

Chapter 520

REGULATIONS FOR SIDEWALKS, STREETS AND RIGHTS-OF-WAY

ARTICLE I General Provisions

Section 520.010. Hauling Garbage Through Streets. [Ord. No. 57-07 §010, 6-12-2007]

No person shall haul any garbage or offensive material through any street of the City where there is an alley parallel with said street and within a block of said street, unless contracted with the City of Tarkio or have special permission.

Section 520.020. Solicitations From or Distributions to Occupants With Motor Vehicles. [Ord. No. 57-07 §020, 6-12-2007]

- A. It shall be unlawful for any person to engage in any public solicitation or gratuitous distribution from or to the occupants of any motor vehicle that shall be upon the public streets or ways of the City unless the vehicle shall be lawfully parked at the time of the solicitation. As used in this Section, the term "public street" or "streets" or "ways" shall include streets, roadways, roadway shoulders, medians and any area within the public right-of-way.
- B. Any person violating any provision of this Section shall be punished by a fine not to exceed five hundred dollars (\$500.00) or be imprisoned in jail for not more than three (3) months, or by both such fine and imprisonment. Each solicitation or gratuitous distribution in violation of this Section shall be treated as a separate offense.

Section 520.030. Building Materials, Etc. — in Streets or Alleys at Nighttime — Warning Lights — Flares. [Ord. No. 57-07 §030, 6-12-2007]

No person shall place or leave any ashes, dirt, fuel, junk, building materials or other materials and/or articles upon or in any public street or alley, and leave the same thereon during the nighttime, unless such materials or articles be adequately marked and designated by warning lights and/or flares.

Section 520.040. Marking of Streets and Erection of Signs. [Ord. No. 57-07 §040, 6-12-2007]

- A. The City Official may cause to be marked and designate parking spaces upon the streets and alleys as provided for in this Code.
 1. Such space shall be of such length and size as shall be convenient and practical at the discretion of the City Official. Parking space and/or space wherein parking is restricted or prohibited may be marked and indicated on the streets, curbing or parkway by appropriate signs or markings therefore in such manner as the City

Official may select.

2. "Stop" signs, "No Parking" signs and other appropriate signs may be erected by the City Official's discretion. All signs, markings and/or signals shall be erected and placed in conformity with the provisions of this Code.
3. Whenever any street, alley or other public place shall be marked or designated for parking purposes, all parking shall be in conformity with such marking and/or signs.
4. It shall not be necessary to the enforcement of this Code that signs, signals or marking be erected, or that parking space be designated. The absence of any warning sign or marking for parking shall be no defense for any prosecution for the violations of this Code.
5. No person shall erect any sign or mark any street or alley for parking purposes or alter or mar any sign or marking erected or made under the provisions of this Code, or require or prohibit, by sign or marking, any parking different from that. Any person may limit or prohibit parking within specified limits upon any street or alley by securing a permit therefore. Such permits shall be granted by the City Official upon application. No permits shall be granted except upon proof that the public convenience, safety and welfare shall be promoted thereby. Such permits may be revoked by the City Official at any time without notice, and shall be valid until so revoked. The City Clerk shall keep a record of all applications and permits. All signs and/or markings shall be erected or made by the permittee at his/her own cost, and under the supervision of the City Official as to the location, type and character thereof.
6. No person shall remove, destroy, deface, mutilate, or in any manner interfere or tamper with any traffic sign, parking sign or any marking placed upon the streets, alleys, curbing or parkways under the provisions of this Code.

Section 520.045. Recreation Equipment on Public Rights-Of-Way. [Ord. No. 45-06 §515.080, 11-7-2006]

- A. *Prohibited.* No person shall place or erect a basketball hoop, playground or sports-related apparatus or similar objects on or within a public right-of-way, which includes any roadway located therein, or sidewalk, nor shall any person use such apparatus or object for any activity conducted within a right-of-way or on a sidewalk.
- B. *Removal Of Apparatus.* The Street Superintendent or his/her designated representative or any Law Enforcement Officer of the City may remove any such apparatus or object from a right-of-way or sidewalk.
- C. *Penalty For Violation Of Section.* Every person convicted of a violation of this Section shall be punished by a fine of not less than one dollar (\$1.00) and no more than five hundred dollars (\$500.00), or by detention in the County Jail for not more than ninety (90) days, or by both such fine and imprisonment.

ARTICLE II
Street Openings — Driveways

Section 520.050. Definitions. [Ord. No. 57-07 §050, 6-12-2007]

For the purpose of Sections 520.060 through 520.210, the following terms, words and phrases shall have the following meanings:

ALLEY — The entire width of a public way which extends only secondary means of access to abutting property.

CONTRACTOR — An independent contractor employed by a private property owner to construct, reconstruct, alter, remove or replace a driveway approach.

CORNER — The point of intersection of lines of two (2) street curb faces extended into the street intersection.

CURB RETURN — That portion of curb at the beginning of a driveway approach which serves as a transition from the height of the curb to the level of the approach.

DRIVEWAY APPROACH — An area intended for the operation of automobiles and other vehicles giving access between a roadway and abutting property.

GUTTER — That portion of the driving surface of an improved street, driveway approach or other public way which abuts the curb and provides for the runoff of surface drainage.

IMPROVED STREET — A public street having concrete curbs or curb and gutters, or other such equivalent physical features which serve to establish a permanent street grade.

INTERSECTION — The general area where two (2) or more roadways meet, join or cross at a common point establishing an area within which vehicles traveling different roadways may come in conflict.

PARCEL OF LAND — A lot, or lots, or a tract under a single ownership.

PARKWAY — That portion of the street right-of-way of the roadway and the adjacent property line, or lines, on the same side of the street, except any portion used for sidewalks.

PERMITTEE — An owner or contractor holding a permit.

PLOT PLAN — A drawing showing all of the important physical features, both existing and proposed, of a given parcel of land.

PROPERTY LINE — The boundary between two (2) or more parcels of land.

RESIDENTIAL — Pertaining to the use of any area, structure or other facility primarily for dwellings, either single-family or two (2) families.

RIGHT-OF-WAY — A general term denoting public ownership or interest in land, usually in a strip, which has been acquired for or devoted to the use of a street or alley.

RIGHT-OF-WAY LINE OR STREET RIGHT-OF-WAY LINE — The boundary between any public street or alley and one (1) or more parcels of private property.

ROADWAY — That area of a street intended and used for vehicular travel.

SIDEWALK — That paved portion of a parkway intended for the use of pedestrians.

STREET — The entire width of a public right-of-way which extends primary means of access to abutting properties.

UNIMPROVED STREET — A street not having, concrete curbs, or curbs and gutters, or other such equivalent physical features which serve to establish a permanent street grade.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Section 520.060. Unlawful to Construct Driveway Approach Without Permit. [Ord. No. 57-07 §070, 6-12-2007]

It shall be unlawful for any person to construct, reconstruct, alter, remove or replace any driveway approach, or any curb, guttering or sidewalk in connection with any such driveway approach work, without first applying for and receiving a permit for such work.

Section 520.070. Application for Permit to Construct Driveway Approach. [Ord. No. 57-07 §080, 6-12-2007]

Applications for permit to construct, reconstruct, alter, remove or replace any driveway approach, or any curb, guttering or sidewalk in connection with such driveway approach work, shall be made to the Code Enforcement Officer. Applications shall contain such information as the Code Enforcement Officer shall deem necessary or desirable in order to determine whether or not application is for work acceptable and in conformity with the provisions of Sections 520.060 through 520.190 of this Chapter. An application for work other than residential shall include a complete plot plan, which shall show the specific application of all standards and regulations of Section 520.120. No application shall be accepted unless it is made by the owner of the property to be served by the driveway approach, or the owner's contractor.

Section 520.080. (Reserved)

ARTICLE III Sidewalks

Section 520.090. Certain Animals and Vehicles — Prohibited. [Ord. No. 57-07 §220, 6-12-2007]

No person shall ride, drive, lead or place any beast of burden or vehicle on any sidewalk or footway otherwise than going into or out of premises over properly constructed places of ingress and egress.

Section 520.100. Removal of Snow and Ice.¹ [Ord. No. 57-07 §230, 6-12-2007; Ord. No. 93-10 §1, 1-12-2010]

A. It shall be unlawful for any person being the owner, tenant or in charge, dominion or control of a lot of land or other tenement abutting on any street, avenue or alley with a sidewalk in or along such street, avenue or alley adjacent to such property to suffer or

1. Cross Reference — As to snow emergency routes and parking thereon, ch. 367.

permit snow or ice to be or remain upon such sidewalk so abutting or adjacent to such property for a period in excess of twelve (12) hours, and it shall be the duty of such owner, tenant, or person in charge, dominion or control of any such property to remove, or cause to be removed, snow and ice from all such sidewalks so abutting or adjacent to property so owned or occupied by such person within said time so that such sidewalk shall be within such time placed in reasonably safe and proper condition for public travel thereof by the usual and ordinary mode. Each and every person violating the provisions of this Subsection shall be adjudged guilty of an ordinance violation and, on conviction, punished by a fine of not less than one dollar (\$1.00) nor more than ten dollars (\$10.00) for each offense, and each and every day such sidewalk shall be obstructed by snow or ice shall be and constitute a separate offense punishable by a separate penalty.

- B. Snow and/or ice upon sidewalks in the City, left to be or remain thereon so as to impede or interfere with public travel on such sidewalk or footwalk, are hereby declared to be a public nuisance and shall be abated as such. It shall be the duty of the owner, tenant or person occupying the premises adjacent or abutting upon each such sidewalk, or person in charge or control of any such premises, at his/her own expense, to remove from any such sidewalk all the snow and ice or other like obstructions so that such sidewalk will be placed in proper and safe condition for public travel within twelve (12) hours after the same shall become obstructed or traffic thereon impeded by snow, ice or like obstructions; and if such owner, tenant or person in possession, charge or control of any such property so abutting or adjacent to any sidewalk obstructed by snow or ice shall fail or neglect to so remove such snow, or cause the same to be removed, within such time, then it shall be the duty of the City Official, or other proper officer at his/her direction, to cause such snow and ice to be immediately removed from such sidewalk or footwalk, and for that purpose may hire the same to be done keeping accurate account thereof, and the costs and expenses reasonably incurred in so removing such snow, ice or obstruction from such sidewalk or footwalk shall be paid by such owner, tenant or person in possession, charge or control of such property; that is to say, if said property is in charge of a tenant, or a person having the physical dominion thereof in the manner of a tenant, then such person shall pay such costs and charges, but if said property is vacant or unoccupied, or no one in the City is in the actual physical dominion thereof, then all such costs and charges for removing snow and ice shall be charged to and paid by the owner of such property.
- C. It shall be the duty of any officer of the City who shall cause any snow or ice to be removed from any sidewalk, under any of the provisions of this Section, to report the reasonable and actual cost thereof to the Board of Aldermen, and the City shall cause such person that may be employed to remove such snow or ice to be paid a reasonable charge therefore, and the owner or the person liable to pay the same shall be notified of such charge, if in the City, in person, by notice to be delivered to such person or left with some member of his/her family over the age of fifteen (15) years at his/her usual place of abode. If a non-resident of the City, such notice may be given by mail, properly addressed, postage prepaid, to the last known post office address of such person. If the person or persons liable to pay the same shall not pay the City such costs and charges within ten (10) days after delivering or posting such notice, then all such costs and charges shall be and are hereby made liens and charges upon and against the property and real estate so adjacent to or abutting on such sidewalk or footwalk, which lien and charge shall continue until the same

shall be paid and shall be enforced by civil action.

- D. Any prosecution to recover penalty under any of the preceding Subsections (A — C) for failure to remove snow or ice from any sidewalk shall not be construed to in any manner relieve any person liable, under any of such preceding Subsections (A — C), from paying the reasonable costs and charges of removing such snow and ice, if the same shall be removed by the City or any of its officers; and the fact that the City or any of its officers or agents shall cause snow or ice to be removed from any sidewalk or footwalk abutting on or adjacent to any property or tenement, and if any person shall be prosecuted and a penalty recovered against him/her, such prosecution and penalty shall not in any manner relieve any such person from the civil liability created by such preceding Subsections (A — C) to pay the reasonable costs and charges of removing any such snow or ice, if removed by the City, its officers, agents or employees, or if such officer, agent or employee shall cause the same to be so removed at the expense of the City.
- E. It shall be unlawful for any person to remove snow or ice from private property onto public property unless specific permission so to do has been granted by the appropriate authorities of the City. Each and every person violating the provisions of this Subsection shall be adjudged guilty of an ordinance violation and, upon conviction, shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense.
- F. A vehicle removing snow may temporarily drive on the sidewalk with caution and with permission of any adjoining property owners. Any person driving on the sidewalk shall possess full responsibility for the liability of any injury or property of others.

Section 520.110. Building Eave Pipes. [Ord. No. 57-07 §240, 6-12-2007]

No person owning or occupying any building in the City shall cause the pipes conducting the water from the eaves of the building to be so constructed or altered as to spread the water over the sidewalk.

Section 520.120. Sidewalk Repair. [Ord. No. 57-07 §250, 6-12-2007; Ord. No. 92-10, 1-12-2010]

- A. The City shall have and is hereby given and granted the right, power and authority to immediately repair and cause to be repaired any sidewalk in the City that is in an unsafe or dangerous condition for public travel thereon by the usual and ordinary mode, it being understood by this Section that such repairs shall not go to the extent of rebuilding and reconstructing such sidewalk, which shall be done when required under other City ordinances, but extends to the making of such repairs immediately upon the discovery of an unsafe condition existing upon any sidewalk to the extent and in the manner necessary or required to make such sidewalk reasonably safe for public travel by the usual and ordinary mode.
- B. The City Official shall, when any sidewalk becomes dangerous or unsafe for public travel by the ordinary mode, cause the same to be immediately repaired so as to make the same reasonably safe for public travel by ordinary mode, and for that purpose is given power and authority to purchase material, employ men, and to cause to be had, done and performed such work and such construction as may be reasonably necessary and proper to so restore

such sidewalk to a condition reasonably safe for public travel by the usual and ordinary mode, keeping an itemized account of all work, labor or material or other things necessary therefore, and to report the same to the Board of Aldermen.

- C. The Board shall examine such report and if the same is found to be correct and reasonable and that said work was reasonably necessary to be had, done or performed, shall cause the same to be paid by the City out of the General Fund, and when any such bill shall be paid, there shall be assessed and levied upon and against the abutting property a tax bill duly issued and signed by the City Clerk against said property and requiring the owner thereof to pay to the City the cost of such necessary repairs, if so found by the Board of Aldermen; the City Clerk shall keep a record of such tax bills in the same way and manner as other tax bills for improvements issued by the City; the same shall be due and payable when issued and the amount thereof shall bear interest at the rate of six percent (6%) per annum from and after thirty (30) days after the date of issuance until paid, and if the same be not paid in thirty (30) days, suit may be brought thereon to collect the same in any court of competent jurisdiction, and said tax bill shall be and is hereby made a lien and charge upon the lot, tract or parcel of land abutting on said improvement and liable therefore, and said lien may be enforced by judgment and execution, and said property sold for the payment thereof in the same manner and to the same extent as said property would be liable for the original construction of a new sidewalk as provided by law.
- D. When any repairs shall be made upon any sidewalk in the City under the provisions of this Section, the owner of such property if known and residing in the City, or the person occupying such property if occupied at the time, shall be entitled to notice of such repair and the amount thereof, together with the time when the same will be acted upon by the Board, and said special assessment and tax bill ordered and directed by the Board, and shall be permitted to be heard on the subject at the time and place designated in such notice, which notice shall be given at least five (5) days prior to the time of making such special assessment.
- E. When any repairs or replacement shall be made upon any sidewalk or curb in the downtown area of the City under the provisions of this Section, the owner of such property shall replace the sidewalk and curb area as one (1) piece. The sidewalk up to the adjacent curbing of the street will be the cost of the landowner to replace and the City will pay the cost of the area which was curbing.
- F. The downtown area of the City after the passage of this Section shall remain the same with all businesses having a full sidewalk in front of their business. Any area that has a grass parkway in front of their place of business may remain the same. If a business desires to have a grass parkway, it must be approved by the Board of Aldermen.

Section 520.130. Sidewalk Construction. [Ord. No. 57-07 §260, 6-12-2007]

- A. It shall be unlawful for any person to build, rebuild, repair or replace or cause to be built, rebuilt, repaired or replaced any sidewalk in the City of any other material or in any other manner than as provided in the specifications for sidewalks as hereinafter provided.
- B. Specifications for cement sidewalks within the City shall be as follows:

1. *Subgrade.* After the grade stakes have been set indicating the grade for the finished surface of the walk, the earth shall be excavated for the depth of four (4) inches for a four (4) foot walk and six (6) inches for a twelve (12) foot walk, after tamping, below the proposed finished surface of the walk, and if any rubbish, manure or other suitable material shall be found, the same shall be removed and replaced with firm solid earth or suitable material firmly tamped as aforesaid. If at any point a fill shall be necessary to bring the surface of said street at said point up to the subgrades, such fill shall be made for a distance of two (2) feet outside the outside line of the top of said walk and one (1) foot outside of the inside of said walk, or side next to property line. Said dirt shall be put on in layers of not to exceed six (6) inches in thickness and each layer shall be firmly tamped or rolled to the satisfaction of the Code Enforcement Officer.
 2. *Forms.* Upon the foundation thus prepared shall be set forms of two by four (2 x 4) or two by six (2 x 6) timbers, or equivalent metal forms, whichever may be required by the finished height of the walk, and the same shall be set parallel to each other and at such distance apart as the stated width of the said walk in the permit issued therefore, and the tops of said forms shall be even with the grade line, which is to be the top of the finished walk. Said forms shall be securely held in place by stakes driven back of them or such other device as may hold them firmly in place and prevent spreading.
 3. *Concrete.* This concrete shall be made of one (1) part of best Portland cement of any brand which will comply with the standard specifications of the American Society for Testing Materials, and shall be fresh and free from lumps and dirt, to which shall be added two (2) parts of clean sharp coarse sand free from dirt or quicksand and three and one-half (3½) parts of crushed rock or coarse gravel which will pass through a one (1) inch diamond screen or clean sand and gravel known as fifty-fifty (50-50) mixed ingredients, free from all clay, silt or other foreign matter, which when used shall be proportioned as one (1) part best Portland cement and four (4) parts sand and gravel and the measurements shall be by volume and materials shall be thoroughly mixed dry before water is added. The ingredients shall be turned at least two (2) times dry and twice wet and then water shall be added in sufficient quantity to make good and sufficient concrete. Ready-mixed concrete of equivalent grade may be used in lieu of the ingredients described in this Subsection. The concrete bed thus prepared shall be struck off to an even surface at the grade of the finished sidewalk.
 4. *Finishing.* The sidewalks shall be laid off in lengths not to exceed four (4) feet in a four (4) foot walk or eight (8) feet in any other walk, and the said sections shall be cut through the entire depth of the concrete. The groover shall be drawn across the surface of the concrete at the points indicated in such a manner as to open the joint through to the space made in the concrete bed. All cuts and outside edges to be well grooved by the use of proper groovers. The sidewalk, as fast as completed, shall be covered with canvas, boards or other suitable covering when necessary so to do to protect same from heat or cold, and if it is drying weather, the walk shall be wet thoroughly at least twice a day for two (2) days after its completion, the surface of such sidewalk to be finished by floating with a wooden float until smooth and uniform.
- C. It shall be unlawful for any person to build, rebuild, repair or replace or cause to be built,

rebuilt, repaired or replaced any sidewalk within the City without first having obtained a written permit from the Code Enforcement Officer. Fee for such permit shall be in the sum of five dollars (\$5.00) which shall be paid to the City Clerk by such applicant at the time of the issuance and delivery of said permit, which fee shall be turned over to the City Treasurer and become a part of the General Fund. Upon the issuance of said permit, the City Clerk will direct the Code Enforcement Officer to establish the grade for said sidewalk and the lines for same, and it shall be unlawful to construct in the City any sidewalk upon any other grade or location as to lines.

- D. Construction and reconstruction of crosswalks, curbs and gutters shall comply with the provisions of Section 71.365, RSMo.

ARTICLE IV
Special Events — Permits

Section 520.140. Special Events Permitted Upon Public Streets — When. [Ord. No. 57-07 §270, 6-12-2007]

Upon compliance with the provisions of this Article, special neighborhood events, including games, parades, street dances, block parties, sledding, skateboarding, and garage sales, but not including the racing of motorized vehicles, may be held upon any public streets in the City in an area zoned "residential" and not designated as an emergency snow route.

Section 520.150. Permit Required. [Ord. No. 57-07 §280, 6-12-2007]

No person shall engage in any of the activities designated in Section 520.140 upon any public street in the City unless a special events permit has been obtained from the Board of Aldermen as herein set forth.

Section 520.160. Application. [Ord. No. 57-07 §290, 6-12-2007]

- A. A person seeking issuance of a special events permit shall file an application in the office of the City Clerk on forms provided by such officer.
1. *Filing period.* An application for a special events permit shall be filed not less than five (5) working days nor more than thirty (30) calendar days before the date on which it is proposed to conduct the special event; and
 2. *Contents.* The application shall contain the following information:
 - a. The signature of at least one (1) adult member of every household abutting the street upon which the special event is to be held;
 - b. The name, address and telephone number of the person responsible for the event, who shall be an adult residing in a household abutting said street;
 - c. The date(s) when the special event is to be conducted, and the hours when it will start and terminate;
 - d. A designation of the street upon which the special event is to be held;
 - e. The nature of the proposed special event.

3. *Late applications.* The Mayor may, in his/her discretion, consider an application filed less than five (5) working days before the special event.

Section 520.170. Standards for Issuance. [Ord. No. 57-07 §300, 6-12-2007]

- A. The Mayor shall issue a special events permit when, from a consideration of the application and from such other information as may otherwise be obtained, he/she finds that:
 1. The proposed event and its location are permitted by this Article;
 2. The application complies in all respects with this Article;
 3. The special event will not last more than eighteen (18) hours, and will not be held after 12:00 Midnight and before 6:00 A.M. in any day;
 4. The concentration of persons and vehicles will not unduly interfere with proper fire and police protection of, or ambulance service to, the area;
 5. The conduct of the special event is not likely to cause injury to persons or property, to provoke disorderly conduct, or to create a disturbance;
 6. The special event is not held for the sole purpose of advertising any product, goods, or event, and is not designated to be held for profit except such profit as may result from casual sales of household items at a garage sale.

Section 520.180. Notice of Rejection. [Ord. No. 57-07 §310, 6-12-2007]

The Mayor shall act upon the application for a special events permit within three (3) working days after the filing thereof. If the Mayor disapproves the application, he/she shall mail to the person designated in the application as being responsible for the special event within three (3) working days after the filing thereof a notice of his/her action stating the reasons for his/her denial of the application.

Section 520.190. Appeal Procedure. [Ord. No. 57-07 §320, 6-12-2007]

Any person aggrieved shall have the right to appeal the denial of a special events permit to the Board of Aldermen. The appeal shall be taken within ten (10) working days after notice of denial.

Section 520.200. Notice of Issuance. [Ord. No. 57-07 §330, 6-12-2007]

Immediately upon the issuance of a special events permit, the City Clerk shall send a copy thereof to the Chief of Police of the City.

Section 520.210. Contents of Permit. [Ord. No. 57-07 §340, 6-12-2007]

- A. Each special events permit shall state the following information:
 1. The nature and location of the special event.
 2. The date(s) upon which the special event is to be held and the hours when it will start and terminate.

3. Such other information as the Mayor shall find necessary to the enforcement of this Article.

Section 520.220. Duties of Responsible Person. [Ord. No. 57-07 §350, 6-12-2007]

- A. The person designated in the application as being responsible for the special event shall:
 1. During the time the event is conducted, place barricades and signs stating "Closed to Through Traffic" at each end of the street, clearly visible by day and with illuminating flares from one-half (½) hour after sunset.
 2. Carry the special events permit upon his/her person during the conduct of the special event.
 3. Return the street and parkway to substantially the same condition they were in immediately before the special event.

Section 520.230. Public Conduct During Special Events. [Ord. No. 57-07 §360, 6-12-2007]

- A. *Interference.* No person shall unreasonably hamper, obstruct, impede, or interfere with any person participating in a special event.
- B. *Through Traffic Prohibited.* During the conduct of a special event, no person shall drive any motorized vehicle on the street where the event is being held except while participating in said event or traveling to or from his/her residence located on said street.
- C. *Parking On Street.* The Mayor shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street where a special event is being held. The Mayor shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicles in violation thereof. No person shall be liable for parking on a street unposted in violation of this Article.

Section 520.240. Revocation of Permit. [Ord. No. 57-07 §370, 6-12-2007]

The Mayor shall have the authority to revoke a special events permit issued hereunder upon application of the standards for issuance as herein set forth.

Section 520.250. Violations. [Ord. No. 57-07 §380, 6-12-2007]

Any person violating any provision of this Article is guilty of an ordinance violation. Each occurrence of the violation is a separate offense.

Section 520.260. Compliance With This Article — Effect of. [Ord. No. 57-07 §390, 6-12-2007]

Holding of or participation in a special event in compliance with this Article shall not constitute a violation of any other provision of the Tarkio Municipal Code.

ARTICLE V

Abandonment of City Streets, Alleys, Easements and Rights-of-Way

Section 520.270. Eligibility for Filing Requests for Abandonment of City Streets, Alleys,

Easements or Rights-of-Way. [Ord. No. 57-07 §400, 6-12-2007]

To be eligible to file a request for the abandonment of any City street, alley, easement or right-of-way, the applicant must own real estate adjoining a portion of the street, alley, easement or right-of-way proposed to be abandoned. Such ownership shall be determined on the basis of recorded deeds filed in the Recorder's office, Atchison County, Missouri.

Section 520.280. Requests for Abandonment to Be Made in Writing. [Ord. No. 57-07 §410, 6-12-2007]

- A. All requests for the abandonment of any City street, alley, easement or right-of-way shall be made to the office of the City Clerk upon forms developed by the City for such purposes. As a minimum, such forms shall require the following information of the applicant(s):
1. The names, addresses and telephone numbers of all persons requesting such abandonment.
 2. A complete legal description of the property to be abandoned.
 3. The names of the owners of all properties which adjoin the area of the proposed abandonment.
 4. A plat of the property to be abandoned, bearing the seal of a surveyor, architect or engineer license of the State of Missouri.
 5. The reasons for requesting the abandonment.
 6. A statement in which the applicant certifies that all information contained in the application is true and accurate.

Section 520.290. Review by the Street Superintendent. [Ord. No. 57-07 §420, 6-12-2007]

The City Clerk or his/her designee shall receive all written requests for abandonment and shall review each such request to verify that all required information is complete. Incomplete requests shall be returned to the applicant with a written explanation of all reasons for rejection. All complete requests shall be forwarded to the Board of Aldermen within sixty (60) days of receipt of the completed request and shall be accompanied by the recommendation of the Street Superintendent, the original application and any submitted documentation.

Section 520.300. Recommendation of the Board of Aldermen. [Ord. No. 57-07 §430, 6-12-2007]

- A. After reviewing the request for abandonment made pursuant to this Article, the Street Superintendent or his/her designee shall make one (1) of the following recommendations in writing to the Board of Aldermen concerning the abandonment of the street, alley, easement or right-of-way, which recommendation shall be accompanied with any explanatory information the Director deems appropriate:
1. Approve the abandonment requested.
 2. Deny the abandonment requested.

3. Approve the abandonment with specific enumerated changes to the abandonment application.

Section 520.310. Board of Aldermen Review. [Ord. No. 57-07 §440, 6-12-2007]

- A. The Board of Aldermen shall have the sole power to vacate any street, alley, easement or right-of-way. The procedure for such review shall be as follows:
 1. *City Clerk duties.* Upon receipt of the documentation associated with the application for abandonment, the City Clerk shall schedule a public hearing before the Board of Aldermen on the issue. Said public hearing shall be in compliance with all applicable Statutes and ordinances. In addition, notice of the public hearing shall be given to all owners of real property which adjoins the area sought to be abandoned. Said notice may be given by mail mailed to the last known address of the owner as reflected by the records of the Atchison County Recorder's office and shall be mailed at least ten (10) days prior to the hearing.
 2. *Public hearing and decision.* Within sixty (60) days of the receipt of the recommendation of the Street Superintendent by the City Clerk and in compliance with all applicable Statutes and ordinances, the Board of Aldermen shall hold a public hearing on the abandonment application. The Board of Aldermen shall have the right to deny the abandonment or approve the abandonment with specific enumerated changes.
 3. *Surplus property declaration.* Prior to any action to abandon, the Board of Aldermen shall first declare the subject property to be surplus to the City's needs, finding that the property has no present or future value to the City of Tarkio and can be abandoned without detrimental effects to the City.
 4. *Abandonment ordinance.* In the event the Board of Aldermen desires to approve abandonment of any property, said abandonment may be effected only through enactment of an ordinance approved by the Board of Aldermen. Said ordinance shall then be recorded by the City Clerk in the Recorder's office, Atchison County, Missouri.

Section 520.320. Prohibited Abandonments. [Ord. No. 57-07 §450, 6-12-2007]

- A. Abandonment of any street, alley, easement or right-of-way shall be prohibited in the following instances:
 1. Where such abandonment shall result in the denial of access to private or public property.
 2. Where abandonment will result in the transfer of property to a member of the Board of Aldermen, a member's relatives or any business in which a Board member has an ownership interest of greater than ten percent (10%).

Section 520.330. Transfer of Ownership. [Ord. No. 57-07 §460, 6-12-2007]

In the event of abandonment the property ownership shall be transferred in compliance with all

applicable Statutes including Section 88.637, RSMo., whereby the same shall revert to the owners of the adjacent lots in proportion it was taken from them.