

# STORM WATER MANAGEMENT PLAN

## CITY OF JACKSON, MISSOURI

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## Introduction

All cities with a population of 10,000 to 100,000 must obtain a permit for storm water discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4). The permit is in compliance with the Storm Water Phase II Final Rule developed by the Environmental Protection Agency (EPA) and enforced by the Missouri Department of Natural Resources (MDNR) under regulation 10 CSR 20-6.200. Basically, the MS4 permit grants authority to a city to discharge storm water according to the Missouri Clean Water Law and the National Pollutant Discharge Elimination System (NPDES), and it mandates certain planning, regulating, and inspection activities that administrators of the jurisdiction must undertake to comply with the permit.

The City of Jackson Missouri has a population of over 10,000, it is therefore a Missouri "regulated MS4" and must obtain a National Pollutant Discharge Elimination System (NPDES) Storm Water Permit. The City must develop a Storm Water Management Plan (SWMP) as part of the permitting process. The City will also create and submit annual reports to the Missouri Department of Natural Resources (MDNR) on activities regarding storm water and progress made toward meeting the goals of the SWMP. The annual reports will be appended to the plan as Appendix D.

According to the Phase II Rule, small MS4 owners/operators must reduce pollutants in storm water to the maximum extent practicable to protect water quality. This SWMP summarizes the City of Jackson's intentions to reduce the amount of pollution in its storm water runoff by addressing the six minimum control measures listed on the permit. These categories are as follows:

1. Public Education and Outreach on Storm Water Impacts
2. Public Involvement/Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Storm Water Runoff Control
5. Post-Construction Storm Water Management in New Development and Redevelopment
6. Pollution Prevention/Good Housekeeping for Municipal Operations

The City will adopt this plan and will seek to improve the plan each year. As circumstances change, new solutions may be necessary to better control pollution in storm water. This plan is a foundation on which new and innovative ideas and solutions can be developed in the years to come to protect the water quality of our local streams.

## City Information

Name of City:	City of Jackson
Population (2010):	13,758
City area:	10.6 ac/6,781.9 ft <sup>2</sup>
Water Supply:	Ground Water Wells
Waste Water Treatment:	Activated Sludge Treatment Plant
HUC:	Whitewater Watershed – 07140107
Watersheds:	Cane Creek, Hubble Creek, and Ramsey Branch
Geologic Setting:	Central Mississippi Valley Wooded Slopes
Average Rainfall:	45 inches per year

The City of Jackson is the county seat of Cape Girardeau County, located in the foothills of southeast Missouri just north of what is known as the “Bootheel” of the state. The majority of the city is located in Whitewater Watershed although a small portion of the east end lies within the Upper Mississippi-Cape Girardeau Watershed. Most of the storm water runoff flows to Hubble Creek, while a small portion from the northwest corner of town flows to Cane Creek, and a small portion on the east side of town flows to Ramsey Branch. All storm water ultimately flows to the Mississippi River.

The City of Jackson has some industrial areas including the following manufacturing plants:

1. Coca Cola Bottling Company – local soft drink bottling plant
2. American Railcar Incorporated – railcar manufacturing facility
3. Signature Packaging Incorporated – cardboard box manufacturing
4. Midwest Sterilization Incorporated – bulk sterilization services
5. Ceramo Pottery – clay flower pot manufacturing
6. Lenco Incorporated – small batch machining and assembly
7. Rubbermaid Incorporated – wire shelving manufacturing plant
8. MFA Agri-Services– livestock feed manufacturing and fertilizer services
9. CO-OP Service Center – livestock feed manufacturing and fertilizer services
10. Straightway Farm Services – livestock feed manufacturing and sales
11. Inter Rail – industrial recycling service
12. SEMO Readymix – readymix concrete plant
13. Kasten Clay Products – clay brick manufacturing
14. Mondi – flexible packaging plant

Appendix A is a map and list of the 201 storm water outfalls that were located along the following state receiving streams:

- Rocky Branch
- Hubble Creek
- Goose Creek
- Neal Creek
- Williams Creek

The City has had an erosion control/land disturbance ordinance in place since 1994 to regulate the use of best management practices (BMPs) when grading property to prevent sediment from leaving the site. It was revised in 2001 as ordinance number 01-07 and is currently included as Section 21, Environment, of the City Code of Ordinances. This ordinance is included in this SWMP as Appendix B.

As a result of the Phase II Storm Water Rules, many storm water controls were added to the City's ordinance regulating subdivision development. Ordinance No. 02-45 was adopted as Section 57, Subdivisions, of the City Code of Ordinances in 2002. Subsection 57-10(h), Storm Drainage, Detention, and Erosion Control is included in this SWP as Appendix C.

## Definitions

Storm Water: The precipitation that flows off parking lots, yards, and other developments into roadside ditches, storm drains, and streams during a storm event.

Municipal Separate Storm Sewer System (MS4): A storm water sewer (drainage) system that is “separate” from the regular domestic sewage system. The storm water sewer system discharges directly to a stream without treatment of the rainwater.

Regulated MS4: An MS4 community that is required to obtain an NPDES Permit and comply with the Missouri storm water regulations.

Minimum Control Measure (MCM): One of the six categories, which at a “minimum,” must be addressed in the storm water management plan. The six MCMs regulated by the MS4 permit include: Public Information and Outreach, Public Involvement and Participation, Illicit Discharge Detection and Elimination, Construction Site Runoff Control, Post-Construction Runoff Control, and Pollution Prevention/Good Housekeeping.

Best Management Practice (BMP): A type of management, habit, action, practice, type of construction, etc. that accomplishes the best result – given the circumstances (size, budget, other factors) under which an entity must work. Each entity must look at its own particular situation and determine what BMPs work best to implement the six MCMs.

Maximum Extent Practicable (MEP): Doing the best to the maximum extent that is practical – given an **entity’s** abilities and needs.

National Pollutant Discharge Elimination System (NPDES): As authorized by the Clean Water Act of 1972, this permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Since its introduction in 1972, the NPDES permit program is responsible for significant improvements to our Nation's water quality.

## Public Education and Outreach on Storm Water Impacts

The City of Jackson has an established Public Education and Outreach program which fosters support from the community for our efforts in reducing storm water pollution. The City will continually seek to inform the community as to the necessity and importance of this effort.

Brochures will be developed for specific target audiences so that they may be handed out during onsite meetings or at City events such as Park Days, or the annual recycling center open house.

The City has participated in County-sponsored committees in the past, and will continue to cooperate with Cape Girardeau County and the City of Cape Girardeau to comply with our respective MS4 permits. Cooperation is essential in fostering a watershed approach to storm water management, a fundamental tool in improving the quality of streams in the area as few of them are solely influenced by activities in the City of Jackson.

As the revised SWMP is developed and formalized by City Council approval, press releases will be written explaining the additional efforts that the City will be undertaking in the future to comply with the MS4 permit.

The City will continue to sponsor and host events such as seminars and webcasts to provide education to the engineering, development, municipal, and contractor communities as opportunities become available.

Additional efforts for public education will include scheduling presentations with civic groups and local schools to promote understanding of the need for storm water pollution prevention by all businesses within the City of Jackson.

## Public Involvement/Participation

Public input will continue to be sought regarding the Storm Water Management Plan. As the Plan is meant to be a **living and evolving document**, the public's input and assistance is crucial to the development of a useful and meaningful program.

The City sponsors Park Days every year to clean up and beautify the City Park. Hubble Creek borders park property for approximately one mile. The creek, with its beautiful rock ledges and arched footbridge, is a focal point of the City Park. During Park Days, litter is picked up and removed from the creek and along its banks.

Hubble Creek's watershed ultimately receives nearly all of the runoff from the town. Additional efforts will be made to highlight the impact that the City has on this watershed as work on the SWMP continues. The City was recognized as an official Stream Team and has adopted Hubble Creek through the City Park.

The City currently sponsors an annual Clean-Up/Fix-Up week when citizens can place large, unwanted trash items for pickup at the curb free of charge. This prevents the items from sitting outside in back yards and being exposed to storm water, or ending up deposited in a creek or ditch. The City will continue this practice once per year in addition to the annual E-Cycle Event where citizens can dispose of unwanted electronics.

The City will investigate instituting a Hazardous Waste Roundup once per year as a part of the Clean-Up/Fix-Up days to allow citizens a chance to properly dispose of hazardous materials. This will require budgeting additional resources and finding a means of appropriate disposal. No time goal is set for this activity, as an unknown amount of resources, funds, and scoping will be required to coordinate this effort.

The City's fleet maintenance department accepts used oil, antifreeze, and waste fuel from citizens. There are also several auto parts stores and repair shops around town that accept small quantities of used oil and antifreeze from citizens. One local repair shop runs a special twice per year where they advertise that anyone can bring in any quantity of used oil. The City will include this information in its presentations and information campaigns.

## Illicit Discharge Detection and Elimination

The City has established a program to eliminate discharges that are not made up exclusively of storm water to storm sewers or receiving water bodies.

Illicit discharges from industrial and commercial facilities will continue to be addressed through brochures to be distributed during presentations to business and civic organizations. These brochures will target pollution prevention practices recommended for commercial and industrial facilities that should be part of all business plans.

These brochures will also be presented annually at one of the monthly City departmental supervisor's meetings, as well as the City's monthly employee forum meetings to inform municipal employees of what to look for and what to report as they move around town during their normal duties.

To better communicate and monitor where issues may occur within the City's storm water utility system, an inventory was completed in 2013 which located and cataloged storm water outfalls. We will continue working towards mapping inlets, outlets, and detention basins within the City of Jackson. This process has already begun by requiring electronic versions of as-built development improvements that can be utilized by the City's Geographical Information System (GIS) technician. This goal is not something to be taken lightly, and knowing that the City has been working on the drinking water, electrical, and sanitary sewer utilities for several years, a completion date is difficult to determine.

Approximately 50% of the storm water utilities are currently mapped and a goal of mapping an additional 15% per year has been set. This will hopefully be accelerated as the sanitary sewer, electrical, and water systems are already 100% complete.

As noted in Public Involvement and Participation, the City will promote the recycling of waste oil, antifreeze, and other household hazardous wastes to help eliminate these contaminants from ending up in the storm sewer system. This information will be included in all public service announcements.

## Construction Site Storm Water Runoff Control

In 2001 the City passed ordinance number 01-07, an updated erosion control ordinance which is now codified as Section 21, Environment, of the Code of Ordinances. This updated ordinance requires that grading permits be obtained for all development projects that are greater than one acre in area, or that involve more than 500 cubic yards of grading operations. A grading plan, erosion and sedimentation control plan, a Missouri Department of Natural Resources land disturbance permit, and a bond for the estimated grading and erosion control costs are required as part of the permitting process. This section of the City Code can be found in Appendix B.

Section 21 of the City Code of Ordinances requires that the developer adopt the practices outlined in their MDNR permit, the MDNR manual "Protecting Water Quality: A field guide to erosion, sediment, and storm water best management practices for development sites in Missouri and Kansas." and the EPA manual "Storm water management for construction activities". The "Protecting Water Quality" manual outlines the correct use of many of the most widely used best management practices (BMPs). The MDNR Land Disturbance Permit requires a complete storm water management plan and the City requires that a copy of the MDNR permit and storm water plan be submitted as part of the City's grading permit application. The EPA manual for construction activities outlines most of the known pollution prevention practices to prevent contaminants other than sediment from contaminating storm water.

Of all the BMPs listed in the reference material and the various storm water pollution prevention plans submitted along with project plans, none is more widely used or abused than silt fencing. During the past several years we have made significant progress in educating contractors about the correct usage of this BMP. In the recent past it was not uncommon to find silt fence installed running perpendicular to the contours, or without the bottom being trenched in or even secured. Many on-site discussions ensued with contractors and excavators concerning the correct installation methods. Several copies of the "Protecting Water Quality" handbook were distributed and Notices of Violations (NOVs) were issued. A local landscaping contractor recently purchased a silt fence plow for installing silt fence and offered this service, along with steel T-posts that can be recycled. Now approximately ninety percent of the silt fence installed on developments is installed by this method.

Other BMPs are also becoming more prevalent. Rock covered construction entries, rock check dams in swales leading onto, through and leaving the developments, sandbags with geotech fabric around storm water inlets, and multiple silt basins are now being utilized on many developments around town. The City will continue to encourage the innovative use of new and effective BMPs as they become available.

Mechanically crimping straw mulch to secure it has become fairly common as the City has pushed for seeding and mulching on graded areas. Adequate mulching has been stressed as absolutely necessary to prevent erosion of graded areas. Wheat drills with straight disc wheels have been used over straw mulch to plant seed and crimp the straw at the same time. On detention basin banks and other inclines, crimping the straw with tracked vehicles has been fairly successful.

Flocculants, chemicals that promote the settling of silts and clays in storm water have been utilized at several sites throughout the City. These flocculants are useful for settling the negatively charged clays that are prevalent in our area. Their use will be encouraged where they are an appropriate BMP.

## **Post-Construction Storm Water Management in New Development and Redevelopment**

In 2002 the City adopted ordinance number 02-45, an updated subdivision development ordinance now codified as Section 57, Subdivisions, of the Code of Ordinances. Subsection 57-10(h), Storm Drainage, Detention and Erosion Control specifies that adequate surface and subsurface drainage ways for the removal of storm water, detention basins, and erosion control shall be provided by the subdivider. The purpose of this section is to ensure that storm water runoff after the development is completed does not exceed pre-development storm water runoff. This section of the City Code can be found in Appendix C.

Section 57 of the City Code requires planning and implementation of storm water management techniques to mitigate the impact of development on the surrounding area. Both quantity and quality of storm water are addressed, as the proposed detention basins are required to function as sedimentation basins during the clearing, grading, and construction phases. Maintenance of the basins is to be monitored to ensure that they function to slow the flow of water leaving the site, allowing sediments to remain in the basin. Once the other utility and street improvements have been approved in the development, the basin is cleaned and vegetated per the approved plan.

Not only the detention basins, but all areas within the development must be effectively vegetated prior to final approval and release of the construction bond required by the City. All paths for runoff from the subdivision must be properly addressed. This has been another area of substantial progress since the implementation of this ordinance. One developer planted fescue on areas that are not being utilized so that it can be bailed after it has gone to seed and utilized as mulch and seed on other areas within the subdivision that have been graded. Sod has been utilized in several areas to control erosion not only in swales leaving the property, but one entire detention basin was sodded to control erosion and get the bond released so that construction on homes could begin. The City will not issue building permits in a development until all seeding and mulching has been completed.

## **Pollution Prevention/Good Housekeeping for Municipal Operations**

The Engineering Department acts as the MS4 Coordinator(s) and oversees MS4 compliance for every department. Most all City departments are impacted by the MS4 operation and maintenance program. The City of Jackson's NPDES permit encompasses the following municipal operations and departments:

- Electric Line Department
- Fire Department
- Fleet Maintenance
- Police Department
- Power/Water Plant
- Sanitation Department
- Street Department
- Wastewater Department
- Water Distribution Department

All City service vehicles such as garbage trucks, electrical system service vehicles, water system service vehicles, and wastewater system service vehicles including sludge hauling trucks, are stored inside.

The City's wastewater treatment facility has utilized a storm water pumping facility to monitor storm water collected within their facility since 1989. The wastewater treatment plant also constructed a headworks building in 2007 to cover the barscreen and screenings collection dumpster.

The City has two fueling facility locations. Above-ground fuel tanks are located at the police/fire complex and at the power/water plant. All fuel tanks are protected by catch basins constructed around them. Monitoring of the tanks occurs on a weekly basis. Fuel tanks and catch basins are inspected on a monthly schedule. A waste oil tank used by the fleet maintenance department includes a built-in secondary containment vessel. All potential pollutants with the exception of transformers are stored under roofs. Transformers are instead stored on a concrete pad.

Specialized training and instruction are provided to employees that handle hazardous materials that are used out of doors such as pesticides and fertilizers. This training occurs annually and will be continued at regular safety meetings.

As noted above, City employees will be presented with instructional material covering BMPs for industrial and commercial facilities to monitor activities around town during their normal activities. Many of these BMPs will also apply to municipal facilities.

All departmental supervisors will be asked to conduct inventories of materials and machinery exposed to storm water runoff in their respective areas and all immediate risks will be addressed. A follow-up survey is conducted by the MS4 coordinator on an annual basis.

## COMPLIANCE SCHEDULE

The Engineering Department will be responsible for the storm water management program. All inspections, sampling, and reporting will be approved and coordinated by the City Engineer or his designate.

- The Engineering Department will respond to citizen storm water concerns.
- The Engineering Department will review development plans for compliance with the City Code.
- City building inspectors will perform site inspections and investigations.
- The City's street department will be responsible for maintenance of streets, drop inlets, and other storm water conveyances.
- The City's wastewater department will perform sampling and testing of streams.
- The City's building and planning superintendent, who is also the floodplain manager, will review plans for floodplain compliance issues, and review the City Code of Ordinances for compliance with the MS4 permit.

## PUBLIC EDUCATION AND OUTREACH ON STORM WATER IMPACTS

BMP	MEASURABLE GOALS	IMPLEMENTATION SCHEDULE
Support County storm water cooperation	Meet with officials from neighboring MS4 communities to discuss storm water issues and promote county-wide storm water awareness, programs and co-sponsored events.	Cape Girardeau County became an MS4 regulated community in 2013. County commission is currently discussing adoption of ordinance and a tire collection event. Meetings will be scheduled for 2013.
Presentations to Civic Organizations and Schools	Schedule presentations with civic groups and schools to promote understanding of pollution prevention by all citizens and businesses within the City of Jackson.	Presentations will continue to be scheduled as requested.
Develop material for City's Website	Post storm water information on the City's website.	Material was posted in 2008. Reviewed annually.
Add informational storm water links to City Website	Add link to "Protecting Water Quality Handbook" and other websites for BMP implementation including St. Louis Metropolitan Sewer District and Shaw Nature Reserve.	Have links added in 2013.
Provide additional opportunities for public input	Include a storm water survey online and establish a social media base.	To be pursued in 2013.

**PUBLIC INVOLVEMENT/PARTICIPATION**

BMP	MEASURABLE GOALS	IMPLEMENTATION SCHEDULE
Promote disposal of large items and other trash.	The City will sponsor a Clean-Up/Fix-Up week once per year to allow citizens to place unwanted large trash items for pickup at the curb.	This service has been offered for many years and will continue to be scheduled annually.
Promote proper disposal of electronics	The City will sponsor an E-Cycle Event once per year to allow citizens to rid of unwanted appliances at the City Recycling Center.	This service has been offered for many years and will continue to be scheduled annually.
Promote proper disposal of used oil, fuel, and antifreeze.	The City's maintenance department, as well as several auto parts stores and repair shops around town accepts used oil, spent fuel, and antifreeze from citizens. The City will include this information in its presentations and information campaigns.	This information will be added to website in 2013. Information will be continually included in brochures, articles, and presentations.
Storm water questionnaire	A short questionnaire will be developed to gauge citizen concerns that can be included in City utility bills.	To be implemented during 2013. To be repeated annually.
Provide opportunities for public and local contractors to participate in BMP installations in City park	Install BMPs in City park with assistance from Scouting groups, master gardeners, and local contractors as part of Parks Days.	Schedule as projects, budget, and volunteers are available. This will be ongoing.
Host EPA and Center for Watershed Protection Webcasts	Educate City staff, elected officials, contractors, engineers, developers, and concerned citizens. Provide opportunity to share ideas and views in an open forum.	Will schedule as webcasts are made available.

## ILLICIT DISCHARGE DETECTION AND ELIMINATION

BMP	MEASURABLE GOALS	IMPLEMENTATION SCHEDULE
Inventory of City storm water Utilities	Inventory and catalogue storm water inlets, outlets, pipes, and detention basins within the City of Jackson.	Inventory 15% of system each year. 50% complete in 2013, scheduled for completion in 2017.
Map City storm water outfalls	Locate and develop map of City storm water outfalls	Completed in 2013.
New building plan and site development review	Review all new building and site development plans for compliance with the storm water management plan.	Currently 100% implemented.
Utilize City employees active throughout community daily	Train all City employees to recognize illicit discharges as part of their regular duties.	Present training to City employees within 1 year. Repeat annually.
Review and revise City Code to include IDDE	Review and revise Section 21 of the City Code of Ordinances to effectively prohibit non-storm water discharges into the storm sewer system.	Currently 100% implemented.
Screen major streams for pollutant parameters	Screen major streams at entry and exit points to city limits for dissolved oxygen, 5-day carbonaceous biological oxygen demand, pH, total suspended solids, total volatile suspended solids, phenols, ammonia, and nickel.	Sample 20% of major streams each year.
Identify illicit discharge target areas	Study BMPs for identifying illicit discharge locations, document those procedures, and follow-through with practices	To begin in 2013.

## CONSTRUCTION SITE STORM WATER RUNOFF CONTROL

BMP	MEASURABLE GOALS	IMPLEMENTATION SCHEDULE
City building inspectors to inspect storm water BMPs	Train all City building inspectors in recognition and inspection of construction site storm water BMPs.	Inspectors received training in 2006. New employees receive on the job training and additional training as necessary.
Construction site erosion control ordinance	Develop and codify an enforceable ordinance to require erosion and sediment control BMPs at construction sites.	Section 21 of the City Code adopted 2001. Will review annually.
Grading permits for operations in excess of 1 acre or 500 cubic yards, whichever is less.	Develop a Grading Permit that requires a grading plan and erosion/storm water control plan including bond requirement for erosion control BMPs. All plans shall be reviewed for potential water quality impacts by Building and Planning, as well as Engineering Departments.	Section 21 of the City Code adopted 2001. Will review annually.
Inspect building sites and developments	All residential, commercial, and subdivision development sites will be inspected for storm water BMPs.	Currently 100% implemented.
Development buffer next to natural watercourses	Enact ordinance preventing grading or development within 30 feet of the top of the existing stream bank. A 30-foot wide general maintenance and drainage easement shall be established from the top of the bank of existing stream banks.	Section 21 of the City Code adopted 2001. Will review annually.

**POST-CONSTRUCTION STORM WATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT**

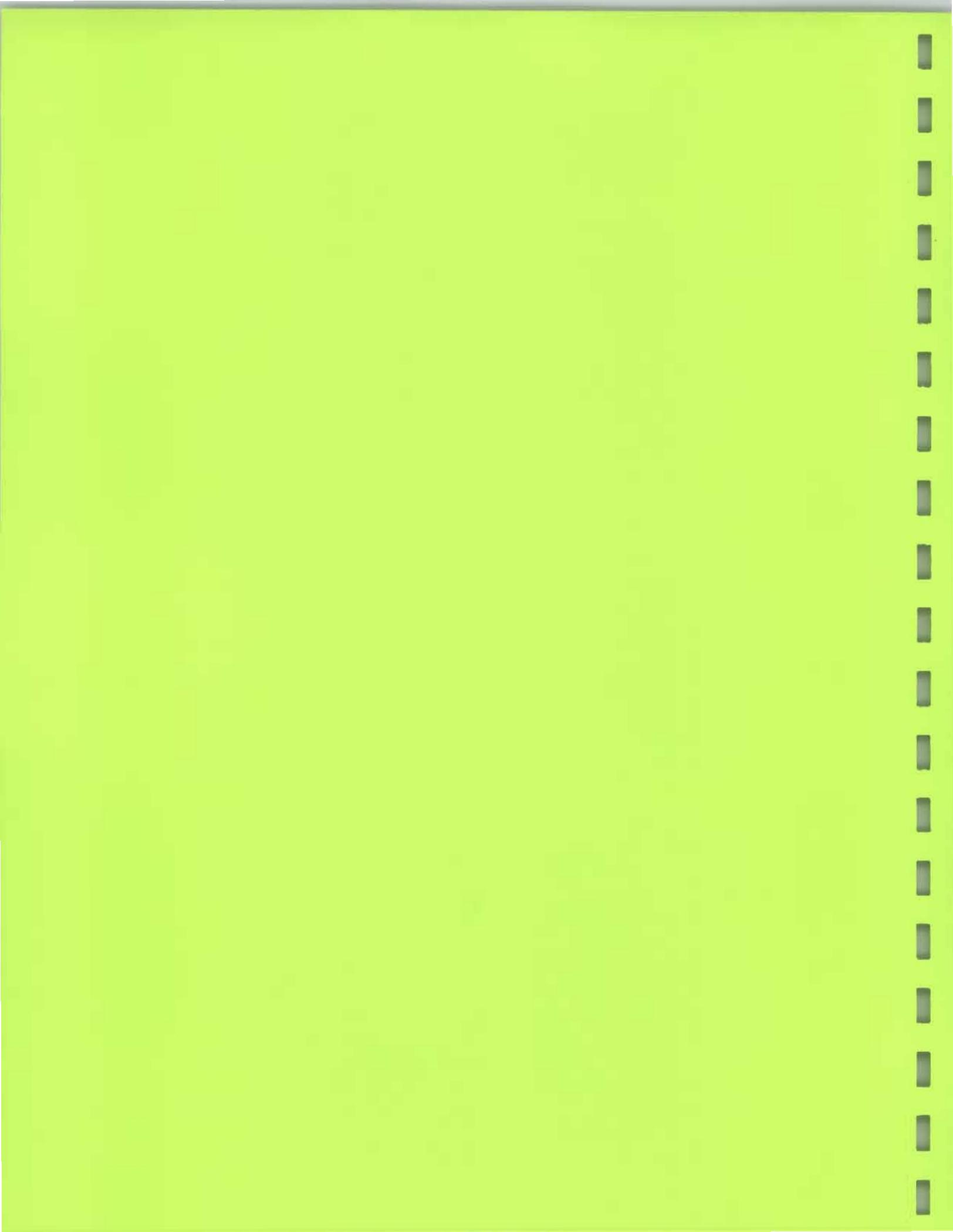
<b>BMP</b>	<b>MEASURABLE GOALS</b>	<b>IMPLEMENTATION SCHEDULE</b>
Storm water control and conveyance ordinance	Develop, implement, and enforce a program to address storm water runoff from new and redevelopment projects that disturb one or more acres.	Section 57-10(h) of the City Code adopted 2003. Will review annually.
Detention basins to control excess runoff	Develop ordinance to attenuate post-development storm water runoff to a rate not to exceed pre-development runoff for the 2, 10, and 100 year storm events.	Section 57-10(h) of the City Code adopted 2003. Will review annually.
Ensure adequate and long-term maintenance of storm water BMPs	Detention basins must be located within permanent storm water maintenance easements to provide access by City personnel for removal of sediments or structural maintenance. Routine mowing is to be performed by property owner. All detention basins are to be located as part of a lot to be privately owned. Streets, curb inlets, area inlets, underground and aboveground storm water conveyances must be located within storm water utility easements so as to be accessible for maintenance by City personnel.	Section 57-10(h) of the City Code adopted 2003. Will review annually.
Education program for developers	Provide educational opportunities to developers to promote BMPs that minimize water quality impacts.	Educational opportunities will be provided annually to the development community.
Detention basin storage of smaller, more frequent storm events.	Revise Code of Ordinances to require storage for smaller, more frequent storm events	Draft ordinance prepared. Will implement upon adoption of ordinance.
Larger setbacks around third and fourth order streams for development.	Revise Code of Ordinances to include larger setbacks next to third and fourth order streams	Draft ordinance prepared. Will implement upon adoption of ordinance.
Provide storm water detention in each sub-watershed affected by a development.	Revise the Code of Ordinances to require storm water detention in each sub-watershed affected by a development	Draft ordinance prepared. Will implement upon adoption of ordinance.
Disconnect downspout drains from storm water utilities.	Revise Code of Ordinances to require all residential downspouts to end at least ten feet from back of curb	Draft ordinance prepared. Will implement upon adoption of ordinance.
Additional protection of small drainage ways at discharge of detention basins.	Revise Code of Ordinances to require energy dissipation at detention basin outlet	Draft ordinance prepared. Will implement upon adoption of ordinance.

**POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS**

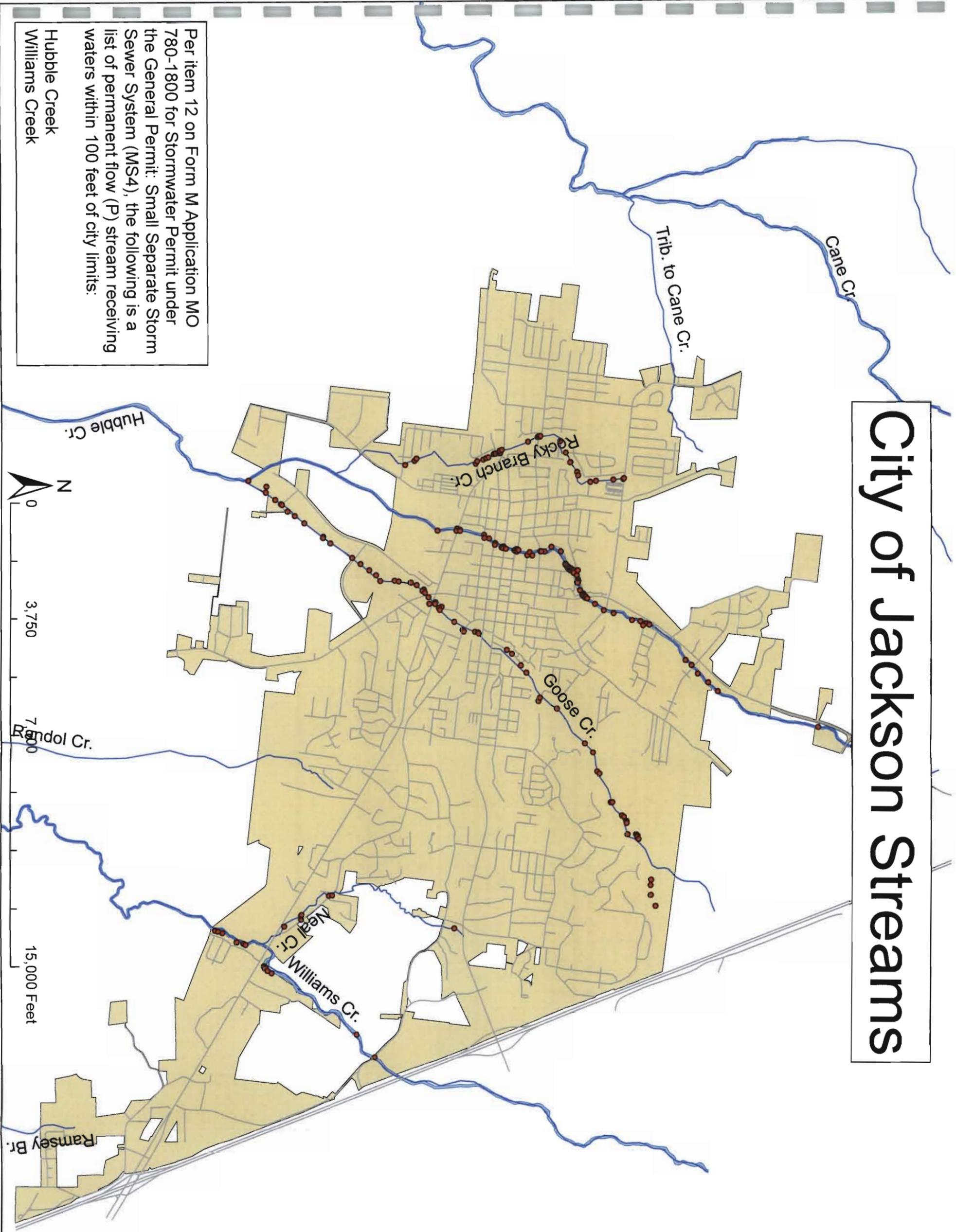
BMP	MEASURABLE GOALS	IMPLEMENTATION SCHEDULE
Compile inspection, containment, and reaction policies.	Compile inspection, containment, and reaction policies from various City departments into a comprehensive policy manual	Review beginning 2013.
Prevent or reduce pollutant runoff from municipal operations	Train all City personnel in pollution prevention practices. Utilize training materials available from EPA and MDNR.	Present pollution prevention training at supervisors' meetings and employee forum meetings annually.
Review municipal operation sites with department superintendents	MS4 Coordinator will visit each municipal department to evaluate pollution prevention opportunities with the department supervisors.	Visits will be made annually to evaluate and review progress.
Store equipment indoors	Review equipment storage practices of individual departments.	Reviews will be made annually.
Spill protection for fueling operations	Provide spill protection at all municipal fueling operations. Inspect spill protection measures to insure proper usage and functionality.	Spill protection measures at fueling operations are inspected weekly.
Proper handling of fertilizers, insecticides, and herbicides	All City personnel that handle fertilizers, insecticides, and herbicides shall be trained in their proper usage.	Currently implemented. New employees receive on the job training and additional training is provided annually.
Proper maintenance of equipment	All maintenance of equipment shall be performed where fluids can be recycled or contained. All materials shall be disposed of properly.	All vehicle maintenance is performed at the central location of the City's maintenance facility.
Street and parking lot maintenance	Sweep all paved streets and municipal parking lots once per month to prevent trash and other debris out of storm sewers.	The City owns two street sweepers. The entire paved street system is on a sweeping schedule for monthly maintenance.
Protect supply stockpiles from storm water runoff	Stockpiles of materials shall be stored inside, or measures shall be taken to prevent runoff from such stockpiles from contaminating storm water runoff.	Reviews will be made annually.



**Appendix A: Storm Water Outfall Locations  
and Descriptions**



# City of Jackson Streams



Per item 12 on Form M Application MO 780-1800 for Stormwater Permit under the General Permit: Small Separate Storm Sewer System (MS4), the following is a list of permanent flow (P) stream receiving waters within 100 feet of city limits:

- Hubble Creek
- Williams Creek

## Legend

- Outfalls
- Streets
- State Receiving Streams
- Class P Streams
- City Limits

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LEGAL DESCRIPTION OF STORM WATER OUTFALL LOCATIONS

Number	Quadrant	Section	Township	Range	County	Lat	Long	Rec. Water
001	SE	14	31	12	Cape Gir.	37.36021829	-89.68004235	Goose Ck.
002	NE	14	31	12	Cape Gir.	37.36182476	-89.67937217	Goose Ck.
003	NE	14	31	12	Cape Gir.	37.36174487	-89.67872927	Goose Ck.
004	NE	14	31	12	Cape Gir.	37.36176324	-89.67870189	Goose Ck.
005	NE	14	31	12	Cape Gir.	37.36259983	-89.67789172	Goose Ck.
006	NE	14	31	12	Cape Gir.	37.36941945	-89.67136022	Goose Ck.
007	NE	14	31	12	Cape Gir.	37.3630926	-89.67741878	Goose Ck.
008	NE	14	31	12	Cape Gir.	37.36318818	-89.67733466	Goose Ck.
009	NE	14	31	12	Cape Gir.	37.36432753	-89.67608705	Goose Ck.
010	NW	13	31	12	Cape Gir.	37.36517995	-89.67527357	Goose Ck.
011	NW	13	31	12	Cape Gir.	37.36685465	-89.67376491	Goose Ck.
012	NW	13	31	12	Cape Gir.	37.36683146	-89.67360867	Goose Ck.
013	NE	14	31	12	Cape Gir.	37.36749438	-89.67300376	Goose Ck.
014	SW	12	31	12	Cape Gir.	37.36369768	-89.67659203	Goose Ck.
015	SW	12	31	12	Cape Gir.	37.37153266	-89.66939753	Goose Ck.
016	SW	12	31	12	Cape Gir.	37.37016626	-89.67067004	Goose Ck.
017	SW	12	31	12	Cape Gir.	37.37093031	-89.66995762	Goose Ck.
018	SW	12	31	12	Cape Gir.	37.37190466	-89.66875026	Goose Ck.
019	SW	12	31	12	Cape Gir.	37.37320247	-89.66876577	Goose Ck.
020	SW	12	31	12	Cape Gir.	37.37356938	-89.66868256	Goose Ck.
021	SW	12	31	12	Cape Gir.	37.37465576	-89.66853281	Goose Ck.
022	SW	12	31	12	Cape Gir.	37.37517292	-89.66826325	Goose Ck.
023	NW	12	31	12	Cape Gir.	37.3758065	-89.66776269	Goose Ck.
024	NW	12	31	12	Cape Gir.	37.3756936	-89.66758221	Goose Ck.
025	NW	12	31	12	Cape Gir.	37.37589864	-89.66738367	Goose Ck.
026	NW	12	31	12	Cape Gir.	37.37621426	-89.66688866	Goose Ck.
027	NW	12	31	12	Cape Gir.	37.37629922	-89.66615036	Goose Ck.
028	NW	12	31	12	Cape Gir.	37.37684732	-89.66631036	Goose Ck.
029	NW	12	31	12	Cape Gir.	37.37680064	-89.66612231	Goose Ck.
030	NW	12	31	12	Cape Gir.	37.37739356	-89.66581037	Goose Ck.
031	NW	12	31	12	Cape Gir.	37.37714335	-89.66567697	Goose Ck.
032	NW	12	31	12	Cape Gir.	37.37721428	-89.66545972	Goose Ck.
033	NE	12	31	12	Cape Gir.	37.37852078	-89.66410086	Goose Ck.
034	NE	12	31	12	Cape Gir.	37.37927809	-89.66319442	Goose Ck.
035	NE	12	31	12	Cape Gir.	37.3793701	-89.66302255	Goose Ck.
036	NE	12	31	12	Cape Gir.	37.38037742	-89.66298962	Goose Ck.
037	NE	12	31	12	Cape Gir.	37.38063767	-89.66290945	Goose Ck.
038	NE	12	31	12	Cape Gir.	37.38070066	-89.6627999	Goose Ck.
039	SE	01	31	12	Cape Gir.	37.38321505	-89.66095055	Goose Ck.
040	SE	01	31	12	Cape Gir.	37.3836678	-89.66051593	Goose Ck.
041	SE	01	31	12	Cape Gir.	37.38445909	-89.65921385	Goose Ck.
042	SE	01	31	12	Cape Gir.	37.38494343	-89.65841284	Goose Ck.
043	SW	06	31	13	Cape Gir.	37.38601136	-89.65524146	Goose Ck.
044	SW	06	31	13	Cape Gir.	37.38614151	-89.65560945	Goose Ck.
045	SW	06	31	13	Cape Gir.	37.38768328	-89.65439881	Goose Ck.
046	SW	06	31	13	Cape Gir.	37.39014173	-89.65051131	Goose Ck.
047	SW	06	31	13	Cape Gir.	37.39085378	-89.64946176	Goose Ck.
048	SE	06	31	13	Cape Gir.	37.39122207	-89.64729016	Goose Ck.
049	SE	06	31	13	Cape Gir.	37.39141158	-89.6470517	Goose Ck.
050	NE	06	31	13	Cape Gir.	37.39238438	-89.64385388	Goose Ck.
051	NE	06	31	13	Cape Gir.	37.39253856	-89.64387072	Goose Ck.

LEGAL DESCRIPTION OF STORM WATER OUTFALL LOCATIONS

Number	Quadrant	Section	Township	Range	County	Lat	Long	Rec. Water
052	NE	06	31	13	Cape Gir.	37.39339122	-89.6423812	Goose Ck.
053	NE	06	31	13	Cape Gir.	37.39357854	-89.64222854	Goose Ck.
054	NE	06	31	13	Cape Gir.	37.39376695	-89.64180219	Goose Ck.
055	NE	06	31	13	Cape Gir.	37.39378382	-89.64169842	Goose Ck.
056	NE	06	31	13	Cape Gir.	37.39379867	-89.64154937	Goose Ck.
057	NE	06	31	13	Cape Gir.	37.39387677	-89.64029458	Goose Ck.
058	NE	06	31	13	Cape Gir.	37.394628	-89.64025788	Goose Ck.
059	NE	06	31	13	Cape Gir.	37.39476158	-89.6401514	Goose Ck.
060	NE	06	31	13	Cape Gir.	37.3947301	-89.63999461	Goose Ck.
061	NE	06	31	13	Cape Gir.	37.3948649	-89.63975964	Goose Ck.
062	NW	05	31	13	Cape Gir.	37.39594808	-89.63522382	Goose Ck.
063	NW	05	31	13	Cape Gir.	37.39589292	-89.6346339	Goose Ck.
064	NW	05	31	13	Cape Gir.	37.39590664	-89.63354048	Goose Ck.
065	NW	05	31	13	Cape Gir.	37.39631727	-89.63230089	Goose Ck.
066	NW	12	31	12	Cape Gir.	37.37708043	-89.6743208	Hubble Ck.
067	NW	12	31	12	Cape Gir.	37.37882276	-89.67451673	Hubble Ck.
068	NW	12	31	12	Cape Gir.	37.37877133	-89.67427387	Hubble Ck.
069	NW	12	31	12	Cape Gir.	37.37909461	-89.67438978	Hubble Ck.
070	NW	12	31	12	Cape Gir.	37.37910381	-89.67425219	Hubble Ck.
071	NW	12	31	12	Cape Gir.	37.38126228	-89.67379011	Hubble Ck.
072	NW	12	31	12	Cape Gir.	37.38129081	-89.67345286	Hubble Ck.
073	NW	12	31	12	Cape Gir.	37.38170803	-89.67338597	Hubble Ck.
074	NW	12	31	12	Cape Gir.	37.38225172	-89.67285721	Hubble Ck.
075	NW	12	31	12	Cape Gir.	37.38222615	-89.67264894	Hubble Ck.
076	SW	01	31	12	Cape Gir.	37.38281741	-89.67235444	Hubble Ck.
077	SW	01	31	12	Cape Gir.	37.38294568	-89.67245574	Hubble Ck.
078	SW	01	31	12	Cape Gir.	37.38298697	-89.67247206	Hubble Ck.
079	SW	01	31	12	Cape Gir.	37.38295074	-89.67228469	Hubble Ck.
080	SW	01	31	12	Cape Gir.	37.38320433	-89.67220673	Hubble Ck.
081	SW	01	31	12	Cape Gir.	37.38396035	-89.67202197	Hubble Ck.
082	SW	01	31	12	Cape Gir.	37.38402885	-89.67196765	Hubble Ck.
083	SW	01	31	12	Cape Gir.	37.38407011	-89.67194044	Hubble Ck.
084	SW	01	31	12	Cape Gir.	37.38405411	-89.67210602	Hubble Ck.
085	SW	01	31	12	Cape Gir.	37.38411698	-89.67212853	Hubble Ck.
086	SW	01	31	12	Cape Gir.	37.38413828	-89.67214688	Hubble Ck.
087	SW	01	31	12	Cape Gir.	37.38427488	-89.67210605	Hubble Ck.
088	SW	01	31	12	Cape Gir.	37.38419443	-89.67194219	Hubble Ck.
089	SW	01	31	12	Cape Gir.	37.38417768	-89.67188201	Hubble Ck.
090	SW	01	31	12	Cape Gir.	37.38432941	-89.67204694	Hubble Ck.
091	SW	01	31	12	Cape Gir.	37.38510738	-89.67147622	Hubble Ck.
092	SW	01	31	12	Cape Gir.	37.38533399	-89.67181113	Hubble Ck.
093	SW	01	31	12	Cape Gir.	37.3855601	-89.67143333	Hubble Ck.
094	SW	01	31	12	Cape Gir.	37.38627403	-89.67187113	Hubble Ck.
095	SW	01	31	12	Cape Gir.	37.3863774	-89.67186837	Hubble Ck.
096	SW	01	31	12	Cape Gir.	37.38666523	-89.67185154	Hubble Ck.
097	SW	01	31	12	Cape Gir.	37.3872911	-89.67239108	Hubble Ck.
098	SW	01	31	12	Cape Gir.	37.38813021	-89.67187308	Hubble Ck.
099	SW	01	31	12	Cape Gir.	37.38853413	-89.67050471	Hubble Ck.
100	SW	01	31	12	Cape Gir.	37.38851799	-89.67042414	Hubble Ck.
101	SW	01	31	12	Cape Gir.	37.3885264	-89.6703743	Hubble Ck.
102	SW	01	31	12	Cape Gir.	37.38872213	-89.67021843	Hubble Ck.

LEGAL DESCRIPTION OF STORM WATER OUTFALL LOCATIONS

Number	Quadrant	Section	Township	Range	County	Lat	Long	Rec. Water
103	SW	01	31	12	Cape Gir.	37.38875954	-89.6701488	Hubble Ck.
104	SW	01	31	12	Cape Gir.	37.38872729	-89.67003823	Hubble Ck.
105	SW	01	31	12	Cape Gir.	37.38879271	-89.67009541	Hubble Ck.
106	SW	01	31	12	Cape Gir.	37.38885456	-89.67003734	Hubble Ck.
107	SW	01	31	12	Cape Gir.	37.38891287	-89.67003291	Hubble Ck.
108	SW	01	31	12	Cape Gir.	37.38881044	-89.66990844	Hubble Ck.
109	SW	01	31	12	Cape Gir.	37.38889936	-89.67000954	Hubble Ck.
110	SW	01	31	12	Cape Gir.	37.38907749	-89.66991604	Hubble Ck.
111	SW	01	31	12	Cape Gir.	37.38898167	-89.66974817	Hubble Ck.
112	SW	01	31	12	Cape Gir.	37.38912183	-89.66986855	Hubble Ck.
113	SW	01	31	12	Cape Gir.	37.38920132	-89.66978498	Hubble Ck.
114	SW	01	31	12	Cape Gir.	37.38924461	-89.66973112	Hubble Ck.
115	SW	01	31	12	Cape Gir.	37.38963153	-89.66975954	Hubble Ck.
116	SW	01	31	12	Cape Gir.	37.38924744	-89.66949781	Hubble Ck.
117	SW	01	31	12	Cape Gir.	37.38953819	-89.66920118	Hubble Ck.
118	SW	01	31	12	Cape Gir.	37.38964899	-89.668736	Hubble Ck.
119	SW	01	31	12	Cape Gir.	37.38967247	-89.6685825	Hubble Ck.
120	SW	01	31	12	Cape Gir.	37.38960003	-89.66842253	Hubble Ck.
121	SW	01	31	12	Cape Gir.	37.38959134	-89.66842153	Hubble Ck.
122	SW	01	31	12	Cape Gir.	37.38960488	-89.6683967	Hubble Ck.
123	SW	01	31	12	Cape Gir.	37.38960971	-89.66836247	Hubble Ck.
124	SW	01	31	12	Cape Gir.	37.38980183	-89.66752676	Hubble Ck.
125	SW	01	31	12	Cape Gir.	37.39009391	-89.66715634	Hubble Ck.
126	SW	01	31	12	Cape Gir.	37.39000909	-89.66701064	Hubble Ck.
127	SW	01	31	12	Cape Gir.	37.39012529	-89.66684173	Hubble Ck.
128	SW	01	31	12	Cape Gir.	37.39028438	-89.66665356	Hubble Ck.
129	SW	01	31	12	Cape Gir.	37.39031682	-89.66681772	Hubble Ck.
130	SW	01	31	12	Cape Gir.	37.39044968	-89.66660432	Hubble Ck.
131	SW	01	31	12	Cape Gir.	37.39113677	-89.66598608	Hubble Ck.
132	SE	01	31	12	Cape Gir.	37.39191871	-89.66527714	Hubble Ck.
133	NE	01	31	12	Cape Gir.	37.39279627	-89.66493349	Hubble Ck.
134	NE	01	31	12	Cape Gir.	37.39444385	-89.66415127	Hubble Ck.
135	NE	01	31	12	Cape Gir.	37.39518692	-89.66402259	Hubble Ck.
136	NE	01	31	12	Cape Gir.	37.39569531	-89.66377069	Hubble Ck.
137	NE	01	31	12	Cape Gir.	37.39597495	-89.66362637	Hubble Ck.
138	NE	01	31	12	Cape Gir.	37.39542619	-89.66355486	Hubble Ck.
139	NE	01	31	12	Cape Gir.	37.39918368	-89.65968702	Hubble Ck.
140	NE	01	31	12	Cape Gir.	37.39973439	-89.6591266	Hubble Ck.
141	NE	01	31	12	Cape Gir.	37.40028481	-89.65817642	Hubble Ck.
142	NE	01	31	12	Cape Gir.	37.40121782	-89.6571984	Hubble Ck.
143	SW	31	32	13	Cape Gir.	37.40206796	-89.65620872	Hubble Ck.
144	NW	31	32	13	Cape Gir.	37.41101821	-89.6521131	Hubble Ck.
145	SW	17	31	13	Cape Gir.	37.356874	-89.62999912	Williams Ck.
146	SW	17	31	13	Cape Gir.	37.35713819	-89.62990318	Williams Ck.
147	SW	17	31	13	Cape Gir.	37.35753417	-89.62972294	Williams Ck.
148	SE	17	31	13	Cape Gir.	37.35881774	-89.62867696	Williams Ck.
149	SE	17	31	13	Cape Gir.	37.35881564	-89.62871127	Williams Ck.
150	SE	17	31	13	Cape Gir.	37.35941256	-89.62850867	Williams Ck.
151	SE	17	31	13	Cape Gir.	37.35959176	-89.62838259	Williams Ck.
152	NE	17	31	13	Cape Gir.	37.36122171	-89.62599477	Williams Ck.
153	NE	17	31	13	Cape Gir.	37.36127558	-89.62596768	Williams Ck.

LEGAL DESCRIPTION OF STORM WATER OUTFALL LOCATIONS

Number	Quadrant	Section	Township	Range	County	Lat	Long	Rec. Water
154	NE	17	31	13	Cape Gir.	37.36137911	-89.62583796	Williams Ck.
155	NE	17	31	13	Cape Gir.	37.3613296	-89.62573286	Williams Ck.
156	NE	17	31	13	Cape Gir.	37.36153433	-89.62545752	Williams Ck.
157	NE	17	31	13	Cape Gir.	37.36189919	-89.62519054	Williams Ck.
158	SW	09	31	13	Cape Gir.	37.36942	-89.618302	Williams Ck.
159	SW	09	31	13	Cape Gir.	37.37101548	-89.61575418	Williams Ck.
160	SE	11	31	12	Cape Gir.	37.37425026	-89.68161897	Rocky Branch
161	SE	11	31	12	Cape Gir.	37.37507905	-89.682085	Rocky Branch
162	SE	11	31	12	Cape Gir.	37.37508932	-89.68208376	Rocky Branch
163	SE	11	31	12	Cape Gir.	37.37525009	-89.68231337	Rocky Branch
164	SE	11	31	12	Cape Gir.	37.37525849	-89.68231982	Rocky Branch
165	NE	11	31	12	Cape Gir.	37.38057581	-89.681689	Rocky Branch
166	NE	11	31	12	Cape Gir.	37.38070203	-89.68196114	Rocky Branch
167	NE	11	31	12	Cape Gir.	37.381251	-89.68213669	Rocky Branch
168	NE	11	31	12	Cape Gir.	37.38149971	-89.68228699	Rocky Branch
169	NE	11	31	12	Cape Gir.	37.38170025	-89.6823777	Rocky Branch
170	NE	11	31	12	Cape Gir.	37.38219175	-89.68273256	Rocky Branch
171	NE	11	31	12	Cape Gir.	37.38225519	-89.68280791	Rocky Branch
172	NE	11	31	12	Cape Gir.	37.3823438	-89.68276806	Rocky Branch
173	NE	11	31	12	Cape Gir.	37.38235732	-89.68279999	Rocky Branch
174	NE	11	31	12	Cape Gir.	37.38260875	-89.68285339	Rocky Branch
175	NE	11	31	12	Cape Gir.	37.38266748	-89.68283457	Rocky Branch
176	SE	02	31	12	Cape Gir.	37.382776	-89.68286305	Rocky Branch
177	NE	11	31	12	Cape Gir.	37.38272605	-89.68311859	Rocky Branch
178	SE	02	31	12	Cape Gir.	37.38290427	-89.68320494	Rocky Branch
179	SW	02	31	12	Cape Gir.	37.3852749	-89.68409108	Rocky Branch
180	SW	02	31	12	Cape Gir.	37.38612866	-89.68457295	Rocky Branch
181	SW	02	31	12	Cape Gir.	37.38619804	-89.6846584	Rocky Branch
182	SW	02	31	12	Cape Gir.	37.38633387	-89.68460448	Rocky Branch
183	SW	02	31	12	Cape Gir.	37.38638165	-89.68470654	Rocky Branch
184	SW	02	31	12	Cape Gir.	37.38816913	-89.6841386	Rocky Branch
185	SE	02	31	12	Cape Gir.	37.38864994	-89.68283337	Rocky Branch
186	SE	02	31	12	Cape Gir.	37.38906654	-89.68177798	Rocky Branch
187	SE	02	31	12	Cape Gir.	37.38902822	-89.68173889	Rocky Branch
188	SE	02	31	12	Cape Gir.	37.38964598	-89.68064894	Rocky Branch
189	SE	02	31	12	Cape Gir.	37.38964124	-89.68061648	Rocky Branch
190	SE	02	31	12	Cape Gir.	37.38973176	-89.68027288	Rocky Branch
191	SE	02	31	12	Cape Gir.	37.39080248	-89.67953414	Rocky Branch
192	SE	02	31	12	Cape Gir.	37.39130898	-89.6796563	Rocky Branch
193	NE	02	31	12	Cape Gir.	37.39285295	-89.67977094	Rocky Branch
194	NE	02	31	12	Cape Gir.	37.39375356	-89.67982211	Rocky Branch
195	NE	02	31	12	Cape Gir.	37.39381443	-89.67990708	Rocky Branch
196	NW	17	31	13	Cape Gir.	37.36307365	-89.63038418	Neal Ck.
197	NW	17	31	13	Cape Gir.	37.36458219	-89.63113799	Neal Ck.
198	NW	17	31	13	Cape Gir.	37.36458644	-89.63159232	Neal Ck.
199	NW	17	31	13	Cape Gir.	37.36462675	-89.63167414	Neal Ck.
200	NW	17	31	13	Cape Gir.	37.36708415	-89.63377341	Neal Ck.
201	NW	17	31	13	Cape Gir.	37.36737904	-89.6338188	Neal Ck.
202	NW	08	31	13	Cape Gir.	37.37828177	-89.62997264	Neal Ck.

Appendix B: Jackson Code of Ordinances  
Section 21



Jackson, Missouri, Code of Ordinances >> - SUPPLEMENT HISTORY TABLE >> Chapter 21 - ENVIRONMENT  
>>

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## Chapter 21 - ENVIRONMENT [26]

ARTICLE I - IN GENERAL

ARTICLE II - SITE DEVELOPMENT; EROSION CONTROL

ARTICLE III - STORM WATER ILLICIT DISCHARGE DETECTION AND ELIMINATION

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FOOTNOTE(S):

*(26) Editor's note— Formerly, Ch. 21 was designated Ch. 9.5 (see editor's note for Ch. 3) (Back)*

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Jackson, Missouri, Code of Ordinances >> - SUPPLEMENT HISTORY TABLE >> Chapter 21 - ENVIRONMENT  
>> ARTICLE I. - IN GENERAL >>

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### ARTICLE I. - IN GENERAL

Secs. 21-1—21-25 - Reserved.

**Secs. 21-1—21-25. - Reserved.**

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Jackson, Missouri, Code of Ordinances >> - SUPPLEMENT HISTORY TABLE >> Chapter 21 - ENVIRONMENT  
>> ARTICLE II. - SITE DEVELOPMENT; EROSION CONTROL >>

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### ARTICLE II. - SITE DEVELOPMENT; EROSION CONTROL

DIVISION 1 - GENERALLY

DIVISION 2 - REGULATIONS

DIVISION 3 - INSPECTION AND VIOLATION

DIVISION 4 - DEFINITIONS

DIVISION 5 - APPLICATION AND ADOPTION

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Jackson, Missouri, Code of Ordinances >> - SUPPLEMENT HISTORY TABLE >> Chapter 21 - ENVIRONMENT  
>> ARTICLE II. - SITE DEVELOPMENT; EROSION CONTROL >> DIVISION 1. - GENERALLY >>

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### DIVISION 1. - GENERALLY

Sec. 21-26 - Purpose.

Sec. 21-27 - Scope of authority.

Sec. 21-28 - Bond requirement.

Secs. 21-29—21-40 - Reserved.

## **Sec. 21-26. - Purpose.**

The purpose of this article is to control soil erosion on land that is undergoing development for non-agricultural uses and to preserve the natural terrain and waterways of the land within the city. Soil erosion scars the land and creates sediment that clogs storm sewers and road ditches; chokes streams and creates silt bars, all of which pose a threat to public health and safety. The provisions in this article are intended to provide a natural community environment, to prevent soil erosion and to reduce costly repairs to gullies, washed out fills, water conveyance systems, roads and embankments. Application of the regulations in this article will effectively control soil erosion and sedimentation.

*(Ord. No. 3317, § 1, 8-1-94, Ord. No. 01-70, § 1, 10-1-01)*

## **Sec. 21-27. - Scope of authority.**

Any person, firm, corporation, or business proposing to develop land within the city shall apply to the office of the public works director for approval of his or her erosion control plan and issuance of a grading permit as specified in this article. No land shall be graded without the issuance of such permit by the city. However, grading operations for single or two-family residential lots of any size or for commercial and industrial lots which are one (1) acre or less in area and do not involve more than five hundred (500) cubic yards of grading operations shall be exempt from providing a grading application and performance bond.

*(Ord. No. 3317, § 1, 8-1-94, Ord. No. 01-70, § 1, 10-1-01)*

## **Sec. 21-28. - Bond requirement.**

Upon approval of the erosion control plan and the issuance of a grading permit, the public works director shall require the developer to post a performance bond, escrow agreement, lender's agreement, cash or certified check in the amount of all work to be done under the erosion control plan. This shall be in addition to the requirements for completion of other improvements necessary for subdivision plat approval. The bond shall be released upon the completion of grading and erosion control operations.

*(Ord. No. 3317, § 1, 8-1-94, Ord. No. 01-70, § 1, 10-1-01)*

## **Secs. 21-29—21-40. - Reserved.**

Jackson, Missouri, Code of Ordinances >> - SUPPLEMENT HISTORY TABLE >> Chapter 21 - ENVIRONMENT >> ARTICLE II. - SITE DEVELOPMENT; EROSION CONTROL >> DIVISION 2. - REGULATIONS >>

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## **DIVISION 2. - REGULATIONS**

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Sec. 21-41. - Erosion and sedimentation control plan content.

Sec. 21-42. - Plan approval.

Sec. 21-43. - Principles and standards.

Secs. 21-44—21-50. - Reserved.

## Sec. 21-41. - Erosion and sedimentation control plan content.

Grading plans for grading operations in excess of one (1) acre or five hundred (500) cubic yards, whichever is less, site plans, preliminary plat of subdivision, or the subdivision improvement plan shall include the following additional information.

- (1) Erosion and sediment control plans submitted to the office of the city clerk shall include two (2) sets of maps and plans with specifications showing proposed excavation, grading or filling, and will include the following:
  - a. Full name and address of property owner;
  - b. Designation of property address;
  - c. Portion of the property that is to be excavated, graded or filled with excavated material;
  - d. Location of any sewerage disposal system or underground utility line, any part of which is within fifty (50) feet of the proposed excavation, grading or filling area and the location of any gas transmission pipe line operated at a maximum service pressure in excess of two hundred (200) p.s.i.g., any part of which is within one hundred (100) feet of the proposed excavation, grading or filling area;
  - e. Existing grade and topography of the premises and the proposed finish grade and final contour elevation at a contour interval of not more than two (2) feet;
  - f. Location and present status of any previous permitted grading operation on the property;
  - g. Details of any drainage system proposed to be installed and maintained by the applicant and a comprehensive drainage plan designed to safely handle surface water, streams, or other natural drains following heavy rains during grading operations;
  - h. Details of any proposed water impoundment structures, embankments, debris basins, grass or lined waterways, and diversions with the details and locations of proposed stable outlets;
  - i. Details of soil preparation and re-vegetation of the finished grade and of other methods of erosion control;
  - j. Delineation of the fifty (50) and one hundred (100) year flood plain;
  - k. A statement from the property owner or his agent assuming full responsibility for the performance of the operation as stated in the application. This statement shall also contain assurance that all municipal property or streets will be adequately protected and/or repaired, if damaged.
  - l. Details on all erosion control structures. The owner will follow all federal, state, and local laws, especially those guidelines as established in Missouri Department of Natural Resources (MDNR's) publication "Protecting water quality."
  - m. Commencement and completion dates of the grading project and anticipated construction date of improvements.
- (2) The proposed phasing of development of the site, including clearing, rough grading and construction, and final grading and landscaping should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas and the sequence of clearing, installation of temporary sediment control measures, establishment of storm drainage, paving streets and parking areas, and establishment of temporary and permanent vegetative cover. The city engineer may waive specific requirements of the content of submissions upon finding that the information submitted is sufficient to show that the plan and work will comply with the objectives and principles

of this article.

- (3) Failure to complete the plan by the completion date shall trigger city's use of bonding or escrow requirements. Completion may be extended by the public works director or his designate in writing.
- (4) The developer and city staff shall utilize all of the following:
  - a. Missouri Department of Natural Resources (MDNR) "Protecting water quality. A field guide to erosion, sediment, and storm water best management practices for development sites in Missouri and Kansas."
  - b. Missouri Department of Natural Resources (MDNR) "Storm water permit requirements for land disturbance activities."
  - c. Environmental protection agency (EPA) "Storm water management for construction activities."

When conflicts arise between manuals or any other city, state or federal regulation, the most stringent criteria shall control.

*(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)*

### **Sec. 21-42. - Plan approval.**

- (a) No non-agricultural grading or clearing operation in excess of one (1) acre or five hundred (500) cubic yards, whichever is less, shall be conducted and no final plat of subdivision shall be recommended for approval by the erosion control officer or the planning and zoning commission unless the preliminary plat and erosion and sediment control plans indicate that measures to be taken will meet erosion control standards. The standards assure that the best possible means are being used to prevent sediment from being transported from the site by a storm event of two (2) year frequency, twenty-four (24) hour duration storm or less, and that the following principles set forth in section 21-43 will be applicable. (Permit approval/disapproval will be issued within thirty (30) days of erosion and sediment control plan submission.)
- (b) Conservation district comments: The erosion control officer may submit the plan for review by the soil and water conservation district. When a plan is so submitted, the district may make comments and recommendations. All such comments and recommendations should be made within fifteen (15) days of the receipt by the district. Such comments may pertain but need to be limited to:
  - (1) Erosion and sediment control.
  - (2) Soil use limitations.
  - (3) Environmental considerations.
  - (4) Drainage and flooding.

*(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)*

### **Sec. 21-43. - Principles and standards.**

- (a) All excavations, grading or filling shall have a finished grade not to exceed a 3:1 (three (3) horizontal to one (1) vertical) slope. Steeper grades may be approved by the city engineer if the excavation is through rock or the excavation or fill is protected (a designed head wall or toe wall may be required). Retaining walls that exceed a height of four (4) feet shall require the construction of safety guards as identified in the Building Code of the City of Jackson or subsequent amendments thereto. Permanent safety guards will be constructed in accordance with the adopted Building Code of the City of Jackson.
- (b) Grading plans for sites that exceed one (1) acre shall provide for sediment or debris basins,

silt traps or filters, staked straw bales, a combination of these measures or other measures approved by the city engineer to remove sediment from runoff waters. The design to be approved by the public works director. Temporary siltation control measures (structural) shall be maintained until vegetative cover is established at a sufficient density to provide erosion control on the site.

- (c) Where natural vegetation is removed during grading, vegetation shall be re-established in such a density as to prevent erosion. Permanent type grasses shall be established as soon as possible or during the next seeding period after grading has been completed.
- (d) When grading operations are completed or suspended for more than thirty (30) days between permanent grass seeding periods, temporary cover shall be provided according to the public works director's recommendation.

All finished grades (areas not to be disturbed by future improvements) in excess of (5:1) slopes (five (5) horizontal to one (1) vertical) shall be mulched at the rate of one hundred (100) pounds per one thousand (1,000) square feet when seeded.

- (e) Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after grading. Unvegetated open channels shall be designed so that gradients result in velocities of two (2) feet per second (fps) or less. Velocities in permanently vegetated open channels shall not exceed five (5) fps. Unvegetated open channels with velocities more than two (2) fps and less than five (5) fps shall be established in permanent vegetation by use of commercial erosion control blankets or lined with rock riprap or concrete or other suitable materials as approved by the public works director. Detention basins, diversions, or other appropriate structures shall be constructed to prevent velocities above five (5) fps.
- (f) Ground adjoining development sites (lots) shall be provided with protection from accelerated and increased surface water, silt from erosion, and any other consequences of erosion. Runoff water from developed areas (parking lots, paved sites, and buildings) above the area to be developed shall be directed to diversions, detention basins, concrete gutters, and/or underground outlet systems. Sufficiently anchored straw bales may be substituted with the approval of the public works director.
- (g) Development along natural watercourses shall have a minimum thirty (30) foot general maintenance and drainage easement from the top of the existing stream bank. Development shall not encroach on said thirty (30) foot easement. The watercourse shall be maintained and made the responsibility of the appropriate legal entity. Permanent vegetation should be left intact. Variances will include designed stream bank erosion control measures and shall be approved by the public works director. FEMA guidelines shall be followed where applicable regarding site development in flood plains.
- (h) All lots shall be seeded and mulched or sodded before an occupancy permit shall be issued except that a temporary occupancy permit may be issued by the director or his designate in cases of undue hardship because of unfavorable ground conditions.

*(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01; Ord. No. 05-118, § 3, 9-19-05; Ord. No. 12-44, § 3, 6-4-12)*

## **Secs. 21-44—21-50. - Reserved.**

## **DIVISION 3. - INSPECTION AND VIOLATION**

Sec 21-51 - Inspections.

Sec 21-52 - Correction.

Sec 21-53 - Violations.

Sec 21-54 - Penalties.

Sec 21-55 - Appeals.

Secs 21-56—21-65 - Reserved.

### **Sec. 21-51. - Inspections.**

By applying for a grading permit, the applicant consents to the city inspecting the proposed development site and all work in progress.

(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)

### **Sec. 21-52. - Correction.**

All violations shall be corrected within the time limit set forth by the public works director specified in the issuance of a written notice to correct. All persons failing to comply with such notice shall be deemed in violation of this article.

(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)

### **Sec. 21-53. - Violations.**

In the event of an ordinance violation, the bond requirement proceeds shall be used by the city to complete the planned sediment and erosion control practices.

(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)

### **Sec. 21-54. - Penalties.**

Any person violating any provision of this article and found guilty of such violation shall be punished in accordance with ~~section 1-20~~ hereof; for continuing violations, each day shall be considered a separate offense.

(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)

### **Sec. 21-55. - Appeals.**

Any person denied a grading permit as herein stated shall have the right to appeal such denial to the board of adjustment of the city within forty-five (45) days of the date of such denial.

(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)

### **Secs. 21-56—21-65. - Reserved.**

## DIVISION 4. - DEFINITIONS

### Sec. 21-66. - Definitions.

#### **Sec. 21-66. - Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Debris or sediment basin.* A barrier or dam built across the waterway or at other suitable locations to retain rock, sand, sediment, gravel, silt, or other materials.

*Diversion.* A channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.

*Erosion.* The wearing away of the land surface by the action of wind, water, or gravity.

*Excavation or cut.* The removal, stripping or disturbance of soil, earth, sand, rock, gravel, or other substance from the surface of the earth.

*Existing grade.* The vertical location of the existing ground surface prior to excavation or filling.

*FEMA.* Federal Emergency Management Agency.

*Fill or filling.* The placing of any soil, earth, sand, rock, gravel or other substance on the ground.

*Finished grade.* The final grade or elevation of the ground surface conforming to the proposed design.

*Grading.* Any excavation or filling or combination thereof

*International Building Code.* Refers to the 2009 International Building Code as published by the International Codes Council and all amendments thereto.

*International Residential Code.* Refers to the 2009 International Residential Code as published by the International Codes Council and all amendments thereto.

*Natural watercourse.* A channel formed in the existing surface topography of the earth prior to changes made by unnatural conditions.

*Open channel.* A constructed ditch or channel designed for water flow.

*Person.* Shall include any partnership, corporation, joint venture, or legal entity.

*Sediment.* Solid material, mineral or organic, that has been moved by erosion and deposited in a location other than the point of origin.

*Silt traps or filters.* Staked bales of straw or silt fencing systems that function as a filter and a velocity check to trap fine-grained sediment while allowing satisfactory passage of storm water runoff.

*Site.* A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

*Site development.* Altering terrain and/or vegetation and constructing improvements

*Soil and water conservation district (SWCD).* RSMo. Chapter 278.070(4) defines a soil and water conservation district as a locally organized and operated unit of government, functioning under Missouri law, to promote protection, maintenance, improvement, and wise use of the soil and water within the county.

*Streambank, top of existing.* The usual boundaries, not the flood boundaries, of a stream channel. The top of the natural incline bordering a stream.

(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01; Ord. No. 05-118, § 4, 9-19-05; Ord. No. 12-44, § 4, 6-4-12)

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## DIVISION 5. - APPLICATION AND ADOPTION

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Sec. 21-67 - Review/conflict

Sec. 21-68 - Plan to be implemented prior to permit issuance.

Secs. 21-69—21-99. - Reserved.

### **Sec. 21-67. - Review/conflict.**

This article shall be considered by the public works director in his review and recommendation of subdivision plans and developments submitted to the city for approval. Any provision of the city subdivision regulations which is in conflict with this article shall be deemed amended by this article so that the conflicting provision shall be in accordance with the provisions of this article.

(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)

### **Sec. 21-68. - Plan to be implemented prior to permit issuance.**

When it has been determined that a detention basin, concrete gutter, etc., must be constructed due to the development of a piece of property, before a building permit can be obtained, the detention basin or structure required for that development must be fully constructed and operational.

(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)

### **Secs. 21-69—21-99. - Reserved.**

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## ARTICLE III. - STORM WATER ILLICIT DISCHARGE DETECTION AND ELIMINATION

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Sec. 21-120 - Same—Suspension due to illicit discharges in emergency situations.

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Sec. 21-122 - Violation is an offense; penalties.

Sec. 21-123 - Enforcement measures.

Sec. 21-124 - Cost of abatement of the violation.

Sec. 21-125 - Violations deemed a public nuisance.

Sec. 21-126 - Remedies not exclusive.

Sec. 21-127 - Hearing and appeal.

### **Sec. 21-100. - Purpose/intent.**

The purpose of this article is to provide for the health, safety and general welfare of the citizens of the city through the regulation of nonstorm water discharges to the storm drainage system to the extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
- (2) To prohibit illicit connections and discharges to the MS4.
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this article.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-101. - Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Authorized enforcement agency.* Employees or designees of the director of public works.

*Best management practices (BMPs).* Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters or storm water conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal or drainage from raw materials storage.

*Clean Water Act.* The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereto.

*Construction activity.* Activities subject to NPDES construction permits, city building permits, excavation or grading permits. These include, but are not limited to, construction projects resulting in land disturbance of one (1) acre or more in area or five hundred (500) cubic yards of excavation in volume. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

*Hazardous materials.* Any material, including any substance, waste or combination thereof, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

*Illegal discharge.* Any direct or indirect non-storm water discharge to the storm drainage system except as exempted in this article.

*Illicit connections.* An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drainage system including, but not limited to, any conveyances that allow any nonstorm water discharge including sewage, process wastewater and wash water to enter the storm drainage system and any connections to the storm drainage system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by an authorized enforcement agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drainage system that has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

*Industrial activity.* Activities subject to NPDES industrial storm water permits as defined in 40 CFR, Section 122.26(b)(14).

*Municipal separate storm sewer system (MS4).* The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) owned and operated by the city and designed or used for collecting or conveying storm water and that is not used for collecting or conveying sewage.

*National Pollutant Discharge Elimination System (NPDES) storm water discharge permit.* A permit issued by EPA [or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)] that

authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

*Nonstorm water discharge.* Any discharge to the storm drainage system that is not composed entirely of storm water.

*Person.* Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

*Pollutant.* Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: Paints, varnishes and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects, ordnances and accumulations so that same may cause or contribute to pollution; floatables; pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

*Premises.* Any building, lot, parcel of land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

*Storm drainage system.* Publicly-owned facilities by which storm water is collected and/or conveyed including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other drainage structures.

*Storm water.* Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

*Storm water management plan.* A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems and/or receiving waters to the maximum extent practicable.

*Wastewater.* Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

*Watercourse.* Any channel or swale capable of conducting generally confined runoff from adjacent lands. During floods water may leave the confining beds and banks but under low and normal flows water is confined within the channel. A watercourse may be perennial or intermittent.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-102. - Applicability.**

This article shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless specifically exempted by ordinance, state statute or federal law.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-103. - Responsibility for administration.**

The public works department of the city shall administer, implement and enforce the provisions

of this article. Any powers granted or duties imposed upon the public works department may be delegated in writing by the director of the public works department to persons or entities acting in the beneficial interest of or in the employ of the city.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-104. - Compatibility with other regulations.**

This article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation or other provision of law. Where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

*(Ord. No. 10-44 § 1, 5-3-10)*

### **Sec. 21-105. - Severability.**

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence or paragraph of this article or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-106. - Ultimate responsibility.**

The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore, this article does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution or unauthorized discharge of pollutants nor does this article shift any responsibility or duty to the city.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-107. - Prohibition of illegal discharges.**

- (a) No person shall throw, drain or otherwise discharge, cause or allow others under its control to throw, drain or otherwise discharge into the MS4 any pollutants or waters containing any pollutants other than storm water.
- (b) The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as described as follows:
  - (1) The following discharges are exempt from discharge prohibitions established by this article: water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, noncommercial car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges and street wash water.
  - (2) Discharges or flow from firefighting and other discharges specified in writing by the public works department as being necessary to protect public health and safety.
  - (3) Discharges associated with dye testing; however, this activity requires a verbal

notification to the public works department prior to the time of the test.

- (4) The prohibition shall not apply to any nonstorm water discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations and provided that written approval has been granted for any discharge to the storm drainage system.

*(Ord. No. 10-44, § 1, 5-3-10)*

#### **Sec. 21-108. - Prohibition of illicit connections.**

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited.
- (b) This prohibition may include illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection if such connection is discharging hazardous materials.
- (c) A person is considered to be in violation of this article if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.
- (d) Improper connections in violation of this article must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the public works department.
- (e) Any drain or conveyance that has not been documented in plans, maps or equivalent and which may be connected to the storm sewer system shall be located by the owner or occupant of that property upon receipt of written notice of violation from the public works department requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the public works department.

*(Ord. No. 10-44, § 1, 5-3-10)*

#### **Sec. 21-109. - Watercourse protection.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

*(Ord. No. 10-44, § 1, 5-3-10)*

#### **Sec. 21-110. - Industrial or construction submission of notice of intent (NOI).**

- (a) Any person subject to an industrial or construction activity NPDES storm water discharge permit, grading permit or land disturbance permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the public works department prior to the allowing of discharges to the MS4.
- (b) The operator of a facility, including construction sites, required to have an NPDES permit,

construction permit, grading permit or land disturbance permit to discharge storm water associated with industrial activity shall submit a copy of the notice of intent (NOI) to the public works department at the same time the operator submits the original notice of intent to the EPA or Missouri Department of Natural Resources (MDNR) as applicable.

- (c) The copy of the notice of intent may be delivered to the public works department either in person or by mailing it to:

Notice of Intent to Discharge Storm Water  
Public Works Department  
101 Court Street  
Jackson, MO 63755

- (d) A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the notice of intent to do so to the public works department.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-111. - Right of entry, inspection and sampling.**

- (a) The public works department shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article.
- (b) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the public works department.
- (c) Facility operators shall allow the public works department ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit, construction permit, excavation or grading permit to discharge storm water and the performance of any additional duties as defined by state and federal law.
- (d) The public works department shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the public works department to conduct monitoring and/or sampling of the facility's storm water discharge.
- (e) The public works department has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- (f) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the public works department and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (g) Unreasonable delays in allowing the public works department access to a permitted facility is a violation of a storm water discharge permit and of this article. A person who is the operator of a facility with an NPDES permit, construction permit, excavation or grading permit to discharge storm water associated with industrial activity commits an offense if the person denies the public works department reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

*(Ord. No. 10-44 § 1, 5-3-10)*

### **Sec. 21-112. - Search warrants.**

If the public works department has been refused access to any part of the premises from which storm water is discharged and it is able to demonstrate probable cause to believe that there may be a violation of this article or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder or to protect the overall public health, safety and welfare of the community, then the public works department may seek issuance of a search warrant from any court of competent jurisdiction.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-113. - Requirement to prevent, control and reduce storm water pollutants by the use of best management practices.**

The public works department **will** adopt requirements identifying best management practices for any activity, operation or facility **which** may cause or contribute to pollution or contamination of storm water, the storm drainage system or waters of the United States. The owner or operator of such activity, operation or facility shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises that is, or may be, the source of an illicit discharge may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit, construction permit, excavation or grading permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water management plan (SWMP) as necessary for compliance with requirements of the applicable permit.

*(Ord. No. 10-44 § 1, 5-3-10)*

### **Sec. 21-114. - Notification of spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drainage system or waters of the United States then said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the public works department in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the public works department within one (1) business day of the in-person or phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least two (2) years. Failure to provide notification of a release as provided above is a violation of this article.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-115. - Violations.**

- (a) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article may be subject to the enforcement actions outlined in this article or may be restrained by injunction or otherwise abated in a manner provided by law.
- (b) In the event the violation constitutes an immediate danger to public health or public safety, the public works department is authorized to enter upon the subject private property without giving prior notice to take any and all measures necessary to abate the violation and/or restore the property. The public works department is authorized to seek costs of the abatement as outlined in this article.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-116. - Warning notice.**

When the public works department finds that any person has violated or continues to violate any provision of this article or any order issued hereunder, the public works department may serve upon that person a written warning notice specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this section shall limit the authority of the public works department to take any action, including emergency action or any other enforcement action, without first issuing a warning notice.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-117. - Notice of violation.**

- (a) Whenever the public works department finds that a person has violated a prohibition or failed to meet a requirement of this article, the public works department may order compliance by written notice of violation to the responsible person. The notice of violation shall contain:
  - (1) The name and address of the alleged violator.
  - (2) The address when available or a description of the building, structure or land upon which the violation is occurring or has occurred.
  - (3) A statement specifying the nature of the violation.
  - (4) A general description of the remedial measures necessary to restore compliance with this article and a time schedule for the completion of such remedial action provided, however, that nothing herein shall be construed to require the city to design or engineer the remedial measures.
  - (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.
  - (6) A statement that the determination of violation may be appealed to the city administrator by filing a written notice of appeal within ten (10) days of service of notice of violation.
  - (7) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- (b) Such notice may require without limitation:
  - (1) The performance of monitoring, analyses and reporting.
  - (2) The elimination of illicit connections or discharges.
  - (3) That violating discharges, practices or operations shall cease and desist.

- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property.
- (5) An assessment of an amount sufficient to cover administrative and remediation costs.
- (6) The implementation of source control or treatment BMPs.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-118. - Compensatory action.**

In lieu of enforcement proceedings, penalties and remedies authorized by this article, the public works department may impose upon a violator alternative compensatory actions such as storm drain stenciling, attendance at compliance workshops, creek cleanup or such other action to which the parties may agree.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-119. - MS4 access—Emergency cease and desist orders.**

- (a) When the public works department finds that any person has violated, or continues to violate, any provision of this article or any order issued hereunder, or that the person's past violations are likely to recur and that the person's violation has caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the public works department may issue an order to the violator directing the violator immediately to cease and desist all such violations and directing the violator to:
  - (1) Immediately comply with all requirements of this article.
  - (2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.
- (b) Any person notified of an emergency order directed to said person under this section shall immediately comply and stop or eliminate the endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the public works department may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection or other municipal utility services. The director of public works may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the public works department that the period of endangerment has passed unless further termination proceedings are initiated against the discharger under this article. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful discharge and the measures taken to prevent any future occurrence to the public works department within three (3) days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-120. - Same—Suspension due to illicit discharges in emergency situations.**

The public works department may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment or to the health or welfare of

persons or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the public works department may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States or to minimize danger to persons.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-121. - Same—Suspension due to the detection of illicit discharge.**

Any person discharging to the MS4 in violation of this article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The public works department will notify a violator of the proposed termination of its MS4 access. The violator may petition the city administrator for a reconsideration and hearing as set forth in this article. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the public works department.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-122. - Violation is an offense; penalties.**

Any person who creates or allows to continue any violation of this article shall be guilty of an offense and may be charged in municipal court with failure to abate an illicit discharge and punished as set forth in section 1-20 of this Code and in addition to the penalties set forth therein shall be liable for the costs to the city of enforcement as set forth in this article.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-123. - Enforcement measures.**

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, then the city may enter upon the subject private property and take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or designated contractor to enter upon the premises for the purposes set forth above.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-124. - Cost of abatement of the violation.**

The owner of the property will be notified of the cost of abatement, including administrative costs, as set forth in this article. If the amount due is not paid, the costs shall become a special assessment against the property and shall constitute a lien on the property for the amount of the costs.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-125. - Violations deemed a public nuisance.**

In addition to the enforcement processes and penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this article is deemed to be a threat to public health, safety and welfare and is declared and deemed a nuisance and may be summarily abated or restored at the violator's expense and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be filed by the city.

(Ord. No. 10-44, § 1, 5-3-10)

### **Sec. 21-126. - Remedies not exclusive.**

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the public works department to seek cumulative remedies. The public works department may recover all attorney fees, court costs and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

(Ord. No. 10-44, § 1, 5-3-10)

### **Sec. 21-127. - Hearing and appeal.**

- (a) *Procedure.* Any person aggrieved under this article may appear in person or by representative at a hearing with the city administrator if a request for hearing is requested not later than ten (10) days after the receipt of notice of violation.
- (b) *Hearing.* The city administrator shall conduct a full and adequate hearing upon the question of whether this article has been violated. The city administrator may amend or modify the notice of violation or extend the time for compliance with the notice.
- (c) *Evidence.* The owners or occupants of the property or their representatives shall be given the opportunity to present evidence to the city administrator in the course of the hearing.
- (d) *Decision.* Should the evidence support a finding that this article has been violated, the city administrator shall issue a decision making specific findings of fact based upon competent and substantial evidence which shows a violation of this article and ordering compliance therewith.
- (e) *Additional time.* The city administrator, upon written application by the owners or occupants of the property, may grant additional time to comply with this article, provided that such extension is limited to a specific time period.
- (f) *Appeal from decision of city administrator.* If the decision of the city administrator is not appealed to the Circuit Court of Cape Girardeau County within thirty (30) days from the date of the mailing of said decision, the decision shall be declared final in accordance with RSMo ch. 536.

(Ord. No. 10-44, § 1, 5-3-10)

### Section 1: Introduction

1.1 Overview

1.2 Objectives

1.3 Scope

### Section 2: Methodology

2.1 Data Collection

2.2 Analysis

2.3 Results

Year	Value
2018	120
2019	150
2020	180
2021	210
2022	240

2.4 Discussion

2.5 Conclusion

2.6 Appendix

2.7 References

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>>

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**Chapter 21 - ENVIRONMENT** [261]

ARTICLE I. - IN GENERAL

ARTICLE II. - SITE DEVELOPMENT; EROSION CONTROL

ARTICLE III. - STORM WATER ILLICIT DISCHARGE DETECTION AND ELIMINATION

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**FOOTNOTE(S):**

*(26) Editor's note— Formerly, Ch. 21 was designated Ch. 9.5 (see editor's note for Ch. 3) [\(Back\)](#)*

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**ARTICLE I. - IN GENERAL**

Secs. 21-1—21-25. - Reserved.

**Secs. 21-1—21-25. - Reserved.**

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**ARTICLE II. - SITE DEVELOPMENT; EROSION CONTROL**

DIVISION 1. - GENERALLY

DIVISION 2. - REGULATIONS

DIVISION 3. - INSPECTION AND VIOLATION

DIVISION 4. - DEFINITIONS

DIVISION 5. - APPLICATION AND ADOPTION

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Jackson, Missouri, Code of Ordinances >> - SUPPLEMENT HISTORY TABLE >> Chapter 21 - ENVIRONMENT  
>> ARTICLE II. - SITE DEVELOPMENT; EROSION CONTROL >> DIVISION 1. - GENERALLY >>

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**DIVISION 1. - GENERALLY**

Sec. 21-26. - Purpose.

Sec. 21-27. - Scope of authority.

Sec. 21-28. - Bond requirement.

Secs. 21-29—21-40. - Reserved.

## **Sec. 21-26. - Purpose.**

The purpose of this article is to control soil erosion on land that is undergoing development for non-agricultural uses and to preserve the natural terrain and waterways of the land within the city. Soil erosion scars the land and creates sediment that clogs storm sewers and road ditches; chokes streams and creates silt bars, all of which pose a threat to public health and safety. The provisions in this article are intended to provide a natural community environment, to prevent soil erosion and to reduce costly repairs to gullies, washed out fills, water conveyance systems, roads and embankments. Application of the regulations in this article will effectively control soil erosion and sedimentation.

*(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)*

## **Sec. 21-27. - Scope of authority.**

Any person, firm, corporation, or business proposing to develop land within the city shall apply to the office of the public works director for approval of his or her erosion control plan and issuance of a grading permit as specified in this article. No land shall be graded without the issuance of such permit by the city. However, grading operations for single or two-family residential lots of any size or for commercial and industrial lots which are one (1) acre or less in area and do not involve more than five hundred (500) cubic yards of grading operations shall be exempt from providing a grading application and performance bond.

*(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)*

## **Sec. 21-28. - Bond requirement.**

Upon approval of the erosion control plan and the issuance of a grading permit, the public works director shall require the developer to post a performance bond, escrow agreement, lender's agreement, cash or certified check in the amount of all work to be done under the erosion control plan. This shall be in addition to the requirements for completion of other improvements necessary for subdivision plat approval. The bond shall be released upon the completion of grading and erosion control operations.

*(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)*

## **Secs. 21-29—21-40. - Reserved.**

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### **DIVISION 2. - REGULATIONS**

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Sec. 21-41. - Erosion and sedimentation control plan content.

Sec. 21-42. - Plan approval.

Sec. 21-43. - Principles and standards.

Secs. 21-44—21-50. - Reserved.

## **Sec. 21-41. - Erosion and sedimentation control plan content.**

Grading plans for grading operations in excess of one (1) acre or five hundred (500) cubic yards, whichever is less, site plans, preliminary plat of subdivision, or the subdivision improvement plan shall include the following additional information.

- (1) Erosion and sediment control plans submitted to the office of the city clerk shall include two (2) sets of maps and plans with specifications showing proposed excavation, grading or filling, and will include the following:
  - a. Full name and address of property owner;
  - b. Designation of property address;
  - c. Portion of the property that is to be excavated, graded or filled with excavated material;
  - d. Location of any sewerage disposal system or underground utility line, any part of which is within fifty (50) feet of the proposed excavation, grading or filling area and the location of any gas transmission pipe line operated at a maximum service pressure in excess of two hundred (200) p.s.i.g., any part of which is within one hundred (100) feet of the proposed excavation, grading or filling area;
  - e. Existing grade and topography of the premises and the proposed finish grade and final contour elevation at a contour interval of not more than two (2) feet;
  - f. Location and present status of any previous permitted grading operation on the property;
  - g. Details of any drainage system proposed to be installed and maintained by the applicant and a comprehensive drainage plan designed to safely handle surface water, streams, or other natural drains following heavy rains during grading operations;
  - h. Details of any proposed water impoundment structures, embankments, debris basins, grass or lined waterways, and diversions with the details and locations of proposed stable outlets;
  - i. Details of soil preparation and re-vegetation of the finished grade and of other methods of erosion control;
  - j. Delineation of the fifty (50) and one hundred (100) year flood plain;
  - k. A statement from the property owner or his agent assuming full responsibility for the performance of the operation as stated in the application. This statement shall also contain assurance that all municipal property or streets will be adequately protected and/or repaired, if damaged.
  - l. Details on all erosion control structures. The owner will follow all federal, state, and local laws, especially those guidelines as established in Missouri Department of Natural Resources (MDNR's) publication "Protecting water quality."
  - m. Commencement and completion dates of the grading project and anticipated construction date of improvements.
- (2) The proposed phasing of development of the site, including clearing, rough grading and construction, and final grading and landscaping should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas and the sequence of clearing, installation of temporary sediment control measures, establishment of storm drainage, paving streets and parking areas, and establishment of temporary and permanent vegetative cover. The city engineer may waive specific requirements of the content of submissions upon finding that the information submitted is sufficient to show that the plan and work will comply with the objectives and principles

of this article.

- (3) Failure to complete the plan by the completion date shall trigger city's use of bonding or escrow requirements. Completion may be extended by the public works director or his designate in writing.
- (4) The developer and city staff shall utilize all of the following:
  - a. Missouri Department of Natural Resources (MDNR) "Protecting water quality. A field guide to erosion, sediment, and storm water best management practices for development sites in Missouri and Kansas."
  - b. Missouri Department of Natural Resources (MDNR) "Storm water permit requirements for land disturbance activities."
  - c. Environmental protection agency (EPA) "Storm water management for construction activities."

When conflicts arise between manuals or any other city, state or federal regulation, the most stringent criteria shall control.

*(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)*

### **Sec. 21-42. - Plan approval.**

- (a) No non-agricultural grading or clearing operation in excess of one (1) acre or five hundred (500) cubic yards, whichever is less, shall be conducted and no final plat of subdivision shall be recommended for approval by the erosion control officer or the planning and zoning commission unless the preliminary plat and erosion and sediment control plans indicate that measures to be taken will meet erosion control standards. The standards assure that the best possible means are being used to prevent sediment from being transported from the site by a storm event of two (2) year frequency, twenty-four (24) hour duration storm or less, and that the following principles set forth in section 21-43 will be applicable. (Permit approval/disapproval will be issued within thirty (30) days of erosion and sediment control plan submission.)
- (b) Conservation district comments: The erosion control officer may submit the plan for review by the soil and water conservation district. When a plan is so submitted, the district may make comments and recommendations. All such comments and recommendations should be made within fifteen (15) days of the receipt by the district. Such comments may pertain but need to be limited to:
  - (1) Erosion and sediment control.
  - (2) Soil use limitations.
  - (3) Environmental considerations.
  - (4) Drainage and flooding.

*(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)*

### **Sec. 21-43. - Principles and standards.**

- (a) All excavations, grading or filling shall have a finished grade not to exceed a 3:1 (three (3) horizontal to one (1) vertical) slope. Steeper grades may be approved by the city engineer if the excavation is through rock or the excavation or fill is protected (a designed head wall or toe wall may be required). Retaining walls that exceed a height of four (4) feet shall require the construction of safety guards as identified in the Building Code of the City of Jackson or subsequent amendments thereto. Permanent safety guards will be constructed in accordance with the adopted Building Code of the City of Jackson.
- (b) Grading plans for sites that exceed one (1) acre shall provide for sediment or debris basins,

silt traps or filters, staked straw bales, a combination of these measures or other measures approved by the city engineer to remove sediment from runoff waters. The design to be approved by the public works director. Temporary siltation control measures (structural) shall be maintained until vegetative cover is established at a sufficient density to provide erosion control on the site.

- (c) Where natural vegetation is removed during grading, vegetation shall be re-established in such a density as to prevent erosion. Permanent type grasses shall be established as soon as possible or during the next seeding period after grading has been completed.
- (d) When grading operations are completed or suspended for more than thirty (30) days between permanent grass seeding periods, temporary cover shall be provided according to the public works director's recommendation.

All finished grades (areas not to be disturbed by future improvements) in excess of (5:1) slopes (five (5) horizontal to one (1) vertical) shall be mulched at the rate of one hundred (100) pounds per one thousand (1,000) square feet when seeded.

- (e) Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after grading. Unvegetated open channels shall be designed so that gradients result in velocities of two (2) feet per second (fps) or less. Velocities in permanently vegetated open channels shall not exceed five (5) fps. Unvegetated open channels with velocities more than two (2) fps and less than five (5) fps shall be established in permanent vegetation by use of commercial erosion control blankets or lined with rock riprap or concrete or other suitable materials as approved by the public works director. Detention basins, diversions, or other appropriate structures shall be constructed to prevent velocities above five (5) fps.
- (f) Ground adjoining development sites (lots) shall be provided with protection from accelerated and increased surface water, silt from erosion, and any other consequences of erosion. Runoff water from developed areas (parking lots, paved sites, and buildings) above the area to be developed shall be directed to diversions, detention basins, concrete gutters, and/or underground outlet systems. Sufficiently anchored straw bales may be substituted with the approval of the public works director.
- (g) Development along natural watercourses shall have a minimum thirty (30) foot general maintenance and drainage easement from the top of the existing stream bank. Development shall not encroach on said thirty (30) foot easement. The watercourse shall be maintained and made the responsibility of the appropriate legal entity. Permanent vegetation should be left intact. Variances will include designed stream bank erosion control measures and shall be approved by the public works director. FEMA guidelines shall be followed where applicable regarding site development in flood plains.
- (h) All lots shall be seeded and mulched or sodded before an occupancy permit shall be issued except that a temporary occupancy permit may be issued by the director or his designate in cases of undue hardship because of unfavorable ground conditions.

*(Ord. No. 3317, § 1, 8-1-94; Ord. No. 21-70, § 1, 10-1-01; Ord. No. 05-118, § 3, 9-19-05; Ord. No. 12-44, § 3, 6-4-12)*

## **Secs. 21-44—21-50. - Reserved.**

## **DIVISION 3. - INSPECTION AND VIOLATION**

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Sec. 21-51. - Inspections.

Sec. 21-52. - Correction.

Sec. 21-53. - Violations.

Sec. 21-54. - Penalties.

Sec. 21-55. - Appeals.

Secs. 21-56—21-65. - Reserved.

### **Sec. 21-51. - Inspections.**

By applying for a grading permit, the applicant consents to the city inspecting the proposed development site and all work in progress.

(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)

### **Sec. 21-52. - Correction.**

All violations shall be corrected within the time limit set forth by the public works director specified in the issuance of a written notice to correct. All persons failing to comply with such notice shall be deemed in violation of this article.

(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)

### **Sec. 21-53. - Violations.**

In the event of an ordinance violation, the bond requirement proceeds shall be used by the city to complete the planned sediment and erosion control practices.

(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)

### **Sec. 21-54. - Penalties.**

Any person violating any provision of this article and found guilty of such violation shall be punished in accordance with section 1-20 hereof; for continuing violations, each day shall be considered a separate offense.

(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)

### **Sec. 21-55. - Appeals.**

Any person denied a grading permit as herein stated shall have the right to appeal such denial to the board of adjustment of the city within forty-five (45) days of the date of such denial.

(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)

### **Secs. 21-56—21-65. - Reserved.**

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## DIVISION 4. - DEFINITIONS

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### Sec. 21-66. - Definitions.

#### **Sec. 21-66. - Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Debris or sediment basin.* A barrier or dam built across the waterway or at other suitable locations to retain rock, sand, sediment, gravel, silt, or other materials.

*Diversion.* A channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.

*Erosion.* The wearing away of the land surface by the action of wind, water, or gravity.

*Excavation or cut.* The removal, stripping or disturbance of soil, earth, sand, rock, gravel, or other substance from the surface of the earth.

*Existing grade.* The vertical location of the existing ground surface prior to excavation or filling.

*FEMA.* Federal Emergency Management Agency.

*Fill or filling.* The placing of any soil, earth, sand, rock, gravel or other substance on the ground.

*Finished grade.* The final grade or elevation of the ground surface conforming to the proposed design.

*Grading.* Any excavation or filling or combination thereof

*International Building Code.* Refers to the 2009 International Building Code as published by the International Codes Council and all amendments thereto.

*International Residential Code.* Refers to the 2009 International Residential Code as published by the International Codes Council and all amendments thereto.

*Natural watercourse.* A channel formed in the existing surface topography of the earth prior to changes made by unnatural conditions.

*Open channel.* A constructed ditch or channel designed for water flow.

*Person.* Shall include any partnership, corporation, joint venture, or legal entity.

*Sediment.* Solid material, mineral or organic, that has been moved by erosion and deposited in a location other than the point of origin.

*Silt traps or filters.* Staked bales of straw or silt fencing systems that function as a filter and a velocity check to trap fine-grained sediment while allowing satisfactory passage of storm water runoff.

*Site.* A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

*Site development.* Altering terrain and/or vegetation and constructing improvements

*Soil and water conservation district (SWCD).* RSMo. Chapter 278.070(4) defines a soil and water conservation district as a locally organized and operated unit of government, functioning under Missouri law, to promote protection, maintenance, improvement, and wise use of the soil and water within the county.

*Streambank, top of existing.* The usual boundaries, not the flood boundaries, of a stream channel. The top of the natural incline bordering a stream.

*(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01; Ord. No. 05-118, § 4, 9-19-05; Ord. No. 12-44, § 4, 6-4-12)*

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## **DIVISION 5. - APPLICATION AND ADOPTION**

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Sec. 21-67. - Review/conflict.

Sec. 21-68. - Plan to be implemented prior to permit issuance.

Secs. 21-69—21-99. - Reserved.

### **Sec. 21-67. - Review/conflict.**

This article shall be considered by the public works director in his review and recommendation of subdivision plans and developments submitted to the city for approval. Any provision of the city subdivision regulations which is in conflict with this article shall be deemed amended by this article so that the conflicting provision shall be in accordance with the provisions of this article.

*(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)*

### **Sec. 21-68. - Plan to be implemented prior to permit issuance.**

When it has been determined that a detention basin, concrete gutter, etc., must be constructed due to the development of a piece of property, before a building permit can be obtained, the detention basin or structure required for that development must be fully constructed and operational.

*(Ord. No. 3317, § 1, 8-1-94; Ord. No. 01-70, § 1, 10-1-01)*

### **Secs. 21-69—21-99. - Reserved.**

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## ARTICLE III. - STORM WATER ILLICIT DISCHARGE DETECTION AND ELIMINATION

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Sec. 21-125. - Violations deemed a public nuisance.

Sec. 21-126. - Remedies not exclusive.

Sec. 21-127. - Hearing and appeal.

### **Sec. 21-100. - Purpose/intent.**

The purpose of this article is to provide for the health, safety and general welfare of the citizens of the city through the regulation of nonstorm water discharges to the storm drainage system to the extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
- (2) To prohibit illicit connections and discharges to the MS4.
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this article.

(Ord. No. 10-44, § 1.5-3-10)

### **Sec. 21-101. - Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Authorized enforcement agency.* Employees or designees of the director of public works.

*Best management practices (BMPs).* Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters or storm water conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal or drainage from raw materials storage.

*Clean Water Act.* The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereto.

*Construction activity.* Activities subject to NPDES construction permits, city building permits, excavation or grading permits. These include, but are not limited to, construction projects resulting in land disturbance of one (1) acre or more in area or five hundred (500) cubic yards of excavation in volume. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

*Hazardous materials.* Any material, including any substance, waste or combination thereof, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

*Illegal discharge.* Any direct or indirect non-storm water discharge to the storm drainage system except as exempted in this article.

*Illicit connections.* An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drainage system including, but not limited to, any conveyances that allow any nonstorm water discharge including sewage, process wastewater and wash water to enter the storm drainage system and any connections to the storm drainage system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by an authorized enforcement agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drainage system that has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

*Industrial activity.* Activities subject to NPDES industrial storm water permits as defined in 40 CFR, Section 122.26(b)(14).

*Municipal separate storm sewer system (MS4).* The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) owned and operated by the city and designed or used for collecting or conveying storm water and that is not used for collecting or conveying sewage.

*National Pollutant Discharge Elimination System (NPDES) storm water discharge permit.* A permit issued by EPA [or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)] that

authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

*Nonstorm water discharge.* Any discharge to the storm drainage system that is not composed entirely of storm water.

*Person.* Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

*Pollutant.* Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: Paints, varnishes and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects, ordnances and accumulations so that same may cause or contribute to pollution; floatables; pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

*Premises.* Any building, lot, parcel of land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

*Storm drainage system.* Publicly-owned facilities by which storm water is collected and/or conveyed including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other drainage structures.

*Storm water.* Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

*Storm water management plan.* A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems and/or receiving waters to the maximum extent practicable.

*Wastewater.* Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

*Watercourse.* Any channel or swale capable of conducting generally confined runoff from adjacent lands. During floods water may leave the confining beds and banks but under low and normal flows water is confined within the channel. A watercourse may be perennial or intermittent.

(Ord. No. 10-44, § 1, 5-3-10)

## **Sec. 21-102. - Applicability.**

This article shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless specifically exempted by ordinance, state statute or federal law.

(Ord. No. 10-44, § 1, 5-3-10)

## **Sec. 21-103. - Responsibility for administration.**

The public works department of the city shall administer, implement and enforce the provisions

of this article. Any powers granted or duties imposed upon the public works department may be delegated in writing by the director of the public works department to persons or entities acting in the beneficial interest of or in the employ of the city.

*(Ord. No. 10-44, § 1, 5-3-10)*

#### **Sec. 21-104. - Compatibility with other regulations.**

This article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation or other provision of law. Where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

*(Ord. No. 10-44, § 1, 5-3-10)*

#### **Sec. 21-105. - Severability.**

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence or paragraph of this article or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

*(Ord. No. 10-44, § 1, 5-3-10)*

#### **Sec. 21-106. - Ultimate responsibility.**

The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore, this article does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution or unauthorized discharge of pollutants nor does this article shift any responsibility or duty to the city.

*(Ord. No. 10-44, § 1, 5-3-10)*

#### **Sec. 21-107. - Prohibition of illegal discharges.**

- (a) No person shall throw, drain or otherwise discharge, cause or allow others under its control to throw, drain or otherwise discharge into the MS4 any pollutants or waters containing any pollutants other than storm water.
- (b) The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as described as follows:
  - (1) The following discharges are exempt from discharge prohibitions established by this article: water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, noncommercial car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges and street wash water.
  - (2) Discharges or flow from firefighting and other discharges specified in writing by the public works department as being necessary to protect public health and safety.
  - (3) Discharges associated with dye testing; however, this activity requires a verbal

notification to the public works department prior to the time of the test.

- (4) The prohibition shall not apply to any nonstorm water discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations and provided that written approval has been granted for any discharge to the storm drainage system.

*(Ord. No. 10-44, § 1, 5-3-10)*

#### **Sec. 21-108. - Prohibition of illicit connections.**

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited.
- (b) This prohibition may include illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection if such connection is discharging hazardous materials.
- (c) A person is considered to be in violation of this article if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.
- (d) Improper connections in violation of this article must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the public works department.
- (e) Any drain or conveyance that has not been documented in plans, maps or equivalent and which may be connected to the storm sewer system shall be located by the owner or occupant of that property upon receipt of written notice of violation from the public works department requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the public works department.

*(Ord. No. 10-44, § 1, 5-3-10)*

#### **Sec. 21-109. - Watercourse protection.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

*(Ord. No. 10-44, § 1, 5-3-10)*

#### **Sec. 21-110. - Industrial or construction submission of notice of intent (NOI).**

- (a) Any person subject to an industrial or construction activity NPDES storm water discharge permit, grading permit or land disturbance permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the public works department prior to the allowing of discharges to the MS4.
- (b) The operator of a facility, including construction sites, required to have an NPDES permit,

construction permit, grading permit or land disturbance permit to discharge storm water associated with industrial activity shall submit a copy of the notice of intent (NOI) to the public works department at the same time the operator submits the original notice of intent to the EPA or Missouri Department of Natural Resources (MDNR) as applicable.

- (c) The copy of the notice of intent may be delivered to the public works department either in person or by mailing it to:

Notice of Intent to Discharge Storm Water  
Public Works Department  
101 Court Street  
Jackson, MO 63755

- (d) A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the notice of intent to do so to the public works department.

*(Ord. No. 10-44, § 1.5-3-10)*

### **Sec. 21-111. - Right of entry, inspection and sampling.**

- (a) The public works department shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article.
- (b) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the public works department.
- (c) Facility operators shall allow the public works department ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit, construction permit, excavation or grading permit to discharge storm water and the performance of any additional duties as defined by state and federal law.
- (d) The public works department shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the public works department to conduct monitoring and/or sampling of the facility's storm water discharge.
- (e) The public works department has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- (f) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the public works department and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (g) Unreasonable delays in allowing the public works department access to a permitted facility is a violation of a storm water discharge permit and of this article. A person who is the operator of a facility with an NPDES permit, construction permit, excavation or grading permit to discharge storm water associated with industrial activity commits an offense if the person denies the public works department reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

*(Ord. No. 10-44, § 1.5-3-10)*

### **Sec. 21-112. - Search warrants.**

If the public works department has been refused access to any part of the premises from which storm water is discharged and it is able to demonstrate probable cause to believe that there may be a violation of this article or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder or to protect the overall public health, safety and welfare of the community, then the public works department may seek issuance of a search warrant from any court of competent jurisdiction.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-113. - Requirement to prevent, control and reduce storm water pollutants by the use of best management practices.**

The public works department will adopt requirements identifying best management practices for any activity, operation or facility which may cause or contribute to pollution or contamination of storm water, the storm drainage system or waters of the United States. The owner or operator of such activity, operation or facility shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises that is, or may be, the source of an illicit discharge may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit, construction permit, excavation or grading permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water management plan (SWMP) as necessary for compliance with requirements of the applicable permit.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-114. - Notification of spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drainage system or waters of the United States then said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the public works department in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the public works department within one (1) business day of the in-person or phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least two (2) years. Failure to provide notification of a release as provided above is a violation of this article.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-115. - Violations.**

- (a) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article may be subject to the enforcement actions outlined in this article or may be restrained by injunction or otherwise abated in a manner provided by law.
- (b) In the event the violation constitutes an immediate danger to public health or public safety, the public works department is authorized to enter upon the subject private property without giving prior notice to take any and all measures necessary to abate the violation and/or restore the property. The public works department is authorized to seek costs of the abatement as outlined in this article.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-116. - Warning notice.**

When the public works department finds that any person has violated or continues to violate any provision of this article or any order issued hereunder, the public works department may serve upon that person a written warning notice specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this section shall limit the authority of the public works department to take any action, including emergency action or any other enforcement action, without first issuing a warning notice.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-117. - Notice of violation.**

- (a) Whenever the public works department finds that a person has violated a prohibition or failed to meet a requirement of this article, the public works department may order compliance by written notice of violation to the responsible person. The notice of violation shall contain:
  - (1) The name and address of the alleged violator.
  - (2) The address when available or a description of the building, structure or land upon which the violation is occurring or has occurred.
  - (3) A statement specifying the nature of the violation.
  - (4) A general description of the remedial measures necessary to restore compliance with this article and a time schedule for the completion of such remedial action provided, however, that nothing herein shall be construed to require the city to design or engineer the remedial measures.
  - (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.
  - (6) A statement that the determination of violation may be appealed to the city administrator by filing a written notice of appeal within ten (10) days of service of notice of violation.
  - (7) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- (b) Such notice may require without limitation:
  - (1) The performance of monitoring, analyses and reporting.
  - (2) The elimination of illicit connections or discharges.
  - (3) That violating discharges, practices or operations shall cease and desist.

- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property.
- (5) An assessment of an amount sufficient to cover administrative and remediation costs.
- (6) The implementation of source control or treatment BMPs.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-118. - Compensatory action.**

In lieu of enforcement proceedings, penalties and remedies authorized by this article, the public works department may impose upon a violator alternative compensatory actions such as storm drain stenciling, attendance at compliance workshops, creek cleanup or such other action to which the parties may agree.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-119. - MS4 access—Emergency cease and desist orders.**

- (a) When the public works department finds that any person has violated, or continues to violate, any provision of this article or any order issued hereunder, or that the person's past violations are likely to recur and that the person's violation has caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the public works department may issue an order to the violator directing the violator immediately to cease and desist all such violations and directing the violator to:
  - (1) Immediately comply with all requirements of this article.
  - (2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.
- (b) Any person notified of an emergency order directed to said person under this section shall immediately comply and stop or eliminate the endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the public works department may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection or other municipal utility services. The director of public works may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the public works department that the period of endangerment has passed unless further termination proceedings are initiated against the discharger under this article. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful discharge and the measures taken to prevent any future occurrence to the public works department within three (3) days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-120. - Same—Suspension due to illicit discharges in emergency situations.**

The public works department may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment or to the health or welfare of

persons or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the public works department may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States or to minimize danger to persons.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-121. - Same—Suspension due to the detection of illicit discharge.**

Any person discharging to the MS4 in violation of this article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The public works department will notify a violator of the proposed termination of its MS4 access. The violator may petition the city administrator for a reconsideration and hearing as set forth in this article. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the public works department.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-122. - Violation is an offense; penalties.**

Any person who creates or allows to continue any violation of this article shall be guilty of an offense and may be charged in municipal court with failure to abate an illicit discharge and punished as set forth in section 1-20 of this Code and in addition to the penalties set forth therein shall be liable for the costs to the city of enforcement as set forth in this article.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-123. - Enforcement measures.**

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, then the city may enter upon the subject private property and take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or designated contractor to enter upon the premises for the purposes set forth above.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-124. - Cost of abatement of the violation.**

The owner of the property will be notified of the cost of abatement, including administrative costs, as set forth in this article. If the amount due is not paid, the costs shall become a special assessment against the property and shall constitute a lien on the property for the amount of the costs.

*(Ord. No. 10-44, § 1, 5-3-10)*

### **Sec. 21-125. - Violations deemed a public nuisance.**

In addition to the enforcement processes and penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this article is deemed to be a threat to public health, safety and welfare and is declared and deemed a nuisance and may be summarily abated or restored at the violator's expense and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be filed by the city.

### **Sec. 21-126. - Remedies not exclusive.**

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the public works department to seek cumulative remedies. The public works department may recover all attorney fees, court costs and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

(Ord. No. 10-44, § 1, 5-3-10)

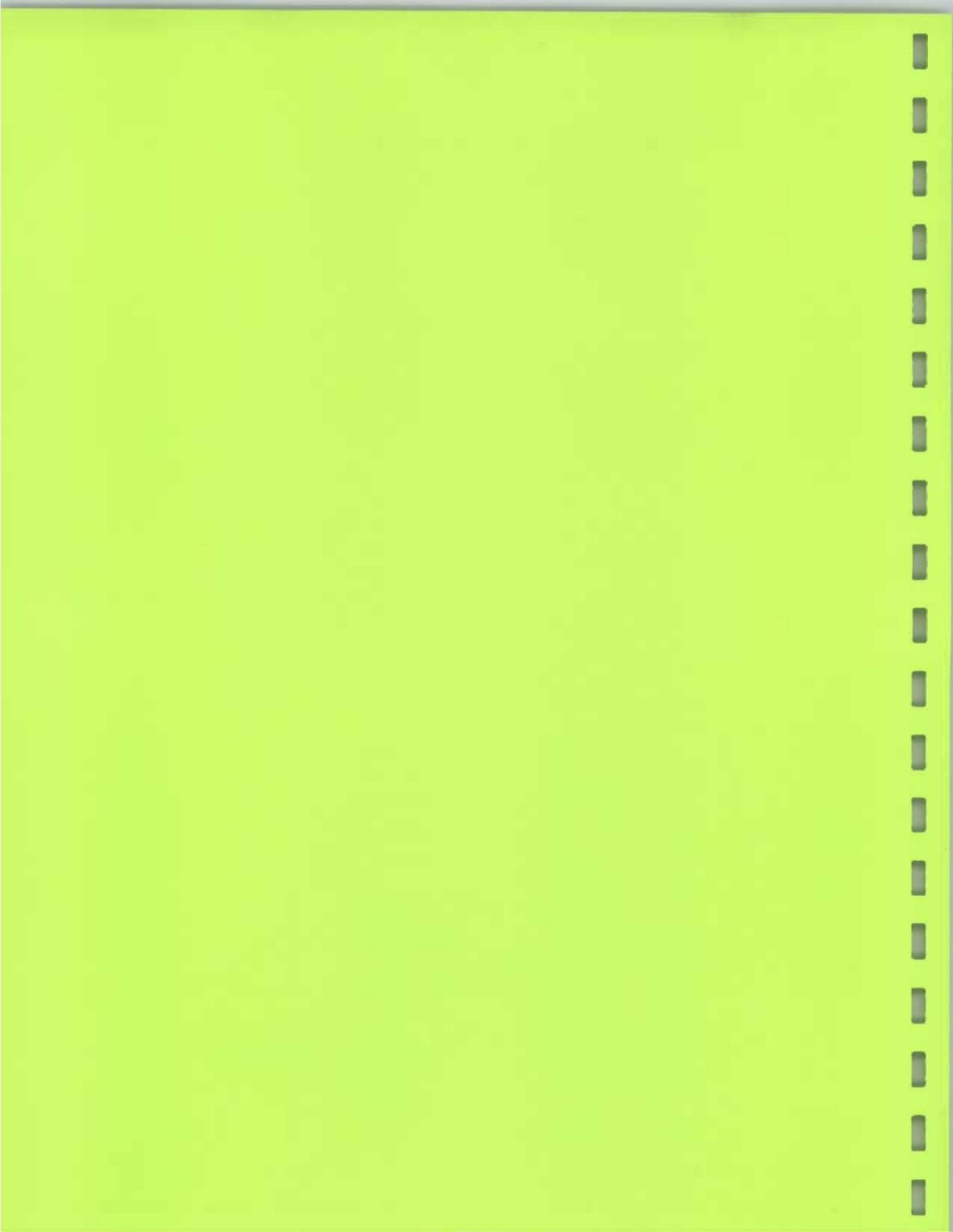
### **Sec. 21-127. - Hearing and appeal.**

- (a) *Procedure.* Any person aggrieved under this article may appear in person or by representative at a hearing with the city administrator if a request for hearing is requested not later than ten (10) days after the receipt of notice of violation.
- (b) *Hearing.* The city administrator shall conduct a full and adequate hearing upon the question of whether this article has been violated. The city administrator may amend or modify the notice of violation or extend the time for compliance with the notice.
- (c) *Evidence.* The owners or occupants of the property or their representatives shall be given the opportunity to present evidence to the city administrator in the course of the hearing.
- (d) *Decision.* Should the evidence support a finding that this article has been violated, the city administrator shall issue a decision making specific findings of fact based upon competent and substantial evidence which shows a violation of this article and ordering compliance therewith.
- (e) *Additional time.* The city administrator, upon written application by the owners or occupants of the property, may grant additional time to comply with this article, provided that such extension is limited to a specific time period.
- (f) *Appeal from decision of city administrator.* If the decision of the city administrator is not appealed to the Circuit Court of Cape Girardeau County within thirty (30) days from the date of the mailing of said decision, the decision shall be declared final in accordance with RSMo ch. 536.

(Ord. No. 10-44, § 1, 5-3-10)



**Appendix C: Jackson Code of Ordinances  
Section 57**



**Chapter 57 - SUBDIVISIONS** [63]

ARTICLE I. - GENERAL REGULATIONS

ARTICLE II. - CONDOMINIUMS

FOOTNOTE(S):

<sup>(63)</sup> *Editor's note*— Formerly, Ch. 57 was designated Ch. 26 (see editor's note for Ch. 3). Ordinance No. 3484, § 1, adopted January 16, 1996, amended §§ 26-1—26-22 by substituting in lieu thereof new §§ 26-1—26-16. Formerly, such sections pertained to similar provisions and derived from Ord. No. 1977, §§ 1—20, 22; Ord. No. 2007, §§ 1—3; Ord. No. 2109, §§ 2—4; Ord. No. 2364, § 1; Ord. No. 2367, § 1; Ord. No. 2786, § 1, adopted Dec. 15, 1986; Ord. No. 2796, § 1, adopted March 16, 1987; Ord. No. 2849, § 1, adopted May 2, 1988; Ord. No. 3014, §§ 2—4, adopted May 21, 1990. [\(Back\)](#)

<sup>(63)</sup> *Cross reference*— Buildings, Ch. 11; municipal utilities, Ch. 41; street lights in subdivisions, § 41-271 et seq.; streets and sidewalks, Ch. 55; zoning, Ch. 65. [\(Back\)](#)

<sup>(63)</sup> *State Law reference*— Subdivisions, RSMo 89.400 et seq. [\(Back\)](#)

**ARTICLE I. - GENERAL REGULATIONS** [64]

Sec. 57-1. - Title and purpose.

Sec. 57-2. - Definitions.

Sec. 57-3. - General regulations and jurisdiction.

Sec. 57-4. - Permits and inspection.

Sec. 57-5. - Preliminary plat procedure.

Sec. 57-6. - Preliminary subdivision design standards.

Sec. 57-7. - Final plan procedure.

Sec. 57-8. - Final plan requirements.

Sec. 57-9. - Final subdivision design standards.

Sec. 57-10. - Minimum improvements required.

Sec. 57-11. - Nonresidential subdivisions.

Sec. 57-12. - Performance and improvement guarantees.

Sec. 57-13. - Variance and exception.

Sec. 57-14. - Enforcement.

Sec. 57-15. - Copy of plats.

Sec. 57-16. - Violation and penalty.

Sec. 57-17. - Changes and amendments.

Secs. 57-18—57-45. - Reserved.

**Sec. 57-1. - Title and purpose.**

(a) This chapter shall be known, referred to and cited as "The Land Subdivision Regulations of

Jackson, Missouri."

- (b) This chapter is to provide for the coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive plan of the city; for minimum requirements of the preliminary and final plats; for minimum standards of physical improvements in new subdivisions; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic for the health, safety, and general welfare of the community.
- (c) The rules and regulations governing the subdivision of land continued herein shall apply within the corporate limits of the city and within future areas which may come under the jurisdiction of said city, in accordance with the provisions of RSMo Ch. 89.

(Ord. No. 02-45, § 1, 7-1-02)

## **Sec. 57-2. - Definitions.**

For the purpose of this chapter, certain words and terms used herein are defined as follows:

*Alley.* A permanent public service way, dedicated to or in public use, other than a street, place, road, crosswalk, or easement, designed to provide a secondary means of access for special accommodation to the back or side of abutting properties and not intended for general traffic circulation.

*Area, building.* The total of areas, taken on a horizontal plane, at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

*Area, net site.* The total area within the property lines of the site, less the area of any street right-of-way.

*Barrier (natural or artificial).* Any street, highway, river, pond, canal, railroad, levee, embankment, berm, stream or drainage ditch, or screening by fence or hedge.

*Benchmark.* A definite point of known elevation and location and of more or less permanent character as defined by the coast and geodesic survey.

*Block.* A unit of property entirely surrounded by public highways, streets, railroad rights-of-way, waterways, public parks, cemeteries, corporate boundary lines, or other barriers (except alleys, crosswalks, or exterior boundaries of a subdivision, unless such exterior boundary is a street or highway), or any combination thereof.

*Board of aldermen.* The Board of Aldermen of Jackson, Missouri.

*Building line/building set back line.* The line parallel to the front, side, or rear lot line establishing the line upon which all principal structures will front.

*City.* The City of Jackson, Missouri.

*City council.* The Mayor and Board of Aldermen of Jackson, Missouri.

*Commission or planning commission or planning and zoning commission.* The Planning and Zoning Commission of Jackson, Missouri.

*Common land.* That land set aside for open space or recreational use for the owners of the residential lots in a subdivision, which land is conveyed by the developer in fee simple absolute title by warranty deed to trustees whose trust indenture will prove that said common land be used for the

sole benefit, use and enjoyment of the lot owners, present and future. No lot owner shall have the right to convey his interest in the common land except as incident to the ownership of a regularly platted lot.

*Comprehensive plan.* The comprehensive plan of the city, whether in whole or in part, prepared by the city planning commission and adopted by the board of aldermen, in accordance with the authority conferred by RSMo Ch. 89.

*Cul-de-sac.* A short, local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

*Dead-end street.* A street having one end open to traffic and the other end closed.

*Density, high.* See subdivision density, high.

*Density, low.* See subdivision density, low.

*Design.* The arrangement of land for easements, lots, and right-of-way, including materials, improvements, alignments, grades, and widths of these elements.

*Developer.* Any person, firm, corporation, partnership, association, estate, or any other group or combination acting to develop real estate within the city. The term "developer" shall include any subdivider and any agent of any subdivider or developer.

*Director.* The Public Works Director of Jackson, Missouri.

*Drainage channel.* A natural watercourse or man-made indenture for the drainage of surface water.

*Drainage right-of-way.* The land required for the installation of storm sewers or drainage ditches, or required along the natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

*Easement.* A grant by the property owner of the use, for a specific purpose or purposes, of a strip of land by the general public, utility companies, or private individuals.

*Engineer.* The City Engineer of Jackson, Missouri.

*Escrow agent.* A title company, savings and loan association, trust company, reputable attorney or any other persons or agency approved by the city council to act as an escrow agent under the provisions of this chapter.

*Floodplain.* The area, usually lowlands, adjoining the channel of a river, stream, watercourse, lake or other body of standing water, which has been or may be covered by floodwaters, as mapped and defined by the Federal Emergency Management Agency (FEMA).

*Flood-prone areas.* All land subject to periodic inundation by the overflow of natural waterways.

*Grade.* The slope of a road, street, or sewer specified in percent and shown on road, street, or sewer profiles as required herein.

*Grading.* Any and all earthwork required to remove vegetation, reshape topography, or otherwise prepare a site for development.

*Health department.* The Cape Girardeau County Health Department or city sanitarian.

*Hillside street.* A street in which the cross slope of the existing ground exceeds fifteen (15) percent and the centerline slope exceeds fifteen (15) percent.

*Improvement guarantee.* Any security, including performance bonds, escrow agreements and other similar collateral or surety agreements, including irrevocable letters of credit, which guarantees funds for the maintenance and repair of installed improvements for a specified period.

*Improvement plans.* The engineering plans, prepared by a registered professional engineer, containing all profiles, specifications, construction details, and types of materials for all improvements, excluding dwelling units, to be installed for the development of a subdivision.

*Improvements.* The totality of crosswalks, culverts, bridges, sanitary and storm sewers, water mains, street surfaces, and/or pavements, street and road signs, street lights, curbs and gutters, sewage treatment facilities, pedestrian ways, gas mains, landscaping, monuments, electric utilities, and all other appropriate improvements required to render land suitable for the use proposed.

*Jurisdiction.* The corporate area of the City of Jackson, Missouri, or any areas which may subsequently come into the corporate area of said city.

*Lot.* A portion of a subdivision or other parcel of land intended to be separately owned, rented, leased, developed, or otherwise used as a unit, occupied or to be occupied by a building or group of buildings and accessory buildings, together with such yards and lot area as required by this chapter, and having its principal frontage upon a street, road, or place approved by the commission and city council.

*Lot area.* The total horizontal area within the boundaries of a lot exclusive of any land designated for rights-of-way for street or roadway purposes.

*Lot, corner.* A lot abutting upon two (2) or more streets or road rights-of-way at their intersections.

*Lot depth.* The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

*Lot, double frontage.* A lot which runs through a block from street to street and which has two (2) non-intersecting sides abutting on two (2) or more streets.

*Lot, frontage.* All of the property fronting on one (1) side of a street between the two (2) nearest boundaries, including lot lines and/or intersecting streets or alleys.

*Lot lines.* The boundaries of a lot.

*Lot width.* The dimension (width) of a lot, measured between side lot lines on the required building setback line for the district in which the lot is located.

*Major street plan.* The official plans of highways, arterial streets, and collector streets, approved by the city planning commission, and duly recorded in the office of the county recorder of deeds.

*Monument.* An object set in the ground to mark the boundaries of real estate or to mark a survey station.

*Nonresidential subdivision.* Either or both of:

- (1) A division or re-division of a tract into more than one (1) lot, plat, or site for commercial or industrial purposes, and
- (2) The dedication or establishment of a street or improvement in conjunction with or use in any such tract.

*Official map.* The base map of the city, showing highways, streets, parks, and drainage rights-of-way, both existing and proposed.

*Official submission date.* The date when a subdivision plan shall be considered submitted to the commission, and is hereby defined to be the date of the meeting of the commission at which all required surveys, plans, plats, and data are submitted.

*Open space, public.* Land which may be dedicated or reserved for acquisition for general use by the public, including parks, recreational areas, school sites, community or public building sites, open or "green space" areas, and other such areas that shall be deemed necessary by the commission.

*Parking bay.* An area, either on an individual lot or on any other portion of a subdivision, which is reserved for vehicular parking.

*Parking lane.* An auxiliary lane of a street or roadway used primarily for vehicular parking.

*Pavement.* An all-weather, dust-free asphalt seal on appropriate base, asphalt concrete, or concrete surface.

*Pedestrian way.* An easement or right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets, roadways, and properties.

*Performance guarantee.* Any security, including performance bonds, escrow agreements and other similar collateral or surety agreements, which guarantees certain improvements will be made by the subdivider or developer.

*Person.* Any individual, corporation, firm, partnership, association, estate, organization, or any other group acting as a unit.

*Place.* Any open, unoccupied, officially designated space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

*Plan, final.* The final plan consists of:

- (1) The final plat; and
- (2) The improvement plans for all or a portion of a land subdivision.

All references to "final plan" within this regulation shall refer to both the final plat and the improvement plans.

*Plat.* A map, plan, or layout of a city, township, section, county, subdivision, or mobile home park indicating the location and boundaries of individual properties.

*Plat, final.* The final plat, prepared by a registered Missouri land surveyor, showing complete bearings and dimensions of all lines defining lots and blocks, right-of-way for all streets, alleys, roadways and easements, public areas, and other dimensions of land as may be required for the development of a subdivision.

*Plat, preliminary.* A map or plan of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed use of the tract.

*Public service commission.* The Public Service Commission of Missouri.

*Right-of-way.* The land opened, reserved, or dedicated for a street or roadway, sidewalk, drainage area, railroad, or other public purpose.

*Setback line.* See "building line/building setback line."

*Sidewalk.* That portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

*Sinkhole.* A depression in the land surface of circular or roughly circular form, within which all surface drainage is internal and within which surface water is impounded or drains into the subsurface through an opening in the soil or bedrock.

*Slope.* The inclination of the ground surface from the horizontal plan, usually expressed, in percent, degree, or feet per mile.

*Street.* A right-of-way, other than an alley, dedicated or otherwise legally established for public or private use, with a surface, usually affording the principal means of access to an abutting property. A street is intended primarily as a means of vehicular travel. The street right-of-way may provide space for public facilities such as sanitary and storm sewers, water, gas, and electric lines, and sidewalks. A street may be designated as a highway, thoroughfare, road, throughway, pike, avenue, boulevard, lane, drive, court, or circle. For the purpose of this chapter, streets shall be classified as follows:

- (1) Arterial. A street so designated on the major street plan of the city, as approved by the board of aldermen. This type of street serves the major traffic movements entering, leaving, or moving within an area. Its principal function is to move traffic. These streets are normally characterized by traffic controls and parking restrictions.
- (2) Collector. Streets which provide for traffic movement between arterial and local streets, and provide direct access to abutting property.
- (3) Local. The sole function of a local street is to provide access to immediately adjacent property. A cul-de-sac is classified as a local street.

*Structure.* Anything constructed or manufactured, which requires location on the ground or is attached to something having a location on the ground.

*Subdivider.* A person, firm, corporation, partnership, association, estate, or any other group or combination acting as a unit for the purpose of subdividing or re-subdividing or proposing to divide a lot, tract, or other subdivision of land that constitutes a subdivision as defined herein, for the purpose of transfer of ownership or development, whether immediate or future, including all changes in street or lot lines. The term "subdivider" shall include any agent of a subdivider or developer.

*Subdivision, major.* The division of a tract of land into five (5) or more lots, tracts, sites, parcels or areas, and/or the division of a tract of land into any number of lots, tracts, sites, parcels, or areas of any size which includes improvements, new streets, easements, rights-of-way, rights of ingress and egress or provision for a public area or a public facility. The term "subdivision" shall also include all re-subdivisions of land or lots.

*Subdivision, minor.* The division of land into not more than four (4) lots, tracts, sites, parcels or areas for residential purposes, any one of which is three (3) acres or less in area and each having a lot width of not less than the minimum lot width as specified by the zoning code for the zoning district in which the property is located and frontage on an existing city, state or federal highway or road dedicated or deeded to the public prior to the adoption of this chapter, provided that the proposed subdivision of land:

- (1) Does not include any new streets, sewer, water, electric systems or any other utilities; and
- (2) Does not include a provision for a public area or public facility; and
- (3) Conforms to the set back line requirements and other requirements contained in the zoning ordinance of the city; and
- (4) Conveys the right-of-way necessary for road widening and maintenance of city roads, where the granting of such right-of-way can be given without undue hardship.

*Surety company.* An insurance company qualified and acting under the provisions of RSMo Ch. 379, which has met the requirements thereof and which is approved by the city attorney.

*Title company.* A corporation qualified and acting under the Missouri Title Insurance Law or a corporation which is an issuing agency for an insurance company insuring land titles.

*Tract.* An area or parcel of land which the developer intends to subdivide and improve, or to cause to be subdivided and improved, pursuant to the requirements of this chapter.

*Yard.* Any open space located on the same lot with a building or structure, unoccupied and unobstructed from the ground up, except for any accessory building or projections as are permitted on the lot.

*Yard, front.* A yard extending across the front of a lot, facing the street, between the side lot lines and being the minimum horizontal distance between the front lot line and the main building.

*Yard, rear.* A yard extending along the rear of a lot and being the minimum horizontal distance between the rear lot line and the main building. On all lots, the rear yard shall be at the opposite end of the lot from the front yard.

*Yard, side.* A yard extending along each side of a lot between the front yard and the rear yard line and being the minimum horizontal distance between the side lot line and the side building line.

*Zoning district map.* A map entitled "Zoning District Map for the City of Jackson, Missouri," dated August 1, 1994, and any amendments thereto.

*Zoning ordinance.* The part of the comprehensive plan, now or hereafter adopted, including any amendments thereto, which includes an ordinance and map dividing the city into zoning districts with regulations, requirements, and procedures for the establishment of land use controls within the city.

(Ord. No. 02-45, § 1, 7-1-02; Ord. No. 03-82, § 1, 7-21-03)

### **Sec. 57-3. - General regulations and jurisdiction.**

- (a) *Plat required.* It shall be unlawful for any person being the owner, agent, or person having control of any land within the city, to subdivide or lay out such land in lots unless by a plat, in accordance with the regulations contained herein. No lots shall be sold nor any plat recorded

until such plat has been approved as herein provided.

- (b) *No sale without plat.* No lot, parcel, or tract of land within any subdivision shall be offered for sale, contract for sale, or option be given until said subdivision plat has been officially approved by the city planning commission and board of aldermen and recorded in the office of the county recorder.
- (c) *Improvements, plat required.* No improvements, other than grading with the appropriate permit shall be made within any subdivision by any owner or owners, or his or their agent, or by any public service corporation at the request of said owner or owners or by his or their agent, until the final plans have been officially approved by the planning and zoning commission and board of aldermen.
- (d) *Street access required.* Each lot shall abut on a street right-of-way with a minimum lot frontage appropriate to the zone in which it is located.
- (e) *Street plan compliance.* The city shall not accept, lay out, open, improve, grade, pave or light any street, lay or authorize the laying of water mains, sewers, connections or other utilities in any street within the city unless the street has received the legal status of a public street prior to the adoption of the comprehensive plan; or unless the street corresponds in its location and lines with a street shown on a subdivision plan approved by the board of aldermen or on a street plan made by and adopted by the planning commission. 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 city planning 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.
- (f) *Master plan.* Where a tract of land is proposed to be subdivided in two (2) or more stages over a period of years, and the subdivider requests approval in parts, he shall, at the time of submission of the preliminary plat of the first phase, submit a master plan of the entire tract to be eventually developed. The master plan shall include, at a minimum, the appropriate sectioning and street and lot layouts to demonstrate to the planning commission that the total design as proposed for the entire subdivision is feasible. The developer may, at his option, submit a detailed master plan in compliance with sections 57-5 and 57-6. Such detailed master plan will serve as the preliminary plat for all phases. The planning and zoning commission and board of aldermen shall give approval or disapproval to the master plan and/or preliminary plat(s) and final plats of phases as submitted from time to time. In the event of disapproval of the preliminary plat or any phase thereof, the planning and zoning commission and board of aldermen shall act in accordance with this chapter and the reason for refusal of any plat or part thereof shall be written upon the records of the planning and zoning commission stating the specific regulation or regulations of nonconformance.
- (g) *Exclusions.* Excluded from these regulations are:
  - (1) The division of land into not more than four (4) lots or parcels in which all lots or parcels are three (3) or more acres in area is exempted from the provisions for preparing and filing a plat, but shall be certified by the planning and zoning commission.
  - (2) The division of land for cemetery usage.
  - (3) The sale or exchange of parcels of land between owners of adjoining property for the purpose of correcting or adjusting lines or increasing the size of property already owned by one of the parties, provided that additional lots are not thereby created and that the original lots are not reduced below the minimum size required by the zoning ordinance. The exchange of such land shall be certified by the planning and zoning commission.
  - (4) The transfer, exchange, or sale of adjoining property to improve ingress or egress to existing lots, tracts, and areas. The exchange of such land shall be certified by the

planning and zoning commission.

(5) The combination or recombination of all or portions of previously platted lots where the total number of lots is not increased and the resulting lots comply with all provisions of this chapter. The combination of such land shall be certified by the planning and zoning commission.

(h) *Minimum requirements.* The provisions of this chapter shall be held to be the minimum requirements necessary for land subdivision within the jurisdiction of this chapter.

(Ord. No. 02-45, § 1, 7-1-02)

#### **Sec. 57-4. - Permits and inspection.**

(a) *Notice to proceed, grading permit, and notice of completion.*

(1) Notice to proceed. Prior to the installation of any improvements, the subdivider shall obtain a written notice to proceed from the director. The notice shall authorize the construction of only those improvements contained within the improvement plans. During the installation of any or all improvements, the city shall retain the right to inspect the installation as deemed necessary to ensure compliance with the approved improvement plans. If any installation of improvements is deemed inadequate to meet the requirements of the approved improvement plans, the director shall have the right to order a suspension of construction until compliance is achieved.

(2) Grading permit. The director shall review the erosion control plan for compliance with city ordinances. Upon approval, the director shall issue a grading permit prior to the beginning of any earthwork. See also section 57-10(h) for additional requirements.

(3) Notice of completion. Upon completion of the installation of any or all improvements, the director shall file with the city clerk a written notice of completion that he has inspected the installation and that it is in compliance with the approved improvement plans, as far as he is able to determine. This shall not relieve the developer of his responsibility in cases of improper or faulty construction, substitution of inferior materials, or unapproved deviations from the improvement plans approved by the board of aldermen.

(b) *Building permits.* No building permit shall be issued by any governing official for the construction of any building, structure, or improvements to the land or to any lot within a subdivision which has been approved for platting or replatting until all requirements of this chapter have been fully complied with.

(1) Any building or structure for which a building permit is issued shall conform to any building, electrical, plumbing, utility, or safety code now in force by ordinance or which may be enacted in the future for the health, safety, and welfare of the city.

(2) The principal structure on all lots shall be constructed with the front face of the building aligned with the front set back line. On corner lots, the building shall be constructed with the front face of the building in contact with the set back line for both streets upon which the property has frontage. In no case shall any building project into the required setbacks. In all cases, the front of the building shall face the front of the lot, except for multi-family dwellings with written approval by the director.

(3) No building permit shall be issued and no building shall be erected on any lot within the territorial jurisdiction of the city unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements of the major street plan of the city, as provided in RSMo Ch. 89.

(4) Building permits may be issued for lots in a new subdivision if:

a. All requirements of this chapter have been fully complied with, including completion and acceptance of the infrastructure, submission of the improvement

guarantee, and submission of as-built plans, and;

b. The final plan has been approved by the board of aldermen and the plat has been recorded in the office of the Cape Girardeau County Recorder of Deeds.

(c) *Inspection.* The subdivider shall pay for and arrange for inspections performed by a registered professional engineer in his employ, and any inspections that may be required by ordinances and regulations of other agencies having jurisdiction, other than those inspections otherwise required by the city.

The city will provide general inspection of the developer's infrastructure work. However, the city does not guarantee the performance of the developer and his contractors. The city's inspection shall not relieve the developer and his contractors of their obligation to perform the work in conformity with the plans and specifications and in a workmanlike manner.

(Ord. No. 02-45, § 1, 7-1-02)

### **Sec. 57-5. - Preliminary plat procedure.**

(a) *Pre-application procedure.* Not less than thirty (30) days before preparing and submitting the preliminary plat to the planning commission, the developer or his engineer may consult with the planning and zoning commission while the plan is in sketch form to ascertain the location of proposed highways, primary or secondary thoroughfares, collector streets, parkways, parks, playgrounds, school sites and other community facilities or planned developments and to acquaint himself with the planning commission's requirements. This pre-application is discretionary with the developer but may assist in the proper approval of his preliminary plat. During the pre-application proceeding, the general features of the subdivision, its layout, facilities and required improvements may be determined to the extent necessary for preparation of a preliminary plat. Pre-application proceedings shall be properly documented by the minutes of conferences and memoranda, as may be necessary, and copies of such documentation shall be furnished to the developer.

(b) *Preliminary plat submission.* A minimum of two (2) weeks prior to the next following study session meeting of the planning and zoning commission, the subdivider shall submit to the director for review:

- (1) Five (5) black-line or blue-line prints of the preliminary plat of the proposed development to the director in accordance with the specifications of this chapter;
- (2) The completed subdivision application;
- (3) The filing fee of one hundred dollars (\$100.00).

(c) *Minor subdivision, resubdivision plats.* Upon recommendation of the planning commission, the board of aldermen may waive the requirements for the submission of a detailed final plat for minor subdivisions and resubdivisions of no more than four (4) lots of record. In such case, however, the subdivider shall submit a survey plat including, at a minimum, the metes and bounds of the proposed subdivision which accurately depicts the subdivision intended and the lots therein. The board may also require any additional information it deems necessary to be included on the survey plat submitted. It shall not be a requirement of the developer of a minor subdivision or resubdivision to submit the final plat and improvement plans on disc or CD to the director.

(d) *Preliminary plat review.* The preliminary plat shall be reviewed by the director and the planning and zoning commission.

- (1) The preliminary plat shall be checked by the director and his staff as to its compliance with the standards, requirements, and principles hereinafter prescribed. In addition, the director shall ascertain compliance with all applicable additional requirements of municipal, county, state, and federal departments and agencies concerned with

applicable regulation of public utilities.

- (2) The director shall submit said preliminary plat to the planning and zoning commission at the next scheduled meeting following staff approval.
  - (3) The preliminary plat shall be checked by the planning and zoning commission as to its conformity to the major street plan, the city comprehensive plan, and as to the plat's compliance with standards, requirements and principles hereinafter prescribed.
  - (4) Within sixty (60) days after the official submission date of a plat to the planning and zoning commission, the commission shall approve or disapprove the plat; otherwise the plat is deemed approved by the commission, except that the commission, with the consent of the applicant for the extension, may extend the sixty (60) day period.
  - (5) The director shall notify the subdivider in writing of the planning and zoning commission's recommendation within one (1) week after the meeting at which the subdivision was reviewed.
    - a. In case the plat is approved by the planning and zoning commission, the plat and commission's recommendation shall be submitted to the board of aldermen for consideration.
    - b. In case the plat is disapproved, the subdivider shall be notified of the reasons for such action and what requirements will be necessary to meet the approval of the commission. However, the subdivider may petition in writing the board of aldermen to review and approve the preliminary plat which has been recommended for disapproval by the commission. A two-thirds (2/3) vote of all members of the board of alderman voting in favor of the original submission shall be required for approval of the plat.
- (e) *Preliminary plat approval.* After the preliminary plat has been reviewed by the planning and zoning commission, it shall be submitted with the commission's recommendation to the board of aldermen for approval or disapproval.
- (1) Approval or disapproval of the preliminary plat will be conveyed to the subdivider in writing within one (1) week after the meeting of the board of aldermen at which such plat was considered.
  - (2) The approval of the preliminary plat does not constitute an acceptance of the subdivision but is deemed to be an authorization to proceed with the preparation of the final plan.
  - (3) This approval shall only be effective for a period of one (1) year, unless an extension is granted by the board of aldermen.
  - (4) In cases of planned staged development, the one (1) year limitation shall be automatically extended one (1) additional year for each additional phase. If the final plat has not been submitted for approval within this period, a preliminary plat must again be submitted to the planning and zoning commission for approval. Any resubmittal of a preliminary plat shall conform to existing city codes at the time of resubmittal.
  - (5) In case the plat is disapproved, the subdivider shall be notified of the reasons for such action and what requirements will be necessary to meet the approval of the board of aldermen.
- (f) *Subdivider requirements.* Following the approval of the preliminary plat by the board of aldermen, the subdivider shall either:
- (1) Install the minimum improvements, or
  - (2) Furnish a bond or other assurance to cover the cost of improvements as set forth in section 57-12. In addition, subdivider shall provide an improvement guarantee as provided in section 57-12

(g) *Preliminary plat specifications.*

- (1) The preliminary plat shall be drawn to a conventional scale.
- (2) The location of present property lines, streets, buildings, and other existing features within the area to be subdivided and similar information regarding existing conditions of land immediately adjacent thereto.
- (3) The location of all existing and proposed streets (their widths and names) and alleys, and the location of all existing easements (their widths and classifications), located on the tract and within one hundred (100) feet thereof.
- (4) The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract, and the name of the preparer.
- (5) The names and book and page numbers of all adjoining property owners and the location of their property lines for those properties not subdivided. If abutting property has been subdivided, only the name of the subdivision, the book and page number of the plat, and the individual lot numbers is required.
- (6) North arrow, scale of drawing, and date of preparation.
- (7) The layout of lots showing the approximate dimensions and numbers.
- (8) The building set back line for all lots, as provided for herein.
- (9) All parcels of land proposed to be dedicated or reserved for public schools, parks, playgrounds, or other public, semipublic, or community purposes.
- (10) Zoning classification and boundary lines, if any; proposed uses of property.
- (11) A location map showing the parcel to be subdivided in relation to the surrounding area.
- (12) If the developer intends to subdivide any portion of the parcel into a multiple-family dwelling unit subdivision, then the preliminary plat shall, in addition, include the following data:
  - a. Gross area of tract.
  - b. Maximum number of units allowed.
  - c. Maximum number of units proposed.
  - d. Off-street parking ratio.
  - e. Distances between structures.
- (13) The sectioning of phases, as indicated on the master plan.

(Ord. No. 02-45, § 1, 7-1-02)

**Sec. 57-6. - Preliminary subdivision design standards.**

- (a) *General.* No preliminary plat for a subdivision shall be approved by the board of aldermen unless the plat conforms to the minimum standards set forth within this regulation. Compliance with the major street plan and the city comprehensive plan for streets, school sites, public parks and recreational areas, and other public services and facilities shall be considered in the approval of the preliminary plat.
- (b) *Street and block layout.* Street classifications shall be limited to three (3) categories in accordance with their use functions:
  - Arterial
  - Collector
  - Local (including culs-de-sac)
- (1) The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or other proper projections where adjoining land is not subdivided).

- (2) The angle of intersection between all streets shall be perpendicular or radial, except by variance in cases of exceptional conditions.
- (3) The street layout of the subdivision shall be in general conformity with the major street plan and provide the most advantageous and aesthetically pleasing development of the entire neighborhood and adjoining streets. Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned, or platted streets with which they are to connect.
- (4) The street and alley layout shall provide access to all lots and parcels of land within the subdivision. Alleys shall be prohibited in residential areas but may be included in commercial and industrial areas where needed for loading and unloading or access purposes.
- (5) The intersection of more than two (2) streets at one point will not be permitted, nor will street jogs with center line offsets of less than one hundred twenty-five (125) feet, except by variance in cases with exceptional conditions.
- (6) Blocks shall be of sufficient width to provide for two (2) tiers of lots of an appropriate depth. The commission may approve block widths providing for a single tier of lots where lots would otherwise front on collector and arterial streets or where topographic conditions or size of the property prevents two (2) tiers. In the event that a single tier of lots is permitted by the planning and zoning commission and board of aldermen, an adequate buffer area shall be provided and access from any abutting major street prohibited.

(c) *Lot dimensions, sizes, shapes, and positions.* **The size**, shape and orientation of lots shall be appropriate for the location and physical character of the proposed subdivision and for the type of development contemplated in compliance with applicable zoning ordinance or regulations.

- (1) *Depth.* Excessive depth in relation to width shall be avoided.
- (2) *Width.* Lots for residential purposes shall have sufficient width at front building set back lines to permit compliance with side yard and distance requirements of the applicable zoning ordinance or regulations and still be adequate for a building of practicable width. Excessive width in relation to depth shall be avoided.
- (3) *Side lot lines.* Side lot lines shall be perpendicular or radial to the right-of-way line of the street on which the lot faces, except where approved by the director.
- (4) *Corner lots.* Corner lots for residential use shall be platted wider than interior lots to permit compliance with the yard and setback requirements of the applicable zoning regulation.
- (5) *Street access.* All lots shall abut on a dedicated street right-of-way.

(d) *Building set back lines.* The principal structure on all lots shall be constructed to align with the front lot line. In all subdivisions, the building set back line will be established on the preliminary and final plats. The building set back line shall run parallel to the adjacent street and shall be no less than thirty (30) feet from any street right-of-way.

- (1) Where the building set back line is a straight line, the front face of the building shall be placed directly on the building set back line.
- (2) Where the building set back line is an outside curve, the front face of the building shall be placed on a line tangent to that curve. Where the building set back line is an inside curve, the front building corners shall be placed directly on that curve.
- (3) On corner lots, the front and side faces of the principal structure will be placed on the building set back lines for both streets upon which the lot has frontage and, if constructed at an angle, the front face of the building will be in contact with both building

set back lines.

- (4) On all lots, the building may be constructed with the front face up to ten (10) feet back from the building set back line, provided that the alignment remains in accordance with the other provisions of this section and all other zoning setback requirements are met. Any side face fronting on an intersecting street may also be constructed up to ten (10) feet back from the building set back line.

- (e) *Design characteristics for street pavement.* Refer to street and storm sewer specifications of Jackson, Missouri for details of pavement composition.

**CONCRETE**

Type of Street	Minimum Uniform Thickness
Alley	6.00 Inches
Local	6.00 Inches
Collector	7.00 Inches
Arterial	8.00 Inches

**ASPHALT**

Type of Street	Minimum Uniform Thickness
Alley	7.00 Inches Bituminous Concrete w/16.00 Inches Modified Subgrade or 12.00 Inches of Rock Base.
Local	7.00 Inches Bituminous Concrete w/16.00 Inches Modified Subgrade or 12.00 Inches of Rock Base.
Collector	Not applicable.
Arterial	Not applicable.

- (f) *Subdivision minimum design standards chart.*

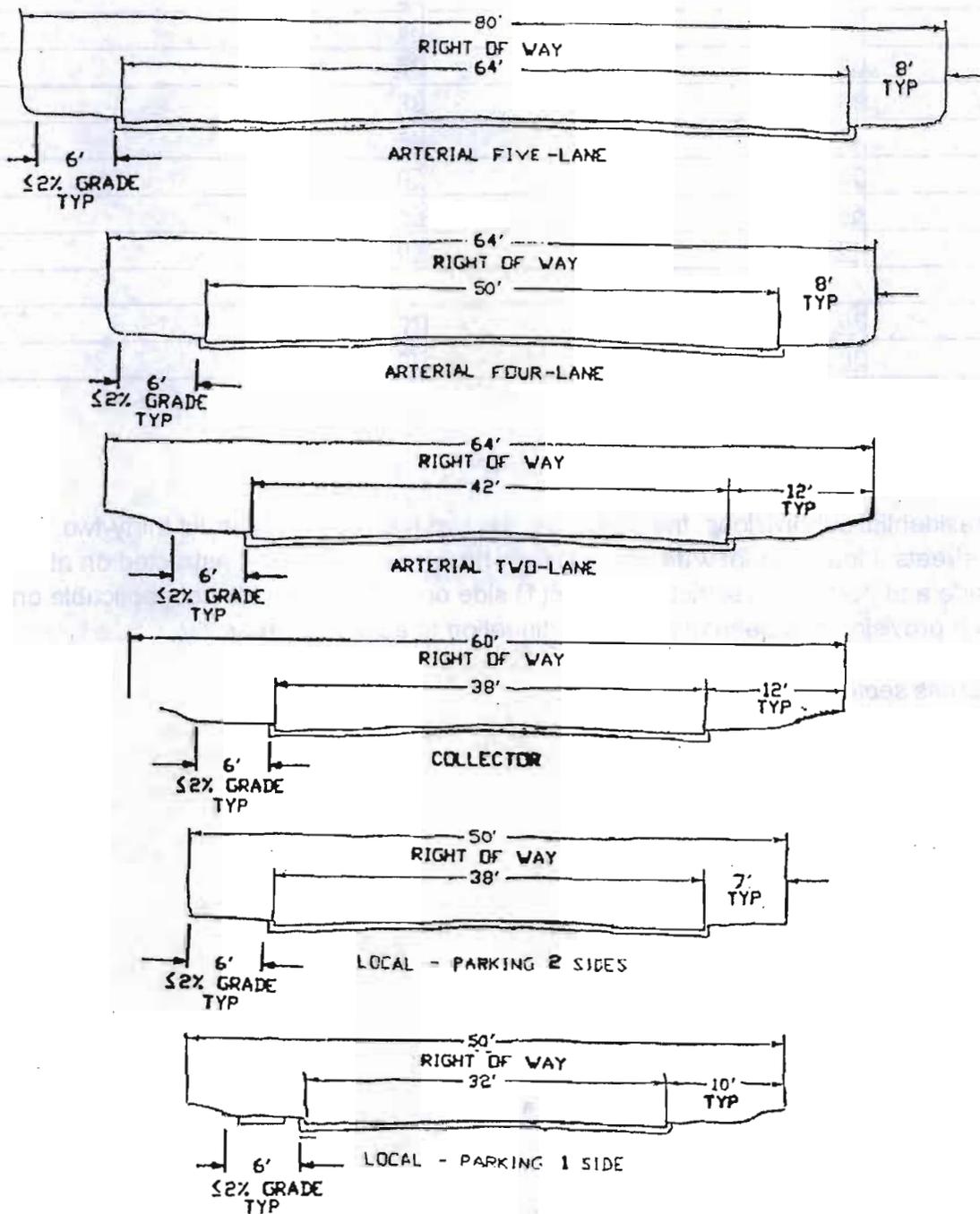
**BLOCK AND LOT REQUIREMENTS**

Block and Lot Requirements	Residential	Business and Industrial
Maximum Block Length	1000	1500
Minimum Block Length	300	300
Minimum Building Line	<u>30</u>	Refer to Zoning
<i>Street Design Standards</i>		
Maximum Cul-de-sac Length	750	1000
<i>Right-of-Way Widths</i>		
Alley	N/A	<u>24</u>
Local	<u>50</u>	<u>50</u>
Collector	<u>60</u>	<u>60</u>
Arterial Two Lane	<u>64</u>	<u>64</u>
Arterial Four Lane	<u>64</u>	<u>64</u>
Arterial Five Lane	80	80
Cul-de-sac Radius	<u>52</u>	<u>52</u>
<i>Pavement Widths</i>		

Alley	N/A	20
Local--Parking One Side	32**	38
Local--Parking Two Sides	38	38
Collector	38	38
Arterial Two Lane	42	42
Arterial Four Lane	50	50
Arterial Five Lane	64	64
Cul-de-sac Radius	40	60
<i>Minimum Corner Radii</i>		
Right-of-Way	20	20
Pavement	30	30

\*\*On local streets in residential subdivisions, the developer may, at his option, construct thirty-two (32) foot wide streets if four (4) foot wide, four (4) inch thick sidewalks are constructed on at least one (1) side and parking is restricted to one (1) side only. This option is not applicable on streets for which provision has been made for continuation to adjoining areas.

(g) *Street design cross sections.*



### Street Design Cross Sections

(h) *Street name guide.*

- (1) Street names shall conform to the "Guidelines for Naming and Numbering Streets—Planning Standards Series No. 1A" by the Southeast Missouri Regional Planning and Economic Development Commission, Document No. 4.21-93, and dated October 25, 1993.
- (2) Streets in alignment with existing streets shall bear the same name of the existing street. All proposed street names shall be checked against duplication or similarity to other street names in the service area of the Cape Girardeau County 911 system.



**Street Name Guide**

(Ord. No. 02-45, § 1, 7-1-02; Ord. No. 03-82, §§ 2, 3, 7-21-03; Ord. No. 03-98, § 1, 8-18-03; Ord. No. 04-16, § 1, 2-17-04)

**Sec. 57-7. - Final plan procedure.**

- (a) *Final plan submission.* A minimum of two (2) weeks prior to being submitted to the board of aldermen for final approval, the subdivider shall submit to the director for review.
  - (1) Five (5) duly executed final plats.
  - (2) Five (5) complete sets of the improvement plans and project specifications containing all profiles and specifications, certified by a professional engineer registered in the State of Missouri and drawn on 24-inch × 36-inch plan and profile paper.
  - (3) The filing fee of one hundred dollars (\$100.00), plus one dollar (\$1.00) per lot shown on the final plat.
  - (4) A performance guarantee as required by this chapter and approved by the city attorney.
  - (5) An improvement guarantee as required by this chapter and approved by the city attorney.
- (b) *Final plan review.* The final plat and improvement plans shall be reviewed by the director for compliance with the provisions of this Code and for compliance with all applicable additional requirements of municipal, county, state, and federal departments and agencies concerned with applicable regulation of public utility companies.

- (c) *Final plan approval.* Upon approval of the requirements of this chapter, the final plan shall be submitted to the board of aldermen in accordance with the provisions of sections 57-8 and 57-9
- (1) Notification of approval or disapproval shall be transmitted in writing to the subdivider within one (1) week of the meeting at which the final plan was presented to the board of aldermen.
  - (2) No final plan shall be approved until the director has certified to the board of aldermen that the improvement plans and the final plat have been approved by his staff and have complied with all city ordinances and applicable state and federal regulations.
- (d) *Final plat recording.* The final plat shall be filed with the Cape Girardeau County Recorder of Deeds by the director following approval by the board of aldermen and compliance with the regulations as set forth in this chapter.

(Ord. No. 02-45, § 1, 7-1-02)

### **Sec. 57-8. - Final plan requirements.**

- (a) *General.* The requirements contained below are required as part of the final plan unless specifically waived by the board of aldermen upon the recommendation of the planning commission under the requirements set forth in section 57-13 of this chapter.
- (b) *Specifications.* The final plat is to be drawn to a conventional scale and shall conform to the standards of the Missouri Department of Natural Resources (MDNR). The final plat shall show and be accompanied by the following information:
  - (1) The boundary lines of the area being subdivided with accurate distances and bearings.
  - (2) The right-of-way lines of all proposed streets, their widths and names, and the lines of all alleys.
  - (3) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names.
  - (4) All lot lines together with a numeric identification system for all lots and blocks.
  - (5) The building line(s) for all lots as provided for herein.
  - (6) The location and dimensions of all easements provided for public use, services or utilities, and drainage.
  - (7) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and any other area for public or private use. Linear dimensions are to be given to at least the nearest one-hundredth (1/100) of a foot.
  - (8) The radii, arc length, location of the curve and central angle for all curvilinear streets and radii for rounded corners.
  - (9) A detailed description of the location and physical nature of all survey monuments and bench marks indicating whether monuments were existing or set, and the reference datum.
  - (10) The name of the subdivision, the scale of the plat, a north arrow, and a statement indicating the reference bearing.
  - (11) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown.
  - (12) Private restrictions and their periods of existence. Should these restrictions be of such length as to make their lettering on the plat impractical and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.

- (13) Notarized certification, by the owner, of the plat and restrictions, including dedicating to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.
- (14) Signatures of all parties having any title interest in the land subdivided, consenting to the preparation and recordation of the plat as submitted. Spaces provided for signatures of approval by the planning and zoning commission chairperson, the mayor, the public works director, an attest by the city clerk, as well as spaces for bill and ordinance numbers accepting the plat.
- (15) Complete improvement plans to include:
  - a. Existing sanitary and storm sewers, water mains, culverts, and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer outlet are to be indicated in a general way upon the plan.
  - b. Sufficient contour data to indicate the slope and drainage of the tract and the elevation of the high and low points thereof. Contour data shall extend one hundred (100) feet beyond the property limits of the tract. In no case shall the contour intervals be more than five (5) feet.
  - c. Plans and profiles of streets, sewers and water lines, regarding the grades and manner of construction of proposed streets, sewers and water lines and the width and type of pavement, location, size and type of sanitary sewer and other sewage disposal facilities; water mains and other utilities, facilities for storm water drainage; and other proposed improvements such as sidewalks, landscape planting, and parks. These plans for all proposed improvements shall be drawn on plan and profile paper and certified by a professional engineer registered in the State of Missouri.
  - d. Erosion control plan as required by this Code and approved by the director.
  - e. Two (2) sets of as-built plans for all improvements signed by a registered engineer in the State of Missouri, shall be submitted prior to the approval of the final plat if a performance guarantee is not required, or as a condition of city maintenance as provided in section 57-10(b)(3). As-built plans must include as a minimum:
    1. Two (2) complete sets of blue- or blackline paper copies of uniform size, 24-inch × 36-inch (one bound, one unbound), signed and sealed by a registered engineer, of plans for all improvements installed. The title sheet shall bear a city standard logo and title block.
    2. Streets, sidewalks, and rights-of-way, their names, locations, final grades, widths and elevations.
    3. Storm sewers, their locations, sizes, grades and elevations.
    4. Sanitary sewers, their locations, sizes, grades, elevations (for both invert and manhole lids) and complete wye information.
    5. Water distribution lines, their locations, sizes and elevations, and any other appurtenances.
    6. Electric distribution lines, transformers, street lights and any other appurtenances, their sizes and locations.
    7. Other utilities, including but not limited to, gas, cable television, and telephone lines, their locations, sizes, and other pertinent information with respect to surface indications if they are in existence within thirty (30) days following completion of the street paving.

8. Two (2) black- or blue-line paper copies of the final plat.
9. Final plat and improvement plans on disc or CD in one of the following formats:
  - i. .DGN (Microstation)
  - ii. .DWG (AutoCAD)
  - iii. .DXF (AutoCAD Drawing Exchange Format)
10. At least two (2) points of all new subdivisions must be tied to the Missouri State Plane Coordinate System (MSPCS) and that the plat be orientated to the MSPCS Grid North, or that the reference angle from the subdivision north orientation to the MSPCS Grid North be noted at the reference coordinate corner indicated on the plat. The improvement plans and as-built plans must be similarly tied to the MSPCS system.
11. A record of all changes made to the project plans and specifications. All changes made to plans and specifications during construction shall be approved in writing by the director.
12. Copies of all material delivery tickets, including quantities, specifications, suppliers names, addresses, and phone numbers.

(Ord. No. 02-45, § 1, 7-1-02)

#### **Sec. 57-9. - Final subdivision design standards.**

- (a) *In general.* No final plat for a subdivision shall be approved by the board of aldermen unless the improvement plans conform to the minimum standards set forth within this regulation. The recommendations of the major street plan and the city comprehensive plan for streets, drainage right-of-ways, school sites, public parks and recreational areas, and other public services and facilities shall be considered in the approval of the final plat.
- (b) *Street and block layout.* Street classification shall be limited to three (3) categories in accordance with their use functions:
  - Arterial
  - Collector
  - Local (includes culs-de-sac)
  - (1) The arrangement of streets in new subdivisions shall make provisions for the continuation of existing principal streets in adjoining areas (or other proper projections where adjoining land is not subdivided).
  - (2) The angle of intersection between all streets shall be perpendicular or radial, except by variance in cases of exceptional conditions.
  - (3) Temporary dead-end streets may be approved where necessitated by the layout of the subdivision or staging of development, provided that temporary unpaved turnarounds shall be constructed where lots are fronting on such temporary dead-end streets. The extra turnaround shall be vacated upon extension of the street and the reconditioning of said street and front yards shall be at the expense of the subdivider. Deadend streets of no more than one (1) lot in length shall be exempt from this temporary turnaround requirement.
  - (4) The street layout of the subdivision shall be in general conformity with the major street plan and provide the most advantageous and aesthetically pleasing development of the entire neighborhood and adjoining streets. Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned, or platted streets with which they are to connect.

- (5) The street and alley layout shall provide access to all lots and parcels of land within the subdivision. Alleys shall be prohibited in residential areas but may be included in commercial and industrial areas where needed for loading and unloading or access purposes.
  - (6) The intersection of more than two (2) streets at one (1) point will not be permitted, nor will street jogs with center line offsets of less than one hundred twenty-five (125) feet, except by variance in cases with exceptional conditions.
  - (7) Horizontal visibility on curved streets and vertical visibility on all streets shall be maintained along the center line as follows:
    - Arterial: Five hundred (500) feet
    - Collector: Three hundred (300) feet
    - Local: Three hundred (300) feet
  - (8) Blocks shall be of sufficient width to provide for two (2) tiers of lots of an appropriate depth. The commission may approve block widths providing for a single tier of lots where lots would otherwise front on an arterial street or where topographic conditions or size of the **property** prevents two (2) tiers. In the event that a single tier of lots is permitted by the planning and zoning commission and approved by the board of aldermen, **an adequate** buffer area shall be provided and access from any abutting major street prohibited.
- (c) *Lot dimensions, sizes, shapes, and positions.* The size, shape and orientation of lots shall be appropriate for the **location** and physical character of the proposed subdivision and for the type of development contemplated in compliance with applicable zoning ordinance or regulations.
- (1) *Depth.* Excessive depth in relation to width shall be avoided.
  - (2) *Width.* Lots for residential purposes shall have sufficient width at the building setback lines to permit compliance with side yard or distance requirements of the applicable zoning ordinance or regulations and still be adequate for a building of practicable width. Excessive width in relation to depth shall be avoided.
  - (3) *Side lot lines.* Side lot lines shall be perpendicular or radial to the right-of-way line of the street on which the lot faces, except where approved by the director.
  - (4) *Corner lots.* Corner lots for residential use shall be platted wider than interior lots to permit compliance with the yard and setback requirements of the applicable zoning regulation.
  - (5) *Street access.* All lots shall abut on a street right-of-way.
- (d) *Building set back lines.* The principal structure on all lots shall be constructed to align with the front lot line. In all subdivisions, the building set back line will be established on the preliminary and final plats. The building set back line shall run parallel to the adjacent street and shall be no less than thirty (30) feet from any street right-of-way.
- (1) Where the building set back line is a straight line, the front face of the building shall be placed directly on the building set back line.
  - (2) Where the building set back line is an outside curve, the front face of the building shall be placed on a line tangent to that curve. Where the building set back line is an inside curve, the front building corners shall be placed directly on that curve.
  - (3) On corner lots, the front and side faces of the principal structure will be placed on the building set back lines for both streets upon which the lot has frontage and, if constructed at an angle, the front face of the building will be in contact with both building set back lines.
  - (4) On all lots, the building may be constructed with the front face up to ten (10) feet back

from the building set back line, provided that the alignment remains in accordance with the other provisions of this section and all other zoning setback requirements are met. Any side face fronting on an intersecting street may also be constructed up to ten (10) feet back from the building set back line.

(e) *Easements.*

- (1) *Front lot line easements.* Front lot line easements shall be provided. Said easements shall have a minimum width of ten (10) feet, measured from the front property line towards the interior of the lots.
- (2) *Rear lot line easements.* Where alleys are not provided, rear lot line easements for utilities shall be provided. Such easements shall have a minimum width of twenty (20) feet, one-half (½) of the width taken from each of the abutting lots.
- (3) *Side lot line easements.* Where necessary, a side easement of fifteen (15) feet may extend from the front to the rear lot lines between lots with one-half (½) of the required easement from each abutting lot.
- (4) *Other easements.* Whenever a stream, watercourse, drainage way, channel, or sinkhole is located in an area which is being subdivided, the subdivider shall provide an easement along each side of the above for the purpose of widening, deepening, sloping, improving, or protecting the above. Such easement will also comply with the storm water and erosion control ordinances of the city. The width of the easement shall be adequate for any necessary channel relocations and straightening and approved by the director. See also section 57-10(h) for more information.

- (f) *Design characteristics for street pavement.* Refer to street and storm sewer specifications of Jackson, Missouri for details of pavement composition.

CONCRETE

Type of Street	Minimum Uniform Thickness
Alley	6.00 Inches
Local	6.00 Inches
Collector	7.00 Inches
Arterial	8.00 Inches

ASPHALT

Type of Street	Minimum Uniform Thickness
Alley	7.00 Inches Bituminous Concrete w/16.00 Inches Modified Subgrade or 12.00 Inches of Rock Base.
Local	7.00 Inches Bituminous Concrete w/16.00 Inches Modified Subgrade or 12.00 Inches of Rock Base.
Collector	Not applicable.
Arterial	Not applicable.

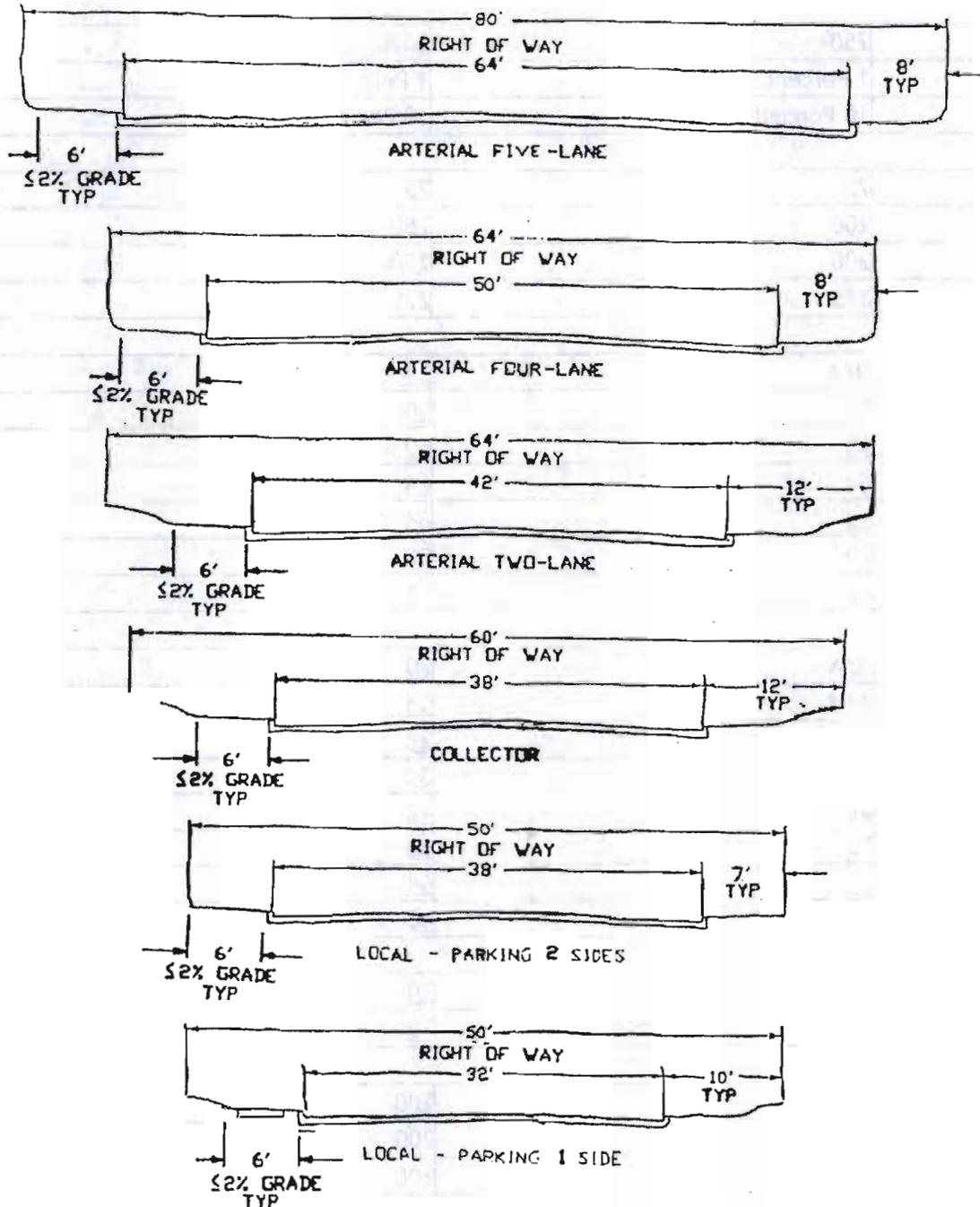
- (g) *Subdivision design standards chart.*

BLOCK AND LOT REQUIREMENTS

Block and Lot Requirements	Residential	Business and Industrial
Maximum Block Length	1000	1500
Minimum Block Length	300	300
Minimum Building Line	30	Refer to Zoning
<i>Utility Easements</i>		
Front Lot Lines	10	10
Rear Lot Lines	10	10
Side Lot Lines	7.5	7.5
<i>Street Design Standards</i>		
Maximum Cul-de-sac Length	750	1000
Minimum Street Grade	1 Percent	1 Percent
Maximum Street Grade	10 Percent	10 Percent
<i>Minimum Sight Distances</i>		
Intersections	75	75
Local	200	250
Collector	200	250
Arterial	275	275
<i>Right-of-Way Widths</i>		
Alley	N/A	24
Local	50	50
Collector	60	60
Arterial Two Lane	64	64
Arterial Four Lane	64	64
Arterial Five Lane	80	80
Cul-de-sac Radius	52	52
<i>Pavements Widths</i>		
Alley	N/A	20
Local—Parking One Side	32**	38
Local—Parking Two Sides	38	38
Collector	38	38
Arterial Two Lane	42	42
Arterial Four Lane	50	50
Arterial Five Lane	64	64
Cul-de-sac Radius	40	60
<i>Minimum Corner Radii</i>		
Right-of-Way	20	20
Pavement	30	30
<i>Minimum Centerline Radii Horizontal Curves</i>		
Alley	N/A	200
Local	100	200
Collector	200	200
Arterial	300	400
<i>Minimum Centerline Radii Vertical Curves</i>		
Local	100 Feet but not less than 20 feet for each algebraic change in grade	
Collector	100 Feet but not less than 20 feet for each algebraic change in grade	
Arterials	200 Feet but not less than 50 feet for each algebraic change in grade	

\*\*On local streets in residential subdivisions, the developer may, at his option, construct thirty-two (32) foot wide streets if four (4) foot wide, four (4) inch thick sidewalks are constructed on at least one (1) side and parking is restricted to one (1) side only. This option is not applicable on streets for which provision has been made for continuation to adjoining areas.

(h) *Street design cross sections.*

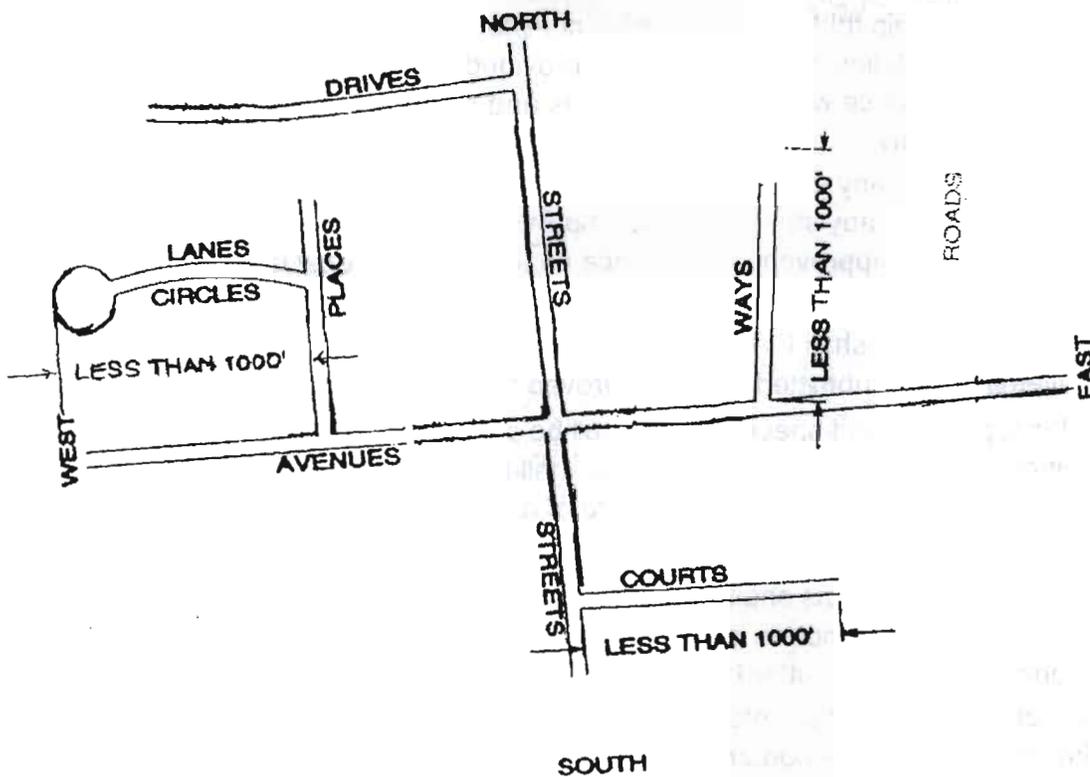


***Street Design Cross Sections***

(i) *Street name guide.*

- (1) Street names shall conform to the Guidelines for Naming and Numbering Streets—Planning Standards Series No. 1A by the Southeast Missouri Regional Planning and Economic Development Commission, Document No. 4.21-93, and dated October 25, 1993.

- (2) Streets in alignment with existing streets shall bear the same name of the existing street. All proposed street names shall be checked against duplication or similarity to other street names in the service area of the Cape Girardeau County 911 system.



**Street Name Guide**

(Ord. No. 02-45, § 1, 7-1-02; Ord. No. 03-82, §§ 4, 5, 7-21-03; Ord. No. 03-98, § 3, 8-18-03; Ord. No. 04-16, § 2, 2-17-04)

**Sec. 57-10. - Minimum improvements required.**

- (a) *In general.* Receipt of an approved copy of the preliminary plat by the board of aldermen is authorization for the subdivider to proceed with the preparation of the final plans and specifications for the minimum improvements and with the preparation of the final plat. Prior to the construction of any improvements, the subdivider shall furnish the director all plans, information and data necessary to determine the character of said improvements. These plans shall be examined by the director and his staff and will be approved, if in accordance with the requirements of this section. Following this approval, construction can be started or the amount of a bond determined, or an assessment provided for. The final record plat of any subdivision shall not be recorded unless:
- (1) The minimum improvements required have been installed and successfully tested; or
  - (2) The subdivider files with the board of aldermen a surety bond, cashier's check, or a certified check or irrevocable letter of credit upon a solvent bank, conditioned to secure the construction of the improvements listed below in a satisfactory manner and within a period specified by the board of aldermen, such period not to exceed two (2) years. No such bond or check shall be accepted unless it be enforceable by or payable to the city in a sum at least equal to the cost of constructing the improvements as estimated by the city engineer and in form with surety and conditions approved by the city attorney.
  - (3) The owner of a tract may prepare and secure approval of a preliminary subdivision plat of an entire area and may install the above improvements only in a portion of such area, but the improvements must be installed in any portion of the area for which a final plat is approved for recording; provided, however, that trunk sewers and any sewage

treatment plants shall be designed and built in such a manner that they can easily be expanded or extended to serve the entire area.

(b) *Conditions of city maintenance.*

- (1) The director shall, within thirty (30) days after completion of the improvements, file a written notice of completion with the city clerk, provided the improvements have been constructed in accordance with the requirements and conditions of this chapter and the specifications of the city.
- (2) The city shall not have any responsibility for providing maintenance or other city services with respect to any street, or other improvement until the notice of completion has been filed, and an approved maintenance bond has been received from the developer.
- (3) Under no circumstances shall the city maintain improvements until the as-built plans for said improvements are submitted to and approved by the director.

(c) *Streets.* Street plans, profiles, and specifications shall be prepared by a registered professional engineer on plan and profile paper and shall be reviewed and approved by the director, planning and zoning commission, and board of aldermen.

(1) *Construction.*

- a. Alleys and local streets shall be constructed of Portland Cement Concrete with integral curbs (or concrete curb and gutter), or bituminous plant mix roadway with a concrete curb and gutter in accordance with city standard street specifications.
- b. Collector and arterial streets shall be constructed of Portland Cement Concrete with integral curbs (or concrete curb and gutter) in accordance with city standard street specifications.
- c. In rights-of-way, all storm sewer, drainage, and culvert piping shall be restricted to Portland Cement Concrete pipe only.

(2) *Roadway sections.* Typical roadway sections showing various widths of roadway and rights-of-way, and required thicknesses shall be provided with improvement plans.

(3) *Pavement design/surface types.* Pavement surfacing for public streets and alleys shall be either Portland Cement Concrete or Plant Mix Bituminous Surface Course material in compliance with city street standards. The particular type of surfacing selected for use on alleys and local streets is at the option of the developer and determined based upon the surface type of existing connecting streets, length of project, type of project, etc. Widening of existing lanes shall be done using the same surface type as the existing street.

(4) *Drainage facilities.* Prior to the placement of street or alley pavements, adequate surface and subsurface drainage facilities (if required) shall be installed by the subdivider. All pipe used for drainage purposes shall be installed as per manufacturer's specifications.

(5) *Standards.* All construction shall be completed in accordance with the city street and sewer standards and the improvement plans, and in a manner acceptable to the authorities having jurisdiction.

(6) *Widths.* All specified street widths are to be measured back to back of curbs.

(7) *Changes or amendments.* If changes from the accepted plans and specifications become necessary during construction, written approval from the director shall be secured prior to the execution of said changes.

(8) *Compacted granular back fill material.* Compacted granular back fill material shall be required in all trenches located under pavements regardless of the type of work performed. Granular materials meeting the requirements of Type 1 or 2, Section 1007,

Aggregate For Base, of the Missouri Standard Specifications for Highway Construction shall be used full depth under roadways and in shoulder areas in which the distance from the edge of the roadway surface is equal to the depth of the excavation, except twelve (12) inches of topsoil on the surface for turf establishment behind curbs. All back fill materials shall be compacted in twelve (12) inch layers in a manner as to prevent future settlement. No utilities shall be located within two (2) feet of the back of curb, except in special instances where approved by the director. This back fill must be compacted to at least ninety-five (95) percent relative density. Compacted earth is not considered an acceptable back fill material under pavement limits or within two (2) feet thereof. Pavement sub grade in all areas shall be compacted prior to paving.

- (9) *Compacted earth back fill material.* Compacted earth back fill material shall be required in all trenches located outside pavement limits and rights-of-way. Said earth back fill material shall be compacted to a minimum of ninety-five (95) percent standard proctor density at optimum moisture ( 2 percent). Earth back fill material shall be compacted in maximum twelve (12) inch lifts.
  - (10) *Manholes.* All manholes located within pavement limits shall be poured monolithic. Manhole diamonds or box-outs are prohibited.
  - (11) *Utilities.* All utilities must be installed and successfully tested prior to the paving of street and sidewalk pavements, unless waived in writing by the director. However, said paving of streets and sidewalk pavements does not constitute acceptance of any subsurface utilities or infrastructure improvements. However, in those situations where the director has permitted utilities to be installed following the placement of street pavements, necessary conduits shall be bored and jacked. In some cases, the pavement may be removed in panels and replaced, and correct installation and back fill operations shall be performed. In all cases, the installation procedure shall be submitted in writing to the director for his approval prior to the installation, and approved by the director in writing.
  - (12) *Coring tests.* The developer shall core all new street and sidewalk pavements to ensure minimum thickness requirements prior to the city's acceptance of any improvements. Core samples for strength and depth shall be taken at one (1) core per every five hundred (500) linear feet of pour width, or as required by the director.
  - (13) *Storm sewer boxes.* The use of concrete block storm sewer boxes more than four (4) feet deep is prohibited. In all cases where boxes are more than four (4) feet deep, pre-cast reinforced concrete structures, as per Missouri Department of Transportation standards, shall be utilized.
  - (14) *Concrete tests.* A minimum of one (1) concrete test shall be taken for each day's pour. Additional tests shall be taken for each one hundred and fifty (150) cubic yards of concrete, or at the director's request and shall include the following testing information:
    - a. Slump.
    - b. Air.
    - c. Cylinders for seven (7), fourteen (14), and twenty-eight (28) day breaks.
  - (15) *Density tests.* Density tests shall be recorded for all earthwork operations. The sub grade of all street pavements shall be re-tested for compaction if the road is to be used as a haul road for concrete trucks and other heavy equipment. One (1) density test shall be taken and recorded as a minimum every one thousand (1,000) cubic yards of earth back fill placed, and every five hundred (500) square yards of pavement sub grade cut to grade. See also section 57-8 for more information.
- (d) *Curbs and gutters.*
- (1) *Construction.* Curb construction for concrete pavements may be integral. Three (3) inch laid back curbs shall be constructed for residential developments. Six (6) inch stand up

curbs may be required by the director for collector and arterial streets.

- (2) *Americans With Disabilities Act.* All curbs, ramps, and sidewalks shall conform to the Americans With Disabilities Act and the Revised Statutes of Missouri. All new curbs and any existing curbs which are a part of a reconstruction shall comply with these requirements. An exception may be granted where, because of surrounding buildings or other restrictions, it is impossible to conform the slope of the ramp with these requirements. In this event, the ramp shall contain a slope with as shallow a rise as possible not to exceed ten (10) percent.
- (3) *Driveways.* Driveway ramps shall not extend past the vertical face of the curb, and ramps shall be built into the curb so that the ramp and street blend to a common level. For all ramps, there shall be a gradual rounding at the bottom of the slope.

(e) *Sidewalks.*

- (1) *General.* The construction of sidewalks is required if the developer chooses to construct thirty-two (32) foot wide local streets under section 57-6(f) of the Code of Ordinances. Sidewalks may also be required by the board of aldermen if the subdivision includes, or is adjacent to, existing or proposed schools. At the time street improvements are installed the right-of-way adjacent to the surfaced portion of the street shall be graded to allow for future construction of sidewalks on one (1) side of all local streets. Such grading shall conform to city specifications and shall be required improvements. All sidewalks and ramps shall meet the requirements of the 1990 Americans with Disabilities Act as published in the Federal Register, Vol. 156, No. 144/Friday, July 26, 1992, pages 35459 through 35511. The final plans must show the sidewalks in plan, profile, and typical cross section. The sidewalk plan may be included as part of the street plan.
- (2) *Installation.* A sidewalk shall be constructed on one (1) side of local streets where the developer has opted to install a thirty-two (32) foot wide street. The installation of sidewalks shall be required as a condition prior to the issuance of any safe occupancy permit by the city for any structure located in any subdivision within which sidewalks are required. The minimum requirements for sidewalks included in the improvement plans shall be as set forth in this section.
- (3) *Design.* Residential sidewalks are to be constructed of Class 'A' Portland Cement Concrete, four (4) inches thick, except where six (6) inch thickness is required in driveways, alleys, and areas that may carry traffic. The sidewalks shall be constructed such that panels are formed using control joints that shall extend to one-fourth ( $\frac{1}{4}$ ) the depth of the sidewalk. If a grooving tool is used to form the control joint, the groove shall not be wider than one-fourth ( $\frac{1}{4}$ ) inch and edged with a one-eighth ( $\frac{1}{8}$ ) inch radius. If the control joints are sawed, the groove shall not be less than one-eighth ( $\frac{1}{8}$ ) inch wide. Whichever method of grooving is used, the control joints are to be cut such that the resulting panel lengths are not less than four (4) feet nor greater than six (6) feet. Edges of the slab shall be edged with an edging tool that has a one-fourth ( $\frac{1}{4}$ ) inch radius.  
All residential sidewalks shall be four (4) feet wide and shall be installed and located two (2) feet from the back of the curb to create a greenway between the sidewalk and the street pavement. Where required, nonresidential sidewalks shall be of concrete, five (5) feet wide and four (4) inches thick, except at driveways where a seven (7) inch thickness shall be required.
- (4) *Expansion joints.* Bituminous pre-formed expansion joints, three-fourths ( $\frac{3}{4}$ ) of an inch thick and pre-cut to the width of the sidewalk, shall be indicated on the plans on each side of driveways, intersecting walks, curbs, and other locations as required. Expansion joints shall be placed at the locations specified on the plans. Expansion joints shall be

placed between the sidewalk and all structures such as light standards, traffic light standards, traffic poles and columns, etc., which extend through the sidewalk.

- (f) *Sanitary sewer system.* The developer shall provide for the disposal of sanitary sewage within the subdivision. The developer shall design, construct and inspect the sewer system.
- (1) Where a public sanitary sewer main is reasonably accessible, the subdivider shall provide the subdivision with a complete sanitary sewer system, including the lateral connection for each lot, connected to said sewer main and extended to the property line. All necessary construction requirements, including lift stations, shall be the responsibility of the subdivider and approved by the director, commission, and board of aldermen and shall comply with the regulations of the Missouri Department of Natural Resources.
  - (2) Where no sanitary system is accessible and no plans for a sewer system have been prepared and approved, or are anticipated, the developer may, upon approval by the Missouri Clean Water Commission, director, commission, and board of aldermen, install individual disposal devices on individual lots, or a central treatment facility within the subdivision. All such individual devices shall be constructed in accordance with the regulations and requirements of the Missouri Department of Natural Resources and the board of aldermen. In no instance will the city be responsible for the construction or maintenance of any central sewage treatment system or individual septic tanks.
  - (3) All sanitary sewer system installations must be air, mandrel and water tested by the developer and television tested by the city prior to the commencement of any street paving. However, the initial television test by the city shall not be considered final. After street construction, there shall be a final television test performed by the city prior to final acceptance of the complete sewer system.
  - (4) All sanitary sewer construction and improvements shall comply with city sanitary sewer standards, copies of which are available in the office of the director.
  - (5) The city shall pay for material costs for the over sizing of sanitary sewer lines beyond that which is required of the developer under these regulations. The final plans shall indicate the required over sizing of all sewer lines as directed by the city.
- (g) *Water distribution system.* The developer shall design, construct and inspect the subdivision with a complete loop-type water distribution system adequate to serve the area being platted.
- (1) Residential water mains shall be a minimum of eight (8) inches in diameter, and fire hydrants spaced a maximum of six hundred (600) feet apart. Commercial and industrial water mains shall be a minimum of eight (8) inches in diameter, and fire hydrants spaced a maximum of three hundred (300) feet apart. The final plan shall not be approved by the city until the Missouri Department of Natural Resources certifies that said water supply system is in compliance with the applicable regulations of the State of Missouri and is in accordance with the city Standard Water Line Specifications or any future amendments thereto.
  - (2) The system shall include a separate water tap connection for each lot. All water taps shall be installed under proposed streets, sidewalks and other paved areas prior to the commencement of any paving.
  - (3) The system shall include a service line for each lot. The curb stop shall be in an off position and copper tracer wire shall be soldered to the tracer wire on the city's main water line. The tracer wire shall be extended to the customer's copper service line and soldered thereto. Each service line shall be live to the curb stop and shall be extended a minimum of three (3) feet onto the lot from the front lot line and capped with a curb stop. Service lines shall be located by stationing on the as-built plans. All service lines shall be made following testing procedures and the pressurization of said water main.

- (4) Service lines shall be located within eight (8) feet of side lot lines except in cases otherwise approved by the city administrator or his designate. In no case shall the curb stop and/or meter tile be located in driveways, sidewalks or other paved areas.
- (5) All water system construction and improvements shall comply with city Standard Water Line Specifications, copies of which are available in the office of the director.
- (6) The city shall pay the material costs for any over sizing of water mains beyond that which is required of the developer under these regulations.
- (7) The final plans shall indicate the required over sizing of all water lines as directed by the city.
- (h) *Storm drainage, detention and erosion control.* Adequate surface and subsurface drainage ways for the removal of storm water, detention basins, and erosion control shall be provided by the subdivider. The purpose of this section is to ensure that storm water runoff after development does not exceed pre-development storm water runoff.
  - (1) *In general.*
    - a. *Applicability.* All new development within the city shall be subject to the provisions hereof.
    - b. *Fee in lieu of storm water facility construction.* Unless the increase amount or velocity of storm water generated by a development of under three (3) acres will cause a major impact on down stream facilities or water courses, a developer/builder shall pay to the city a fee based on the following scale. Said fee shall be known as "storm water credits."

*Storm Water Credits*

Lot Size/ Area (Acres)	Commercial/ Industrial Fee	Residential Fee
0.00–0.50	\$ 400.00	\$120.00
0.50–1.00	640.00	104.00
1.00–1.50	1,080.00	98.00
1.50–2.00	1,120.00	72.00
2.00–2.50	1,360.00	56.00
2.50–3.00	1,600.00	40.00

In the event it is determined by the director of public works or his designate that the increase flow or velocity of storm water generated by a three (3) acre or less development/subdivision will cause a major effect on downstream facilities or water course, the builder/developer shall comply with the following provisions hereof. The decision of the director of public works shall be final.

- c. *Scope of storm water system.* All developments and subdivisions shall be subject to the provisions hereof. On all developments over three (3) acres in area and on those under three (3) acres which the director of public works has determined may create major impact on downstream facilities or water courses, the extent of the storm water system required shall be based upon an analysis of need prepared by a registered professional engineer in the form of a design report. The design report shall be approved by the director in the preliminary design phase. The development's storm water system shall include a storm drainage system and a detention basin(s) as provided herein. On all developments and

- subdivisions under three (3) acres, except as otherwise provided herein, the developer shall be required to pay storm water credits as provided herein.
- d. *Storm water plans/maintenance.* The developer shall design storm water detention/retention basins or other storm water control facilities, which said facilities shall be incorporated into subdivision lots thereby providing a method of permanent maintenance by the landowner. The purpose of this approach is to provide practical and aesthetically pleasing storm water control which incorporates basins into areas which can be used by the landowner. Developer shall dedicate permanent storm water basin easements as required by city.
- e. *Design criteria.* The minimum design criteria to be used to design and construct the storm water system shall be established by the following publications, all of which establish minimum design criteria:
1. Missouri Department of Transportation Design Manual—Chapter IX - Hydraulics and Drainage. (Section 9.02 current edition).
  2. Missouri Department of Natural Resources Manual—Protecting Water Quality.
  3. Missouri Department of Natural Resources—Storm Water Permit Requirements for Land Disturbance Activities PUB002009 current edition.
  4. Environmental Protection Agency—Storm Water Management for Construction Activities—EPA 833-R-92-001 current edition.
- When conflicts arise between manuals or any other city, state or federal regulation, the most stringent criteria shall control.
- f. *Design storm frequencies.* The minimum rain fall event to be utilized in determining the intensity of rainfall for storm flow calculations shall be based on the following:

Land Use/Zoning	Storm Return Frequency (Year Storm)	Condition
Residential	10	Developed
Commercial	15	Developed
Industrial	15	Developed
Parks, Greenbelts, etc.	10	Developed
Open Channels (see note 1)	25	Developed
Flood Plains	100	Developed
<i>Street Culvert Crossings:</i>		
Local	10	Developed
Collector	25	Developed
Arterial	50	Developed
Tributary	50	Developed
Detention Basin Discharge	2, 10, 100	Pre-Developed

- g. *Permanent storm water easement.* Permanent storm water easements are required to provide adequate access for construction, inspection, and maintenance of storm drainage system components. Easements shall be dedicated to the city. Storm water easements shall have minimum widths as described below. A wider easement width may be required at structures, or if the easement is shared with other utilities or as determined by the city engineer.

1. Storm sewer easements shall be fifteen (15) feet wide or the outside dimension of the conduit plus ten (10) feet (centered on the conduit), which ever is greater. A wider easement will be required if the depth of cover exceeds four (4) feet.
2. Improved open channel easements shall be as wide as the top of bank width plus ten (10) feet on each side, and shall be continuous to the end of the channel.
3. Natural open channel shall be the area between the high bank lines of the channel, plus additional width on each side of the channel as deemed necessary by the city to allow access for maintenance equipment. The minimum width for a natural open channel easement is thirty (30) feet.
4. General easements. In subdivisions, the detention basin, access roads or paths, control structures and outfall pipes are to be located in permanent utility easements dedicated to the city.

h. *Storm water plan and design review fees.* For purposes of evaluation, projects will be classified in four (4) categories according to acreage:

Class (Acres)	Review Fee
(1) Less than 10	\$ 80.00
(2) 10 to 25	160.00
(3) 25 to 100	240.00
(4) > 100	300.00

This fee shall accompany the storm water plan.

- (2) *Storm drainage system.* Storm drainage systems required by this section shall use surface ditches, storm drains, guttering and other appurtenances which may be required to accomplish the intent hereof.
  - a. *Calculations.* In developing a storm water drainage system the development calculations shall be based on the maximum of one (1) fifteen (15) minute rainfall using the following:

Watershed Area (acres)	Method
0-25	Rational (see Note 1)
> 25	Technical Release 55 (TR-55) (see Note 2)

Note 1: Rational method shall be as identified in Missouri Department of Transportation Design Manual Chapter IX—Hydraulics and Drainage current edition.

Note 2: Technical release 55 (TR-55) shall be as identified in the NRCS Urban Hydrology for Small Water Sheds.

b. *Open channels.*

1. Open channels, natural or improved, may be placed to the rear or side of properties upon approval of the city engineer where the design provides adequate protection to the existing and future property and structures. Such protection shall be through the provision of a fifty (50) year flood plain setback and a minimum distance from the top of bank to the setback of thirty (30) feet. This drainage setback line shall be shown on the final plat. Permanent vegetation, existing ground elevation, and grades within the thirty (30) foot setback area shall be left intact and undisturbed on channels with watersheds of one hundred (100) acres or more unless modification is approved in writing by the director or his designate.
2. Area inlets shall be required behind the curbs to intercept overland flows greater than one (1) cfs to prevent flows from crossing sidewalks and/or curbs.
3. Existing open channels may have storm return frequency waived in writing by the public works director or his designate to protect existing vegetation on stream bank. Bridges shall be designed per MoDOT criteria.

c. *Curb inlet, junction boxes and other points of entry.* Curb inlets shall be installed at intersections and as required at intermediate points to limit gutter flow width during runoff occurring from the design peak discharge from the tributary watershed area to that which will not encroach on the following center width of streets:

Street Type	Center Width (Feet)
Arterial	24
Collector	14
Local	10

Inlets, junction boxes and other points of entry shall be per the city's inlet details and as approved by the city engineer. When locating inlets in sump locations consideration must be made with respect to the major drainage system. A one hundred (100) year design event shall not cause buildings to flood in the event that a single inlet becomes blocked. In new developments the one hundred (100) year design storm elevation shall be mapped on the final plat as a building set back. Overland relief to another inlet or surface channel shall be provided to protect property.

d. *Enclosed systems.*

1. The outlet of an enclosed system shall discharge into an open channel a minimum of fifty (50) feet upstream of an adjacent property, or sufficient energy dissipation is provided to negate the increases posed by development as approved by the city engineer.
2. Building gutter drainage systems may not be discharged directly into the city's enclosed system.
3. If development plans call for the enclosure of an existing, natural drainage

way which carries greater than fifty (50) cfs during the design storm event, the enclosure shall be sized for a fifty (50) year twenty (20) minute storm event. Two (2) feet minimum freeboard shall be required. Upstream inundation shall be checked. Where inundation extends beyond the site property line and exceeds the design water surface elevation of the natural drainway/channel, a backwater ponding easement from the affected off-site property owner(s) shall be required prior to final plan approval. A reduction in the design storm requirement may be granted by the city engineer when existing off-site, downstream storm sewer would be smaller than the required on-site, upstream sewer and the downstream storm sewer are not designed to intercept/pass the fifty (50) year twenty (20) minute storm event.

- e. *Detention basin.* The developer's professional engineer shall provide calculations for a detention basin or basins for the increased storm water runoff resulting from the entire area of the proposed development which may include wet or dry bottom reservoirs.
1. *Storage volume.* The volume of storage provided in the detention basin shall be sufficient to control the excess storm water runoff added to the watershed from development. A volume calculated should provide for the attenuation of the post-developed discharge to a rate which shall not exceed the pre-developed peak discharge rate. Streets may not be used for storage volume.
  2. *Release rate.* A release rate shall be calculated for a two (2), ten (10) and one hundred (100) year storm as described in subsection (1)(c) for the proposed subdivision in the condition prior to the proposed development. The storm water release rate shall not exceed at any time, the allowable flow rate of downstream storm water facilities. In the event it does, the release rate on the basin shall be reduced to the allowable rate and the storage volume increased.
  3. *Construction phase.* The two (2) year storm design referred to above will only be used during the construction phase of the development for erosion control. As a minimum a silt basin to handle the two (2) year storm shall be constructed at the location of the detention basin prior to the start of major earth moving operations.
  4. *Time of concentration and infiltration.* The design of the development shall be such that the time of concentration is maximized to allow for maximum infiltration.
  5. *Emergency spillway.* An emergency spillway shall be required to release the runoff from a storm greater than a one hundred (100) year twenty-four (24) hour storm as required by regulations from the state department of natural resources.
  6. *Freeboard.* Detention basin shall require a minimum of 2 feet of freeboard from one hundred (100) years storm overflow elevation. Wet bottom facilities may require increased freeboard to prevent damaging from flooding down stream during low frequency storms.
  7. *Dam design.* The professional engineer will be required to submit a dam design for basins greater than one hundred (100) acre feet or as requested by the director. Dams with a height of thirty-five (35) feet or greater will require approval from the Missouri Department of Natural

Resources.

8. *Landscaping plan.* A landscaping plan shall be required on the basin to provide an aesthetically pleasing, park environment for the public or private landowner. The landscaping plan shall be designed and planted by the developer, approved by the city, and maintained by the developer until maintenance guarantee expires.
- f. *Plan adherence and enforcement.* The applicant shall be required to adhere strictly to the storm water management plan as approved. Any changes or amendments to the plan must be approved by the public works director or his designate in accordance with the procedures set forth in this chapter obtaining storm water management plan approval. Public works director or his designate shall be, and are herein, granted inspection rights and right of entry privileges in order to ensure compliance with the requirements of this chapter.
1. *Approved projects.* The public works director or his designate shall carry out periodic inspections of the project site to insure compliance with this chapter. If it is determined that the project is not being carried out in accordance with the approved storm water management plan, the public works director or his designate is authorized to:
    - i. *Written notice.* Issue written notice to the applicant or owner, specifying the nature and location of the alleged noncompliance, with a description of the remedial actions necessary to bring the project into compliance within a reasonable specified time;
    - ii. *Stop-work order.* Issue a stop-work order directing the applicant or owner to cease and desist all or any portion of the work which violates the provisions of this chapter, if the remedial work identified in the "written notice" is not completed within the specified time.
  2. *Unapproved projects.* With respect to any development or development activity determined by the public works director or his designate to be subject to this ordinance, and being carried out without approval, the public works director or his designate is authorized to follow procedures for corrective action as described for approved projects except that after a stop-work order is issued, the owner does not bring project into compliance, the violation goes directly to the penalty phase.
    - i. *Revocation of approval.* Should the applicant or owner not bring the project into compliance with the written notice and stop-work order, he shall then be subject to immediate revocation of his storm water management plan approval and to the penalties described in the following section.
    - ii. *Appeal.* Any notice, order or revocation issued pursuant to the above subsections shall become final unless the person named therein requests, in writing, no later than ten (10) days after the date of such notice, order or revocation is served, a hearing before the board of aldermen.
  3. *Penalties for violation.* Violation of the provisions of this chapter or failure to comply with any of its requirements, including conditions and safeguards established in connection with variances or special use permits, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) or imprisoned for not more

than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

9. *Liability disclaimer.* The performance standard and design criteria set forth herein establish minimum requirements which must be implemented with good engineering practice and workmanship. Use of the requirements contained herein shall not constitute a representation, guarantee, or warranty of any kind by the city or its officers and employees of the adequacy or safety of any drainage management structure or use of land. Nor shall the approval of a storm water management plan and the issuance of a permit imply that land uses permitted will be free from damages caused by storm water runoff. The degree of protection required by these regulations is considered reasonable for regulatory purposes and is based on historical records, engineering and scientific methods of study. Larger storms may occur or storm water runoff heights may be increased by manmade or natural causes. Enforcement of these provisions, therefore, shall not create liability on the part of the municipality or any officer of the municipality with respect to any legislative or administrative decision lawfully made hereunder, nor shall compliance relieve an owner, developer, developer's engineer, and/or permittee from responsibility under any circumstances where liability would otherwise exist.
  - h. *Erosion control.* The developer shall comply with the erosion control ordinances of the city found at sections 21-1, et seq. Said ordinances have been considered along with the 2000 revision of these subdivision regulations, and have been amended to conform with city's subdivision regulations after planning and zoning review and required public hearing. Recodification herein would be superfluous.
    - (i) *Public utilities.* The developer shall design and construct the utility infrastructure necessary to serve his current development and any future development planned by said developer on his master/preliminary plan.
      - (1) *Over sizing.* The developer shall oversize the infrastructure as determined by the director as necessary for future expansion of the city's utility system, provided however, that the cost of said materials over sizing shall be paid by the city. This includes but is not limited to lift stations and appurtenances thereto.
      - (2) *Electric distribution.* All electrical power to subdivisions shall be installed as set forth in section (n) Electrical distribution system of this chapter.
      - (3) *Underground facilities.* Where gas, telephone and electric service lines are placed underground throughout the subdivision, the mains, lines, cables and conduits shall be located within the easements or public right-of-way in a manner which will not conflict with other underground services. All controls, valves, transformers and terminal boxes shall be located so as not to be hazardous to the public.
      - (4) *Excavations.* All excavations for public utilities made under paved areas shall be properly back filled with approved granular materials, and street repairs shall be completed as soon as possible to restore the street surface. All such repairs or reconstruction shall be completed at the expense of the developer or utility involved. No excavation of any street may be undertaken until all necessary permits are obtained. All utility excavations shall be constructed under the Missouri Standard Specifications for Highway Construction, and the Manual of Uniform Traffic Control Devices (MUTCD).
      - (5) *Overhead lines.* When, in cases of variance, electric and telephone lines are to be carried on overhead poles, rear and side lot easements or public rights-of-way shall be utilized wherever possible.

- (6) *Inspection.* The city shall retain the right to inspect all city utilities prior to commencement of back filling operations.
  - (7) *Notification.* The city shall be contacted no less than twenty-four (24) hours in advance of utility work being performed.
  - (8) *Final plans.* Final plans must include, at a minimum, all utilities such as gas, cable television, and telephone lines, their locations, sizes and other pertinent information as they are to be constructed within the development.
- (j) *Gas.* If the developer proposes that natural gas be provided as fuel for home heating, the developer or gas supplier shall install all lateral lines necessary for distribution.
- (k) *Street lighting.* Street lighting shall be installed in all subdivisions developed within the city in accordance with the following design and installation standards.
- (1) Each developer shall submit a street lighting plan clearly set forth on the final plan submitted to the director. The street lighting plan shall be reviewed and approved by the director or his designated representative as part of the city staff review.
  - (2) In a subdivision, a lighting unit shall be installed at each intersection and cul-de-sac turnaround.
  - (3) Lighting standards shall be staggered longitudinally, a minimum of one hundred fifty (150) feet and a maximum of four hundred fifty (450) feet apart.
  - (4) Each lighting unit shall be set back and centered on a point three (3) feet to four (4) feet from the rear curb line.
  - (5) Mounting height shall be a minimum of twenty (20) feet from pavement to luminaire.
  - (6) Lamp posts shall be round tube type of aluminum alloy or black fiberglass, and a minimum of twenty (20) feet in height. Lighting brackets or mast arms shall be a minimum of six (6) feet in length and made of aluminum alloy or galvanized steel.
  - (7) Lamps or luminaires shall be of the one hundred and fifty (150) watt high pressure sodium type or that recommended by the director or his designate.
  - (8) Installation of lighting may be independently contracted by the developer or may be installed by city crews at the developer's request. Inspection of installation shall be made by the director or his designate and city crews shall make all final connections to the city's power source.
  - (9) All street lighting shall be installed in accordance with the Missouri Public Service Commission regulations and subsequent amendments. All electric lines, poles, and fixtures shall be assembled and wired through the base of the pole.
  - (10) In all cases the subdivider shall pay the actual cost of all materials, equipment and accessories necessary for street lighting within the subdivision as well as any trenching, if necessary.
  - (11) On submission of the final improvement plan, the subdivider shall give formal notice to the director whether or not he desires the city to install the street lighting plan within the subdivision. In the event that the city installs the street lighting, the subdivider shall pay the city within thirty (30) days of invoicing, for the items and labor specified herein.
  - (12) If the subdivider desires to install, or independently contract for the installation of, the street lighting system, the subdivider may do so at his own cost.
- (l) *Landscape development/building gutter drains.* All unpaved or otherwise unimproved areas within the public rights-of-way, or public use areas, shall be landscaped in a manner approved by the commission to include at a minimum seeding with permanent grasses and mulching, or sodding.
- (1) Where shrubs are required for the purpose of screening, specimen, density and other pertinent features shall be approved by the planning commission.

(2) All common areas and lots (including right-of-ways and easements) are to be mowed and maintained by the developer until such a time as said lots are sold to individual interests.

(m) *Subdivision monumentation.* All property surveys shall be conducted according to the current minimum standards for property surveys, as set out by the Missouri Land Survey Authority.

(1) All monuments shall be established and installed to meet the requirements for monumentation of the Missouri Land Survey Authority.

(2) Permanent markers shall be set by the subdivider:

- a. At the intersection of all lines forming angles in the boundary of the subdivision.
- b. At the intersection of street right-of-way lines at the beginning and end of all curves along street property lines.
- c. At all lot corners.

(n) *Electrical distribution system.*

(1) *In general.* All power in new subdivisions shall be installed in accordance with the following design and installation standards:

- a. All power shall be installed underground, except by variance in cases of exceptional conditions as determined by the director.
- b. Each developer shall submit a comprehensive power distribution plan clearly set forth on the final plan submitted to the director. The plan shall be reviewed and approved by the director or his designated representative as part of the city staff review.
- c. All power installations shall be installed in accordance with the Missouri Public Service Commission and National Electric Safety Code regulations and any other applicable codes.
- d. All required fees shall be paid by the developer prior to the commencement of the city's final installation procedures.

(2) *Developer's responsibility.*

- a. The developer shall provide, at its cost, a complete underground electric conduit system, including trenching, conduit and other appurtenance therefor. The conduit system installation by the developer shall consist of all conduits, manholes, pulling boxes and other required subsurface structures. Said conduit shall be two and one-half (2½) inch diameter Schedule PVC from point of service to dwellings, buildings, and meter bases with pull tape installed, unless otherwise specified by the city. All materials shall meet the city's specifications.
- b. The electric conduit system shall be installed and accepted prior to the commencement of any street paving, except by variance in cases of exceptional conditions as determined by the director.

(3) *City's responsibility.*

- a. The city will provide all primary and secondary voltage and service cables, except for service line conduit. The conductors, transformers, transformer pads, switch gear pads and pedestal bases necessary for completing the primary and secondary distribution system, except for the conduit system and other materials initially installed and contributed by the developer and/or customer, shall be provided and installed by the city at no charge to the developer. The city shall make all permanent connections to meter bases, transformers, pedestals, and poles. The city shall own, operate, and maintain the entire distribution system within the subdivision, including both the portion installed by the city and that installed by the developer.

- b. Upon application by the developer or customer, the city shall connect temporary electric service to the customer's private trim in accordance with city ordinance.
- c. Installation of the street lighting system may be independently contracted by the developer or may be installed by the city at the developer's request. In all cases, the developer shall pay the actual cost of all materials, equipment, and accessories necessary for street lighting within a subdivision as well as any trenching, if necessary. Inspection of installation shall be made by the director or his designate and city crews shall make all final connections to the city's power source. If the developer desires to install, or independently contracts for the installation of, the street lighting system, the developer may do so at his own cost. If a developer desires special ornamental lighting, they shall pay the difference in cost above the city's standard street lighting cost. Standard light costs charged to the developer shall be four hundred dollars (\$400.00) for both the pole and fixture.
- d. On submission of the final plan, the subdivider shall give formal notice to the director whether or not he desires the city to install the street lighting plan within the subdivision. In the event that the city installs the street lighting, the subdivider shall pay the city within thirty (30) days of invoicing, for the items and labor specified herein.

(Ord. No. 02-45, § 1, 7-1-02; Ord. No. 02-55, § 2, 8-5-02; Ord. No. 03-98, § 5, 8-18-03; Ord. No. 05-121, § 1, 10-3-05)

#### **Sec. 57-11. - Nonresidential subdivisions.**

- (a) *In general.* If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the planning and zoning commission and board of aldermen may require. A nonresidential subdivision shall also be subject to any requirements of site plan approval set forth in the zoning ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the planning commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the planning commission and board of aldermen and shall conform to the proposed land use and standards established in the comprehensive plan and zoning ordinance of the city.
- (b) *Standards.* In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the commission and board of aldermen that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
  - (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the planning commission and board of aldermen for prospective use.
  - (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
  - (3) Special requirements may be imposed by the board and planning commission with respect to street, curb, gutter, and sidewalk design and construction.
  - (4) Special requirements may be imposed by the board and planning and zoning commission with respect to the installation of public utilities, including water, sewer, and storm water drainage.
  - (5)

Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

- (6) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.
- (7) All thoroughfares shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

(Ord. No. 02-45, § 1, 7-1-02)

### **Sec. 57-12. - Performance and improvement guarantees.**

(a) *Performance guarantee.* The subdivider may furnish a performance guarantee to guarantee that actual construction and installation of all improvements shall be completed within two (2) years after the approval of the final plat for each phase of development. The performance guarantee shall not be less than the estimated cost of the improvements as estimated by the developer's engineer and approved by the director and/or city engineer.

(1) The performance guarantee shall be made in one (1) of the following manners:

- a. A performance bond issued by a surety company, a title insurance company, or a financially reliable corporate security engaged in the business of signing bonds in the State of Missouri, approved by the city attorney and board of aldermen; or
- b. An escrow agreement, to be held in a special escrow account, subject to the audit of the city, approved by the city attorney and board of aldermen, in one (1) of the following forms: Cash, or an irrevocable letter of credit or commitment from a lending institution to the escrow agent guaranteeing to said escrow agent the availability of escrow funds, from time to time upon demand, or certificates of deposit, treasury bills, or other readily negotiable instruments endorsed by the escrow agent.
- c. In lieu of posting a performance bond or escrow agreement as specified in the above, the subdivider may elect to deposit, in an escrow account, the amount required. The escrow agreement shall provide that the escrowed funds are held by a qualified escrow depository, approved by the city attorney and board of aldermen, in a special account to be dispersed by the escrow holder solely for the payment of labor and materials used in the construction and installation of the improvements guaranteed as the work progresses and as approved by the board of aldermen. In no event shall an authorization be given for the release of, nor shall the escrow holder release, more than ninety (90) percent of the escrow fund until the improvements have been completed in a satisfactory manner in accordance with this ordinance and approved by the board of aldermen.

(2) If the required improvements are not completed within the time allowed, the city shall enforce the performance guarantee by all appropriate legal and equitable remedies, collect said money, and complete the required improvements in behalf of the city. Renewal of the performance guarantee may be made upon the approval of the board of aldermen for an additional period of time specified by the board of aldermen, provided that the application for renewal is made at least thirty (30) days prior to the expiration of said bond.

(b) *Improvement guarantee.* The subdivider shall submit as a part of the final plan, an improvement guarantee setting forth the person, corporation, trustees, or other agency

responsible for guarantee of all improvements within the subdivision.

- (1) The subdivider shall keep in repair all subdivision improvements for a period of two (2) years from the date of completion of said improvements. To guarantee the improvements, a bond or other security as provided for herein shall be required by the board of aldermen in the amount of ten (10) percent of the total cost of improvements or at a higher amount as determined by the director. The bond shall be filed with the city clerk and be from a surety company or other lending institution licensed to do business in the State of Missouri and approved by the city attorney.
- (2) If in the opinion of the director, the materials and workmanship of the subdivision improvements are found within the two (2) year guarantee period to be of substandard quality or quantity, or if said improvements fail to comply with city specifications, the director shall have the right to give the subdivider thirty (30) days notice to repair said deficiencies. In the event said deficiencies are not repaired within the thirty (30) day period, the director shall have the right to access the improvement guarantee provided herein.
- (3) In the event sidewalks are required under section 57-10(e) and in the event that all sidewalks within the subdivision have not been constructed within the two (2) year period set forth in section 57-12(b)(1), then the subdivider shall be required to immediately construct all remaining sections of sidewalk set forth in the final subdivision plans. No performance guarantee required under this section shall be released until this provision has been satisfied.

*(Ord. No. 02-45, § 1, 7-1-02; Ord. No. 03-98, § 6, 8-18-03)*

### **Sec. 57-13. - Variance and exception.**

- (a) When a subdivider can show that a provision of this chapter would cause unnecessary hardship if strictly adhered to because of conditions peculiar to the site, and when a departure may be made without destroying the intent of such provision, a variance or modification may be granted. The subdivider shall apply in writing for such variance or modification. The variance or modification shall be referred to the planning and zoning commission who shall forward its recommendation to the board of aldermen. Any recommendation regarding a variance shall be entered in writing in the minutes of the commission and the reason on which the departure was justified or denied shall be set forth. Any variance or modification may be authorized by the board of aldermen by a two-thirds (2/3) vote of the entire membership. Such variance or modification shall be made by ordinance and a copy thereof shall be attached and made part of the final plan.
- (b) No variance shall be granted unless the board of aldermen finds that no detriment will be caused to the public welfare and no damage will be caused to other public property in the area in which the property for which the variance is requested is situated and that the variance does not substantially impair the intent and purposes of this chapter.
- (c) No variance shall be granted which seeks in any manner to alter the provisions of street right-of-way widths and/or street pavement widths as set forth herein.

*(Ord. No. 02-45, § 1, 7-1-02; Ord. No. 03-82, § 6, 7-21-03)*

### **Sec. 57-14. - Enforcement.**

No county recorder of deeds shall receive for filing or recording any subdivision plat required to be approved by the board of aldermen or the city planning commission 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.

(Ord. No. 02-45, § 1, 7-1-02)

### **Sec. 57-15. - Copy of plats.**

A copy of the final record plat of the subdivision shall be filed in a book of plats by the city.

(Ord. No. 02-45, § 1, 7-1-02)

### **Sec. 57-16. - Violation and penalty.**

- (a) No owner, or agent of the owner, of any land located within the platting jurisdiction of the city, knowingly or with intent to defraud, may transfer or 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 approved by the board of aldermen or the city planning commission and recorded in the office of the county recorder. Any person violating the provisions of this chapter shall forfeit and pay to the city a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or 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. The 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 chapter 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 county jail for not more than one (1) year, or by both such fine and confinement.

(Ord. No. 02-45, § 1, 7-1-02)

### **Sec. 57-17. - Changes and amendments.**

Any regulations or provisions of this chapter may be changed and amended from time to time by the board of aldermen; provided, however, that such changes or amendments shall not become effective until after a study and report by the planning commission and until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation at least fifteen (15) days prior to such hearing.

(Ord. No. 02-45, § 1, 7-1-02)

### **Secs. 57-18—57-45. - Reserved.**

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#### **FOOTNOTE(S):**

<sup>(64)</sup> *Editor's note— Ord. No. 02-45, § 1, adopted July 1, 2002, amended Ch. 57, Art. I, §§ 57-1—57-17 in their entirety to read as herein set out. Formerly said sections pertained to similar subject matter and derived from Ord. No. 3655, § 1, 6-16-97. [\(Back\)](#)*

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## **ARTICLE II. - CONDOMINIUMS**

### **DIVISION 1. - GENERALLY**

DIVISION 2. - CONDOMINIUM CONVERSION

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**DIVISION 1. - GENERALLY**

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- Sec. 57-73. - Exceptions for unusual circumstances.
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**Sec. 57-46. - Definitions.**

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

*Accepted by the city or approved by the city.* Having received final approval in the manner provided by the subdivision ordinances.

*City.* The City of Jackson.

*Condominium.* A type of ownership in which a building is divided into separate units which may be owned and sold by separate owners. There may be common areas owned by all owners, or areas over which all owners have an easement.

*Condominium conversion.* Dividing an existing building into condominiums that may be owned and sold separately.

*Condominium project.* A building or buildings having a type of land ownership whereby individual units, such as condominium units or office suites, may be sold and owned separately, while common areas and some outdoor areas may be owned in common.

*(Ord. No. 3758, § 7, 8-17-98)*

### **Sec. 57-47. - Requirements for all condominium subdivisions.**

In addition to all other requirements relating to new condominium subdivisions and all of the requirements relating to planned developments, the requirements of this chapter and land subdivision regulations shall apply to each condominium subdivision. No condominium subdivision shall be approved, recorded, or developed in any way without compliance with the terms of this chapter. This chapter will apply to any subdivision or part of a subdivision intended to be developed by the construction of multiple-family buildings or a multiple-family building, and the sale of the building by selling individual condominium units rather than by selling the building to a person, firm, corporation, or association which will act as landlord and rent the dwelling units to individual tenants. Additionally, all condominiums and the developer thereof shall be subject to and conform to the provisions of RSMo Ch. 445.

*(Ord. No. 3758, § 7, 8-17-98)*

### **Sec. 57-48. - Filing fee.**

Each applicant for approval of a condominium subdivision shall pay a filing fee to help defray the cost to the city of reviewing the plans and making a determination as to whether or not the proposed condominium subdivision complies with all applicable ordinances. This review fee will not be refundable, whether or not the condominium subdivision is approved, and shall be fifty dollars (\$50.00), plus one dollar (\$1.00) per unit as shown on the final plat.

*(Ord. No. 3758, § 7, 8-17-98)*

### **Sec. 57-49. - Information required for application.**

Each application for approval of a condominium subdivision shall contain, in addition to the information required by the city ordinances relating to planned developments and new subdivisions, the following additional information:

- (1) Plans and specifications or blueprints indicating where each condominium unit is to be and indicating what public areas are to be owned by the association of condominium owners.
- (2) Proposed articles of incorporation and by-laws for the association of condominium owners which will manage the common areas.
- (3) A detailed description of proposed financing to be available to purchasers of the condominium units, if any.
- (4) Information indicating financial responsibility and financial ability of the builders or developers to complete the project as proposed.
- (5) A copy of all proposed covenants relating to the real estate.
- (6) An agreement by the builder or developer specifying the improvements to be completed by the builder or developer, including recreational facilities, bicycle trails, and other

- common areas.
- (7) If the construction is to be **financed** in whole or in part by escrow funds put up by purchasers, or if escrow funds of any kind are required from purchasers, then the following information will be provided:
    - a. A description of the escrow arrangements.
    - b. A copy of all escrow documents.
    - c. Provisions for the return of funds to purchasers if the matter is not completed by the date specified.
    - d. The name and address of the institution to hold the escrow.
  - (8) Title information insuring all lines, easements, and interests of record including all ownership concerning the real estate. All mortgages and mechanics' liens and other financial liens of any kind shall be listed.
  - (9) In connection with the common areas and recreational areas, a proposed management agreement and proposed rules will be furnished.
  - (10) The forms to be used for agreements, promissory notes, deeds, and other documents of title and documents related to the sale of the condominium units will be furnished.
  - (11) The applicant will furnish a bond with a corporate surety licensed to do business in this state or other security in accordance with the subdivision regulations, guaranteeing that all common areas and facilities and all common recreational facilities will be completed.

*(Ord. No. 3758, § 7, 8-17-98)*

#### **Sec. 57-50. - Association.**

There shall be provision for an association of the owners of the condominium units. This association shall conform to the requirements provided in this chapter relating to associations for owners of land in subdivisions having common areas, common recreational facilities, or other common facilities. The subdivider or builder of each condominium subdivision shall provide the services, bond and other matters required by ordinance to be furnished to the association.

*(Ord. No. 3758, § 7, 8-17-98)*

#### **Sec. 57-51. - Condominium conversion restrictions not applicable.**

This chapter applies to buildings proposed to be built or to be occupied by owners of condominium units. The restrictions found in this chapter relating to conversion of existing units from rental units to owner-occupied condominium units shall not apply to any building newly constructed under the terms of this chapter.

*(Ord. No. 3758, § 7, 8-17-98)*

#### **Sec. 57-52. - Penalty.**

Any person, firm or corporation violating any provision of this chapter shall be fined not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

*(Ord. No. 3758, § 7, 8-17-98)*

#### **Sec. 57-53. - Responsibility for compliance.**

Any ordinance by which a duty is imposed on the owner of a building to perform any act, with a penalty for noncompliance, shall apply to buildings having a condominium status. The term "owner" shall apply to each owner or person in possession of a unit in the building and such owner or person shall be subject to the penalties imposed.

*(Ord. No. 3758, § 7, 8-17-98)*

#### **Sec. 57-54. - Payment of service fees.**

If a fee for service rendered by the city for the building as a whole, and not to individual owners of units therein, remains unpaid, such service may be terminated for the entire building until the fee is paid. If the fee is for service to a particular unit, then only the service to that unit shall be discontinued for such nonpayment. Any lien for nonpayment for such service shall apply to the entire building if the service is rendered to the entire building, but only to the particular unit involved if the charge is against such unit.

*(Ord. No. 3758, § 7, 8-17-98)*

#### **Sec. 57-55. - Regulations applied to common uses.**

Ordinances regulating heat, lighting, elevators, accumulation of litter or refuse, or other things affecting occupants of the building in common or affecting portions of the building open to all tenants, shall be obligations on each and every owner of each and every unit. If there is an organization created by the documents setting up the condominium, or if such document specifies a committee or agent to have control of such matters, such agent or committee shall be primarily responsible for compliance with the ordinance. But such responsibility cannot exempt other owners of units from liability in the event of failure to comply.

*(Ord. No. 3758, § 7, 8-17-98)*

#### **Sec. 57-56. - Penalties.**

Each owner of a unit in a condominium shall be subject to any fine or penalty imposed for violation of any ordinance concerning the condominium structure or building, its condition, or its use.

*(Ord. No. 3758, § 7, 8-17-98)*

#### **Sec. 57-57. - Approval required.**

It shall be unlawful to record any plat or other document establishing a condominium project without obtaining approval of the city in the manner provided for approval of plats. Such approval shall be required whether the condominiums are to be for office, residential, or other purposes.

*(Ord. No. 3758, § 7, 8-17-98)*

#### **Sec. 57-58. - New residential condominiums.**

It shall be unlawful to establish any new residential condominium project without complying with the terms of this chapter. No plat or other document establishing a new condominium for residential purposes shall be approved without compliance with this article. This article shall not apply to conversion of an existing residential building into a condominium project, as that is covered by a separate ordinance.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-59. - Purpose.**

Residential condominiums differ from other residential subdivisions in numerous respects, particularly as to development standards and ownership of individual units and jointly-held common areas. The purpose of this article is to address the special attributes of condominium projects and to adopt development standards which will protect both the community and the purchasers of condominiums.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-60. - Standards—Generally.**

In addition to standards applicable to regular subdivisions, no condominium project shall be approved unless the following items have been submitted with the tentative plat and approved by the city.

- (1) A development plan of the project including location and sizes of structures, parking layout, access areas, and exterior elevations.
- (2) A preliminary landscaping plan of the project, indicating types and sizes of landscaping materials and permanent irrigation facilities, prepared by a person licensed by the state to prepare such plans.
- (3) A preliminary lighting plan of the project, indicating location and nature of lighting and lighting fixtures in common areas.
- (4) The proposed condominium documents, including those portions of the covenants, conditions and restrictions that apply to the conveyance of units, the assignment of parking, and the management of common areas within the project.
- (5) Construction plans of any proposed new buildings. For existing buildings proposed to be converted, original construction plans or a set of plans accurately showing existing construction shall be submitted.
- (6) Such other information which the city administrator or designee determines is necessary to evaluate the proposed project.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-61. - Environmental preservation.**

The location and orientation of all buildings shall, whenever feasible, preserve natural features by minimizing the disturbance to the physical environment. Natural features such as trees, waterways, historic landmarks, or slopes shall be delineated in the development plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, plan areas, parking areas, and finished grade elevations.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-62. - Landscaping.**

The following standards shall be met:

- (1) All setback areas fronting on or visible from an adjacent public street, and all recreation, leisure, and open space areas shall be landscaped in an attractive manner.
- (2)

Decorative design elements such as fountains, pools, benches, sculpture, planters, exterior recreational facilities, and similar elements may be permitted, providing such elements are incorporated as a part of the landscaping plan.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-63. - Lighting.**

An on-site lighting system shall be required on all vehicular accessways and along major walkways. Such lighting shall be directed onto the driveways and walkways within the development and away from the adjacent properties. Lighting shall also be installed within all covered and enclosed parking areas.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-64. - Lot coverage.**

Lot coverage shall conform to zoning ordinance requirements for the zoning district in which the condominium project is proposed.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-65. - Open space—Common.**

The following requirements shall apply:

- (1) Minimum open space for condominium projects shall be forty (40) percent of the net area being developed. The net area shall exclude dedicated or proposed dedicated public rights-of-way.
- (2) Common open space areas shall be designed and located within the project to afford use by all residents of the project. These common areas may include, but are not limited to: game courts or rooms, swimming pools, garden roofs, sauna baths, putting greens, or play lots.
- (3) Active recreation and leisure areas, except those located completely within a structure, used to meet the open space requirement, shall not be located within fifteen (15) feet of any door or window of a dwelling unit.
- (4) Private waterways, including pools, streams and fountains, may be used to satisfy not more than fifty (50) percent of the required open space.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-66. - Same—Private.**

Notwithstanding the common space requirement, each condominium unit may directly access private open space.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-67. - Parking.**

- (a) Each unit shall be provided with two (2) parking spaces. No space shall block another space.
- (b) In addition to the above requirements, if on-street parking is prohibited on the street upon which the project fronts, there shall be at least one (1) visitor parking space for each eight condominium units or major fraction thereof, which spaces shall be located in such a manner

as to be readily accessible to the visiting public.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-68. - Trash collection areas.**

Trash collection areas shall be provided within two hundred and fifty (250) feet of the units they are designed to serve. Such areas shall be enclosed within a building or screened with masonry walls having a minimum height of five (5) feet. Access gates or doors to any trash area, not enclosed within a building, are to be of opaque material.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-69. - Street improvements.**

For condominiums, the following standards shall apply to streets:

- (1) The subdivider shall improve or post a cash bond or other security as provided in the subdivision regulations with the city, guaranteeing the installation of the improvements to city standards of any substandard or deficient street improvements fronting the property within the public right-of-way, to the satisfaction of the city administrator or his designate in accordance with current policy. These improvements may include, but shall not be limited to: curbs, gutters, sidewalks, ramps, driveways, drainage devices, trees and tree wells, and street lights.
- (2) The width of the public rights-of-way and roadway of the street abutting the property shall conform to the city plan and to all applicable ordinances.
- (3) In addition to all other applicable building code requirements, the following standards shall apply:
  - a. *Keys.* Each single unit in a condominium subdivision shall have locks using combinations which are interchange-free from locks used in all other separate dwellings within the project. This specification is intended to prohibit master keys.
  - b. *Laundry areas.* Where laundry areas, other than those located within individual dwelling units, are provided, such areas should be located to minimize visual and noise intrusions, both within and outside the project.
  - c. *Storage space—Private.*
    1. Where the proposed units are to be constructed with other than an attached garage unit for each dwelling unit, a minimum of ninety (90) cubic feet of storage space shall be provided outside the dwelling unit for each such unit.
    2. Such storage space shall have a minimum area of twenty-four (24) square feet of enclosed, lockable storage space.
  - d. *Utilities.*
    1. All plumbing fixtures within a unit shall be installed in a manner which will allow any individual plumbing fixtures, or all plumbing fixtures, or all plumbing fixtures not having individual shutoffs within a single unit, to be shut off from the water supply without shutting off the water to plumbing fixtures in other units.
    2. *Drip pans.* Clothes washers, dishwashers, hot water heaters, and other appliances which are a potential source of water leakage or flooding, shall be installed with drip pans and appropriate drains, except in the case of concrete slab floors on grade.

3. Utility meters. Each utility that is consumed within the individual unit shall be separately metered in such a way that the unit owner can be separately billed for its use. Utility meters shall be placed underground, or screened architecturally or with landscaping, if located outside of buildings.
4. Circuit breakers. Each unit shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit. Such panel shall be accessible within or close to the unit.
5. Vibrations. All permanent mechanical equipment, which is a source of vibration or noise, including fixed and built-in domestic appliances, shall be shock-mounted, isolated from the floor and ceiling, or otherwise installed in a manner to lessen the transmission of vibrations and noise.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-70. - Declarations of project elements and covenants, conditions and restrictions.**

The subdivider shall include a copy of those portions of the declaration and restrictions proposed to be recorded, together with any and all documents required and relating to the items regulated by this section, and all proposals for condominium subdivisions made pursuant to the provisions of this section. Once the declaration is accepted in final form by the city, none of the portions of the declarations relating to items regulated by this chapter shall be amended, modified or changed without first obtaining the written consent of the city.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-71. - Condominiums for offices.**

Condominiums for offices shall comply with all applicable city ordinances relating to office buildings, including but not limited to all building regulations, zoning requirements, and off-street parking requirements. The plat submitted shall not be approved unless it shows such compliance.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-72. - Condominiums for retail establishments or other purposes.**

Condominiums for retail establishments or for any other purposes shall comply with all city ordinances applicable to the proposed use and type of building.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-73. - Exceptions for unusual circumstances.**

Where there are unusual circumstances involving the location, site, or configuration of a proposed condominium, the city council may approve exceptions to one (1) or more of the terms of this article. Lack of funds to comply shall not constitute a reason for an exception.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-74. - Nuisance—Injunction.**

Any violation of this article is hereby declared to be a nuisance. In addition to any other relief provided by this article, the city attorney may apply to a court of competent jurisdiction for an

injunction to prohibit the continuation of any violation of this article. Such application for relief may include seeking a temporary restraining order, temporary injunction, and permanent injunction.

(Ord. No. 3758, § 7, 8-17-98)

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>> ARTICLE II. - CONDOMINIUMS >> DIVISION 2. - CONDOMINIUM CONVERSION >>**

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**DIVISION 2. - CONDOMINIUM CONVERSION**

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Sec. 57-75. - Purposes.

Sec. 57-76. - Scope and effect.

Sec. 57-77. - Application for a condominium conversion.

Sec. 57-78. - Inspections.

Sec. 57-79. - Other requirements.

Sec. 57-80. - Tenant's rights.

Sec. 57-81. - Minimum standards for conversion.

Sec. 57-82. - Declaration of project elements and covenants, conditions, and restrictions.

**Sec. 57-75. - Purposes.**

In order to provide for the housing needs of all economic segments of the community, the board of aldermen declares that the purposes of this division are as follows:

- (1) To insure that rental units being converted to condominiums meet reasonable physical standards.
- (2) To help mitigate the impact of eviction for residents of rental units, as a result of their units being converted to condominiums.
- (3) To promote the concept of home ownership and to bring a greater amount of owner-occupied housing on the market affordable by all economic segments of the community, thus encouraging participation in the various economic and social benefits associated with home ownership.

(Ord. No. 3758, § 7, 8-17-98)

**Sec. 57-76. - Scope and effect.**

This division shall apply to all condominium conversions in the city, where the units are intended or designed to be used principally for residential purposes. The requirements of this division concerning off-street parking, fire protection, and any other improvements or alterations, shall remain in effect as long as this division is in effect and the building is used for residential and condominium purposes.

(Ord. No. 3758, § 7, 8-17-98)

**Sec. 57-77. - Application for a condominium conversion.**

In addition to the requirements of this article relating to applications for tentative plats, the application for a condominium conversion subdivision shall include the following:

- (1) A condominium conversion application.
- (2) Tenant and rental information which shall consist of the name and address of each present tenant of the project, and the identification of the vacant units.
- (3) Schedule of proposed improvements which shall be made to the project prior to their sale. The list shall not prohibit the applicant from making additional improvements.
- (4) A plot plan of the project, including the location and sizes of structures, parking layout, and access areas.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-78. - Inspections.**

- (a) Upon receipt of the application to convert, the application for subdivision, and the additional reports required in section 57-76, the city administrator or his designate, shall submit copies of applicable reports or documents to the appropriate city staff personnel as found necessary.
- (b) The premises shall be inspected for needed repairs to bring the project into compliance with the building code applicable at the time of construction, and with the current housing code, as amended, by the building department. The cost of inspection shall be borne by the subdivider.
- (c) The city administrator, or his designate, shall cause an inspection to be made of the project to determine the sufficiency of fire protection systems serving the project, and shall report on any deficiencies and indicate which deficiencies are required to be corrected by law.
- (d) The city administrator, or his designate, shall cause an inspection to be made to ascertain conformance of the project with zoning ordinance requirements applicable to the project in effect at the time the project was constructed, and may submit copies of application documents to other divisions for review and comments.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-79. - Other requirements.**

- (a) *Correction of deficiencies.*
  - (1) Corrections required in the building inspection report shall be made by the applicant, at applicant's expense, to the city's satisfaction.
  - (2) The applicant shall correct any deficiencies in the fire protection system required by law.
  - (3) The applicant shall repair or replace any damaged or infested areas in need of repair or replacement as shown in the structural pest control report, which shall be prepared by a licensed, structural pest control operator, and dated and filed at least thirty days (30) prior to the submittal of the final plat.
  - (4) The subdivider shall bring into conformity any zoning ordinance violations.
- (b) *Final inspection report.* A final inspection report shall be made by the city administrator or his designate prior to consideration of the final plat, indicating the compliance with all requirements imposed herein.
- (c) *Street improvements.*
  - (1) The applicants shall improve or post a cash bond with the city guaranteeing the installation of the improvements to city standards of substandard or deficient street improvements fronting this property within the public right-of-way, to the satisfaction of the city administrator or his designate in accordance with current policy. These improvements may include, but shall not be limited to: curbs, gutters, sidewalks, ramps, driveways, drainage devices, trees and tree wells, and street lights.
  - (2) The width of the public rights-of-way and roadway of the street(s) abutting the property shall conform to the city plan.

- (d) *Sewer.* If the apartment proposed for condominium conversion has not paid a sanitary sewer line charge as required by ordinance, it shall pay a charge equal to the amount for a single-family resident times the number of units in the condominium prior to the submittal of the final plat.
- (e) *Maintenance of conversion records.* The city administrator or his designate shall keep and maintain the copies of all reports required herein as public records for no less than five (5) years, and shall send such copies to state officials as may be required by law.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-80. - Tenant's rights.**

- (a) The city shall notify, in writing, all tenants in any building being proposed for conversion, no less than ten (10) days prior to the planning commission meeting regarding the tentative plat for the project.
- (b) The applicant shall give a minimum of one hundred and fifty (150) days' written notice of intention to convert, prior to termination of tenancy due to the conversion or proposed conversion.
- (c) The present tenant or tenants of any unit to be converted shall be given any exclusive right to contract to purchase the unit occupied, as provided by state law.
- (d) Unless tenants of the building proposed to be converted were given written notice of the intention to convert to condominiums by the owner or owner's agent at the time the tenants signed rental or lease agreements, the subdivider shall compensate the tenants for their relocation expenses as follows: actual cost of relocation, not to exceed five hundred dollars (\$500.00) per residential unit, to be paid at the time the notice of termination is presented, if prior to the submittal of the final plat. If such notice is not given, or the relocation fee is not paid prior to the filing of the final plat, the applicant shall submit written evidence to the city that it has entered into an agreement with each tenant to provide actual cost of relocation, not to exceed five hundred dollars (\$500.00) to the tenant at the time of termination of the tenancy.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-81. - Minimum standards for conversion.**

Conversions shall not be approved which fail to meet the following minimum standards:

- (1) *Parking.*
  - a. One (1) accessible parking space must be provided for each dwelling unit in a building constructed prior to 1998.
  - b. Two (2) parking spaces for each dwelling unit shall be required for all condominium conversions of buildings for which a building permit was issued after the effective date of this article.
- (2) *Storage space.* Each dwelling unit shall be provided with a minimum of sixty (60) cubic feet of enclosed storage space outside the dwelling unit.

(Ord. No. 3758, § 7, 8-17-98)

### **Sec. 57-82. - Declaration of project elements and covenants, conditions, and restrictions.**

To achieve the purpose of this chapter, the applicant shall include a copy of those portions of the declaration of restrictions proposed to be recorded, as required by state law, together with any and all documents required and relating to the items regulated by this section, and to all proposals for

condominium conversion pursuant to the provisions of this division. Once the declaration is accepted in final form by the planning and zoning commission, none of the portions of the declaration shall be amended, modified, or changed without first obtaining the written consent of the city.

(Ord. No. 3758, § 7, 8-17-98)

## Appendix D: Annual MS4 Reports

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that this is crucial for the company's financial health and for providing reliable information to stakeholders.

2. The second part of the document outlines the specific procedures for recording transactions. It details the steps from identifying a transaction to entering it into the accounting system, ensuring that all necessary details are captured.

3. The third part of the document addresses the role of the accounting department in monitoring and controlling the company's resources. It explains how accurate records allow management to make informed decisions about resource allocation and cost control.

4. The fourth part of the document discusses the impact of accurate records on the company's overall performance. It highlights how reliable financial data is essential for strategic planning and for identifying areas for improvement.

5. The fifth part of the document concludes by reiterating the importance of accuracy and consistency in record-keeping. It encourages all employees to adhere to the established procedures to ensure the integrity of the company's financial information.

