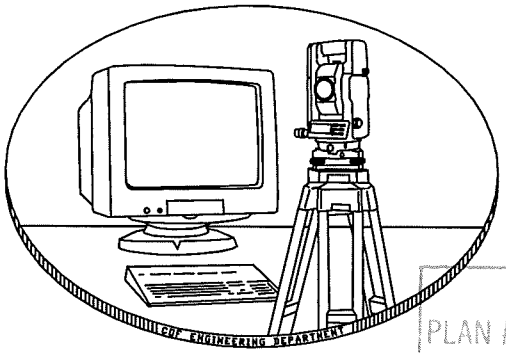
STORM WATER MANAGEMENT PROGRAM

CITY OF FULTON, MISSOURI



PLAN # 13469 DATE REC'D 7/21/14

PERMIT # _____ DATE ISSUED _____

Prepared by: Engineering Department
July 14, 2014

Department of Natural Resources
Northeast Regional Office
RECEIVED
JUL 21 2014
US MAIL
___Email ___FAX ___UPS
___Hand Delivery ___Fed Ex

STORM WATER MANAGEMENT PROGRAM

City of Fulton, Missouri

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Definitions

Best Management Practices (BMP's) - Schedules of activities, prohibitions of practices, general good house keeping 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. BMP's 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.

Municipal Separate Storm Sewer - A conveyance or system of conveyances including roads and highways with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, paved or unpaved channels or storm drains designated and utilized for routing of storm water.

MS4 - An acronym for municipal separate storm sewer system.

Regulated MS4 - A MS4 which serves a population of one thousand (1,000) or more within an urbanized area, or a MS4 which serves a population of ten thousand (10,000) or more elsewhere in the state.

Small Municipal Separate Storm Sewer System - Owned or operated by the United States, a state, city, town, borough, county, parish, district, association or other public body having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or a designated and approved management agency under section 208 of the Clean Water Act that discharges to water of the United States.

Illicit Discharge - Any discharge to a municipal separate storm sewer that is not composed entirely of storm water, except discharges pursuant to a state operating permit, other than storm water discharge permits and discharges from fire fighting activities.

Objective

The goal of the City of Fulton's storm water management program is to comply with the six minimum control measures outlined in the Missouri State Department of Natural Resources Operating Permit for regulated small municipal separate storm sewer systems (MS4) and reduce the discharge of pollutants from the city's storm sewer system to the maximum extent practicable.

Permit Overview

The Missouri State Department of Natural Resources Operating Permit requires the following six minimum control measures (MCM) to be met:

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

Current State of Compliance

The city does have existing city codes that pertain to storm water runoff and management, solid waste disposal, collection, and storage, prohibited discharges to public sewers, and floodplain development. These codes are located respectively in the environment, solid waste, utilities, and flood ordinances located in appendix B.

Storm Water Management Program Overview

The storm water management program proposes a five year plan to reduce storm water pollution throughout the City of Fulton. This program is set up to be flexible enough for unforeseen future challenges. The program addresses each of the six minimum control measures (MCM), which are listed in the permit overview. Each minimum control measure (MCM) uses best management practices and measurable goals to improve storm water quality while gauging the effectiveness of the program. The city's plan for addressing each MCM is outlined in a detailed manner following this overview but is briefly discussed in the following paragraphs.

The city will comply with the public education and outreach MCM by making and distributing informative articles to its citizens and target audiences promoting behavioral changes which will improve storm water quality along with heightening the public's awareness on storm water issues. These articles will reference the cities website which will house further educational material along with a city contact number for the public to call if a storm water quality problem in the city is perceived to exist.

MCM 2 – Public Involvement/participation will be addressed through discussions with the city council encouraging ideas and practices for public involvement while implementing a stream restoration community service program.

In order to comply with the illicit discharge detection and elimination MCM, the city has acquired new aerial photography and GPS equipment which will allow the city to update the existing storm sewer system mapping and position future improvements to the exiting system. The city will also prepare and enact an ordinance to improve the ability to regulate, monitor, inspect, and test pollutants discharged to the MS4 as well as penalize sources of illicit discharge. Along with this ordinance, a yearly on-site inspection and detection plan of prioritized areas of the city will be implemented.

The Construction Site Storm Water Runoff Control MCM will be met and enforced through an adopted new city land disturbance ordinance or an amended current storm water runoff and management ordinance (Appendix B). This adopted or amended ordinance will require storm water management plans to be submitted to the engineering department for review, comment, and approval before any work can be done. Along with this ordinance, site inspections will be administered on a regular basis by the appointed representative of the engineering department.

MCM 5 – Post-construction storm water management in new development and redevelopment will continue to be implemented under an existing ordinance which controls runoff release rates from all developments along with restricting developments in the flood plain (Appendix B). Proper amendments to this ordinance or a new ordinance will incorporate any necessary new BMP's, adequate long-term operation and maintenance of BMP's, and authorize proper enforcement.

The city will comply with MCM 6 – pollution prevention/good housekeeping for municipal operations by developing an operation and maintenance program for its public streets, vehicles, facilities, grounds, and airport which will include proper training for public employees to aid in the proper working procedures, handling of hazardous materials, and maintenance of public facilities , grounds, and equipment.

MCM 1 - Public Education and Outreach on Storm Water Impacts

(See Summary Table in Appendix A)

How we plan to inform individuals and households about the steps they can take to reduce storm water pollution

YEAR 1

Best Management Practices

- Maintain the City web page which includes a page for our Engineering Department.
- Maintain the link on the City website to either the EPA or MODNR website.
- Insert a quiz on storm water issues on the city website.

Measurable Goals

- Document website link. (review every 6 months)
- Incorporate a counter on the external links to track visits from our site.
- Document storm water quiz.

Research and Planning

- Research existing printed materials and communication techniques for future promotion of improving storm water quality.

YEAR 2

Best Management Practices

- Make and distribute printed materials on improving storm water quality throughout the city. Reference the cities website and storm water links in all distributed educational methods.
- Create a second link on the City website to inform citizens on ways to become involved in improving storm water quality.
- Evaluate storm water quiz on city website and modify for future use.

Measurable Goals

- Document all sources of information used in the development of public educational material(s). (6 articles circulated to every mailbox in the city)
- Document website link, record any modifications, and record number of hits received annually.
- Record any modifications made to quiz and record amount of quizzes taken annually. (Review every 6 months)

Research and Planning

- Research existing printed materials and communication techniques for future promotion of improving storm water quality.

YEAR 3

Best Management Practices

- Make and distribute printed materials on improving storm water quality throughout the city. Reference the cities website and storm water links in all distributed educational methods.
- Enhance the cities website to better inform citizens on ways to become involved in improving storm water quality.
- Evaluate storm water quiz on city website and modify for future use.

Measurable Goals

- Document all sources of information used in the development of public educational material(s). (6 articles circulated to every mailbox in the city)
- Document website link, record any modifications, and record number of hits received annually.
- Record any modifications made to quiz and record amount of quizzes taken annually. (Review every 6 months)

Research and Planning

- Research existing printed materials and communication techniques for further promotion of improving storm water quality.
- Discuss further ideas for public education with the city counsel.

YEAR 4-5

Best Management Practices

- Make and distribute printed materials on improving storm water quality throughout the city. Reference the cities website and storm water links in all distributed educational methods.
- Continue to enhance the cities website to better inform citizens on ways to become involved in improving storm water quality.
- Evaluate storm water quiz on city website and modify for future use.
- Approve and adopt ideas for public education made by the city counsel.

Measurable Goals

- Document all sources of information used in the development of public educational material(s). (6 articles circulated to every mailbox in the city)
- Document website link, record any modifications, and record number of hits received annually.
- Record any modifications made to quiz and record amount of quizzes taken annually. (Review every 6 months)
- Document and adopt approved ideas contributed by the city council

Research and Planning

- Research existing printed materials and communication techniques for further promotion of improving storm water quality.
- Discuss further ideas for public education with the city counsel.

How we plan to inform individuals and groups on how to become involved in the storm water program (with activities such as local stream restoration activities)

YEAR 1

Research and Planning

- Explore techniques to promote individual household behavioral changes which aid in decreasing neighborhood storm water pollution.
- Develop a stream restoration community service program.

YEAR 2

Best Management Practices

- Implement the stream restoration community service program.
- Promote household behavioral changes which aid in decreasing neighborhood storm water pollution in printed material distributed to residents or target audiences or strategically located for residents or target audiences.

Measurable Goal

- Document all sources of information used in the development of public educational material(s). (6 articles circulated to every mailbox in the city)

YEAR 3

Best Management Practices

- Promote household behavioral changes which aid in decreasing neighborhood storm water pollution in printed material distributed to residents or target audiences or strategically located for residents or target audiences.
- Modify existing stream restoration community service program to enhance future involvement.

Measurable Goal

- Document all sources of information used in the development of public educational material(s). (6 articles circulated to every mailbox in the city)
- Record successes or failures of stream restoration community service program. (2 clean ups)

Research and Planning

- Discuss further ideas for public involvement and participation with the city counsel.

YEAR 4-5

Best Management Practices

- Promote household behavioral changes which aid in decreasing neighborhood storm water pollution in printed material distributed to residents or target audiences or strategically located for residents or target audiences.
- Modify existing stream restoration community service program to enhance future involvement.
- Approve and adopt ideas for public involvement and participation made by the city counsel.

Measurable Goal

- Document all sources of information used in the development of public educational material(s). (6 articles circulated to every mailbox in the city)
- Record successes or failures of stream restoration community service program. (2 clean ups)
- Document and adopt approved ideas contributed by the city council

Research and Planning

- Discuss further ideas for public involvement and participation with the city counsel.

Identification of target audiences for our education program and explanation of why those target audiences were selected

YEAR 1

Research and Planning

- Identify groups, business, or individuals who handle potential pollutants that may impact the community's storm water quality.
- Identity existing interest groups in the city that may be interested in improving the city's storm water quality.

YEAR 2

Best Management Practices

- Communicate and educate identified groups, business, or individuals on the potential impact of pollutants on storm water and practices which can aid in improving storm water quality.
- Contact existing interest groups in the city about improving the city's storm water and involve them with the city's plan.

Measurable Goal

- Document all target audiences contacted, why each audience was contacted, and the educational tool(s) used to promote and/or involve each audience in improving storm water quality. (1 mailing)
- Record interest groups contacted and any involvement taken

Year 3-5

Best Management Practices

- Communicate and educate identified groups, business, or individuals on the potential impact of pollutants on storm water and practices which can aid in improving storm water quality.
- Contact existing interest groups in the city about improving the city's storm water and involve them with the city's plan.

Measurable Goal

- Document all target audiences contacted, why each audience was contacted, and the educational tool(s) used to promote and/or involve each audience in improving storm water quality. (1 mailing per year)
- Record interest groups contacted and any involvement taken

Research and Planning

- Discuss further target audiences with the city counsel.

The target pollutant sources our program is designed to address

YEAR 1

Research and Planning

- Research pollutant sources that have a major impact on storm water quality

YEAR 2

Best Management Practices

- Target and investigate areas of the city that have the greatest potential to become pollutant sources.

Measurable Goal

- Document each target area's findings. (2 target areas investigated)

Research and Planning

- Research educational material that will aid these target areas in improving their storm water quality.

YEAR 3-4

Best Management Practices

- Make and distribute printed materials and perform communication techniques on improving storm water quality in these specific target areas.

Measurable Goal

- Document all sources of information used in the development of public educational material(s). (1 watershed specific article distributed to each target area)

Research and Planning

- Research additional educational material that will aid these target areas in improving their storm water quality.

YEAR 5

Best Management Practices

- Make and distribute printed materials and perform communication techniques on improving storm water quality in these specific target areas.

Measurable Goal

- Document all sources of information used in the development of public educational material(s). (1 watershed specific article distributed to each target area)
- Reevaluate target areas to access the level of improvement obtained by the program and compare to previous results.

Identification of person(s) responsible for overall management and implementation of our storm water public education and outreach program and the person responsible for each of the BMPs identified for our program.

YEARS 1-5

- The City Engineer or duly appointed representative is responsible for the management and implementation of the City of Fulton's storm water public education and outreach program. Others will be involved in the actual execution of the various activities and programs but most of the activities will be implemented by and executed through the Engineering Department.

How will we evaluate the success of this minimum measure and how the measurable goals for each of the BMPs were selected?

YEARS 1-5

- The success of this minimum measure will be gauged by the measurable goals listed for each of the public education and outreach requirements. The measurable goals were selected after researching the effectiveness of various best management practices.

MCM 2 - Public Involvement/Participation

(See Summary Table in Appendix A)

How we have involved the public in the development and submittal of the application and storm water management program.

YEARS 1

Best Management Practices

- Submission of the storm water management program to the city council for open discussion, suggestions, and approval.

Measurable Goal

- Record, approve, and incorporate ideas and suggestions in the storm water management program.

How we plan to actively involve the public in the development and implementation of our program.

YEARS 1-5

Best Management Practices

- Discussions with the city council encouraging ideas and practices for public involvement
- The stream restoration community service program

Measurable Goals

- Ideas and suggestions will be recorded, approved, and incorporated in the storm water management program.
- Record successes or failures of stream restoration community service program. (2 clean ups per year)

The target audiences for our public involvement Program

- Local Government Officials
- Citizens
- Community Service Organizations
- Environment friendly groups
- Business Leaders

The types of public involvement activities included in our program

YEARS 1-5

Best Management Practices

- Discussions with the city council encouraging ideas and practices for public involvement
- The stream restoration community service program

Measurable Goals

- Ideas and suggestions will be recorded, approved, and incorporated in the storm water management program.

- Record successes or failures of stream restoration community service program. (2 clean ups per year)

Identification of person(s) responsible for overall management and implementation of our storm water public education and outreach program and the person responsible for each of the BMPs identified for our program.

YEARS 1-5

- The City Engineer or duly appointed representative is responsible for the management and implementation of the City of Fulton's storm water public involvement/participation program. Others will be involved in the actual execution of the various activities and programs but most of the activities will be implemented by and executed through the Engineering Department.

How will we evaluate the success of this minimum measure and how the measurable goals for each of the BMPs were selected?

YEARS 1-5

- The success of this minimum measure will be gauged by the measurable goals listed for each of the public involvement/participation requirements. The measurable goals were selected after researching the effectiveness of various best management practices.

MCM 3 - Illicit Discharge Detection and Elimination

(See Summary Table in Appendix A)

Develop or submit a storm sewer system map.

YEARS 1-5

Best Management Practices

- A map showing the location of all identified outlets is attached to this permit. The cities current system for mapping is digital topographic maps based off of aerial photography completed in 1994. The City of Fulton has acquired new aerial photography and GPS equipment. The new aerial photography combined with the existing topographic mapping system and new GPS equipment will allow the city to update the existing storm sewer system and position future improvements to the existing storm sewer system using data points based off of existing control points.

Measurable Goals

- Digital mapping of all existing, new, and improved storm sewer outfalls.

Effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into our storm sewer system and implement appropriate enforcement procedures and actions.

YEARS 1-5

Best Management Practices

- Prepare and enact an ordinance to improve the ability to regulate pollutants discharged to the MS4 by any user, to prohibit illicit connections and discharges to the MS4, and to establish the legal authority to carry out all inspections, surveillance, testing and monitoring necessary to insure compliance with this ordinance.

Measurable Goals

- Documentation of ordinance prepared in 2005 and adopted in 2006.

Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the city's system.

YEARS 1-5

Best Management Practices

- Implement an on-site visual inspection plan to detect and address non-storm water discharges.
- The public will be encouraged (through the public education and outreach minimum control measure) to report any non-storm water discharges to the city's engineering department for investigation.
- Identify storm water testing facilities which can analyze storm water for any illicit discharges.

Measurable Goals

- Record on-site visual inspections. (3 priority areas inspected per year)
- Document printed material with engineering department's contact information for public involvement in detection of illicit discharges.
- Document identified facilities which can analyze storm water for any illicit discharges.

Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

- See the public education and outreach minimum control measure.

Non-significant contributors of non-storm water discharges or flows of pollutants to the City of Fulton's regulated small MS4.

- The following categories of non-storm water discharges or flows have not been identified as significant contributors of pollutants to Fulton's MS4.
    - Landscape irrigation or rising groundwater
    - Uncontaminated groundwater infiltration (as defined in 10 CSR 20-6.200)

- Uncontaminated pumped groundwater
- Discharges from potable water sources including waterline flushing and fire hydrant testing, foundation drains and air conditioning condensation.
- Springs
- Water from crawl space pumps
- Footing drains
- Lawn watering
- Flows from riparian habitats and wetlands
- Street wash water

Discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water runoff and will only be addressed where they are considered significant sources of pollutants to waters of the state.

Occasional/incidental non-storm water discharges that will not be addressed as illicit discharges

- The City of Fulton's program does not include a list of other similar occasional or incidental non-storm water discharges such as non-commercial or charity car washes. These will not be addressed as illicit discharges since they are not significant sources of pollutants to the MS4. However, if these occasional or incidental discharges are identified in the future as problematic, steps will be taken to address the issue(s).

The decision process for the development of the storm water illicit discharge detection and elimination program

- Fulton's proposed illicit discharge detection and elimination program developed from research of various effective best management practices (BMP's), evaluation of the current illicit discharge detection and elimination needs along side the city's current economic state, and the need for future growth and development.

How Fulton will develop a storm sewer map showing the location of all outlets and the names and location of all receiving waters.

- See - Develop or submit a storm sewer system map under this minimum control measure

The mechanism used to effectively prohibit illicit discharges into the MS4 and why Fulton chose that mechanism.

YEARS 1-5

Best Management Practices

- Presently, the city of Fulton's Code of Ordinances does not explicitly address illicit discharges in to the storm sewer system. An ordinance will be proposed to allow for proper inspection and testing, and to establish enforcement procedures. The ordinance mechanism was selected because ordinances are commonly used by the city of Fulton as well as other municipalities to establish laws and set forth the various regulatory procedures and penalties.

Measurable Goals

- Documentation of ordinance.

Fulton's plan to ensure through appropriate enforcement procedures and actions that the city's illicit discharge ordinance is implemented

YEARS 1-5

Best Management Practices

- Prescribe (through ordinance) fines and penalties that will appropriately discourage any source of illicit discharge.
- Random on-site inspections.

Measurable Goals

- All fines, penalties, and on-site inspections will be recorded.

Fulton's plan to detect, locate, and address illicit discharges to the City's system

YEARS 1-5

Best Management Practices

- Identify from storm sewer maps and current aerial photography priority buildings and/or areas which will be inspected during each year of the permit.
- Respond to citizens' comments and/or complaints.
- Perform on-site visual inspections.
- Perform, if deemed necessary, lab testing.
- Trace illicit discharge to its source. Administer appropriate fines, penalties, and remedial actions when facilities are found to be failing.
- It is believed that on-site sewage disposal systems are a very minor source of pollution to the storm sewer system, but Fulton fully intends to continue to expand and improve the city's sewer system by incorporating areas of the city not currently hooked up to the city's sanitary sewer system.

Measurable Goals

- Document explanation of chosen priority areas/buildings.
- Record on-site visual inspections. (3 priority areas inspected per year)
- Record lab test results.
- Record tracing techniques.
- Document all fines, penalties, and remedial actions.
- Document yearly sanitary sewer improvement projects.

Procedures for tracing the source of an illicit discharge

YEARS 1-5

Best Management Practices

- The city of Fulton will employ various techniques in order to trace and detect the source of illicit discharge. These include dye testing, visual inspection and TV monitoring.

Measurable Goals

- Record any traced or detected source of illicit discharge and procedure of tracing and detection used.

Procedures for removing the source of an illicit discharge

YEARS 1-5

Best Management Practices

- Illicit discharges will be disconnected by the authority of the proposed ordinance.

Measurable Goals

- Record any disconnections made due to illicit discharge detection.

Procedures for program evaluation and assessment

- The program will be evaluated based on achieving those measurable goals identified for each best management practice. Additionally, although not a listed measurable goal, the number of illicit connections identified and eliminated may also be used to evaluate the program.

How Fulton plans to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

- See the public education and outreach and public involvement/participation minimum control measures

Identification of person(s) responsible for overall management and implementation of Fulton's storm water illicit discharge detection and elimination program and the person responsible for each of the BMPs identified for our program.

YEARS 1-5

- The City Engineer or duly appointed representative is responsible for the management and implementation of the City of Fulton's storm water illicit discharge detection and elimination program. Others will be involved in the actual execution of the various activities and programs but most of the

activities will be implemented by and executed through the Engineering Department.

How will we evaluate the success of this minimum measure and how the measurable goals for each of the BMPs were selected?

YEARS 1-5

- The success of this minimum measure will be gauged by the measurable goals listed for each of the storm water illicit discharge detection and elimination program requirements. The measurable goals were selected after researching the effectiveness of various best management practices.

MCM 4 - Construction Site Storm Water Runoff Control

(See Summary Table in Appendix A)

An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance.

YEAR 1

Research and Planning

- Research ordinances or resolutions for erosion and sediment controls and methods in order to either adopt a new city land disturbance ordinance or amend the city's current storm water runoff and management ordinance to comply with required erosion and sediment controls and sanctions.

YEAR 2

Best Management Practices

- Develop and enact either an adopted new city land disturbance ordinance or an amended current storm water runoff and management ordinance (Appendix B) to comply with required erosion and sediment controls and sanctions.

Measurable Goals

- Document development process and enactment date of new or amended ordinance.

Requirements for construction site operators to implement appropriate erosion and sediment control best management practices

YEAR 1-5

Best Management Practices

- Construction site operators will be required (by ordinance) to obtain an approved storm water management plan and implement all erosion and

sediment control BMP's as shown on this plan before any clearing, except that necessary to establish sediment and erosion control devices, shall begin.

Measurable Goals

- An inspector for the city will document that all BMP's shown on the approved storm water management plan have been established before start of construction.

Requirements for construction site operators to control waste such as discarded building materials at the construction site that may cause adverse impacts to water quality.

- Construction site operators will be required to adhere to the proposed illicit discharge ordinance for all construction activity.

Procedures for site plan review which incorporate consideration of potential water quality impacts.

YEAR 1-5

Best Management Practices

- All construction sites greater than one acre will be required, by ordinance, to submit construction plans, known as storm water management plans, to the city of Fulton's engineering department for review, comment, and approval prior to commencing any grading or land disturbance activities. Work will be allowed to begin once the plans are approved by the engineering department and a construction permit is issued by the planning and codes department.

Measurable Goals

- The engineering department will document requested revisions to the proposed storm water management plan and will keep a copy of the final approved storm water management plan.

Procedures for receipt and consideration of information submitted by the public

YEAR 1-5

Best Management Practices

- The public, through distributed educational materials, will be made aware of the importance of construction site storm water runoff control and will be encouraged to contact the city's engineering department (either by phone or in person) when a violation is perceived to exist.

Measurable Goals

- The engineering department will document any complaints made by the public and actions, if any, taken.

Procedures for site inspection and enforcement of control measures

YEAR 1-5

Best Management Practices

- Construction sites will be inspected by the engineering department on a regular basis to insure compliance with the approved land disturbance plan. The construction site operator will be notified if any area on the construction site does not comply with the storm water management plan and necessary actions that need to be taken to ensure proper storm water runoff quality.

Measurable Goals

- Construction site inspections will be documented.

The mechanism the City of Fulton will use to require erosion and sediment controls at construction sites and why they chose that mechanism.

YEAR 1-5

Best Management Practices

- The mechanism the City of Fulton will use is either an adopted new city land disturbance ordinance or amended current storm water runoff and management ordinance (Appendix B) to comply with required erosion and sediment controls and sanctions. The ordinance mechanism was selected because ordinances are commonly used by the city of Fulton as well as other municipalities to establish laws and set forth the various regulatory procedures and penalties.

Measurable Goals

- Any amended or newly developed land disturbance ordinance will be properly documented and recorded.

Fulton's plan to ensure compliance with the erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms the city will use to ensure compliance.

YEAR 1-5

Best Management Practices

- The City of Fulton will include a notice of compliance with the approved storm water management plan in the bid document for all contractors to sign before any work shall be done. Construction site operators will then be required to implement appropriate erosion and sediment control BMP's as shown on the approved storm water management plan or (by ordinance) be subject to a stop work order applicable to all construction activity except that necessary for correction of the violation. For continued violation a public hearing on the matter shall be conducted by the city council and if the city council concludes that the issuance of additional correction notice will be futile, any bonds or cash deposits posted with the city shall be forfeited and used for completion of the storm water management plan as approved.

Measurable Goals

- All notices, requested corrective procedures, violations, enforcement mechanisms, and public hearings will be properly documented and recorded.

Fulton's requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at the construction sites that may cause adverse impacts to water quality.

- The sanctions and enforcement techniques outlined in both the illicit discharge ordinance and amended current storm water runoff and management ordinance (Appendix B) or new land disturbance ordinance will require the construction site operators to implement appropriate erosion and sediment control BMPs and control waste at the construction site.

Fulton's procedures for considering the potential water quality impacts of pre-construction site plans

YEAR 1-5

Best Management Practices

- The procedure for considering the potential water quality impacts prior to construction will be analyzing the existing conditions at the site which includes runoff water quality and receiving bodies of water.

Measurable Goals

- Pre-construction site plans will be recorded and each site will be visited before construction. Any pre-construction site assessments will be documented and recorded.

Fulton's procedures for receipt and consideration of information submitted by the public

YEAR 1-5

Best Management Practices

- Fulton will receive information submitted by the public through either formal complaints made by phone or in person. Fulton will consider information submitted by prioritizing the complaints by level of impact on water quality and acting in a timely manner in order to prevent any further damage to the environment.

Measurable Goals

- The engineering department will document any complaints made by the public and actions, if any, taken.

Fulton's procedures for site inspection and enforcement of control measures

YEAR 1-5

Best Management Practices

- Fulton will inspect construction sites on a weekly basis and after a major storm event has occurred. A follow up with the owner/operator will occur in the event that maintenance activities are needed. If the inspector concludes the site does not meet the storm water management plan or best management practices are not maintained, the owner/operator may be subject to the enforcement measures covered previously.

Measurable Goals

- Site inspections along with all notice of violations to the owner/operator of the storm water management plan will be documented and recorded.

Identification of person(s) responsible for overall management and implementation of Fulton's construction site storm water control program and the person responsible for each of the BMPs identified for our program.

- The City Engineer or duly appointed representative is responsible for the management and implementation of the City of Fulton's construction site storm water control program. Others will be involved in the actual execution of the various activities and programs but most of the activities will be implemented by and executed through the Engineering Department.

How will we evaluate the success of this minimum measure and how the measurable goals for each of the BMPs were selected?

- The success of this minimum measure will be gauged by the measurable goals listed for each of the Construction Site Storm Water Runoff Control program requirements. The measurable goals were selected after researching the effectiveness of various best management practices.

MCM 5 - Post-Construction Storm Water Management in New Development and Redevelopment

(See Summary Table in Appendix A)

Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for the city of Fulton's community.

YEAR 1-5

Best Management Practices

- Fulton will continue to implement, under existing ordinances (Appendix B), the best management practices of controlling runoff release rates from all developments by not permitting it to exceed the predevelopment rate and restricting development in the flood plain.
- Fulton will adopt and implement researched structural and/or non-structural best management practices that will be appropriate for the cities community.

Measurable Goals

- Document and uphold existing ordinances restricting runoff release rates and flood plain development.
- Document and uphold adopted and implemented researched structural and/or non-structural BMPs that will be appropriate for the cities community.

Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state, or local law.

YEAR 1-5

Best Management Practices

- Fulton will continue to implement, under an existing ordinance (Appendix B), the best management practice of controlling runoff release rates from all developments by not permitting it to exceed the predevelopment rate. Proper amendments to this ordinance or a new ordinance will incorporate any new control measures that are deemed necessary.

Measurable Goals

- Document and uphold existing ordinance restricting runoff release rates and any amendments to this ordinance or new ordinance.

Ensure adequate long-term operation and maintenance of BMPs

YEAR 1-5

Best Management Practices

- Fulton will implement annual inspections of selected privately maintained BMPs with necessary corrective action and enforcement pursued if needed. City maintained BMPs will be subject to annual inspection also.

Measurable Goals

- Two (2) privately maintained long-term BMPs will be inspected each year and the existing conditions and any necessary actions taken will be documented

Fulton's program to address storm water runoff from new development and redevelopment projects (including any specific priority areas for this program).

- The goal of Fulton's proposed program is to enact, enforce, and maintain a new development/redevelopment storm water runoff program. In order to enact this program, new or amended existing ordinances (Appendix B) will be developed to establish controlling requirements. Ordinances are commonly used effectively in Fulton to enact and enforce policies and programs. These ordinances will be enforced through plan review of all construction projects covering an area greater or equal to an acre. Inspections by the engineering department will help ensure maintenance of BMPs.

How Fulton's program will be specifically tailored for their local community, minimize water quality impacts, and attempt to maintain pre-development runoff conditions.

- The program will be specifically tailored to Fulton by allowing enough flexibility in the choice of BMPs to accommodate the wide variety of construction sites located with in the city. The program will also have to take into consideration the economic feasibility in administering and implementing each BMP while allowing for future growth and development.

Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffer along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation.

- Fulton's proposed program will consider for inclusion into the post-construction storm water management program ordinance(s) the following:
  - Protection of environmentally sensitive areas (wetlands, riparian areas, steep slopes, etc.)
  - Stream bank buffer requirements
  - Increased restrictions on the use of on-site wastewater systems
  - Flexible design standards for infrastructure
  - Pervious medians

Policies or ordinances that encourage infill development in higher density urban areas and areas with existing storm sewer infrastructures

- Fulton is continuously encouraging redevelopment of unused or abandoned developed land within the city limits. This encouragement is presently done through city projects that redirect development to previously abandoned areas and facilities. Fulton will continue to look for ways to encourage infill development with the higher density areas of the city.

Education programs for developers and the public about project designs that minimize water quality impacts

- See the public education and outreach and public involvement/participation minimum control measures

Storage practices such as grassed swales, bioretention cells, sand filters and filter strips and infiltration practices such as infiltration basins and infiltration trenches.

- Fulton's program will encourage the use of storage practices and infiltration practices such as grassed swales, detention basins, infiltration basins, and infiltration trenches.

How Fulton will ensure the long-term operation and maintenance of our selected BMPs. Options to help ensure the future O&M responsibilities are clearly identified include an agreement between Fulton and another party such as the post-development landowners or regional authorities.

YEAR 1-5

Best Management Practices

- Fulton will implement annual inspections of selected privately maintained BMPs with necessary corrective actions addressed and enforcement pursued if needed. City maintained BMPs will be subject to annual inspection also.
- Fulton will incorporate, in an amended existing or new ordinance, responsibilities of operation and maintenance for post-development landowners in the upkeep of permanent BMPs.

Measurable Goals

- Two (2) privately maintained long-term BMPs will be inspected each year and conditions and any necessary actions taken will be documented
- Proper documentation of any ordinances or amendments to ordinance developed in regard to long-term operation and maintenance of permanent BMPs.

Identification of person(s) responsible for overall management and implementation of Fulton's post-construction storm water management program and the person responsible for each of the BMPs identified for our program.

- The City Engineer or duly appointed representative is responsible for the management and implementation of the City of Fulton's construction site storm water control program. Others will be involved in the actual execution of the various activities and programs but most of the activities will be implemented by and executed through the Engineering Department.

How will we evaluate the success of this minimum measure and how the measurable goals for each of the BMPs were selected?

- The success of this minimum measure will be gauged by the measurable goals listed for each of the post-construction storm water management in new development and redevelopment control program requirements. The measurable goals were selected after researching the effectiveness of various best management practices.

MCM 6 - Pollution Prevention/Good Housekeeping for Municipal Operations

(See Summary Table in Appendix A)

The city of Fulton will develop an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

YEAR 1-5

Best Management Practices

- Fulton will develop and implement an operation and maintenance program for its public streets, vehicles, facilities, grounds, and airport. Items that may be included in the operations and maintenance program may cover landscaping chemical usage, open space management (limiting maintenance operations near watercourses by leaving a buffer area), fleet maintenance (assessing if stored products are protected from the elements and spillage), street sweeping, outdoor storage, snow removal and street salting, municipal parking lot sweeping, erosion and sediment control, and disposal of construction debris. This operation and maintenance program will include proper training for public employees to aid in the proper working procedures, handling of hazardous/pollutant materials, and maintenance of public facilities, grounds, and equipment.

Measurable Goals

- Document all material used to research and develop the operation and maintenance program, all operations and maintenance procedures, and all training programs.

Using training materials that are available form EPA, State, or other organizations, Fulton shall develop training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

YEAR 1-5

Best Management Practices

- In researching, developing, and implementing employee training programs, park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance training material will be incorporated into the training program.

Measurable Goals

- Document all material used for employee training programs.

The City of Fulton's operation and maintenance program to prevent or reduce pollutant runoff from Fulton's municipal operations. Fulton shall specifically list the municipal operations that are impacted by this operation and maintenance program. Fulton shall also include a list of industrial facilities Fulton owns or operates that are subject to EPA's Multi-Sector General Permit or individual NPDES permits for discharges of storm water associated with industrial activity that ultimately discharge to Fulton's MS4. Fulton shall include the permit number or a copy of the Industrial application form for each facility.

- Fulton's developed operation and maintenance program will impact street, transportation, maintenance, and ground facilities and municipal operations.

Any government employee training program that Fulton uses to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. Fulton shall describe any existing, available materials Futon plans to use. Fulton shall describe how this training program will be coordinated with the outreach programs developed for the public information minimum measures and the illicit discharge minimum measure.

- In developing training programs, Fulton will research and use previously developed training aids developed by the EPA, MDNR, Center for Watershed Protection, Storm Water Managers Research Center, and other storm water pollution reduction friendly entities. The material used will be tailored to the community of Futon and will be incorporated with the public education and outreach and illicit discharge detection and elimination minimum control measures in order to heighten awareness city wide. Inspectors for the city will be trained for pre and post construction inspection of best management practices and illicit discharge detection.

Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to Fulton's regulated small MS4

- Maintenance activities, maintenance schedules, and long-term inspection procedures will be established in a manner that will promote a year round day to day improvement in reducing floatables and other pollutants to Fulton's storm sewer system.

Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas Fulton operates.

- Controls for reducing or eliminating the discharge of pollutants may include, but are not limited to, sweeping of municipal parking lots and garages, street sweeping, review of the hazardous materials storage areas, an annual inspection of the salt storage building, and training of municipal employees in the areas of road salt application, fleet maintenance, street sweeping, and storm sewer maintenance.

Procedures for the proper disposal of waste removed from Fulton's MS4 and area of jurisdiction, including dredged material, accumulated sediments, floatables, and other debris.

- Fulton will implement procedures for the proper removal of accumulated sediments, floatables, dredge material, and other material. The city landfill will be utilized for all non-hazardous materials.

Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.

- All best management practices used for flood plain management projects will address improving water quality as well as reduction of peak discharge. The practices used for flood plain management will be EPA approved practices. All existing projects will be assessed through yearly inspections described under the illicit discharge detection and elimination minimum control measure.

Identification of the person(s) responsible for overall management and implementation of Fulton's pollution prevention/good house keeping program and, if different, the person responsible for each of the BMPs identified for this program.

- The City Engineer or duly appointed representative is responsible for the management and implementation of the City of Fulton's pollution prevention/good housekeeping for municipal operations program. Others will be involved in the actual execution of the various activities and programs but most of the activities will be implemented by and executed through the Engineering Department.

How Fulton will evaluate the success of this minimum measure, including how Fulton selected the measurable goals for each of the BMPs.

- The success of this minimum measure will be gauged by the measurable goals listed for each of the pollution prevention/good housekeeping for municipal operations requirements. The measurable goals were selected after researching the effectiveness of various best management practices.

APPENDIX A

PUBLIC EDUCATION AND OUTREACH

YEAR 1	
BEST MANAGEMENT PRACTICE	**MEASURABLE GOAL**
Maintain a link on city website concerning storm water pollution and prevention	Document link on website
Maintain a second link on city website concerning USEPA and MoDNR external links	Document website link and record number of hits received annually
Insert a storm water pollution quiz on city website	Document quiz
YEAR 2	
BEST MANAGEMENT PRACTICE	**MEASURABLE GOAL**
Make and distribute printed educational materials on improving storm water quality	Document material and sources of information. (6 articles circulated to every mailbox in the city every year)
Evaluate storm water quiz on city website and modify for future use	Record any modifications made to quiz and record amount of quizzes taken annually (biannual review)
Implement the stream restoration community service program	2 clean ups per service group
Strategically locate information promoting changes in behavior which will decrease storm water pollution	Document material and sources of information. (1 strategically located pamphlet)
Educate target groups on potential impact of pollutants on storm water and practices which can aid in improving storm water quality	1 pamphlet mailed
Contact and involve interest groups about improving the city's storm water	Record interest groups contacted and any involvement taken
Target and investigate areas of the city that have great potential to become pollutant sources	Document each target area's findings (2 on-site investigations)
YEAR 3	
BEST MANAGEMENT PRACTICE	**MEASURABLE GOAL**
Make and distribute printed educational materials on improving storm water quality. Reference city website and storm water links	Document material and sources of information. (6 articles circulated to every mailbox in the city every year)
Enhance city website	Record website modifications and number of hits received annually
Evaluate storm water quiz on city website and modify for future use	Record any modifications made to quiz and record amount of quizzes taken annually (biannual review)
Strategically locate information promoting changes in behavior which will decrease storm water pollution	Document material and sources of information. (1 strategically located pamphlet)
Modify existing stream restoration community service program to enhance future involvement	Record successes or failures of stream restoration community service program (2 clean ups per service group)
Educate target groups on potential impact of pollutants on storm water and practices which can aid in improving storm water quality	1 pamphlet mailed

Contact and involve interest groups about improving the city's storm water	Record interest groups contacted and any involvement taken
Educate target area businesses and citizens on improving storm water in their specific watershed	Document material and sources of information. (1 watershed specific article distributed to each target area)

YEAR 4

BEST MANAGEMENT PRACTICE	MEASURABLE GOAL
Make and distribute printed educational materials on improving storm water quality. Reference city website and storm water links	Document material and sources of information. (6 articles circulated to every mailbox in the city every year)
Enhance city website	Record website modifications and number of hits received annually
Approve and adopt ideas for public education made by the city council	Document any approved and adopted ideas made by the city council
Evaluate storm water quiz on city website and modify for future use	Record any modifications made to quiz and record amount of quizzes taken annually (biannual review)
Strategically locate information promoting changes in behavior which will decrease storm water pollution	Document material and sources of information. (1 strategically located pamphlet)
Modify existing stream restoration community service program to enhance future involvement	Record successes or failures of stream restoration community service program (2 clean ups per service group)
Approve and adopt ideas for public involvement made by the city council	Document any approved and adopted ideas made by the city council
Educate target groups on potential impact of pollutants on storm water and practices which can aid in improving storm water quality (involve council)	1 pamphlet mailed
Contact and involve interest groups about improving the city's storm water (involve city council)	Record interest groups contacted and any involvement taken
Educate target area businesses and citizens on improving storm water in their specific watershed	Document material and sources of information. (1 watershed specific article distributed to each target area)

YEAR 5

BEST MANAGEMENT PRACTICE	MEASURABLE GOAL
Make and distribute printed educational materials on improving storm water quality. Reference city website and storm water links	Document material and sources of information. (6 articles circulated to every mailbox in the city every year)
Enhance city website	Record website modifications and number of hits received annually
Approve and adopt ideas for public education made by the city council	Document any approved and adopted ideas made by the city council
Evaluate storm water quiz on city website and modify for future use	Record any modifications made to quiz and record amount of quizzes taken annually (biannual review)
Strategically locate information promoting changes in behavior which will decrease storm water pollution	Document material and sources of information. (1 strategically located pamphlet)
Modify existing stream restoration community service program to enhance future involvement	Record successes or failures of stream restoration community service program (2 clean ups per service group)

Approve and adopt ideas for public involvement made by the city council	Document any approved and adopted ideas made by the city council
Educate target groups on potential impact of pollutants on storm water and practices which can aid in improving storm water quality (involve city council)	1 pamphlet mailed
Contact and involve interest groups about improving the city's storm water (involve city council)	Record interest groups contacted and any involvement taken
Educate target area businesses and citizens on improving storm water in their specific watershed	Document material and sources of information. (1 watershed specific article distributed to each target area) Reevaluate target areas to access level of improvement obtained by program

PUBLIC INVOLVEMENT/PARTICIPATION

YEAR 1	
BEST MANAGEMENT PRACTICE	**MEASURABLE GOAL**
Submit storm water management program to city council for open discussion, suggestion, and approval.	Record, approve, and incorporate ideas and suggestions in the storm water management program
YEAR 1-5	
BEST MANAGEMENT PRACTICE	**MEASURABLE GOAL**
Discuss with the city council ideas and practices for public involvement	Record, approve, and incorporate ideas and suggestions in the storm water management program
The stream restoration community service program	2 clean ups per service group

ILLICIT DISCHARGE DETECTION AND ELIMINATION

YEAR 1-5	
BEST MANAGEMENT PRACTICE	**MEASURABLE GOAL**
Using new aerial photography combined with the existing topographic mapping system and new GPS equipment the city will update the existing storm sewer system map, record future improvements to the existing storm sewer system map, and identify priority areas which will be inspected.	An up to date map of all existing, new, and improved storm sewer system structures and outfalls. Document explanation of chosen priority areas/buildings.

Prepare and enact an illicit discharge detection and elimination ordinance	Document ordinance. Document all fines, penalties, disconnections, and remedial actions administered to violators of ordinance.
Implement an on-site visual inspection plan to detect and address non-storm water discharges	Record on-site visual inspections. (3 priority areas inspected per year)
Encourage the public to report non-storm water discharges to the engineering department	Document printed material with engineering department's contact information for reports of illicit discharges
Identify storm water testing facilities which can analyze storm water for illicit discharges	Document identified facilities which can analyze storm water for illicit discharges. Record all lab results.
Trace and detect the sources of illicit discharges	Record traced or detected source of illicit discharge and procedure of tracing and detection used.

CONSTRUCTION SITE STORM WATER RUNOFF CONTROL

YEAR 1-5	
BEST MANAGEMENT PRACTICE	**MEASURABLE GOAL**
Develop and enact either an adopted new city land disturbance ordinance or an amended current storm water runoff and management ordinance	Document development process and enactment date of new or amended ordinance. Document all notices, requested corrective procedures, violations, enforcement mechanisms, and public hearings administered under this ordinance.
Construction site operators will be required (by ordinance) to obtain an approved storm water management plan and implement all erosion and sediment control BMP's as shown on this plan	An inspector for the city will document that all BMP's shown on the approved storm water management plan have been established before start of construction.
Inform public of the importance of construction site storm water runoff control and encourage contacting the city if any violation is perceived to exist	Document complaints made by public and any actions taken.
Construction sites will be inspected by the engineering department on a regular basis to insure compliance with the approved land disturbance plan	Construction site inspections will be documented
Identify storm water testing facilities which can analyze storm water for illicit discharges	Document identified facilities which can analyze storm water for illicit discharges. Record all lab results.
Trace and detect the sources of illicit discharges	Record traced or detected source of illicit discharge and procedure of tracing and detection used.

POST CONSTRUCTION STORM WATER MANAGEMENT

YEAR 1-5	
BEST MANAGEMENT PRACTICE	**MEASURABLE GOAL**
Fulton will continue to implement, under existing ordinances, the controlling of runoff release rates Fulton will continue to implement, under existing ordinances, the controlling of runoff release rates from all developments and restricting development in the flood plain.	Document and uphold existing ordinances restricting runoff release rates and flood plain Document and uphold existing ordinances restricting runoff release rates and flood plain development.
YEAR 2-5	
BEST MANAGEMENT PRACTICE	**MEASURABLE GOAL**
Adopt proper amendments to existing ordinances or new ordinances which will incorporate structural or nonstructural BMPs, adequate long-term operation and maintenance of BMP's, and authorize proper enforcement to ensure compliance	Document amendments or new ordinances, any agreements between the city and post development landowners concerning long-term O&M, and any enforcement used to ensure compliance
Implement researched structural and/or non-structural best management practices that will be appropriate for the cities community	Document implemented researched structural and/or non-structural BMPs
Fulton will implement annual inspections of selected privately maintained BMPs with necessary corrective action letters sent and enforcement pursued if needed. City maintained BMPs will be maintained by the city street department	Two (2) privately maintained long-term BMPs will be inspected each year and the existing conditions and any necessary actions taken will be documented.

POLLUTION PREVENTION/GOOD HOUSEKEEPING

YEAR 1-2	
BEST MANAGEMENT PRACTICE	**MEASURABLE GOAL**
Develop an operation and maintenance program for its public streets, vehicles, facilities, grounds, and airport. This operation and maintenance program will include proper training for public employees to aid in the proper working procedures, handling of hazardous/pollutant materials, and maintenance of public facilities, grounds, and equipment.	Document all material used to research and develop the operation and maintenance program, all operations and maintenance procedures, and all training programs.

APPENDIX B

BILL NUMBER 1002 ORDINANCE NUMBER 905-02

AN ORDINANCE AMENDING CHAPTER 46 ENVIRONMENT BY DELETING PARAGRAPH 3. CONTRIBUTION IN LIEU OF FACILITY CONSTRUCTION OF SEC. 46-91. APPLICABILITY AND ENACTING A NEW PARAGRAPH 3 OF SEC. 46-91. APPLICABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FULTON, MISSOURI AS FOLLOWS:

SECTION ONE: That Chapter 46 Environment be amended by deleting Paragraph 3. Contribution In Lieu of Facility Construction of Sec. 46-91. Applicability and enacting a new Paragraph 3 Contribution In Lieu of Facility Construction as follows:

Delete:

(3) *Contribution in lieu of facility construction.* If the increased amount or velocity of stormwater generated by the development will have a minor detrimental effect on the receiving watercourse and the applicant has agreed to contribute to the city fund an amount equal to the cost of the otherwise required onsite stormwater management facility. For the purpose of establishing an amount to be contributed, the developer shall prepare an estimate of construction cost for a detention basin which shall be reviewed and approved by the city engineer.

Add:

(3) *Contribution in lieu of facility construction.* If the applicant agrees to contribute to the city fund an amount based upon square footage of the hard surface. The fee schedule to be agreed upon by the council.

Any hard surface of 500 square feet or less can be waived by the city engineer and code enforcement officer.

Any surface area in excess of 75,000 square feet is not eligible. This development must have their own stormwater management system.

SECTION TWO: All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION THREE: This ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

READ THREE TIMES AND PASSED THIS 9th DAY OF JULY, 2002.

/s/ Robert W. Craghead
Robert W. Craghead
President of the Council

APPROVED THIS 23rd DAY OF APRIL, 2002.

/s/ Robert W. Craghead
Robert W. Craghead
Mayor

ATTEST:

/s/ Carolyn L. Laswell
Carolyn L. Laswell
City Clerk

Chapter 46

ENVIRONMENT*

Article I. In General

Secs. 46-1—46-25. Reserved.

Article II. Nuisances

Sec. 46-26. Nuisances enumerated.
Sec. 46-27. Prohibited.
Sec. 46-28. Duties of the protective administration officer; notice to abate.
Sec. 46-29. Procedure upon noncompliance of notice and hearing in regard to same.
Sec. 46-30. Insurance proceeds.
Sec. 46-31. Notification of director of insurance.
Sec. 46-32. Payment of claim without deduction on certification that insured will make premises safe.
Sec. 46-33. Appeal process.
Sec. 46-34. Penalty.
Sec. 46-35. Weed, grass, trash and debris abatement.

Secs. 46-36—46-55. Reserved.

Article III. Stormwater Runoff and Management

Division 1. Generally

Sec. 46-56. Definitions.
Sec. 46-57. Article supplemental to development ordinances.
Sec. 46-58. Other permits required.
Sec. 46-59. Conflicting standards.

Secs. 46-60—46-70. Reserved.

Division 2. Administration and Enforcement

Sec. 46-71. Responsibility.
Sec. 46-72. Variances.
Sec. 46-73. Official maps and profiles.
Sec. 46-74. Interpretation.
Sec. 46-75. Inspection.
Sec. 46-76. Enforcement.
Sec. 46-77. Penalties.

Secs. 46-78—46-90. Reserved.

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*__Cross references__—Fire prevention and protection, ch. 50; floods, ch. 54; health and sanitation, ch. 58; historic preservation, ch. 62; parks and recreation, ch. 82; planning, ch. 86; solid waste, ch. 94; streets, sidewalks and other public places, ch. 98; subdivisions, ch. 102; utilities, ch. 114; zoning, app. A.

ARTICLE I. IN GENERAL

Secs. 46-1—46-25. Reserved.

ARTICLE II. NUISANCES*

Sec. 46-26. Nuisances enumerated.

The purpose of this section is to set forth those conditions detrimental to the health, safety or welfare of the residents of the city.

In addition to any other act declared to be a nuisance by this Code or other ordinances of the city or state law, failure to maintain any of the conditions enumerated in this section shall be a nuisance. The applicable provisions of this Code shall govern minimum conditions for maintenance of exterior property, premises and structures. Premises shall comply with the conditions prescribed in this article, insofar as they are applicable:

(1) All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition, free from any accumulation of rubbish or garbage.

(2) All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon or within any structure thereon.

(3) No airtight enclosure shall be accessible to children which cannot be opened from the inside.

(4) All public sidewalks and steps shall be maintained in good repair, free of holes or protruding edges hazardous to pedestrian travel. Accumulation of snow and ice shall be removed from public sidewalks and steps within 24 hours. Sidewalks and steps shall be free of mud, debris, garbage or other items or substances upon the surface which might cause a pedestrian to lose footing, and all such sidewalks shall be free of overhanging trees, shrubs or other obstructions to pedestrian travel.

(5) No electric fence or fence constructed wholly or partly of barbed wire shall be maintained abutting and within three feet of any public street, alley, sidewalk or public way, except in areas zoned agricultural (A-1).

(6) All lots, except those zoned agricultural, shall be maintained free from weeds or plant growth in excess of eight inches in height. As used in this subsection, the term "weeds" means all grasses, annual plants and vegetation, other than trees or decorative shrubs, cultivated flowers, ornamental and garden plants. Vegetation harmful or irritating to the human touch shall be removed, including poison ivy, poison oak and poison sumac.

***Editor's note**—Ord. No. 666-94, § A, adopted May, 24, 1994, repealed §§ 46-26—46-32 of this chapter, relative to nuisances, and § B of the ordinance added similar new provisions as herein set out. Formerly, such provisions derived from §§ 19-1—19-7 of the city's 1980 Code as amended by Ord. No. 603-92, § 1, adopted Apr. 28, 1992.

State law reference—Authority for city to prevent and remove nuisances, RSMo 71.780.

lessee, mortgagee, agent or any other person having an effective control in the building, structure or premises, the planning and protective administration officer shall take such action deemed necessary to remove or abate such nuisance.

(4) Call and have a full and adequate hearing in regards to the removal or abatement of any building or structure that may be a nuisance or detrimental to the health, safety or welfare of the residents of this city.

(Ord. No. 666-94, § B, 5-24-94)

Sec. 46-29. Procedure upon noncompliance of notice and hearing in regard to same.

(a) Upon the failure of the owner, occupant, lessee, mortgagee, agent or any other person having an effective control in the building, structure or premises to commence work of reconditioning or demolition within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the planning and protective administration officer shall call and have a full and adequate hearing upon the matter, giving the affected parties at least 21 days written notice of the hearing. The hearing officers shall include the director of administration, city engineer and the planning and protective administration officer. Any party may be represented by counsel, and all parties shall have an opportunity to be heard.

(b) After the hearings, if the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of this city, the planning and protective administration officer shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the building or structure to be a nuisance and detrimental to the health, safety or welfare of the residents of this city and ordering the building or structure to be demolished and removed, or repaired.

(c) If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of this city, no order shall be issued.

(d) If the planning and protective administration officer issues an order whereby the building or structure is demolished, secured or repaired, the cost of performance shall be certified to the chief financial officer who shall send a bill to the last known address of the property owner, occupant, lessee, mortgagee, agent or any other person having an effective control in the building or structure. If the bill is not paid within 30 days, the chief financial officer shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the county collector of revenue. At the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.

(Ord. No. 666-94, § B, 5-24-94)

Sec. 46-30. Insurance proceeds.

If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss:

Sec. 46-33. Appeal process.

(a) Any interested party described in section 46-28, subsection (2) of the City Code may appeal the decision of the hearing officers to the circuit court of the county as established in RSMo 536.100 to 536.140, if a proper record as defined in RSMo 536.130 is maintained of the hearing provided by section 46-28 of the City Code; otherwise, the appeal shall be made pursuant to the procedures provided by RSMo 536.150.

(b) In any appeal as provided by this section, any person who owns or occupies property located within 1,200 feet of the perimeter of the building or structure which is the subject of the suit shall be allowed to present evidence to the court on behalf of the city, of the condition of the building or structure, whether or not such person presented such evidence at the hearing provided by section 46-29, subsection (1) of the City Code. The appellant before the court shall have the opportunity to cross-examine any such person presenting evidence to the court.
(Ord. No. 666-94, § B, 5-24-94)

Sec. 46-34. Penalty.

The failure of any owner, occupant, lessee, mortgagee, agent or other persons having an effective control in the building or structure as shown by the land records of the recorder of deeds of the county to abate or remove a nuisance after notification by the planning and protective administration officer shall be a violation of this article, punishable by a fine not to exceed $100.00 for each day the nuisance continues after receipt of such notice, but the aggregate of such fine for any one continuing nuisance shall not exceed $500.00.
(Ord. No. 666-94, § B, 5-24-94)

Sec. 46-35. Weed, grass, trash and debris abatement.

No person in charge or control of any property within the city, whether as owner, tenant, occupant lessee or mortgagee shall cause weeds, grass, trash and debris to grow or accumulate on any property in violation of this Code.

(1) *Initiation of abatement procedure.* When the hearing officer has reason to believe that weeds, grass, trash and debris have been allowed to grow or accumulate on any property in violation of this article, the hearing officer may initiate an abatement procedure by calling a hearing to determine whether a violation exists.

(2) *Notice of hearing.* The owner of the property on which the violation of this article is believed to exist shall be given notice of the hearing at least five calendar days before the hearing. The notice shall describe the location and nature of the alleged violation and state the time and place of the hearing. When there is more than one owner of the property, notice need be given to only one of the owners.

(3) *Service of notice.* The notice shall be served by at least one of the following methods:

a. Personal service on the owner or the owner's agent;

b. Service by mail addressed to the last known address of the owner or the owner's agent;

Detention facility means any structure which is designed to collect and store surface water for subsequent gradual discharge.

Excess stormwater runoff means that portion of stormwater which exceeds:

(1) The safe storm drainage capacity of the downstream storm sewers within the catchment;

(2) The predevelopment runoff in the particular tract.

Protected channel means a channel which receives stormwater discharge and which is paved, riprapped or otherwise improved by addition of manmade materials to reduce the potential for erosion.

Safe storm drainage capacity means the quantity of stormwater runoff that can be transported by a channel or conduit without having the water surface rise above the top of the channel or conduit.

Stormwater channel means a natural or manmade open watercourse with definite bed and banks which periodically or continuously contains moving water or which forms a connecting link between two bodies of water.

Stormwater runoff means water that results from precipitation which is not absorbed by the soil or vegetation or evaporated and which flows over the ground surface or is collected in channels or conduits.

Stormwater runoff release rate means the rate at which stormwater runoff is released from dominant to servient land.

25-year, 24-hour frequency rainfall means a precipitation event of 24 hours duration, having a 4.0 percent chance of occurring in any one year.
(Code 1980, § 30-3)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 46-57. Article supplemental to development ordinances.

This article further supplements ordinances regulating the following:

(1) The subdivision, layout and improvement of lands, as provided in chapter 102 of this Code, located within the corporate limits of the city.

(2) The excavating, filling and grading of lots and other parcels or areas.

(3) The construction of buildings and the drainage of the sites on which those structures are located, to include parking and other paved areas.

(4) The design, construction and maintenance of stormwater drainage facilities and systems.

(Code 1980, § 30-1)

Sec. 46-58. Other permits required.

Before starting any activities regulated by this article, an applicant shall comply with the requirements set forth in other applicable ordinances with respect to the submission and approval of preliminary and final subdivision plats, improvement plans, building and zoning permits, inspections, appeals and similar matters, along with those set forth in this article and as may be required by state statutes and the regulations of any department of the state.
(Code 1980, § 30-2)

Sec. 46-59. Conflicting standards.

This article shall be deemed as additional to standards required by other ordinances of the city. In case of conflicting requirements, the most restrictive shall apply. All other ordinances or parts of ordinances in conflict with this article are repealed.
(Code 1980, § 30-74)

Secs. 46-60—46-70. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 46-71. Responsibility.

The administration of this article shall be the responsibility of the office of the city engineer.
(Code 1980, § 30-44)

Sec. 46-72. Variances.

(a) *Standards.* Variations from this article may be granted when it is demonstrated to the satisfaction of the city council that, owing to special conditions, a strict adherence to this article will result in unnecessary hardship and that the spirit and intent of this article will not be observed.

given an opportunity to be heard, and he may call witnesses and present evidence on his behalf. After such hearing, if the city council concludes that the issuance of additional correction notices would be futile, any bonds or cash deposits posted with the city shall be forfeited, whereupon such security shall be used for completion of the stormwater management plan as approved.
(Code 1980, § 30-60)

Sec. 46-77. Penalties.

Any person who violates or fails to comply with this article shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than $25.00 or more than $200.00.
(Code 1980, § 30-61)

Secs. 46-78—46-90. Reserved.

DIVISION 3. DESIGN CRITERIA AND PERFORMANCE STANDARDS

Sec. 46-91. Applicability.

(a) A stormwater management plan shall be submitted to the city engineer by the owner of any proposed residential, commercial or industrial development within the city, unless the city engineer waives such requirement for one of the following reasons:

(1) *Offsite facility, two or more developments.* If two or more developments, including that of the applicant, have provided for a common system.

(2) *Offsite facility by city.* If an offsite stormwater management system has been either constructed or programmed or identified for construction by the city and the applicant has agreed to contribute to or participate in the construction thereof.

(3) *Contribution in lieu of facility construction.* If the applicant agrees to contribute to the city fund an amount based upon square footage of the hard surface. The fee schedule to be agreed upon by the council.

Any hard surface of 500 square feet or less can be waived by the city engineer and code enforcement officer.

Any surface area in excess of 75,000 square feet is not eligible. This development must have their own stormwater management system.

(4) *Other management techniques.* Management techniques other than detention facilities may be utilized by the development, provided the techniques proposed meet the intent of this article and provide a benefit to the watershed that equals or exceeds the benefit that a detention facility would provide.

(b) No final subdivision or development plat shall be approved and no building permits shall be issued until the stormwater management plan has either been waived or reviewed and approved by the city engineer.
(Code 1980, § 30-15; Ord. No. 905-02, § 1, 7-9-02)

controlled conditions called for by this article and the relationship of structures, streets and other utilities to such channels.

(Code 1980, § 30-16)

Sec. 46-93. Design criteria.

The following shall govern the design of improvements with respect to managing stormwater runoff:

(1) *Methods of determining stormwater runoff rate and volume.* Drainage and storage facilities shall be designed using the soil conservation service urban hydrology, TR-55, method of calculating runoff discharge rate and the total volume.

(2) *Release rate.* The controlled release rate of stormwater runoff from all developments described in section 46-91 shall not exceed the predevelopment rate. The rate at which stormwater runoff is delivered to a designated stormwater storage area shall be unrestricted. If the natural downstream channel or storm sewer system is inadequate to accommodate the release rate provided in this subsection, the allowable release rate shall be reduced to that rate permitted by the capacity of the downstream channel or storm sewer system.

(3) *Development design.* Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to minimize the velocity of overland flow and allow maximum opportunity for infiltration of stormwater into the ground and to preserve and utilize existing and planned streams, channels and detention basins and include, whenever possible, streams and floodplains within parks and other public grounds.

(4) *Detention.* The increased stormwater runoff resulting from the proposed development may be accommodated by providing appropriate detention facilities, including wet or dry bottom reservoirs, flat roofs, parking lots or streets. The following shall govern the design of detention facilities:

a. *Storage volume.* The volume of storage potential provided in detention facilities shall be sufficient to control the excess stormwater runoff, as determined to be the difference between the stormwater quantity from the site in its developed state for a 50-year, 24-hour frequency rainfall as published by the U.S. weather bureau, less the allowable release rate as set forth in subsection (2) of this section. The allowable stormwater release rate shall not be exceeded, regardless of the depth of stormwater contained in the required stormwater detention facility.

b. *Release rate.* At no time during the design storm shall the stormwater runoff release rate exceed the allowable release rate as set forth in subsection (2) of this section.

c. *Release velocity.* Detention facilities shall release stormwater at a nonerosive velocity. Protected channels receiving detention discharge shall incorporate features to reduce velocity to nonerosive levels at the point where such discharge

(g) *Maintenance.* Provisions acceptable to the city for perpetual maintenance of detention facilities, outlet works and appurtenances shall be made, as provided in section 46-107.
(Code 1980, § 30-18)

Secs. 46-95—46-105. Reserved.

DIVISION 4. BONDS, MAINTENANCE ASSURANCE AND FEES

Sec. 46-106. Performance bonds and other assurances for completion and operation of improvements.

Upon approval of the stormwater management plan, but before the issuance of a building permit or subdivision plat approval, the city engineer shall require the applicant to post a performance bond, cash escrow, certified check or other acceptable form of performance security in an amount sufficient to ensure the execution of the plan. After determination by the city engineer that all facilities are constructed in compliance with the approved plan, the performance bond or other securities shall be released.
(Code 1980, § 30-30)

Sec. 46-107. Maintenance agreement.

A maintenance agreement approved by the city council ensuring perpetual maintenance of stormwater management improvements shall be executed by the city and the applicant.
(Code 1980, § 30-31)

Sec. 46-108. Fees.

A fee per lot, as established by the city council from time to time, shall accompany the submittal of each stormwater management plan for review.
(Code 1980, § 30-32)

Chapters 47–49

RESERVED

Chapter 94

SOLID WASTE*

Article I. In General

Sec. 94-1. Definitions.
Secs. 94-2—94-25. Reserved.

Article II. Solid Waste Department

Sec. 94-26. Established.
Sec. 94-27. Appointment of manager.
Sec. 94-28. Responsibilities of manager.
Sec. 94-29. Compensation.
Secs. 94-30—94-50. Reserved.

Article III. Litter

Sec. 94-51. Throwing upon streets, sidewalks or public places.
Sec. 94-52. Placing in receptacles to prevent scattering.
Sec. 94-53. Sweeping into gutters, streets or public places.
Sec. 94-54. Cleanliness of sidewalks generally.
Sec. 94-55. Merchants to keep sidewalks free of litter.
Sec. 94-56. Throwing from vehicle.
Sec. 94-57. Throwing in parks.
Sec. 94-58. Throwing in fountains, lakes or other water bodies.
Sec. 94-59. Dropping from aircraft.
Sec. 94-60. Depositing on occupied private property.
Sec. 94-61. Depositing on vacant private property.
Sec. 94-62. Blowing from loaded trucks.
Sec. 94-63. Maintenance of private premises.
Secs. 94-64—94-85. Reserved.

Article IV. Storage, Collection and Disposal

Division 1. Generally

Sec. 94-86. Authority for rules and regulations.
Sec. 94-87. Containers required.
Sec. 94-88. Placement in containers required; maintenance of containers and surrounding area.
Sec. 94-89. Container specifications.
Sec. 94-90. Tree limbs.
Sec. 94-91. Yard wastes, recyclables.
Sec. 94-92. Removal of unapproved containers.
Sec. 94-93. Transportation.

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*Cross references—Environment, ch. 46; floods, ch. 54; health and sanitation, ch. 58; parks and recreation, ch. 82; secondhand goods, ch. 90; streets, sidewalks and other public places, ch. 98; subdivisions, ch. 102; sewers and sewage disposal, § 114-171 et seq.

ARTICLE I. IN GENERAL

Sec. 94-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Battery or lead-acid battery means a battery designed to contain lead and sulfuric acid with a nominal voltage of at least six volts and of the type intended to use in motor, recreational, agricultural, construction, lawn and watercraft vehicles, etc.

Bulky rubbish means nonputrescible solid wastes consisting of combustible and noncombustible waste materials from dwelling units; commercial, industrial, institutional, professional offices; or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors with the equipment available therefor.

Collection means removal of solid waste from its place of storage to the transportation vehicles.

Compost site means an area used for the accumulation and reduction of yard waste into a decomposed state.

Composting means a controlled biological reduction of organic wastes to humus.

Curbside means a location adjacent to and not more than five feet from any street.

Demolition and construction waste means waste materials from the construction or destruction of residential, industrial or commercial structures.

Disposable solid waste container means disposable plastic or paper sacks with a capacity of not more than 35 gallons specifically designed for storage of solid waste.

Dwelling unit means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used or are intended to be used for living, sleeping, cooking and eating.

Garbage means putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

Hazardous wastes include but are not limited to pathological wastes, explosive wastes, pesticides, pesticide containers, toxic or radioactive materials.

Landfill means a refuse depository for the processing or final disposal of solid waste, which depository is licensed, permitted or approved by governmental bodies and agencies having jurisdiction.

Litter means solid wastes or unwanted material deposited in an improper place or manner.

Solid waste disposal area means any area used for the disposal of solid waste from more than one residential premises or one or more commercial, industrial, manufacturing, recreational or governmental operations.

Solid waste management means the entire solid waste system of storage, collection, transportation, processing and disposal.

Storage means keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

Tire means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle or trailer as defined in RSMo ch. 301.

Transportation means the transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

Waste tire means a tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

Yard waste means leaves, grass, clippings, yard and garden vegetation to include shrubs, vegetable and flower garden waste and brush and trees produced as the result of lawn and garden care and maintenance. Christmas trees are included in this definition. The term does not include stumps, roots or shrubs with intact root balls.
(Code 1980, § 12-1)

Cross reference—Definitions and rules of construction generally, § 1-2.

Secs. 94-2—94-25. Reserved.

ARTICLE II. SOLID WASTE DEPARTMENT*

Sec. 94-26. Established.

There is established a solid waste department, the purpose of which is to provide for the solid waste management of the city. The department shall be organized and maintained as provided for by the ordinances of the city.
(Code 1980, § 12-2)

Sec. 94-27. Appointment of manager.

The director of administration with the consent of the mayor shall appoint a manager for the solid waste department.
(Code 1980, § 12-3)

Sec. 94-28. Responsibilities of manager.

(a) The solid waste manager shall be responsible for all matters relating to the operation of the city landfill, trash pickup and solid waste management.

*Cross references—Administration, ch. 2; parks and recreation board, § 82-51 et seq.

Sec. 94-55. Merchants to keep sidewalks free of litter.

Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter.
(Code 1980, § 12-19)

Sec. 94-56. Throwing from vehicle.

No person, while a driver or passenger in a vehicle, shall throw or deposit any litter upon any street or other public place within the city or upon private property.
(Code 1980, § 12-20)

Sec. 94-57. Throwing in parks.

No person shall throw or deposit litter in any park within the city, except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere, as provided in this chapter.
(Code 1980, § 12-21)

Sec. 94-58. Throwing in fountains, lakes or other water bodies.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or other body of water in a park or elsewhere within the city.
(Code 1980, § 12-22)

Sec. 94-59. Dropping from aircraft.

No person in any aircraft shall throw out, drop or deposit within the city any litter.
(Code 1980, § 12-23)

Sec. 94-60. Depositing on occupied private property.

No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not; provided, however, the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.
(Code 1980, § 12-24)

Sec. 94-61. Depositing on vacant private property.

No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by such person or not.
(Code 1980, § 12-25)

(12) Records of quantity and type of wastes received at processing and disposal facilities.

(13) Handling of special wastes such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, batteries, etc.

(14) Issuance of permits for hauling solid waste by other than city vehicles.

(b) *Chief financial officer and other officials' authority.* The chief financial officer or such other city official who is responsible for preparing utility and other service charge billings for the city is authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and disposal service charges, as provided in division 3 of this article.

(c) *Copy.* A copy of any and all rules and regulations made and promulgated under this section shall be approved by the director of administration and filed in the office of the city clerk.
(Code 1980, § 12-44)

Sec. 94-87. Containers required.

The occupant of every dwelling unit and of every institutional, commercial or business, industrial, professional office or agricultural establishment producing solid waste shall provide sufficient and adequate containers for the storage of all solid wastes, except bulky rubbish and demolition and construction waste, to serve each such dwelling unit and establishment and shall maintain such solid waste containers at all times in good repair.
(Code 1980, § 12-36)

Sec. 94-88. Placement in containers required; maintenance of containers and surrounding area.

The occupant of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided in this article, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.
(Code 1980, § 12-37)

Sec. 94-89. Container specifications.

(a) *Residential waste.* Residential solid waste shall be stored in containers which are leakproof, waterproof and fitted with a flytight lid and which shall be properly covered at all times, except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of lightweight and sturdy construction. The weight of any individual container and contents shall not exceed 50 pounds. Galvanized metal containers or rubber, fiberglass or plastic containers which do not become brittle in cold weather may be used. Disposable solid

Sec. 94-94. Disposal.

(a) Solid wastes shall be deposited at a processing facility or disposal area approved by the city, complying with all requirements of the state department of natural resources and RSMo 260.200–260.276.

(b) The manager may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the manager and which will meet all local, state and federal regulations.

(c) The dumping of solid waste at any place within the city limits, except at the designated city disposal ground or at such other places as may be directed by the manager, is prohibited. (Code 1980, § 12-43)

Sec. 94-95. Prohibited practices.

(a) It shall be unlawful for any person to:

(1) Deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container, or with the intent of avoiding payment of the service charge provided in division 3 of this article for solid waste collection and disposal.

(2) Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether or not such equipment and collectors are those of the city.

(3) Burn solid waste, unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air quality control agency.

(4) Dispose of any refuse by depositing the refuse in any public alley, street, roadway, vacant lot or property of any kind or character within the city or belonging to the city or in any stream or body of water within the city or by burning garbage. However, nothing in this subsection shall be construed to prohibit the disposition of refuse by means of burning the refuse in an incinerator enclosed within a building and complying with applicable state law. Information obtained from waste disposed or deposited in violation of this subsection shall give rise to a rebuttable presumption that the person so identified committed the violation.

(5) Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the city without a permit from the city or operate under an expired permit or operate after a permit has been suspended or revoked. This permit is contingent upon the terms of this subsection and the specified type of solid waste and may be issued by the manager after the applicant obtains a city license.

(6) Scavenge or scatter any solid waste, including recyclables deposited by residents for pickup by solid waste collectors.

(b) The manager may issue permits for the collection of solid wastes by other than city vehicles should the health and environment of the city so demand. All permits shall be issued only upon compliance with the rules and regulations established under section 94-86.
(Code 1980, § 12-54)

Sec. 94-107. Hazardous or harmful substances; bulky rubbish.

(a) Nothing in this chapter shall require the city to accept, collect or dispose of any material, the collection or disposal of which is prohibited or regulated by the state or federal government as a hazardous substance, nor to require the city to collect or dispose of any material or object which, in the sole discretion of the manager, poses any undue threat of harm to the citizens or employees of the city or to any public property or improvement.

(b) All solid waste from premises to which collection services are provided by the city shall be collected, except bulky rubbish; provided, however, that bulky rubbish will be collected if tied securely in bundles not exceeding reasonable limitations of weight and bulk to be fixed by regulations to be made and promulgated by the manager.

(c) Any waste prohibited from landfills by the state or the federal government shall not be collected by the city.

(d) Any bulky waste shall not be collected by the city.
(Code 1980, § 12-55)

Sec. 94-108. On-premises collection.

(a) Persons desiring on-premises collection may make application to the manager for such collection on forms approved by the manager. Such applications may be made in the following cases:

(1) For those persons who are permanently or temporarily physically unable to place their residential solid waste at the curb due to illness, accident, age or other physical incapacity. In such case and where the physical incapacity is temporary, the manager shall so determine in writing, and on-premises collection shall continue only for the time permitted by the manager. Nothing in this subsection shall prohibit a person from making subsequent applications for temporary on-premises collection. For those persons whom the manager determines to be permanently incapacitated, on-premises collection shall continue until terminated by the manager.

(2) Any person desiring on-premises collection, whether physically incapacitated or not, may apply to the manager for such collection on forms approved by the manager. The manager shall have discretion to approve or disapprove such application.

(b) Any application made under subsection (a) of this section and approved by the manager shall be personal in nature and nontransferable and shall terminate upon the conditions established by the manager in approving the application.
(Code 1980, § 12-56)

Secs. 94-113—94-125. Reserved.

DIVISION 3. SERVICE CHARGES

Sec. 94-126. Imposed.

There is imposed, as provided in this division, for the collection and disposal of solid waste and the improvement of the general public health and environment, a service charge payable monthly in advance for each dwelling unit and each commercial establishment.
(Code 1980, § 12-69)

Sec. 94-127. Disposition of receipts.

All funds collected under this division shall be deposited to the account of the solid waste fund.
(Code 1980, § 12-45)

Sec. 94-128. Amounts.

(a) *Residential.* Charges for residential solid waste collection shall be as follows:

(1)	For curb service as required by section 94-112	$ 10.00
(2)	For on-premises service as permitted by section 94-108(a)(1)	10.00
(3)	For on-premises collection as permitted by section 94-108(a)(2)	20.00
(4)	For curb service as required by section 94-112 or on-premises collection as permitted by section 94-108(a)(1)	10.00

(b) *Dumpsters.* Charges for dumpster rental, purchase and emptying of dumpsters shall be as follows:

(1)	Rental 1½-yard dumpster, per month	18.75
(2)	Rental two-yard dumpster, per month	25.00
(3)	Rental four-yard dumpster, per month	30.00
(4)	Rental six-yard dumpster, per month	40.00
(5)	Purchase, any size, cost plus 15 percent for handling and placement charge.	
(6)	Emptying 1½-yard dumpster, per month, minimum	10.00
(7)	Emptying two-yard dumpster, per month, minimum	10.00
(8)	Emptying four-yard dumpster, each time	10.00
(9)	Emptying six-yard dumpster, each time	15.75

Sec. 94-131. Use of landfill.

Charges for the use of the landfill shall be made to all persons seeking to utilize such landfill based upon the means by which such person conveys the material to be disposed of to the landfill. Charges for the use of the landfill shall be determined by weight, unless scales are temporarily out of order. Charges for use of the landfill shall be determined by weight or volume as follows:

(1) *Weight method.*

a.	Per scale weight per ton	$ 19.50
b.	Per ton or any fraction thereof, exceeding 500 pounds	19.50
c.	Minimum fee for 500 pounds or less	8.00

(2) *Volume method.*

a.	Length in feet × width in feet × height in feet (to peak of load) divided by 27 = cubic yards ×	6.50
b.	Automobiles:	
	1. With city sticker, each	5.00
	2. Without city sticker, each	10.00
c.	Pickups, vans and trailers:	
	1. With city sticker, without specified rates, each	20.00
	2. Without city sticker, without specified rates, each	25.00
d.	Any vehicle one ton or larger (trailers with dual wheels or more than one axle will be included in this category unless other specified rates apply):	
	1. With city sticker, each, per cubic yard capacity	40.00
	2. Without city sticker, each, per cubic yard capacity	45.00
e.	Vehicle towing trailer:	
	1. No charge if empty.	
	2. Regular charge if hauling material to be deposited in the landfill.	
f.	Compactor trucks and compactor roll-off boxes, per cubic yard capacity	6.50
g.	Any vehicle upon which the trash is not secured to prevent trash from blowing or falling from the vehicle, additional charge	6.25
h.	Contaminated soil (gasoline and diesel tainted):	
	1. Per yard	13.00
	2. Per ton	19.50

Sec. 94-134. Authority to enforce collection.

The system of services established by this division is designated as an integral part of the city's program of health and sanitation, to be operated as an adjunct to the city's system for providing potable water and the city's system for providing sewage disposal. The city may enforce collection of the charges imposed by this division by bringing proper legal action against the occupant of any dwelling unit or owner of any commercial establishment to recover any sums due for such service, plus a reasonable attorney's fee to be fixed by the court, plus the cost of such action.
(Code 1980, § 12-72)

Chapters 95–97

RESERVED

Chapter 114

UTILITIES*

Article I. In General

Sec. 114-1. Definitions.
Secs. 114-2—114-25. Reserved.

Article II. Administration

Division 1. Generally

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Division 2. Utility Department

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Sec. 114-37. Composition.
Sec. 114-38. Appointment of superintendent.
Sec. 114-39. Responsibilities of superintendent.
Sec. 114-40. Division supervisors.
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Sec. 114-53. Meetings, officers, quorum, compensation.
Secs. 114-54—114-75. Reserved.

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Sec. 114-84. Injuring, misusing utility system.
Sec. 114-85. Area of service.
Secs. 114-86—114-95. Reserved.

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*Cross references—Buildings and building regulations, ch. 18; businesses, ch. 22; civil emergencies, ch. 34; environment, ch. 46; floods, ch. 54; historic preservation, ch. 62; manufactured homes and trailers, ch. 74; parks and recreation, ch. 82; planning, ch. 86; streets, sidewalks and other public places, ch. 98; subdivisions, ch. 102.

Division 2. Prohibited Discharges

Sec. 114-196. Prohibited sanitary sewer discharges; storm sewers.
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Sec. 114-199. Substances city may prohibit.
Sec. 114-200. Actions city may take with reference to certain wastes.
Sec. 114-201. Interceptors.
Sec. 114-202. Preliminary treatment facilities.
Sec. 114-203. Control manhole.
Sec. 114-204. Measurements, tests and analyses.
Sec. 114-205. Special agreements.
Secs. 114-206—114-215. Reserved.

Division 3. Private Systems

Sec. 114-216. Connection authorized under certain conditions.
Sec. 114-217. Permits.
Sec. 114-218. Approval of system; inspections.
Sec. 114-219. Specifications.
Sec. 114-220. Connection when public sewer becomes available.
Sec. 114-221. Additional requirements.
Secs. 114-222—114-230. Reserved.

Division 4. Service Outside City Limits

Sec. 114-231. No sewer connection outside city limits.

ARTICLE I. IN GENERAL

Sec. 114-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Billing period means a utility service usage period.

Board means the board of public utilities as established by the Charter.

Commercial service means service for business use.

Customer or consumer means a purchaser of utility service.

Delinquent account means a utility bill unpaid after its due date.

Discontinuance of service means an intentional cessation of utility service by the city and not requested by a customer.

Economic hardship means an inability to make timely payment for utility service due to fiscal restraints. The level of economic hardship shall be determined by using the most current state guidelines for the utility assistance program.

Estimated billing means a billing for utility service which is not based on an actual meter reading.

Fuel adjustment clause means the adjustment procedure approved by the city council to recognize variations in the cost of fuel for the generation of electric power.

Good faith attempt to pay means the requirement whereby a customer makes some payment each month as agreed to by the city.

Industrial service means service for manufacturing purposes.

Mains means city-owned piping for the purpose of distributing gas or water to a customer or for the collection of sewage.

Rate means the amount charged for usage of a specified unit of electricity, gas, water or sewer service.

Registered elderly or handicapped customer means a person who is above the age of 62 or is handicapped and has registered with the city by submitting a statement attesting to the condition.

Residential service means service for household purposes.

Service means the same as utility service.

Service line means piping connecting a customer to a city main.

Sewer means piping designed for the collection and transportation of sewage.

responsibility to enforce all ordinances, rules and regulations applicable to the utility department. The superintendent may promulgate administrative rules and regulations consistent with the letter and intent of this chapter.
(Code 1980, § 28-5; Ord. No. 622-92, § 1, 8-25-92)

Sec. 114-40. Division supervisors.

A supervisor for each division or combination thereof of the utility department shall be appointed by the superintendent of utilities with the consent of the director of administration.
(Code 1980, § 28-6)

Sec. 114-41. Compensation.

The salary scale for personnel of the utility department shall be established by the city council.
(Code 1980, § 28-7)

Secs. 114-42—114-50. Reserved.

DIVISION 3. BOARD OF PUBLIC UTILITIES*

Sec. 114-51. Established; duties.

(a) There is established, in accordance with article VI section 6.1(i) of the Charter, a board of public utilities.

(b) The duties and responsibilities of the board shall be as follows:

(1) The board shall have authority as provided in RSMo 91.540 with regard to rate setting. Recommendations for utility rate structures, increases or decreases in rates shall be made by the board to the city council when the board shall deem it appropriate. Before the city council shall finally pass any change in any rate or rate structure, it shall receive a recommendation from the board. The board shall review the rates annually of each utility operated by the city as a part of the budget process. A rate-setting policy shall be established by the council after receiving a recommendation from the board.

(2) The utility board shall review capital improvement requests, preliminary budget and salary structures as they may pertain to the utility department prior to submission to the city council and shall make such recommendations to the city council as it deems appropriate.

*Cross references—Parks and recreation board, § 82-51 et seq.; utility department, § 114-36 et seq.

(b) The city clerk or a person designated by the director of administration shall be the recording secretary for the board and shall keep a record of all actions taken at its meetings.
(Code 1980, § 28-10)

Secs. 114-54—114-75. Reserved.

ARTICLE III. SERVICE REGULATIONS

DIVISION 1. GENERALLY

Sec. 114-76. Monthly payment in lieu of taxes.

In lieu of taxes, the finance department shall bill, collect and pay into the general fund of the city each month five percent of the revenue collections for electricity, gas and water supplied by the city's utility department. Each utility bill shall reflect the amount to be transferred to the general fund.
(Code 1980, § 28-13)

Sec. 114-77. Extension policies established.

Certain policies regarding the extension of all public utilities, both within and beyond the city limits, shall be as determined by the city council.
(Code 1980, § 28-14)

Sec. 114-78. Sale of public utilities.

The public utilities shall not be sold, disposed of in any way, abandoned or cease to operate, except by a majority of the votes cast at any city election or a special election held for that purpose pursuant to ordinance.
(Code 1980, § 28-15)

Sec. 114-79. Written application for utility service; normal business hours.

(a) Any person desiring utility service or termination of utility service shall make written application on a form furnished by the city. Such application shall be made as far in advance of the effective date as possible.

(b) A customer may order utility service between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except on regularly scheduled city holidays. Customers requesting normal utility connections during hours or days other than those established in this subsection shall be required to pay a service charge of $25.00.

(c) The city shall not be obligated to provide utility connections or disconnections until reasonable time has been allowed for proper planning.
(Code 1980, § 28-16)

desirable in the conduct of its operations at any place, whether within or without the corporate limits of the city, subject to approval by the city council.
(Code 1980, § 28-22)

Secs. 114-86—114-95. Reserved.

DIVISION 2. CLASSIFICATIONS, RATES AND DEPOSITS*

Sec. 114-96. Classifications.

(a) *Generally.* The amounts and procedures for computation of the various rates, charges, deposits and classifications referred to in this section shall be as recommended by the utility board and approved by the city council from time to time.

(b) *Electricity.* The classification of electric users shall be as follows:

(1) *Residential.*

a. *Availability.* This schedule is available to any residential customer at points on the city utilities existing secondary distribution lines within the area served by city utilities.
b. *Character of service.* Alternating current, 60 cycles, 120/240 volt single phase.
c. *Application.* To single-phase service for all domestic users in private residences and individual family apartments supplied through one meter, where the city utilities are the sole source of supply. Not applicable for service to recognized roominghouses or boardinghouses or establishments of a nonresidential nature, i.e., apartment buildings served by a master meter. Service is for the exclusive use of the customer and shall not be resold.

(2) *Residential electric heating (single meter).*

a. *Availability.* This schedule is available to any residential customer at points on the city utilities existing secondary distribution lines within the area served by city utilities, for the seven regular monthly meter readings taken after October 1 and until May 1. This schedule is made available to residential customers whose residences are heated wholly by permanently installed electric heaters.
b. *Character of service.* Alternating current, 60 cycles, 120/240 volt single phase.
c. *Application.* To single-phase service for all domestic users in private residences or in individual family apartments supplied through one meter, where city utilities are the sole source of supply. Not applicable for service to recognized roominghouses or boardinghouses or establishments of a nonresidential nature, i.e., apartment buildings served by a master meter. Service is for the exclusive use of the customer and shall not be resold.

*Cross reference—Taxation, ch. 106.

(6) *Medium power service.*

a. *Availability.* This schedule is available to any nonresidential customer using standard electric service for power or combined power, lighting, heating and special equipment at points on city utilities existing distribution lines within the area served by city utilities. Customers under this schedule must use an average of 30,000 kwh of electricity per billing period annually.

b. *Character of service.* Alternating current, 60 cycles, 240 volt, 480 volt or 2400 volt, three phase or power loads, and 120/240 volts, single phase for lighting and incidental loads, or 120/208 volt three phase, four wire wye.

c. *Application.* To single-phase or three-phase services for all nonresidential power uses in commercial or manufacturing and processing establishments where city utilities are the sole source of supply. Service is for the exclusive use of the customer and shall not be resold.

d. *General.* As far as practical, all energy should pass through one point of delivery and the city utilities, at its option, may meter at primary voltage. The overall power factor of the load must not drop below 85 percent. If it is determined that the power factor has dropped below 85 percent, service under this schedule may be discontinued until such time as the customer installs suitable devices to bring the power factor up to 85 percent or higher.

(7) *Large power service.*

a. *Availability.* This schedule is available to large power customers using standard electric service for power or combined power, lighting, heating and special equipment at points on city utilities existing distribution lines within the area served by city utilities. Customers under this schedule will be billed for a minimum demand of 500 kilowatts in each billing period. All nonresidential customers having 500 kw demand or more in one month must use this large power rate schedule.

b. *Character of service.* Alternating current, 60 cycles, 240 volt, 480 volt or 2400 volt, three phase or power loads, and 120/240 volts, single phase for lighting and incidental loads or 120/208 volt three phase, four wire wye.

c. *Application.* To single-phase or three-phase services for all nonresidential power uses in commercial or manufacturing and processing establishments where city utilities are the sole source of supply. Service is for the exclusive use of the customer and shall not be resold.

d. *General.* As far as practical, all energy should pass through one point of delivery and the city utilities, at its option, may meter at primary voltage. The city utilities will install a suitable demand meter for determining the monthly maximum indicated demand. The overall power factor of the load must not drop below 85 percent. If it is determined that the power factor has dropped below 85 percent, service under this schedule may be discontinued until such time as the customer installs suitable devices to bring the power factor up to 85 percent or higher.

construction or otherwise committed to operation prior to the effective date of the ordinance from which this subsection (b)(8) derives, are not eligible for rate calculation under this EDR. Electric service provided under the conditions of this EDR shall be evidenced by a contract between the customer and the city.

f. *Cessation or termination of EDR.* The city may cease to offer the EDR with respect to new electric loads at any time following the first anniversary of the initial offering of the EDR. However, customers receiving service under this rider on the date it is withdrawn may continue to receive the benefits of this rider. Notwithstanding the above, this rider shall immediately become void and the city shall have no further obligations or liabilities hereunder if any provision of this rider is determined to be unlawful by a court of competent jurisdiction. If the customer receiving the EDR fails to meet the qualifying criteria for any six consecutive months, the EDR for that customer will be terminated.

(Code 1980, § 28-23; Ord. No. 761-97, § 1, 12-16-97)

Sec. 114-97. Rates.

(a) Various rates for utility service shall be as established by ordinance.

(b) Established rates shall be reviewed annually by the city council.

(Code 1980, § 28-11)

Sec. 114-98. Special rates for retired employees.

(a) As used in this section, the term "retirement" refers to those full-time employees who retire using the guidelines for retirement as outlined in the personnel manual.

(b) All employees of the city who were working for the city as full-time employees on January 5, 1976, and who have maintained continuous city employment to retirement eligibility shall be charged for electric, gas, water and sewer services one-half of the regular rates charged by the city for such services.

(c) The intent of this section is to restore to those persons employed by the city on January 5, 1976, the benefits which were eliminated by the repeal of Code 1961, section 2-90.1.

(d) This section shall not apply to any individuals employed after January 5, 1976.

(e) To receive utility rates at one-half of the regular rates charged, the employee must be receiving utility services from the city. This would entitle the retired employee to receive the benefits even though the retired employee was not entitled to the benefits at the time of initial retirement because of not using municipal utilities. This policy shall apply only to the personal residence of the retired employee while he resides in that residence as a member of the household.

(Code 1980, § 28-12)

DIVISION 3. CONNECTION

Sec. 114-116. Utility meters; monthly readings.

(a) All connections for electricity gas and water shall be metered by meters furnished by the city without charge. All meters shall remain the property of the city.

(b) An attempt shall be made to read all utility meters monthly.
(Code 1980, § 28-37)

Sec. 114-117. Customer service lines; location of meters; variance.

(a) *Water.* Service lines shall be connected to the city water main at a customer's curb or property line when the main exists. The city shall install and maintain that section between the main and this point of connection.

(b) *Sewer.* Building sewers shall be connected at a customer curb or property line when the main exists. The building sewer between the main and the property line shall be installed and maintained at the customer's expense.

(c) *Gas.* The city shall install and maintain gas service and yard lines as required by the state public service commission's gas safety regulation 40 CSR 240-40. New installations shall be at the customer's cost while the city shall bear the cost of maintenance and replacements. As a condition of service, the city shall have the right to enter upon the customer's property to provide such work.

(d) *Costs.* The cost for customer service lines and their installation and maintenance shall be borne by the customer. In addition, any such installation or maintenance shall be approved by the city prior to its being obscured from view.

(e) *Location of meters.* Meters for gas and water shall be located in a place convenient for the city.

(f) *Variances.* Variance from the general policy of this section may be taken only after written permission has been granted by the planning and code enforcement officer or the superintendent of utilities. The customer shall bear any costs incurred, as a result of the requested variance, less the cost of conventional installation.
(Code 1980, § 28-38; Ord. No. 622-92, § 1, 8-25-92)

Sec. 114-118. Electric service and meter location; variance.

(a) The city shall install electric service cable from the nearest power pole or pad mounted transformer to the nearest corner of a structure, plus ten feet either side of the corner, more or less, the installation to be at the expense of the city. Electric meters shall be mounted on the outside of structures and within that same ten feet, more or less, from the same corner, the electric meter location to be no higher than seven feet above ground and accessible at all times.

(b) Variance from this section may be taken only after written permission has been granted by the planning and code enforcement officer or the superintendent of utilities. The customer shall bear any installation or maintenance costs incurred, as a result of the requested variance, less the cost of conventional installation or maintenance.
(Code 1980, § 28-39)

Secs. 114-119—114-130. Reserved.

DIVISION 5. DISCONTINUANCE OF SERVICE

Sec. 114-146. Nonpayment of bill.

If a utility bill remains unpaid ten days after its due date, utility service may be discontinued, except when such discontinuance is prohibited by law or special arrangements have been made with the city's chief financial officer.
(Code 1980, § 28-29)

Sec. 114-147. Notice.

Before discontinuance of utility service, the city shall issue a notice to the customer stating that utility service may be discontinued seven days after the date of the notice.
(Code 1980, § 28-30)

Sec. 114-148. Discontinuance after notification, exception for disputed bill.

Should a utility bill remain unpaid after the expiration of the grace period indicated on the notice of discontinuance, utility service shall be discontinued without further notice, unless the city has been provided with a written statement from the customer stating that the utility bill in question is in dispute. Further, the statement from the customer shall indicate the reason for the dispute.
(Code 1980, § 28-31)

Sec. 114-149. Resumption of service after discontinuance prohibited under certain conditions.

Service that has been discontinued to a particular household for default in payment of utility charges shall not be resumed in the name of any relative, friend or member of the family while that person resides in the household.
(Code 1980, § 28-32)

Sec. 114-150. Reconnection fee schedule.

The schedule for reconnection fees for delinquent customers shall be established by the city council.
(Code 1980, § 28-32.1)

Secs. 114-151—114-170. Reserved.

Sewer means a pipe or conduit for carrying sewage.

Slug means any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation.

Storm sewer means a sewer which carries stormwater, surface water, drainage and unpolluted cooling water, but not sewage or waste.

Suspended solids means solids that either float on the surface of or are in suspension in water or other liquids and which are removable by laboratory filtering.

Watercourse means a channel in which a flow of water occurs continuously or intermittently.

(Code 1980, § 28-40)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 114-172. Enforcement; violations.

(a) Any person violating this article shall be guilty of a misdemeanor.

(b) If, upon conviction of a violation of this article, it appears that the violation continues to exist, the court having jurisdiction may permit the city to make the requested corrections or cause them to be made and report the cost thereof to the judge who shall make such expense a part of the judgment in addition to any other fine or costs taxed in the action.

(Code 1980, § 28-70)

Sec. 114-173. Objectionable waste.

It shall be unlawful for any person to deposit or permit to be deposited in an unsanitary manner on any property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage or other objectionable waste.

(Code 1980, § 28-41)

Sec. 114-174. Unauthorized sewage disposal.

Except as otherwise provided, it shall be unlawful to construct or operate any facility intended for or used for the disposal of sewage or to discharge into any natural outlet under the jurisdiction of the city any sewage or polluted water, until treatment has been provided in accordance with this chapter.

(Code 1980, § 28-42)

Sec. 114-175. Connection required.

The owner of any structure that produces sewage is required to connect such structure directly to a proper city sewer, provided a public sewer is within 100 feet of any property line of the structure. The connection shall be completed within 90 days after official notice.

(Code 1980, § 28-43)

Sec. 114-182. Excavations.

All excavations for building sewer installations shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
(Code 1980, § 28-50)

Secs. 114-183—114-195. Reserved.

DIVISION 2. PROHIBITED DISCHARGES

Sec. 114-196. Prohibited sanitary sewer discharges; storm sewers.

(a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the city. Industrial cooling water or unpolluted process water may be discharged, on approval of the city, to a storm sewer, combined sewer or natural outlet.
(Code 1980, § 28-51)

Sec. 114-197. Waters and wastes specifically prohibited.

No person shall discharge or cause to be discharged any of the following waters or wastes to any public sewers:

(1) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(2) Waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanide in excess of two mg/l as CN in the wastes as discharged to the public sewer.

(3) Waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, woods, unground garbage, whole blood, paunch

degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established for such materials.

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances exceeding the requirements of state, federal or other agencies having jurisdiction over discharges to receiving waters.

(7) Any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by state or federal regulations.

(8) Any waters or wastes having a pH in excess of 9.5.

(9) Materials which exert or cause:

a. Unusual concentrations of inert suspended solids, such as but not limited to fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to sodium chloride or sodium sulfate.
b. Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.
c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
d. Unusual volume of flow or concentration of wastes constituting slugs.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(Code 1980, § 28-54)

Sec. 114-200. Actions city may take with reference to certain wastes.

(a) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 114-199 and which in the judgment of the city may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life to constitute a public nuisance, the city may:

(1) Reject the wastes.

(2) Require pretreatment to an acceptable condition for discharge to the public sewers.

(3) Require control over the quantities and rates of discharge.

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under section 114-205.

carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

(b) The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH analyses are determined from periodic grab samples.
(Code 1980, § 28-59)

Sec. 114-205. Special agreements.

Nothing in this division shall prevent any agreement or arrangement between the city and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment.
(Code 1980, § 28-60)

Secs. 114-206—114-215. Reserved.

DIVISION 3. PRIVATE SYSTEMS

Sec. 114-216. Connection authorized under certain conditions.

When a public sanitary or combined sewer is not available, a building sewer shall be connected to a private sewage disposal system which shall be constructed and operated in accordance with the provisions of the department of natural resources and the ordinances of the city.
(Code 1980, § 28-61)

Sec. 114-217. Permits.

(a) There shall be two classes of private sewer connection permits:

(1) For residential and commercial, other than industrial waste.

(2) For establishments producing industrial wastes.

(b) A fee of $25.00 shall be paid to the city at the time the application is filed.

(c) Before beginning construction of a private sewage disposal system, the owner shall first obtain a permit. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement with plans, specifications and other information as deemed necessary by the planning and code enforcement officer. A permit and inspection fee shall be paid to the city at the time of application.
(Code 1980, § 28-62)

Sec. 114-218. Approval of system; inspections.

A permit for the construction of a private sewage disposal system shall not be construed to be a permit to operate the system, and operation shall not commence until the installation

Chapters 115–117

RESERVED

Chapter 54

FLOODS*

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*__Editor's note__—Ord. No. 901-02, adopted March 12, 2002, repealed the former ch. 54, §§ 54-1—54-11, 54-31—54-35, 54-46, 54-47, 54-61—54-65, 54-86—54-89, 54-101, 54-102, and enacted a new ch. 54 as set out herein. The former ch. 54 related to similar subject matter, and derived from Ord. No. 410-88, § 1(A)—(D), 2(A)—(G), (I), 3(A)—(C), 4, 5(A)—(C), 6(A), 7(A), 8(A)—(E), 9, 10, 11; and Ord. No. 640-93, § 1, adopted May 23, 1993.

__Cross references__—Buildings and building regulations, ch. 18; civil emergencies, ch. 34; environment, ch. 46; health and sanitation, ch. 58; historic preservation, ch. 62; law enforcement, ch. 70; parks and recreation, ch. 82; planning, ch. 86; solid waste, ch. 94; streets, sidewalks and other public places, ch. 98; subdivisions, ch. 102; traffic and vehicles, ch. 110; utilities, ch. 114; zoning, app. A.

ARTICLE I. IN GENERAL

Sec. 54-1. Statutory authorization.

The legislature of the state has, in RSMo ch. 89, delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare.
(Ord. No. 901-02, § 1, 3-12-02)

Sec. 54-2. Findings of fact.

(a) *Flood losses resulting from periodic inundation.* The special flood hazard areas of the city are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

(b) *General causes of flood losses.* These flood losses are caused by:

(1) The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and

(2) The occupancy of flood hazard areas by uses vulnerable to floods, hazards to others, inadequately elevated, or otherwise unprotected from flood damages.

(c) *Methods used to analyze flood hazards.* The flood insurance study (FIS) that is the basis of this chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

(1) Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this chapter. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated May 15, 1986, and all revisions thereof.

(2) Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

(3) Computation of floodway required to convey this flood without increasing flood heights more than one foot at any point.

(4) Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Basement means any area of the structure having its floor subgrade (below ground level) on all sides.

Building. See *structure.*

Chief executive officer or *chief elected official* means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

Community means any state or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Elevated building means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Eligible community or *participating community* means a community for which the administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

Existing construction means for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland; and/or

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

Functionally dependent use means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on the state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior; or

b. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this chapter.

Manufactured home means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map means the flood hazard boundary map (FHBM), flood insurance rate map (FIRM), or the flood boundary and floodway map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles, risk premium rates include provisions for operating costs and allowances.

Special flood hazard area. See *area of special flood hazard.*

Special hazard area means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A and AE.

Start of construction includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the state of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State coordinating agency means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

Substantial-damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial-improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

Sec. 54-8. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.
(Ord. No. 901-02, § 1, 3-12-02)

Sec. 54-9. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
(Ord. No. 901-02, § 1, 3-12-02)

Sec. 54-10. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create a liability on the part of the city, any officer or employee thereof, for any flood damages that may result from reliance on this chapter or any administrative decision lawfully made thereunder.
(Ord. No. 901-02, § 1, 3-12-02)

Sec. 54-11. Penalties for violation.

Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) 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 $500.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ord. No. 901-02, § 1, 3-12-02)

Sec. 54-12. Amendments.

The regulations, restrictions, and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be

(6) Assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished;

(7) Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;

(8) Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved nonresidential structures have been floodproofed; and

(9) When floodproofing techniques are utilized for a particular nonresidential structure, the building inspector shall require certification from a registered professional engineer or architect.

(Ord. No. 901-02, § 1, 3-12-02)

Sec. 54-20. Application for floodplain development permit.

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

(1) Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;

(2) Identify and describe the work to be covered by the floodplain development permit;

(3) Indicate the use or occupancy for which the proposed work is intended;

(4) Indicate the assessed value of the structure and the fair market value of the improvement;

(5) Specify whether development is located in designated flood fringe or floodway;

(6) Identify the existing base flood elevation and the elevation of the proposed development;

(7) Give such other information as reasonably may be required by the building inspector;

(8) Be accompanied by plans and specifications for proposed construction; and

(9) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

(Ord. No. 901-02, § 1, 3-12-02)

Secs. 54-21—54-23. Reserved.

d. All proposals for development, including proposals for manufactured home parks and subdivisions include within such proposals base flood elevation data.

(e) Storage, material, and equipment.

(1) The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

(2) Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

(f) Agricultural structures. Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this chapter; and a floodplain development permit has been issued.

(g) Accessory structures. Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this chapter; and a floodplain development permit has been issued.
(Ord. No. 901-02, § 1, 3-12-02)

Sec. 54-25. Specific standards.

(a) In all areas identified as numbered and unnumbered A zones and AE zones, where base flood elevation data have been provided, as set forth in section 54-24(b), the following provisions are required:

(1) Residential construction. New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to or one foot above base flood elevation.

In all unnumbered and numbered A zones and AE zones, the FEMA, Region VII office recommends elevating to one foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.

(2) Nonresidential construction. New construction or substantial-improvement of any commercial, industrial, or other nonresidential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to or one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural compo-

(c) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones and AE zones, on the community's FIRM, that are not subject to the provisions of subsection (b), be elevated so that either:

(1) The lowest floor of the manufactured home is at or one foot above the base flood level; or

(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

In all unnumbered and numbered A zones and AE zones, the FEMA, Region VII office recommends elevating to one foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.

(Ord. No. 901-02, § 1, 3-12-02)

Sec. 54-27. Floodway.

Located within areas of special flood hazard established in section 54-5 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

(1) The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.

(2) The community shall prohibit any encroachments, including fill, new construction, substantial-improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(3) If subsection (2) is satisfied, all new construction and substantial-improvements shall comply with all applicable flood hazard reduction provisions of this article.

(4) In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources as set forth in section 54-24(2).

(Ord. No. 901-02, § 1, 3-12-02)

Sec. 54-28. Recreational vehicles.

Require that recreational vehicles placed on sites within all unnumbered and numbered A zones and AE zones on the community's FIRM either:

(1) Be on the site for fewer than 180 consecutive days;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location, where applicable;

(6) The availability of alternative locations, not subject to flood damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets, and bridges.

(Ord. No. 901-02, § 1, 3-12-02)

Sec. 54-36. Conditions for approving floodplain management variances.

(a) Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (b) through (f) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(b) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the state inventory of historic places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.

(c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(e) Variances shall only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(6) The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure of foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwater in accordance with section 54-25(c).

(7) The agricultural structures must comply with the floodplain management floodway encroachment provisions of section 54-27(2). No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.

(8) Major equipment, machinery, or other contents must be protected from any flood damage.

(9) No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.

(10) A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage, and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this chapter.

(11) Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

(Ord. No. 901-02, § 1, 3-12-02)

Sec. 54-38. Conditions for approving variances for accessory structures.

Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in sections 54-35 and 54-36.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed:

(1) Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's flood insurance rate map (FIRM).

(2) For any new substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with section 54-24(d)(2).

Chapters 55–57

RESERVED