

ORDINANCE NO. 2208

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING VARIOUS SECTIONS OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, RELATING TO THE CITY ENGINEER, CITY TRAFFIC ENGINEER, AND ZONING ADMINISTRATOR WITHIN THE CITY

WHEREAS, pursuant to § 79.290, RSMo., “[T]he duties, powers and privileges of officers of every character in any way connected with the city government . . . shall be prescribed by ordinance[;]” and

WHEREAS, the Board of Aldermen of the City of Dardenne Prairie, Missouri (the “City”), desires to amend various provisions of the Municipal Code of the City of Dardenne Prairie, Missouri, to provide for certain duties, powers, and privileges of the City Engineer, City Traffic Engineer, and Zoning Administrator, respectively; and

WHEREAS, the Board of Aldermen of the City hereby finds and determines that it is to the benefit of the health, safety and general welfare of the residents of the City to provide for certain amendments to various provisions of the Municipal Code of the City of Dardenne Prairie, Missouri, to provide for certain duties, powers, and privileges of the City Engineer, City Traffic Engineer, and Zoning Administrator, respectively.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 325.160 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 325.160 in its entirety and enacted, in lieu thereof, is a new Section 325.160, to read as follows:

Section 325.160. Establishing Construction Zones.

- A. *Establishing Construction Zones.* The City Traffic Engineer or the Police Department shall periodically examine the roadways within the City limits and determine which of these roadways contain construction zones. In the event that a construction zone exists, the City Traffic Engineer or the Police Department are hereby empowered to make and enforce a temporary regulation to establish a construction zone; provided, however, that any such temporary regulation shall terminate after ninety (90) days. Such temporary regulations may include posting signs and prohibiting drivers from exceeding a speed not below twenty-five (25) miles per hour. Notwithstanding anything else contained herein, nothing shall prohibit the City Traffic Engineer or the Police Department from passing consecutive

temporary regulations to maintain construction zones for longer than ninety (90) days.

- B.** *Posting Signs For Construction Zones.* The City Traffic Engineer or the Police Department shall be authorized to cause signs to be posted in all construction zones. Such signs shall advise persons using the roadways that additional penalties exist for the violation of traffic regulations under this Section. Additionally, the City Traffic Engineer or the Police Department shall be responsible for removing such signs when and if the designated area no longer qualifies as a construction zone.

SECTION 2. That Subparagraph (b) of Paragraph (1) of Subsection (B) of Section 350.340 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subparagraph (b) of Paragraph (1) of Subsection (B) in its entirety and enacted, in lieu thereof, is a new Subparagraph (b) of Paragraph (1) of Subsection (B) of Section 350.340, to read as follows:

Section 350.340. Parking of Certain Vehicles Restricted.

...

- B.** *Parking Requirements.*

- 1.** *General parking requirements.*

...

- b.** A paved surface shall be constructed of concrete, asphalt, brick, interlocking pavers or other similar surfaces approved by the City Traffic Engineer or his or her designee. This surface shall be free from the growth of grass and weeds. The paved area shall extend the full length and width of the automobile, truck, trailer or recreational vehicle.

SECTION 3. That Subsection (D) of Section 350.350 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subsection (D) in its entirety and enacted, in lieu thereof, is a new Subsection (D) of Section 350.350, to read as follows:

Section 350.350. Unmuffled Engine Braking Prohibited — Exceptions.

...

- D.** Signs prohibiting engine braking shall be installed on the public streets, roads and highways of the City as deemed necessary by the City Traffic Engineer.

SECTION 4. That Subparagraph (e) of Paragraph (1) of Subsection (B) of Section 530.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Subparagraph (e) of Paragraph (1) of Subsection (B) in its entirety and enacted, in lieu thereof, is a new Subparagraph (e) of Paragraph (1) of Subsection (B) of Section 530.080, to read as follows:

Section 530.080. Right-of-Way Vacation Policy.

...

B. Procedures.

1. *Application.* Applications for any right-of-way vacation shall be made on an application form provided by the City Engineer. Each application shall be filed with the City Engineer and shall be accompanied by the data prescribed on the form and any additional information deemed necessary by the City Engineer. The application shall be accompanied by the fee set forth in this Section, payable to the City to cover the costs and expenses associated with the application. No part of such fee shall be returnable to the applicant.

An application for a vacation of right-of-way shall be signed by all fee owners of the real property burdened by the right(s)-of-way to be vacated and by the applicant, if other than the fee owners. The application shall be submitted to the City Engineer and shall contain or be submitted concurrently with the following information:

...

- e. The date of filing with the City Engineer;

SECTION 5. That Section 550.010 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby enacting a new definition thereto, to read as follows:

Section 550.020 Definitions.

For the purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular shall include the plural, and vice-versa; the words "these regulations" mean "this Chapter"; and the word "shall" is always mandatory.

...

CITY ENGINEERING DEPARTMENT

The office of City Engineer as created under Chapter 115 of the Municipal Code, as amended.

SECTION 6. That Section 605.220 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 605.220 in its entirety and enacted, in lieu thereof, is a new Section 605.220, to read as follows:

Section 605.220. Structure.

Definition of "structure" shall be considered something having a roof (includes a tent) or an area designated as an open-air market by the Zoning Administrator. For purposes of this Section, "Zoning Administrator" shall have the same meaning as set forth in Section 405.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, as amended.

SECTION 7. That Section 605.280 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 605.280 in its entirety and enacted, in lieu thereof, is a new Section 605.280, to read as follows:

Section 605.280. Inspection of Premises — License Issuance.

Upon receipt of an application for a license for a hotel, rooming, boarding or lodging house or private club, the City Clerk shall refer the same to the Zoning Administrator who shall cause an inspection of the premises to be made from the standpoints of health, sanitation and safety. The Zoning Administrator shall make a report of the inspection which, together with the application, shall be referred to the Board of Aldermen/Mayor. If such inspection determines that the establishment contemplated by the applicant is in compliance with all applicable laws and ordinances, the City Administrator shall direct the issuance of the license. For purposes of this Section, "Zoning Administrator" shall have the same meaning as set forth in Section 405.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, as amended.

SECTION 8. That Section 605.290 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting said Section 605.290 in its entirety and enacted, in lieu thereof, is a new Section 605.290, to read as follows:

Section 605.290. Inspection of Premises During License Period and Revocation of License.

The Mayor may at any time require the inspection of any hotel, boarding, rooming or lodging house or private club by the Zoning Administrator and may order any alterations or changes made or the installation of any safety appliance that may be necessary to render the premises sanitary, safe or suitable for the purposes for which they are used. In the event of failure to comply with any such requirements within

a period of thirty (30) days, then the license for any such hotel, rooming, lodging or boarding house or private club may be revoked by the City Clerk or his/her designee and a hearing held as provided for in Article I, Section 605.080. For purposes of this Section, "Zoning Administrator" shall have the same meaning as set forth in Section 405.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, as amended.

SECTION 9. That Section 635.102 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting the definition of the term "CITY ENGINEER" in its entirety and enacted, in lieu thereof, is a new definition of the term "CITY ENGINEER", to read as follows:

Section 635.102. Definitions.

As used in Sections 635.101 to 635.109, the following terms shall mean:

...

CITY ENGINEER

The City Engineer of the City of Dardenne Prairie, Missouri, appointed pursuant to Chapter 115 of the Municipal Code, or any other person or persons designated by the City Administrator.

SECTION 10. Savings Clause: Nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 11. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 12. Effective Date: This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.

Read two (2) times, passed, and approved this 21st day of September, 2022.

John W. Botwin
As Presiding Officer and as Mayor

Attest:

Kim Clark
City Clerk

Approved this 21st day of September, 2022.

John W. Botwin
Mayor

Attest:

Kim Clark
City Clerk