

Chapter 410

SUBDIVISIONS

ARTICLE I

General Provisions

Section 410.010. Authority and Enactment Clause. [Ord. No. 636 Sub. Art. I §101, 2-7-1968]

In pursuance of the authority conferred by Chapter 89, RSMo., 1963, as amended, the City of Mound City, Missouri, does hereby enact into law the following Articles and Sections.

Section 410.020. Short Title. [Ord. No. 636 Sub. Art. II §201, 2-7-1968]

This Chapter shall be known and cited as the "Subdivision Regulations of the City of Mound City, Missouri".

Section 410.030. Purpose. [Ord. No. 636 Sub. Art. III §301, 2-7-1968]

The subdivision regulations as herein set forth are intended to assist orderly, efficient and integrated development within the territorial jurisdiction; to promote the health, safety, morals and general welfare of the residents of the City and environs; to ensure conformance of subdivision plans with the capital improvement plans of the City and environs; and to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance both by subdividers and the Commission.

Section 410.040. Jurisdiction and Powers. [Ord. No. 636 Sub. Art. IV §401, 2-7-1968]

The provisions of these regulations shall apply to all land located within the legal boundaries of the City of Mound City, Missouri, as the same may be amended by subsequent annexation.

Section 410.050. Powers. [Ord. No. 636 Sub. Art. IV §402, 2-7-1968]

- A. When the Commission of Mound City adopts a Comprehensive Development Plan which includes at least a major street plan or progresses in its City planning to the making and adoption of a major street plan and files a certified copy of the major street plan in the office of the County Recorder of Holt County, Missouri, no plat of a subdivision of land lying within the territorial jurisdiction of Mound City shall be filed or recorded until it has been submitted to and a report and recommendation thereon made by the Commission to the Board of Aldermen and the Board of Aldermen has approved the plat as provided by law.
- B. Whenever the Commission adopts the Comprehensive Development Plan of Mound City or any part thereof, no street or other public facilities or no public utility, whether publicly or

privately owned and, the location, extent and character thereof having been included in the recommendations and proposals of the Comprehensive Development Plan or portions thereof, shall be constructed or authorized in Mound City until the location, extent and character thereof has been submitted to and acted upon by the Commission.

Section 410.060. Interpretation of Regulations. [Ord. No. 636 Sub. Art. V §501, 2-7-1968]

In interpreting and applying these regulations, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare.

Section 410.070. Conformance To The Comprehensive Plan. [Ord. No. 636 Sub. Art. IX §901, 2-7-1968]

- A. Unless otherwise approved by the Commission, provision must be made for the extension of major and collector streets as shown on the Comprehensive Development Plan of the City and local streets must provide free circulation within the subdivision.
1. The system of streets designated for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivisions; and where no adjacent connections are platted, must in general be the reasonable projection of streets in the nearest subdivisions; and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith.
 2. Rights-of-way providing for the future opening and extension of such streets may at the discretion of the Commission be made a requirement of the plat.
 3. Off-center street intersections will not be approved except in unusual cases.
 4. In general, streets shall be of a width at least as great as that of the streets so continued or projected.
 5. Local streets shall be arranged to discourage through traffic.

Section 410.080. Acreage Subdivisions. [Ord. No. 636 Sub. Art. IX §902, 2-7-1968]

Where the parcel of land is subdivided into larger tracts than ordinarily used for building lots, such parcel shall be divided as to allow for the opening of major streets and the ultimate extension of adjacent collector and minor streets.

Section 410.090. Access. [Ord. No. 636 Sub. Art. IX §903, 2-7-1968]

Every lot within a subdivision shall front on a publicly dedicated street.

Section 410.100. Suitability of The Land. [Ord. No. 636 Sub. Art. IX §904, 2-7-1968]

- A. Land subject to flooding, improper drainage and erosion, and any land deemed to be topographically unsuitable for residential use shall not be platted for residential occupancy nor shall such land be platted for any other uses as may continue such conditions or increase danger to health, safety, life or property unless steps are taken to diminish the

above mentioned hazards.

- B. Such land within a proposed subdivision not detrimental to the development of the subdivision shall be set aside for uses as shall not be endangered by the conditions set forth in Section 410.100.

ARTICLE II Definitions

Section 410.110. Definitions. [Ord. No. 636 Sub. Art. VI §601, 2-7-1968]

For the purpose of interpreting these regulations, certain terms are herein defined. Except as defined herein, all other words used in these regulations shall have their customary dictionary meanings.

ALLEY — Any right-of-way dedicated to vehicular travel, being twenty (20) feet or more but less than fifty (50) feet in width.

BOARD OF ALDERMEN — The Board of Aldermen of Mound City, Missouri.

BUILDING SETBACK LINE — A line indicating the minimum horizontal distance permitted between the front building line and a street right-of-way line.

CITY — The City of Mound City, Missouri.

COMMISSION — The Planning and Zoning Commission of the City of Mound City, Missouri.

COMPREHENSIVE DEVELOPMENT PLAN — A plan adopted by the Commission for the guidance of growth and improvements of the City, including modifications or refinements which may be made from time to time.

COUNTY — County of Holt, Missouri.

CUL-DE-SAC — A short street having one (1) end open to vehicular traffic and the other end permanently terminated by a vehicular turnaround.

CURB — The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

EASEMENT — A grant of the use of land to a person or persons or the general public for a specified purpose.

ENGINEER — A registered engineer authorized to practice engineering in the State of Missouri.

FRONTAGE — The property measured along the street right-of-way line upon which a lot abuts.

GRADE — The slope expressed in percent which indicates the rate of change of elevation in feet per hundred feet.

GUTTER — That portion of a right-of-way carrying surface drainage.

HIGHWAY — A major street which carries a large volume of traffic (usually State and Federal routes).

IMPROVEMENTS — Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs and plantings and other items for the welfare of the property owners and the public.

LOT — A parcel of land defined by metes and bounds or boundary lines in a recorded deed fronting on a street. In determining lot area on boundary lines, no part thereof within the limits of the street shall be included.

LOT, CORNER — A lot at the junction of and fronting on two (2) or more intersecting streets.

LOT, DEPTH OF — The average horizontal distance between front and rear lot lines.

LOT, INTERIOR — A lot other than a corner lot.

LOT LINES — The lines bounding the lot.

LOT OF RECORD — A lot which is a part of a plat, a map of which has been recorded in the office of the County Recorder of Holt County, Missouri.

LOT, THROUGH — An interior lot having frontage on two (2) parallel or approximately parallel streets.

LOT, WIDTH OF — The horizontal distance between side lot lines measured at the building setback line.

PERSON — An individual, firm, partnership, corporation, company, association, syndicate or any legal entity, including any trustee, receiver, assignee or other similar representatives thereof.

PLAT — A map, drawing or chart on which the subdivider's plan of the subdivision of land is presented and which he/she submits for approval and intends, in final form, to record.

PLAT, FINAL — A finished drawing showing completely and accurately all legal and engineering information and certification necessary for recording.

PLAT, PRELIMINARY — A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate unquestionably its workability in all aspects, but is not in final form for recording and the details are not completely computed.

RIGHT-OF-WAY — A strip of land separating private property from the street or alley existing or dedicated in public ownership.

SIDEWALK — That area within a street right-of-way for pedestrian use.

STREET — A public thoroughfare, which affords a principal means of access to abutting property, having a right-of-way of fifty (50) feet or more.

STREET, COLLECTOR — A street which carries traffic from a local street to a major street.

STREET, DEAD-END — A short street having one (1) end opened to vehicular traffic and the other end terminated, but not with a vehicular turnaround.

STREET, LOCAL — A street which is used primarily for access to abutting properties.

STREET, MAJOR — A street of considerable continuity connecting various sections of the City.

SUBDIVIDER — A person, firm or corporation undertaking the subdivision or resubdivision of a tract or parcel of land for the purpose of laying out a platted addition or subdivision of land.

SUBDIVISION — The division of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of a sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

SURVEYOR — Any person authorized to practice surveying in the State of Missouri.

ARTICLE III Procedural Requirements

Section 410.120. Pre-Application. [Ord. No. 636 Sub. Art. VII §701, 2-7-1968]

- A. Prior to the subdivision of any land, the subdivider or his/her agent may discuss informally with the Commission the property proposed for subdivision with reference to subdivider regulations and procedures, zoning regulations and controls and the Comprehensive Plan proposals. For the purpose of clarifying said discussion, the subdivider or his/her agent may submit a sketch plan indicating all physical features pertinent to the design of and improvements for the proposed site and immediate vicinity.
1. If the pre-application discussion of a subdivision is favorable, the subdivider shall cause to be prepared a preliminary plat of said subdivision and shall submit three (3) copies of said preliminary plat to the Commission for its study and approval. The preliminary plat shall contain such information and data as is outlined in Section 410.130 herein.
 2. The Commission shall study such preliminary plat to see if it conforms to the minimum standards and requirements as outlined in these regulations and shall approve or disapprove the preliminary plat within thirty (30) days after the date of submission thereof to the Commission; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Commission on demand. The applicant for the Commission's approval may consent to a reasonable extension of time. The ground of disapproval of any plat shall be stated upon the records of the Commission.
 3. The approval of the preliminary plat does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat and any plans and specifications necessary for the installation of required improvements. Approval of the preliminary plat expires at the end of six (6) months unless a final plat has been submitted. The preliminary plat shall be declared void ninety (90) days after the date of the original approval.

Section 410.130. Preliminary Plat Specifications. [Ord. No. 636 Sub. Art. VIII §801, 2-7-1968]

- A. The preliminary plat shall be drawn to a scale of two hundred (200) feet to one (1) inch or larger and shall include, shown or be accompanied by the following information:
1. The names of the owner and subdivider and the engineer or surveyor responsible for

the survey or design.

2. The proposed name of the subdivision, which must not be so similar to that of an existing subdivision as to cause confusion, and the names of adjacent plats or subdivisions.
3. Location of boundary lines and the width and location of platted streets or alleys within or adjacent to the property; physical features of the property, including location of watercourses, ravines, bridges, culverts, present structures and other features pertinent to subdivisions; and location of all existing utilities with their sizes indicated. The outline of wooded areas or the location of important individual trees may be required. On extensive or broken tracts, the Commission may require contours at intervals of two (2) or five (5) feet. All grades shown shall be referred to the City's Engineer. The approximate acreage of the property is to be indicated.
4. The location and width of proposed streets, roads, lots, alleys and other features and their relation to streets and alleys in adjacent subdivisions. If there are no adjacent subdivisions, then a map made on a smaller scale must be presented to the Commission showing the outline and ownership of adjacent properties; location and distance to the nearest subdivisions; and how the streets, alleys or highways in the subdivision offered for record may connect with those in the nearest subdivision.
5. Where a tract of land is proposed for subdivision that is part of a larger logical subdivision unit in relation to the City as a whole, the Commission may require to have prepared a proposed plan of the entire area, such plan to be used by the Commission and the Trustees as an aid in judging the proposed subdivision.
6. Proposed uses of land within the subdivision shall be designated; that is, the type or types of residential use, location of business or industrial sites and sites for churches, schools, parks or other uses.
7. North arrow, scale and date.

Section 410.140. Final Plat Specifications. [Ord. No. 636 Sub. Art. VIII §802, 2-7-1968]

- A. The final plat shall be drawn to scale of one hundred (100) feet to the inch, unless otherwise directed by the Commission, and shall show or be accompanied by the following information:
 1. The name of the owner and subdivider.
 2. The name of the subdivision and adjacent subdivisions; the names of streets, which shall conform wherever possible to existing street names; and the numbers of lots and blocks in accordance with a systematic arrangement. In case of branching streets, the lines of departure shall be indicated.
 3. An accurate boundary survey of the property, with bearings and distances referenced to survey lines or on established subdivision, showing the lines of all adjacent lands and the lines of adjacent streets and alleys, with their widths and names. Street, alley or lot lines in adjacent subdivisions shall be shown in dotted lines.

4. Location of lots, streets, highways, alleys, parks, sidewalks, streams, watercourses and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and of arcs of all curves and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points of curvature to lot lines. Location of monuments shall be shown. [Ord. No. 1237, 5-5-2014]
5. The location of building lines on front and side street and the location of utility easements.
6. An affidavit of ownership, showing fee simple title and encumbrances and liens, and certificate of dedication of all streets, public highways, alleys, parks and other land intended for public use, signed by the owner or owners and by all other parties who have a mortgage or lien interest in the property. Any restrictions which are to be filed with the plat.
7. A waiver of claim for damages occasioned by the establishment of grades or the alteration of the surface of any portion of the streets and alleys to conform to the grades so established.
8. Receipts showing that all taxes are paid.
9. Certification by a surveyor or engineer to the effect that the plat represents a survey made by him/her and that all the necessary survey monuments are correctly shown thereon.
10. A certification of approval by the Health Officer of the City of Mound City where public water and public sewer are not available.
11. Certificates of approval to be filled out by the Commission.
12. Construction drawings, profiles or sections, if required by the Commission.
13. The estimated cost of all improvements for determination of the amount of the bond shall be made by the subdivider's engineer and shall be subject to review and approval by the City's Engineer.
14. North arrow, scale and date. All figures and letters shown must be plain, distinct and of sufficient density to make a lasting and permanent record.
15. When more than one (1) sheet is used, a key map, showing the entire subdivision at smaller scale with block numbers and street names, shall be shown on each of the sheets.

Section 410.150. Final Plat Approval. [Ord. No. 636 Sub. Art. VII §703, 2-7-1968]

- A. After approval of the preliminary plat, the subdivider shall submit to the Commission for its approval or disapproval three (3) copies of the final plat in the form of a record plat which shall contain the data and information outlined in Section 410.140 of these regulations. The Commission shall approve or disapprove the final plat within thirty (30) days after the date of submission thereof to the Commission, unless the applicant consents to an extension of time. Approval or disapproval of the Commission shall be endorsed in

writing on the final plat.

- B. Approval of a plat shall not be deemed to constitute or effect an acceptance by the Board of Aldermen of any street or other open space shown upon the plat.

Section 410.160. Final Plat Acceptance. [Ord. No. 636 Sub. Art. VII §704, 2-7-1968]

- A. After approval of the final plat by the Commission, the recommendation of approval and the final plat shall be submitted by the Commission to the Board of Aldermen for final acceptance of all streets, alleys, ways, easements, parks or other areas preserved for or dedicated to the public.
- B. In case of disapproval, the Commission shall communicate its reasons to the Board of Aldermen and the Board of Aldermen, by vote of not less than two-thirds (2/3) of its entire membership, may overrule the disapproval and, upon the overruling, the Board of Aldermen may proceed.
- C. The final plat shall be filed with the County Recorder of Holt County within one (1) year after endorsement by the Commission and acceptance by the Board of Aldermen, otherwise said plat shall be considered null and void.
- D. No County Recorder shall receive for filing or recording a subdivision plat required to be approved by the Board of Aldermen unless the plat has endorsed upon it the approval of the Board of Aldermen under the hand of the City Clerk and the Seal of the City.

ARTICLE IV
Design Standards

Section 410.170. Streets. [Ord. No. 636 Sub. Art. X §1001, 2-7-1968]

- A. A minimum width for streets shall be as shown on the Comprehensive Development Plan of the City, except that in unusual cases, the Commission may waive the above requirement.
- B. The minimum width of an alley in a residential block when required because of unusual conditions shall be twenty (20) feet. Alleys shall be required in the rear of all commercial and industrial districts and shall be at least twenty (20) feet wide.
- B. A ten (10) foot cutoff shall be made at all acute and right angle alley intersections.
- C. Where alleys are not provided, easements of not less than ten (10) feet in width shall be provided on each side of all rear lot lines and side lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains. Easements of greater width may be required along lines or across lots where necessary for the extension of main sewers and similar utilities.
- D. A building line safeguarding future widening may be accepted by the Commission in lieu of dedication of the indicated width. No dedication of a half-street will be permitted unless by special approval of the Commission.
- E. No dead-end streets will be approved unless such streets are provided to connect with future streets in adjacent land. Cul-de-sacs may be permitted where the form of contour of

the land makes it difficult to plat with connected streets. Cul-de-sacs shall provide proper access to all lots and shall not exceed four hundred (400) feet in length and shall be terminated with a turnaround having a minimum right-of-way radius of fifty (50) feet.

- F. Street intersections shall be as nearly at right angles as possible and no intersection shall be at an angle less than sixty degrees (60°). Detailed designs of intersections may be required.
- G. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted.

Section 410.180. Blocks. [Ord. No. 636 Sub. Art. X §1002, 2-7-1968]

- A. Residential blocks shall not be less than three hundred (300) feet or more than one thousand (1,000) feet in length, except as the Commission considers necessary to secure efficient use of land or to achieve desired features of the street system. In blocks over eight hundred (800) feet long, the Commission may require public crosswalks across the block. Such crosswalks shall have a minimum width of ten (10) feet.
- B. Residential blocks shall be wide enough to provide two (2) tiers of lots of at least minimum depth, except where prevented by topographical conditions or size of the property, in which case the Commission may approve a single tier of lots of at least minimum depth.
- C. Blocks for commercial use should generally not exceed five hundred (500) feet.

Section 410.190. Lots. [Ord. No. 636 Sub. Art. X §1003, 2-7-1968]

- A. Insofar as practical, side lot lines shall be perpendicular or radial to street lines.
- B. The size, shape and orientation of every lot shall be subject to approval of the Commission for the type of development and use contemplated. No lot shall be more than four (4) times as deep as it is wide nor shall any lot average less than one hundred (100) feet deep.
- C. The minimum dimensions for residential lots shall conform to the zoning district unless the Commission, for special reasons, approves otherwise.
- D. Corner lots shall be at least seventy (70) feet wide to allow for side street building lines.
- E. Lots, other than corner lots, fronting on two (2) streets shall not be platted except under exceptional circumstances, in which case building lines shall be established on both frontages.
- F. Size, shape and arrangement of commercial and industrial lots, where platted, shall be subject to the approval of the Commission.

Section 410.200. Easements. [Ord. No. 636 Sub. Art. X §1004, 2-7-1968]

Easements no less than twenty (20) feet wide may be required by the Commission in order to provide proper drainage of surface water, adequate alignment for utility lines, pedestrian walkways or other specific purposes.

Improvements

Section 410.210. Improvements. [Ord. No. 636 Sub. Art. XI §1101, 2-7-1968]

Before the final plat of any subdivided area shall be accepted by the Board of Aldermen and recorded, the subdivider shall guarantee the construction of all improvements in accordance with approved plans and specifications and insure completion of the improvements within a specified time.

Section 410.220. Unapproved Streets. [Ord. No. 636 Sub. Art. XI §1102, 2-7-1968]

- A. The City shall not accept, lay out, open, improve, grade, pave, curb or light any street or lay or authorize water mains or sewers or connections to be laid in any street within the municipality for which the Commission shall have adopted a major street plan, unless such street:
1. Shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to the adoption of such plan or unless such street;
 2. Corresponds in its location and lines with a street shown on the major street plan or with a street on a subdivision plat approved by the Commission or with a street on a street plat made by and adopted by the Commission. However, the Board of Aldermen may locate and construct or may accept any other street if the ordinance or other measure for the location and construction or for the acceptance is first submitted to the Commission for its approval and approved by the Commission or, if disapproved by the Commission, is passed by the affirmative vote of not less than two-thirds (2/3) of the entire membership of the Board of Aldermen.
 3. A street approved by the Commission upon submission by the Board of Aldermen or a street accepted by a two-thirds (2/3) vote after disapproval by the Commission shall thereupon have the status of an approved street as fully as though it had been originally shown on the major street plan or on a subdivision plat approved by the Commission or had been originally platted by the Commission.

Section 410.230. Approved Streets. [Ord. No. 636 Sub. Art. XI §1103, 2-7-1968]

- A. After the adoption of a major street plan, no building permit shall be issued for and no building shall be erected on any lot within the territorial jurisdiction of the Commission unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements of and is, in fact, an approved street.
1. *Street grading.* All streets shall be filled or excavated to the grade approved by the Board of Aldermen after receiving the recommendation of the Commission and the actual construction shall be subject to the supervision of the City's Engineer.
 2. *Street paving.* Street paving widths shall be in conformance with standards set forth in the Comprehensive Development Plan. The paved area in a cul-de-sac shall be constructed with a radius not less than forty (40) feet measured to the face of the curb or to the edge of the pavement. Street pavements shall be installed according to standards adopted by the Board of Aldermen.

3. *Curb and gutter.* Curbs and gutters may be installed on all streets. Installations shall be in accordance with the standards adopted by the Board of Aldermen, subject to the supervision of the City's Engineer.
4. *Sidewalks.* Sidewalks shall be required in the new subdivision and shall be provided where considered desirable by the Commission for protection of the public and shall be constructed in accordance with the design standards set forth in Chapter 520. [Ord. No. 1237, 5-5-2014]

Section 410.240. Utilities. [Ord. No. 636 Sub. Art. XI §1104, 2-7-1968]

- A. *Water Distribution.* Where a public water supply is within five hundred (500) feet of the subdivision and along an accessible easement or street right-of-way, the subdivider shall install or have installed a system of water mains and connect to said supply.
 1. A connection to each lot shall be installed prior to the paving of the street, if possible.
 2. The Commission may require the installation of water mains which are in excess of the subdivision design needs and mutually establish with the subdivider a pro rata distribution cost to be shared by the City or other persons and subdivider.
 3. Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system, subject to the approval of the City Health Officer.
- B. *Sanitary Sewage Disposal.* Where a public sanitary sewer is within five hundred (500) feet of the subdivision and along an accessible easement or street right-of-way, the subdivider shall connect with said sewer and provide a connection to each lot.
 1. Such sanitary sewerage system shall be installed prior to the installation of the street pavement, if possible.
 2. The Commission may require the installation of sewer lines which are in excess of the subdivision design needs and mutually establish with the subdivider a pro rata distribution cost to be shared by the City or other persons and the subdivider.
 3. Where a public sanitary sewer is not accessible, an alternate method of sewage disposal may be used, subject to the approval of the City Health Officer.
- C. *Storm Drainage.* Whenever drainage ditches are used, such ditches shall retain natural topographic characteristics and be so designed that they do not present a hazard to health, safety, life or property.
- D. *Other Utilities.* Other utilities to be installed in a street shall be located in the grass plat outside of the curb lines. If stubs to the property lines are not installed, then connections between the lots and the utility lines shall be made without breaking into the wearing surface of the street, if possible.

Section 410.250. Fire Hydrants. [Ord. No. 636 Sub. Art. XI §1105, 2-7-1968]

Fire hydrants shall be placed so that no lot in a residential subdivision is more than six hundred

(600) feet from two (2) fire hydrants, the distance to be measured along street lines, provided water mains are available. The Commission may require special spacing in commercial and industrial districts.

Section 410.260. Monuments. [Ord. No. 636 Sub. Art. XI §1106, 2-7-1968]

- A. Monuments shall be of concrete at least four (4) inches in diameter or square, three (3) feet long, with a flat top. Top of monuments shall have an indented cross or metal pin to identify properly the location of the point and shall be set flush with the finished grade. Monuments shall be set at angle points and points of curve on all outside lines of the subdivision.
- B. All lot corners shall be marked with metal pins not less than one-half (½) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.
- C. Installation of monuments and pins shall be certified by a surveyor. Where circumstances prohibit the installation of monuments or pins at the time of filing the final plat, a written certification by the owner shall be included on the plat stating that no lot will be sold until the monuments or pins are placed by a surveyor.

Section 410.270. Other Improvements. [Ord. No. 636 Sub. Art. XI §1107, 2-7-1968]

The Board of Aldermen may also require the installation of other improvements recommended by the Commission, but under the supervision of the City's Engineer and in accordance with specifications on file in the office of the City Clerk.

Section 410.280. Construction Inspection. [Ord. No. 636 Sub. Art. XI §1108, 2-7-1968]

- A. Inspection shall be required for water systems, sanitary sewer systems, storm drainage, curbs, gutters, subgrade, pavement and sidewalks. The Building Inspector or other appropriate official shall be responsible for the inspections.
- B. The subdivider shall notify the Building Inspector three (3) days prior to the start of the construction and upon completion of the improvements the subdivider shall notify the Building Inspector in writing.

Section 410.290. Construction Guarantee. [Ord. No. 636 Sub. Art. XI §1109, 2-7-1968]

- A. The subdivider shall provide one (1) of the following guarantees for the completion of improvements subject to approval by the Commission and acceptance by the Board of Aldermen.
 - 1. *Subdivision bond.* The subdivider shall post with the Board of Aldermen a bond equal to the Building Inspector's approved estimate of the cost of construction in favor of the Board of Aldermen guaranteeing satisfactory completion of all improvements in a period not exceeding two (2) years from the date of the bond. This bond is to be furnished by a reputable bonding company maintaining an office in the State of Missouri.
 - 2. *Cash bond.* The subdivides shall deposit in cash with the Board of Aldermen an

amount equal to the Building Inspector's approved estimate of the cost of construction, of all improvements. Progress payments may be made to the subdivider or his/her contractor as work progresses on the written order of the Building Inspector.

3. *Special assessments.* In the case of partially dedicated streets, streets not wholly within the proposed subdivision or streets where other adjacent property owners are involved, the subdivides may petition the Board of Aldermen to have the necessary improvements constructed and assessments levied against the property.
4. *Guarantee certificate.* A final plat shall contain a guarantee by the subdivider that he/she will complete at his/her own expense all required improvements in accordance with approved plans and specifications within a period of two (2) years after approval of the plat.

Section 410.300. Improvement Acceptance. [Ord. No. 636 Sub. Art. XI §1110, 2-7-1968]

The subdivider upon completion of all the improvements shall request in writing a final inspection by the Building Inspector. The Board of Aldermen may by resolution accept all improvements after receipt of a written notice of a satisfactory final inspection by the Building Inspector.

ARTICLE VI
Exceptions and Modifications

Section 410.310. Modifications. [Ord. No. 636 Sub. Art. XII §1201, 2-7-1968]

Modifications of the provisions set forth in these regulations may be authorized by the Commission in specific cases when, in its opinion, undue hardships may result from strict compliance. Any determination shall be based fundamentally on the fact that unusual topographical and other exceptional conditions require such modifications and that the granting of the modifications will not adversely affect the general public or nullify the intent of these regulations.

Section 410.320. Exceptions. [Ord. No. 636 Sub. Art. XII §1202, 2-7-1968]

The Commission, upon request of the subdivider, may permit special exceptions to be made to the improvements required in these regulations when in the opinion of the Commission such exceptions are in keeping with the intent of these regulations and when exceptions will provide for a development, the character of which will be in conformance with existing platting and development in the general neighborhood of the proposed subdivision.

Section 410.330. Application. [Ord. No. 636 Sub. Art. XII §1203, 2-7-1968]

Application for variances shall be filed in writing with necessary supporting documents with the Commission by the subdivider simultaneously with the preliminary plat of the subdivision and shall explain in detail the reasons and facts supporting the application.

ARTICLE VII

Enforcement, Penalties and Fees

Section 410.340. Enforcement. [Ord. No. 636 Sub. Art. XIII §1301, 2-7-1968]

- A. Whenever the Commission shall have adopted a major street plan of the territory within its subdivision control or part thereof and shall have filed a certified copy of such plan in the office of the County Recorder of Holt County, then no plat of a subdivision of land within such territory or part shall be filed or recorded until it shall have been reviewed by the Commission and approved by the Board of Aldermen and such review and approval entered in writing on the plat.
- B. After the time when the Commission shall have adopted a major street plan of the territory within the corporate limits of the City of Mound City, no buildings shall be erected on any lot within such territory or part, nor shall a building permit be issued therefor unless the street giving access to the lot upon which such building is proposed to be placed:
 - 1. Shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to that time or unless such street;
 - 2. Corresponds in its location and lines with a street shown on the major street plan or with a street or subdivision plat approved by the Commission or with a street on a street plat made by and adopted by the Commission or with a street accepted by the Board of Aldermen, after submission to and approved by the Commission, or if disapproved by the Commission, be enacted or passed by not less than two-thirds (2/3) of the entire membership of the Board of Aldermen.
- C. Any building erected in violation of this Section shall be deemed an unlawful structure and the Building Inspector or other appropriate official may cause it to be vacated or have it removed.

Section 410.350. Penalties. [Ord. No. 636 Sub. Art. XIII §1302, 2-7-1968]

- A. No owner or agent of the owner of any land located within the jurisdiction of Mound City, knowingly or with intent to defraud, may transfer, sell, agree to sell or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been reviewed by the Commission, approved by the Board of Aldermen and recorded in the office of the County Recorder of Holt County, Missouri. Any person violating the provisions of this Section shall forfeit and pay to the City of Mound City, Missouri, a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. Mound City may enjoin or vacate the transfer or sale or agreement by legal action and may recover the penalty in such action.
- B. Any person violating the provisions of this Section is guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by confinement in the Holt County Jail for not more than ninety (90) days or by both such fine and confinement.

Section 410.360. Fees. [Ord. No. 636 Sub. Art. XIII §1303, 2-7-1968]

A. The subdivides shall pay to the City Clerk fees in accordance with the following schedules:

Pre-application None

Preliminary plat Ten dollars (\$10.00)

Final plat One dollar (\$1.00) for each lot plus one dollar (\$1.00) per acre for all parcels on lots larger than one (1) acre in size.

Plus any engineering fees incurred by the City

- B. On application for an extension of either preliminary or final plat approval: five dollars (\$5.00) for each sixty (60) day period for which the extension is requested.
- C. No fees shall be charged for land to be dedicated to the public.
- D. The Commission shall calculate the fee for each application and said fees shall be payable in advance of plat processing.
- E. The subdivider shall pay to the City Clerk a fee to defray the total cost of inspection of the improvements. The inspection fee shall be determined from an inspection fee schedule as adapted by the Board of Aldermen and approved by the City's Engineer.

ARTICLE VIII Amendments

Section 410.370. Amendments. [Ord. No. 636 Sub. Art. XIV §1401, 2-7-1968]

Such regulations may from time to time be amended, supplemented, changed, modified or repealed by the Board of Aldermen; provided however, that such amendments shall not become effective until after a study and a report by the Commission and until after a public hearing in relation thereto has been held, public notice of which shall have been published in a newspaper of general circulation at least fifteen (15) days prior to such hearing.

ARTICLE IX Legal Status Provisions

Section 410.380. Conflict With Other Regulations. [Ord. No. 636 Sub. Art. XV §1501, 2-7-1968]

No final plat of land within the force and effect of an existing zoning ordinance shall be approved unless it conforms to these regulations. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, Building Code or other official regulations or ordinances, the most restrictive shall apply.