

ORDINANCE NO. 15.

An Ordinance in Relation to Streets and Alleys and Street Commissioner.

Be it Ordained by the Board of Aldermen of the City of St. Mary, as follows:

SEC. 1. Streets Shall be Opened, How.—All the streets within the city of St. Mary shall be opened and repaired in accordance with the provisions of this Ordinance.

SEC. 2. Who Shall be Liable to Work on Streets.—All able bodied male inhabitants of the city of St. Mary between the ages of twenty-one and fifty years, having resided within the city, thirty days, shall be subject to work on the streets.

SEC. 3. Number of Days Labor, to be Fixed by Board.—The board of aldermen of the city of St. Mary, shall at their regular meeting in the month of March in each year, designate by Ordinance, the number of days each person liable to work on the streets, shall work, which shall not exceed three days in each year, or to pay the sum of one dollar per day for each day they may be required to work by Ordinance as aforesaid.

SEC. 4. Duty of City Clerk.—It shall be the duty of the city clerk to furnish to the street commissioner a list of all persons subject to poll tax.

SEC. 5. Notice to Person by Street Commissioner.—The Street Commissioner shall, upon the receipt of such list, give verbal notice to each person on said list, specifying the time and place of working, the kind of tools to be furnished by each person, at least two days previous thereto; and upon failure of any person so notified to appear in person, or by substitute, on the day or days appointed to do such work, or having attended, shall disobey the reasonable orders of the Street Commissioner, it shall be taken and understood that such person has elected to discharge such work by payment of the same in money, as provided by Ordinance.

SEC. 6. Bond of Street Commissioner.—The Street Commissioner of the city of St. Mary, before entering upon the discharge of the duties of his said office, shall enter into

bond to the city of St. Mary, in such sum as may be required by the order of the Board or Aldermen, conditioned that he will do and perform all the duties of his office, and account for and pay over all moneys that may come into his hands, as such Street Commissioner.

SEC. 7. How Collect Street Tax by Law.—The street commissioner, after having used all lawful means to procure the labor due from the persons listed, as provided by Section 4 of this ordinance, and having afforded a fair opportunity to the tax payers named in said list to work out their time and road tax as assessed by the board of aldermen, shall, on or before the first day in October in each year, make out, swear to and deliver, as hereinafter directed, complete lists, in duplicate, of the names of all persons, residents of the city, of whom labor is required, who have failed to perform the same, or any part of the same; and also the names of all persons from whom road taxes have been collected in work, and the amounts so collected from each person during the year, giving each laborer and tax payer credit for all labor performed in person or by substitute, and showing the balance due in dollars and cents from each person from whom labor is due, charging and crediting labor at the rate fixed by the board of aldermen, one copy of which shall be filed with the city clerk, and one shall be furnished to the city marshal, taking his receipt for the same, with instructions to sue on the same before the justice of the peace residing within the city limits. Said street commissioner's sworn statement of balances due, under the certificate and seal of the city clerk, shall be *prima facie* evidence of the correctness and truth of such statement. And the city marshal shall proceed to collect the balances on such statement with diligence, and when not promptly paid on demand, shall institute suit on each of said balances, in the name of the street commissioner, to the use of the city as aforesaid, on disputed accounts he may subpoena witnesses; and no property except bedding and wearing apparel, shall be exempt from seizure and sale, to satisfy an execution issued on any such judgment for taxes, work and costs. The Marshal shall be entitled to such fees as are allowed to Constables for like services, and he shall pay over into the City Treasury all moneys thus collected, less any costs adjudged against the Street Commissioner, without delay, and take duplicate receipts therefor, one of which he shall file with the City Clerk.

SEC. 8. Commissioner May Employ Labor, etc.—The street commissioner with the approbation of the mayor, shall employ temporarily, such mechanics, laborers, and other

persons, as the public services may require, and he shall certify their accounts to the board of aldermen, specifying to what fund each amount is properly chargeable.

SEC. 9. May Discharge Laborers.—The Street Commissioner may discharge from the service of the city either or all of said workmen whenever, in his opinion, the interests of the city require it and employ others instead.

SEC. 10. Cost of, How Collected.—The cost of all work done, which by this ordinance is made a special tax against property or owners or occupants thereof, shall be assessed and collected, and in all respects governed by the provisions of section 1592, Revised Statutes of Missouri, 1889, or such other acts or laws of the State relating to the authority of cities of the fourth class in grading, improving and repairing streets, as may be amended to or substitutes for said section 1592 and in force at the time such work is done, and under such directions and rules, not inconsistent with the laws of this State as may be prescribed by the board of aldermen.

SEC. 11. Sidewalks to be Built by Order of Board.—That all owners of lots, fronting on any of the streets within the corporate limits of the city of St. Mary, shall cause to be built sidewalks along their premises, in conformity herewith, of such material and on such streets, and in front of such property, and at such time as the board of aldermen shall from time to time require by ordinance.

SEC. 12. Notice to Owners of Lots.—That the board of aldermen of the city of St. Mary shall cause all owners and occupiers of lots who may be required to build sidewalks as provided in the preceding section, to be notified, by delivering to such owner, or occupier a copy of such ordinance; and if such owner be a non-resident of the county, and such lot or lots be without an occupant, then notice shall be given by publishing such ordinance for thirty days in some newspaper published in the county of St. Genevieve, Mo.

SEC. 13. Refusal or Neglect to Make Sidewalks.—If any owner or occupier of any such property, lot or lots, shall fail, neglect, or refuse to grade, make, curb, pave or repair such sidewalks, when required by ordinance to do so, the board of aldermen shall cause the same to be done in the manner and with the material to be designated in such ordinance, at the owner or occupier's expense, and collect by special tax bill the cost thereof, which shall be a lien on the property, and shall be collected as provided by ordinance.

SEC. 14. Repairing of Sidewalks.—It shall be the duty of the street commissioner to report to the board of aldermen any sidewalks that need repairing; upon receipt of such notice, if they deem it necessary to have same repaired, they instruct him to notify the owner or occupant of the property in front of which the sidewalk needs repairing to have the same done, within thirty days from the time said notice is given; and, in case said owner or occupant shall fail to do said work in the time specified, the street commissioner shall proceed to have the same done at the cost of the said owner or occupant, to be assessed and collected as hereinbefore provided for.

SEC. 15. Shade Trees, etc.—Shade trees may be planted near the curbstones of the sidewalks, with the permission and under the direction of the street commissioner; provided the same shall not be planted over eighteen inches inside the curb stone.

SEC. 16. Penalties.—Whoever shall violate any of the provisions of the preceding section shall be deemed guilty of a misdemeanor, and subject to a fine of not less than one nor more than ten dollars.

SEC. 17. Crossings, How Made.—Any person or persons shall be, and they are hereby authorized, under the supervision of the street commissioner and at their own proper cost and expense, to make permanent and substantial footways across any of the public thoroughfares of the city, at any point or crossing that they may deem it to their interest or convenience; provided, in the opinion of the commissioner, such improvement shall not be of inconvenience to the public or public carriage-way.

SEC. 18. Obstructions, Penalty.—Whoever shall, himself, or by another, place upon any highway or other public place any obstruction not authorized by ordinance, or make any excavation in such place without lawful authority, or misplace or remove any stones, stakes or other land marks placed by any officer of this city under authority thereof, or injure or deface any property, or violate any provisions of this ordinance for violation of which no specific penalty is prescribed, shall forfeit and pay not less than one nor more than one hundred dollars.

SEC. 19. City Limits Defined.—The corporate limits of the city of St. Mary shall include all the territory embraced within the limits of the town of St. Mary, Mo., and all additions thereto, as shown by the recorded plat of the Town of

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St. Mary and additions thereto, on file in the office of the Recorder of Ste. Genevieve County, Mo.

SEC. 20. This Ordinance to take effect and be in force from and after its passage.

Passed and approved July 15th, 1892.

E. S. LAWBAUGH, Mayor.

Attest: H. G. ROSEMAN, City Clerk.
