

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES WITH RESPECT TO  
ACCEPTANCE OF PRIVATE STREETS FOR CITY MAINTENANCE**

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Appendix A, Section 2 of the Code of Ordinances of the City of Sunset Hills shall be amended by adding the following as a new subsection 2.4 thereto:

*2.4 Procedure for acceptance of private streets for public maintenance:* The following procedures shall be followed in order to present an application to the Board of Aldermen for acceptance of private streets for maintenance by the City of Sunset Hills, Missouri (“City”):

(a) The adjacent property owners or their representative (“applicant”) shall submit an application to the Department of Public Works (“Department”) requesting that the City consider accepting a private street for maintenance by the City. If the subject street is within a subdivision that has a homeowners’ or property owners’ association, the application shall be joined or written by an authorized representative of the association board, and the application shall include any subdivision plat, indentures, declarations, bylaws, and any other governing documents applicable to the subdivision.

(b) The Director of Public Works shall present the application to the Public Works Committee. The Department shall review the condition of the subject street and document all of the Department’s concerns including but not limited to street condition, legal issues and ownership issues. The Department shall also prepare a non-compliance report of any deficiencies that do not comply with Sunset Hills street standards and codes. The Department shall further prepare a report regarding the annual maintenance costs to the City if the private street is accepted for public maintenance. The Department’s reports will be presented to the Public Works Committee and provided to the applicant.

(c) If the subject street is not fully compliant with all Sunset Hills street standards and codes, then the applicant shall submit detailed engineering plans which specify all necessary improvements required to cure any deficiency and bring the street into full compliance with City standards and codes. The proposed construction plan shall include a complete and accurate cost estimate for all proposed improvements and shall be certified by a licensed and registered design

professional. Thereafter, the construction plans shall be reviewed by the Department to determine whether the application and plans are complete and will cure the deficiencies.

(d) The application, construction plans, and Department reports shall be submitted to the Public Works Committee, then to the Planning and Zoning Commission for review, evaluation, and a recommendation for approval. The applicant shall meet with the Public Works Committee and Planning and Zoning Commission and jointly collaborate in an attempt to resolve all outstanding issues relating to street standards. The Public Works Committee shall provide a recommendation to the Planning and Zoning Commission in favor of or against approval of the application. The Planning and Zoning Commission shall provide a recommendation to the Board of Aldermen in favor of or against approval of the application.

(e) The recommendations of the Public Works Committee and the Planning and Zoning Commission together with the application, construction plans, and all Department reports shall be presented to the Board of Aldermen for consideration. The Board shall consider, among other factors, who benefits from accepting the private street for public maintenance, the annual costs to the City, and any compelling public interest in accepting the private street. The City shall not accept any private street that does not allow public access.


(f) The Board of Aldermen shall vote on whether to accept the private street(s) for public maintenance and the Board's acceptance is conditional upon the timely construction of improvements to raise the street(s) to City street standards and code. The recommendations of the Public Works Committee and the Planning and Zoning Commission shall not be binding upon the Board of Aldermen. Construction shall begin within three months of conditional Board acceptance and shall be completed within one year without penalty unless expressly approved otherwise. The applicant is responsible for ensuring that construction is timely and properly completed, as agreed, in order to raise the street to City standards and codes. The applicant is responsible for all costs including but not limited to the costs of inspection, construction plans, and construction.

(g) Upon the Director of Public Works certifying that the subject street is fully compliant with City standards and codes, the Director will so inform the Board of Aldermen. Thereafter, the Board's acceptance will no longer be conditional and the private street shall be deemed accepted by the City for public maintenance.

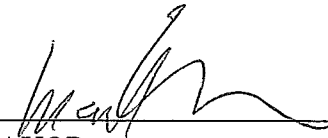
Section 2. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict repealed.

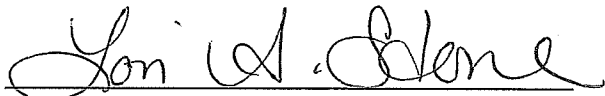
Section 3. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED THIS 23rd DAY OF February, 2016.

  
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MAYOR

APPROVED THIS 23rd DAY OF February, 2016.

  
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MAYOR

ATTEST:   
DEPUTY CITY CLERK

