

Chapter 90 -- Streets and Sidewalks

(Ordinance No. 2398 revised Chapter 90 on March 24, 2014
by adding Subchapter B Section 90.060 through 90.100,
titled "Private Roadway Regulations")

90.010. Obstruction on street, when unlawful, penalty. It shall be unlawful for any person to deposit or permit to remain in or on any highway, street, alley, sidewalk, parkway, tree lawn, culvert, ditch, or public place except by street use permit, as herein provided, any building material or equipment, rubbish, coal, debris, dirt, materials of any kind, chattels, or property which might obstruct the free use thereof or hinder traffic of persons or vehicles, provided that, if through necessity, an obstruction of the nature described is placed thereon, the person responsible shall be relieved of the penalties of this Section if he removes the same without unnecessary delay and if he places red lanterns or lights on and around said obstruction, lighted and placed in such manner and of such number as to be plainly visible in all directions, between the hours of sunset and sunrise while such obstruction so remains. Any person violating any provision of this Section shall be deemed guilty of a misdemeanor. The City may remove such obstruction if no owner can be located after sufficient effort has been made to locate same.

90.020. Unlawful extent of obstruction, a misdemeanor. It shall be unlawful for any person to obstruct or occupy with building materials or equipment, dirt piles, articles, or materials of any kind calculated to prevent free passage or use by the public, more than one-half of any sidewalk or more than one-third of any public roadway, highway, or alley, or to in any manner obstruct the free passage of water in any gutter, drain, or alley with such materials or articles. Any person who shall violate any provision of this Section shall be deemed guilty of a misdemeanor.

90.030. Street use permit, when required. Any person proposing to place any obstruction or obstructions upon a public way, as set out in the preceding sections, shall first secure a permit so to do from the city clerk, and such person may be required, at the discretion of the Board of Aldermen, to make a cash deposit with the City to insure that all such obstructions will be safeguarded as required by this Chapter and promptly removed. Said deposit shall be in an amount not to exceed Five Hundred Dollars (\$500.00), and shall be refunded after full compliance herewith and conditions restored equal to that existing prior to the placing of the obstructions.

90.040. Use of closed street, a misdemeanor. It shall be unlawful for any person to use any street or highway, or part thereof, which has been withdrawn from use by the public, or to drive or attempt to drive any vehicle thereon, or to remove or destroy any barricade, warning light, or sign placed upon said street or highway or around or upon any obstruction or defect thereon as a protection or warning to the public. Any person who violates any provision of this Section shall be deemed guilty of a misdemeanor.

90.050. Damage to public property, a misdemeanor. It shall be unlawful for any person to injure or damage any sidewalk, curb, gutter, culvert, ditch, tree lawn, parkway, public place, tree, pole, post, light standard or fixture, sign, property, or fire plug on any public street, highway, or alley, by driving a vehicle upon, against, or over, or by cutting, breaking, or otherwise damaging the same. Any person who violates any provision of this Section shall be deemed guilty of a misdemeanor.

Subchapter B – Private Roadway Regulations

90.060. Connection of private roadways to public streets. No person shall connect any roadway to any street owned or controlled by the city without the permission of the Board of Aldermen which such permission shall only be given if the Board of Aldermen determines that the area to be served by the new roadway is substantially within the corporate boundaries or the owners of all properties to be served by the new roadway sign an irrevocable agreement, binding on their successors and assigns, to be annexed whenever the property becomes eligible for annexation in a form approved by the City. For the purposes of this section, the term “new roadway” shall mean the roadway which will be connected to an existing city street.

90.070 General Private Street Regulations. Private streets are considered to be permitted accessory uses within all zoning classifications. Where a private street is to be built, a private street permit is required to ensure that all lots have access to a private or public street. All buildings or uses must be located on a lot which has legal access to or abuts a public or private street. Private streets shall:

1. Be approved by the Staff Review Team prior to the issuance of a building permit for a proposed structure to be served by the private street. The private streets shall be located within private street easements. The require easement width varies based on the uses that the private street serves. Standards for easement widths are outlined within Section 90.080.
2. Be designed to provide sufficient frontage to all lots.
3. Be paved with an asphalt or cement binder and shall be constructed to permit effective stormwater drainage so as to dispose of surface water which might accumulate upon the private street. No surface water from a private street shall be permitted to drain onto an adjoining property.
4. Be able to support 20 tons on a single axle with dual wheels and standard road tires.

5. Be named so it is not the same or similar to another street within the City. Where private streets intersect a public street, the signs shall meet the Callaway County standards as to design, location and maintenance.

6. Maintain a height clearance of at least 14 feet.

7. Not exceed a street grade of nine percent, except that a private street shall have a maximum grade of four percent for a minimum distance as approved by the City Street Superintendent from its intersection with a public right-of-way or another private street. Street curvature regulations shall be in accordance with the design specifications of the Callaway County Commission or the City of Holts Summit as amended from time to time.

8. Be upgraded to appropriate standards consistent with these regulations where additional lots are allowed access to the private street, or where a private street is to become a public street. The private street shall be built to public construction standards to be accepted as public. The City reserves the right to reject a street as public if it so chooses. The upgrade of the street will be required from the drive access of the additional lot out to the public street. Exemptions from the upgrade requirement are as follows:

A. Lots of record in existence as of April 2014;

B. Lots altered subsequent to April 2014 due solely to governmental action; and

C. Lots altered subsequent to April 2014 where the additional site(s) otherwise has alternate approved and recorded access to a public street.

9. Include maintenance provisions to accommodate emergency vehicles and allow safe access of emergency vehicles to the site. The maintenance provisions shall include , but not be limited to, removal of snow upon an accumulation of four or more inches, sealing and filling cracks or holes in the street as reasonably necessary, and the removal of vegetative overhang which might obstruct emergency vehicle access or constitute a safety hazard as well as an adequate means of ensuring that maintenance will occur.

90.080 Specific Private Street Dimensions. Private streets serving more than one lot must be paved and meet the minimum standards found in Chapter 43 of the Holts Summit City Code.

90.090 Procedures.

1. The plans for private street construction must be reviewed and approved by a staff review team consisting of representatives of the City's Police Chief, District Fire Chief, City Street Superintendent, Zoning Administrator or their designees. The members of the staff review team shall submit, in writing, any and all conditions that would warrant approval of or, alternatively, reasons for denial of the private street. The conditions shall be those necessary to ensure that a private street will not adversely affect the provision of public services and facilities, the natural environment, adjacent uses of land or the community as a whole and which are otherwise consistent with the ordinances, standards and policies of the City. After consideration, the staff review team, by majority vote, shall either approve, with or without conditions, or deny the private street. Prior to obtaining a building permit for any proposed structure that does not have direct access to a public street or existing private street, a permit for the private driveway or street must be obtained from the staff review team. A permit is not required for a private driveway which serves only one lot.

2. No private street shall be constructed or utilized until a permit for the private street has been obtained from the City. No private street permit shall be issued by the City until the private street (as well as all lots fronting on the private street) has been approved pursuant to this Chapter. No building permit shall be issued for any proposed structure that does not have direct access to a public street or existing installed private street until the new private street has obtained all required approvals and permits and has been fully installed.

3. The application for a private driveway or private street permit includes the submission of three copies of the following:

A. A site plan sketch, showing all existing and future proposed parcel splits and proposed structures.

B. Drawings showing proposed utilities, sidewalks, curb openings, pavement width, water and storm drainage facilities, topography and vegetation.

C. A fee shall be required as set by the Board of Aldermen for the review of private driveways and private streets. Fees will be revised from time to time as necessary to cover the costs associated with the review procedure.

D. A recorded easement agreement, including location, access, and maintenance provisions for the private street. The maintenance provision shall require that the road be kept in a condition that will accommodate emergency vehicles and allow the safe access of emergency vehicles to the site.

4. Prior to the issuance of the permit for the private street, the applicant must provide to Holts Summit proof of other permits that are required from the State of Missouri and Callaway County.

90.100 Review Standards. In addition to the standards and requirements specified in this chapter, no private street shall be approved pursuant to section 90.090, unless the staff review team also finds that the private streets and lots fronting the private street meet all of the following conditions and requirements:

1. The private street will be safe for traffic and pedestrians.
2. The proposed development will not adversely affect adjacent uses of properties and shall be designed, constructed and maintained in a manner harmonious with the character of adjacent properties and the surrounding area.
3. The private street will not place demands upon public services and facilities in excess of their current capacities.
4. The private street will be designed to preserve environmental features, such as trees, natural areas, streams and flood plains.
5. The private street will be harmonious and consistent with the intent of the City's zoning ordinance and master plan.
6. The private street shall comply with all applicable stormwater ordinance and regulations.

(Revised by Ordinance No. 2398, adding subchapter B – March 24, 2014)