

**AN ORDINANCE APPROVING AN AMENDMENT TO TWIN OAKS
MUNICIPAL CODE SECTION 515.070 PERTAINING TO
EXCAVATION PERMIT DEPOSIT FEES**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS AS FOLLOWS:

Section 1: Section 515.070, *Permit Required; Requirements*, is hereby amended by adding the underlined text to Subsection A of Section 515.070, to read as follows:

- A. *Excavation Permit Required.* Except as otherwise provided herein, no ROW user or other person shall perform excavation work in the ROW without an excavation permit. Any person desiring to excavate in the ROW shall first apply for an excavation permit, on an application form provided by the City, and submit the application fee and pay all applicable ROW excavation deposit fees set forth in Subsection J to obtain an excavation permit, in addition to any other building permit, license, easement, or other authorization required by law, unless such excavation must be performed on an emergency basis as provided herein. The cost of said permit shall be set out by the Director. The Director is authorized to draft an application form consistent with the requirements of this Chapter. An excavation permit should be obtained for each project unless otherwise provided for in this Chapter. A separate special permit or lease shall be required for excavation in or use of any real property interest of the City that is not ROW. It shall be unlawful for any person to perform excavation work within the City at any time other than from 8:00 A.M. to 8:00 P.M. Monday through Friday without prior approval from the City, except in the case of an emergency. No work shall be performed during City holidays, except in the case of an emergency. All excavation permits shall expire after sixty (60) days from the date of issuance, unless otherwise specified in the excavation permit. An applicant whose excavation permit application has been withdrawn, abandoned, or denied for failure to comply with this Chapter shall not be refunded the application fee.

Section 2: Section 515.070, *Permit Required; Requirements*, is hereby amended by adding the underlined text to Subsection C of Section 515.070, to read as follows:

- C. *Bulk Permits.* The Director shall have the authority to establish procedures for bulk processing of applications and periodic payment of fees in lieu of the "single right-of-way excavation permit" deposit fees set forth in Subsection J.

Section 3: Section 515.070, *Permit Required; Requirements*, is hereby amended by adding a new Subsection J to Section 515.070, to read as follows:

- J. *Right-Of-Way Excavation Permit Deposit Fee.*

- 1. The filing fee/deposit for a ROW Excavation Permit shall be as follows:

Type of Permit	Deposit Fee
Single right-of-way excavation permit	\$150.00
Annual bulk permits	\$1,500.00

2. The deposit fee set forth in this Subsection J shall be paid in anticipation of the City's expenses incurred in processing the application or submission at issue, including, but not limited to, administrative and clerical costs, surveys, legal, engineering and planning review, expenses of notification to adjoining property owners, and other investigations deemed necessary by the City. Processing and all other actions related to the application or submittal shall not proceed until the applicable fee is paid in full.
3. In the event the deposit fee paid is insufficient to pay all such expenses incurred by the City, the City Clerk may document additional costs incurred by the City and request payment of same within thirty (30) days. Further processing and other actions related to the application shall not proceed until such additional sums are paid in full. All unused portions of any deposit fee or additional sums required under this Section shall be refunded to the applicant upon written request within thirty days of close out of the permit or the last day of work under the permit whichever is sooner. Appeals from any decision hereunder shall be taken pursuant to Chapter 150 of the Twin Oaks Municipal Code.

Section 4: This ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 2nd DAY OF MARCH 2022.



Russ Fortune, Mayor

Attest:



Frank Johnson, City Clerk