additional work would be proper and to the best advantage.

Council Bill No. 2008-501 (Continued)

Sec. 106-95. Responsibility for work when area has been previously excavated.

Should any person as shall have been granted a permit as provided for in this article in any way excavate any or all of a ditch which has been excavated and properly refilled under a former permit, the last person doing such excavation shall be held responsible for such excavation as if no other permit had ever been granted.

Sec. 106-96. Bond and insurance.

(a) As a guarantee to the city that all of the requirements of this article shall be complied with in all respects, and that the city shall be saved harmless from all claims for damage or injury to person or property, every person desiring to obtain a permit under this article shall, before being granted any permit, execute a license and permit bond in the sum of \$10,000 to the city conditioned that all requirements as set forth in this article, including the guarantee to save the city harmless, will be faithfully and promptly carried out. Such bond shall be issued yearly and subject to the approval of the city attorney. The sureties of such bond may either be personal or surety companies. Should any bond be successfully attacked for any reason, another bond of \$10,000 with the same conditions shall be given before any other permit shall be granted to such person whose bond shall have been attacked.

(b) Any person described under section 106-91 shall carry insurance in an amount not less than \$300,000.00 combined single limits for bodily injury or property damage."

Section 3. That this ordinance shall become effective on April 1, 2008.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 14th day of February, 2008.

Jon Tupper, Mayor

ATTEST:

Barbara L Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W Head, City Attorney