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### Chapter 25

## UTILITIES

### ARTICLE I IN GENERAL

#### **Sec. 25-1. 911 address required.**

The City Clerk is directed and required to require every person applying for new utility service with the City of Potosi, Missouri, to provide proof that the property to be so connected has obtained a 911 address for said property and that said address is the one to be used in all applications for service. (Ord. 847, §1)

#### **Sec. 25-2. Lighting by electricity of streets and other public places in the City.**

(a) That the proposed contract, in the form as hereinafter set out, by and between the City of Potosi, State of Missouri, and Union Electric d/b/a Ameren UE, a Missouri corporation, its successors and assigns, providing for the lighting of the streets, avenues, alleys, and other public places of the City by electricity, and providing for the supply of other electric utility service required by the City for its City Hall and other premises, according to the terms, provisions, stipulations, and agreements therein specified, be and the same is hereby approved and confirmed; and that the Mayor and the City Clerk of said City by and hereby are authorized and directed to execute on behalf of the City said contract.

(b) The City hereby grants to Union Electric d/b/a Ameren UE, its successors and assigns, while engaged in the performance of said contract, the right and privilege to erect, maintain, and operate lighting and other electrical fixtures, poles, lines, wires, cables, transformers, and related apparatus and appliances necessary or convenient for the efficient performance of said duties, upon, under, over, and across the streets, avenues, alleys, and other public places in said City.

(c) If any provision of this section, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this section, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

(d) All ordinances or parts of ordinances in conflict with this section or with any of its provisions are, to the extent of such conflict, hereby repealed. (Ord. 856, §§1-4)

#### CROSS REFERENCE:

Administration, Ch. 2; Garbage and trash, Ch. 14.

#### STATE LAW REFERENCE:

Public works in fourth class cities, RSMo. §88.767 to §88.773.

*(Revised 11/06)*

**Sec. 25-3. Department of Public Works created.**

(a) A Department of Public Works is hereby created, encompassing the Gas Department, as set up in Chapter 25, the Water Department, as set up in Chapter 25, the Sewer Department, as set up in Chapter 25, the Street Department, as set up in Chapter 22, and the Park Department, as set up in Chapter 20, and all employees currently or in the future working in said departments. The purpose of creating the new Supervising Department is to better control and facilitate the accomplishment of the various public works of the City.

(b) The Department of Public Works shall be supervised by a Director, who shall have authority over the heads of the Departments listed in paragraph (a), and shall have the power and responsibility to coordinate work among the departments and their personnel, and to facilitate the assignments of the workers in those departments to effectively perform the public works of the City. The Director may, as the situation demands, require the various department heads to temporarily assign workers to another department to efficiently perform the City's public work. The designation as Director of Public Works does not change the status of any employee who holds the position to one excluding union membership, or their status as a Foreman of a department, if they hold such status. (Ord. 1044 § 11)

(c) In each of the Gas, Water, Sewer, Street and Park Departments, the Director of Public Works shall appoint an employee of the City to be Head of each Department. Each appointment must be approved by the Board of Aldermen to be effective. There shall be no restriction on the number of Departments that any employee may be appointed to as a Head of department.

(d) All employees of the Department of Public Works shall be assigned to a subsidiary department and shall be subject to the head of that Department, and the job descriptions of that department. However, any employee of the Department of Public Works is subject to temporary transfer to another department, as the needs of the City dictates. An employee on temporary transfer to another department shall for the period of the project for which he was transferred or the period of the transfer, be subordinate to the head of the department to which he was transferred.

(e) Any employee temporarily transferred to another department shall be paid his regular hourly rate of pay for his original department, unless during said temporary transfer, he is exclusively performing a function for which there is set a higher salary, in which case he shall be entitled to the higher salary for the period of temporary transfer, if otherwise qualified for that salary.

(f) The head of any subsidiary department, when required to temporarily transfer an employee from his department to another, either for a period of time or for a particular project, shall have the authority to designate which employee shall be subject to transfer, in order to most efficiently perform the work required of his department, unless the temporary transfer requires skills or requirements possessed by less than all employees in the department.

(g) The head of any subsidiary department who requires assistance or additional manpower to complete an approved project or to respond to an emergency or situational crisis, shall request the transfer of employees on a temporary basis from the Director of Public Works. If the Director believes that it is beneficial or necessary to transfer one or more employees on a temporary basis for the stated purpose, the Director shall contact the heads of the other departments, and after consultation, order the temporary transfer of the necessary employees. (Ord. 886, §6)

**Sec. 25-4. Director of Public Works to authorize or require overtime by Department employees.**

(a) Regular overtime:

The Director of the Department of Public Works shall be authorized to administer the overtime policy for the city employees in the Department, as provided in Chapter 10 of the Personnel Policies.

(b) On call overtime:

The Director of the Department of Public Works, or the individual department heads if he should so designate, shall have the authority to schedule the workers who shall be on call after regular hours and on weekends and holidays in the Water, Sewer and Gas Departments. No employee shall have the power to decline on call duty. However, for reasonable cause, and with the Director's prior approval, an employee may trade scheduled weekends, holidays or after hour call with a suitably qualified employee in the same department. The Director shall not disapprove a trade of overtime provided the employees are qualified to perform the assigned work.

(c) Emergency overtime:

The Director of the Department of Public Works shall be authorized to administer the emergency overtime policy of the City for the Department. The Director shall follow the provisions of Chapter 10 of the Personnel Policies. Personnel shall have the right to initially decline such overtime by seniority. However, in the case of an emergency, the Director shall have the authority to require emergency overtime of any employee in the Department when the overtime has been offered and declined by sufficient employees qualified to perform the necessary duties or tasks, to supply the necessary number of employees to adequately respond to the emergency situation. In the case where an employee has initially declined overtime, the Director can require that the employee remain available or in contact with the Director for a period of thirty (30) minutes to allow the Director to attempt contact with less senior workers to obtain the necessary workers and worker skills. Where more than one employee has been contacted and initially declined the overtime, the employees lowest in seniority with the necessary work skills shall be contacted within the 30 minutes time frame and required to accept the overtime. (Ord. 934, §1)

**Secs. 25-5 to 25-36. Reserved.**











UTILITIES

**ARTICLE II  
NATURAL GAS SERVICE – DEPOSITS, FEES AND PENALTIES**

**Sec. 25-37. Collection of delinquent water and gas bills; charge on delinquent amount.**

(Ord. 462, §§1, 2; Ord. 672, §1) *(Repealed by Ord. 834, §6)*

**Sec. 25-38. Billing for natural gas services; Penalty for delinquent payment.**

(a) All gas meters shall be read and bills for natural gas services shall be rendered monthly as such services accrue. The City Clerk shall prepare a consolidated municipal service bill, for the natural gas services and any other municipal service that each customer has used. All bills are due and payable at the office of the City during regular hours of business from and after the date of billing.

(b) If any bill for municipal services of natural gas shall remain due and unpaid five (5) days after billing, a ten percent (10%) delinquency penalty shall be assessed to the customer. The City Clerk shall send a delinquency notice to such customer on the 6<sup>th</sup> day after the bill was due, notifying the customer of both the delinquency and that service to the customer will be terminated if payment is not received within ten (10) days of the delinquency notice letter. If the customer has no deposit with the City for said services, or if the customer has a deposit on hand which is less than the currently required deposit under Sec. 25-41, the notice of delinquency shall also notify and require customer to post the required deposit under Sec. 25-41 within ten (10) days of the delinquency notice, in addition to payment of the delinquency and penalty above, to maintain service. (Ord. 834, §1; Ord. 1004, §1)

**(c) Trial budget billing program for residents of the Potosi Housing Authority**

The City Clerk is authorized to establish a trial Budget Billing Program for qualified residents of the Potosi Housing Authority. The purpose of this program is to equalize and regulate the Natural Gas bills of residents on fixed incomes. Applications shall be taken by the City Clerk between the 1<sup>st</sup> day of July and the 1<sup>st</sup> day of September 2006 for the billing year beginning September 1, 2006 through August 31, 2007. To be eligible to participate in this trial program, an applicant must have resided in the same housing unit in the Potosi Housing Authority for more than one year, and not be delinquent in paying City billings.

The city shall continue to read the gas meters monthly, as with all other customers and bill for the gas used at the current gas price, but the participants will pay the budget billing amount for each of the first eleven months of the program.

The applicant's gas usage for up to the past three years will be used to calculate estimated annual usage. The City's Gas engineer will provide an estimate for the probable gas prices to the City for the twelve month period beginning in September 2006, weighted for consumption. The payments for the applicant shall be one twelfth (1/12) of the projected price for the annual historic gas usage each month beginning in September for the months of September through July. The August bill will reflect the difference between what was paid and the actual price for natural gas used during the year. During the course of the trial year, the Clerk will be allowed to raise the monthly payment for the remaining payments one time should the cost of gas rise to the point where the 12<sup>th</sup> payment is expected to be more than 1.5 times the budget billing payment set in September, to reduce the discrepancy to an estimated 1/12 of the annual bill total for such usage.

The City shall review the program in July 2007 to determine whether to continue, terminate, expand or further restrict the program. (Ord. 925, §1)

*(Revised 12/10)*

(d) Delinquent natural gas bills may become a tax lien on the property

If any billing for municipal Natural Gas service remains unpaid for more than thirty (30) days from the date on which the services were terminated pursuant to Section 25-39, the City Clerk shall issue a special tax bill against the property for said services provided, as provided by Section 71.780 RSMo., the same to be collected the same as other tax bills are collectable under the laws of this state. (Ord. 1021, §1)

**Sec. 25-39. Termination of natural gas services for delinquent payment.**

If any bill for municipal natural gas services or delinquency fee shall remain due and unpaid for a period of ten (10) days from the notice of delinquency date, the City Clerk shall notify the natural gas department which shall cause the natural gas to the premises served through the meter to be shut off for non-payment of the municipal bill, subject to any statute or regulations regulating the termination of such utilities. (Ord. 834, §2)

**Sec. 25-40. Reconnection fee.**

(a) Whenever the natural gas supply of any person or business shall have been involuntarily terminated in accordance with the preceding section, or for any other sufficient cause, such party shall pay to the City Clerk a reconnection fee of fifty dollars (\$50.00) in cash or money order only, (no check allowed), for City residents and one hundred dollars (\$100.00) in cash or money order only, (no check allowed), for non-city customers, in addition to the full municipal services bill on customer account in cash or money order only, (no check allowed), before natural gas services shall be reconnected. (Ord. 1115, §1)

(b) Any customer requesting emergency or after hours reconnection shall pay an additional fifty dollars (\$50.00) fee, to cover overtime pay required of the appropriate city worker. For purposes of this Article, any reconnection requested between the hours of 4:00 p.m. and 7:00 a.m., Monday through Friday morning, or between 4:00 p.m. Friday and 7:00 a.m. Monday, or on any City holiday, shall be considered an after hour or emergency reconnection. (Ord. 834, §3; Ord. 1004, §1)

**Sec. 25-41. Deposit upon new service; Connection fees.**

**(a) Deposits**

1. **New service.** Any person desiring natural gas service to a premises within or without the City already served by a natural gas tap and meter, shall pay for service to the City with proof that the applicant is the owner or occupant of the premises, and shall at the time of application, deposit with the City a security deposit in the amount of one hundred fifty (\$150.00) for a home owner, and one hundred fifty dollars (\$150.00) for a non-owner residential use, of five hundred dollars (\$500.00) for commercial use. The above deposit shall be waived in whole or in part where the application is a transfer of services from one premises served by City utilities, to another of the same customer. The deposit shall be waived completely where the city holds a deposit in the amount of the currently required deposit, and the customer owes no delinquent taxes, fees, or utility bills to the City. The deposit shall be waived in part where the city holds a deposit in an amount less than the currently required deposit, or where the applicant owes delinquent taxes, fees or utility bills to the City, to the extent necessary to credit the customer for the pre-existing deposit, less any sum applicant owes to the City. No waiver of the deposit required in this section shall be made in those cases where the City does not hold current deposit on the property from which services are being transferred. (Ord. 1004, §1)

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2. **Deposits upon reconnection after involuntary termination of services, or notice of delinquency.** In any case where the applicant, or a member of the applicant's immediate household, has had service terminated for delinquent payment pursuant to section 25-39 upon the premises, the deposit upon reconnection shall be three hundred dollars (\$300.00) for a home owner, and three hundred dollars (\$300.00) for a non-owner residential use and seven hundred fifty dollars (\$750.00) for commercial use. Deposits required upon delinquency notice shall be the same as for those for termination if the customer has had services terminated for nonpayment within the immediately preceding thirty-six (36) months. Deposits required upon notice of delinquency where the customer has not had services terminated pursuant to Sec. 25-39 within the immediately preceding thirty-six (36) months shall be those as set out for new services in Sec. 25-41(a) 1. (Ord. 1004, §1)

3. **Use of deposit upon involuntary termination of services.** In any case where there has been an involuntary termination of services pursuant to section 25-39, the deposit shall be used to first pay any delinquent bill, if sufficient, then any other sum owed to the City, and any excess deposit shall be refunded. Such deposit shall not be used to pay any reconnection fee under section 25-40, nor any new deposit. (Ord. 1004, §1)

4. **City Clerk not to approve application – when.** The City Clerk shall not approve the application of any person, business, or corporation for natural gas service who owes any delinquent taxes, fees or utility bills to the City until said sums are paid in full, in addition to receipt of the deposits required under this section, nor shall the City Clerk approve the application of any person who is either a co-resident or co-owner of any business or corporation who owes any delinquent taxes, fees or utility bills to the City until said sums are paid in full. (Ord. 1004, §1)

5. **Refund of deposit - when.** The security deposit shall be refunded to the depositor upon the voluntary disconnection of services, provided that the depositor has not had any delinquency in payment as provided in section 25-38 (b), or termination of service under section 25-39, or has any outstanding balances owed to the City within the immediately preceding thirty-six (36) months. In the event that there have been delinquencies or a termination of service within the immediately preceding thirty-six (36) months, the deposit shall be forfeit. (Ord. 1004, §1)

(b) Any person desiring natural gas service to a premises within the City which does not have an existing natural gas tap and meter, shall apply for services with the City, with proof that the applicant is the owner or occupant of the premises. All applicants shall be required to pay a connection or “tap” fee for each connection before connection to the City’s systems. The fee for connecting to the City Natural Gas System shall be six hundred dollars (\$600.00) within the City Limits for the first tap to a building and two hundred dollars (\$200.00) for each additional tap for that building.

(c) Any person desiring natural gas service to a premise outside the Corporate Limits of the City of Potosi, which does not have an existing natural gas tap and meter, shall apply for services with the City, with proof that the applicant is the owner or occupant of the premises. The City Clerk shall place the application for services upon the agenda for the next regularly scheduled meeting of the Board of Aldermen which shall have the right to approve or reject the proposed connection, after considering cost to the City for maintenance and extension of service to that premises and income to the City. All applicants shall be required to pay a connection or “tap” fee for each connection before connection to the City’s systems. The fee for connecting to the City Natural Gas System shall be eight hundred dollars (\$800.00) outside the City Limits for each tap.

(d) Whenever a connection is to be made to the natural gas system of the City, the City shall make the tap and connection to the curb line including the curb cock and box, if any, all of which charges shall be included in the connection fee set out above, however, the applicant shall be responsible for the cost of any line test from the curb line to the meter and the building.

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(e) The City, by and through the Board of Aldermen may agree or contract with an applicant to perform labor and furnish materials to extend a natural gas line to a location where a premises may be attached to said line at a curb line, or upon the private property of the applicant, for a fee to be agreed upon. Nothing in this section shall be construed to require the City of Potosi, Missouri, to pay for labor or materials to extend any connection, whether sewerage or water, upon the private property of any applicant. (Ord. 834, §4; Ord. 874, §1; Ord. 910, §1; Ord. 921, §1; Ord. 972, §1; Ord. 980, §1)

**Sec. 25-42. Short-term investment of Natural Gas Reserve Fund allowed.**

(Ord. 834, §5) *(Repealed by Ord. 862, §1)*

**ARTICLE III**  
**NATURAL GAS SERVICE- ADMINISTRATION, RATE SCHEDULE**

**Sec. 25-43. Mayor authorized to appoint a gas commissioner.**

(a) From and after the adoption of this ordinance, the Mayor of the City of Potosi is hereby empowered to appoint one of the duly elected members of the Board of Aldermen to the capacity of natural gas commissioner.

(b) It shall be the duty and responsibility of the natural gas commissioner to monitor the personnel, practices, organization and all other aspects of the Natural Gas Department of the City of Potosi, to develop findings with regard to the information obtained through monitoring, to report said findings to the Mayor and Board of Aldermen, and to make recommendations to the Mayor and Board of Aldermen for the betterment and improvement of the Natural Gas Department of the City of Potosi.

(c) The appointment of a member of the Board of Aldermen to the position of natural gas commissioner shall be fulfilled without pay and shall be in addition to the duties heretofore imposed upon such elected alderman by the laws of the State of Missouri and the ordinances of the City of Potosi. (Ord. 503, §4; Ord. 721, §§1-3)

**Sec. 25-44. Natural Gas rate schedule.**

(a) That the Natural Gas rate shall be based upon the quantity of natural gas used on the premises furnished with the gas service according to the following schedule of monthly charges above the cost to the City at the city gate.

- (1) Potosi Natural Gas Rate Schedule applicable to all Residential Customers:  
For the first 500 cubic feet..... \$16.00  
Next 19,500 cubic feet..... \$3.80 plus gate price per 1000 cu. ft.  
All usage greater than 20,000 cubic feet ... \$3.36 plus gate price per 1000 cu. ft.
- (2) Potosi Natural Gas Rate Schedule applicable to all Commercial Customers:  
For the first 500 cubic feet ..... \$22.00  
Next 19,500 cubic feet..... \$3.91 plus gate price per 1000 cu. ft.  
All usage greater than 20,000 cubic feet ... \$3.70 plus gate price per 1000 cu. ft.
- (3) Potosi Natural Gas Rate Schedule applicable to all Industrial Interruptible Service:  
\$60.00 Facility charge plus  
\$2.25 plus gate price cost per 1000 cu. ft.

(b) Rates are based on the cost of gas delivered to City gate. Rates will be adjusted each month when variation in the City Gate Costs occur, to reflect the actual cost of providing gas to the City. The rate shall be obtained from MRT bill Page #2 unit cost to City Gate after storage.

(c) The City shall maintain a Reserve account to be set aside for repairs and improvements to the Natural Gas System and Pipeline.

(Ord. 544, §§1-3; Ord. 769, §1; Ord. 771, §1; Ord. 772, §1; Ord. 805, §1-2; Ord. 832, §§1-3; Ord. 863, §§1-3; Ord. 890, §1; Ord. 1071, §1; Ord. 1083 §1)

*(Revised 10/14)*

**Secs. 25-45 to 25-49. Reserved.**

UTILITIES

**ARTICLE IV  
WATER SERVICE**

**DIVISION 1. IN GENERAL**

**Sec. 25-50. Water meter deposits.**

(a) From and after the date of the passage and approval of this Ordinance no person, firm or corporation making application for the installation of a water meter upon property owned or controlled by such person, firm or corporation, shall obtain installation of the same until a deposit shall have been made with the city clerk as indicated in the schedule set forth in subsection (b) of this Ordinance.

(b) Individuals making application for a water meter to be installed at a residence shall make a deposit in the amount of seventy-five (\$75.00) for a home owner, and one hundred (\$100.00) for non-owner residential user.

Business and commercial places making applications for installation of a water meter shall make a deposit of one hundred fifty dollars (\$150.00) with the city clerk. (Ord. 1090, §1)

(c) No water meters shall be installed under any circumstances until the person, firm, or corporation seeking the installation of such water meter shall exhibit the written receipt of the city clerk indicating a deposit in the proper amount has been made with the city clerk as required herein.

(d) Such deposits shall be held by the city clerk in a special fund known as the "Water Meter Deposit Fund"; and shall be retained in said fund and shall be used for no purpose other than the payment of delinquent water bills charged against such meter. Any amount in excess of such delinquent water bill shall be refunded by the clerk to the person, firm or corporation making such deposit upon notice by such person, firm or corporation that the use of such meter is to be discontinued.

(e) No further "master" water meters or "master" gas meters shall be installed to any connection to the City of Potosi's water, sewer or natural gas system without the owner first filing a plan, in writing, stating the maximum number of connections to be made to the City utility through the "master" meter, along with the proposed estimated maximum use through that meter, and that plan being approved by the Board of Aldermen, after the relevant City Engineer has submitted to the Board of Aldermen a report on the impact of the proposed expansion upon the utility's ability to provide the requested additional service and its existing customers in the area.

(f) On all existing "master" meters on existing connections to the City of Potosi's water, sewer or natural gas systems, no further connections, beyond those existing as of noon, October 15, 2003, may be made to the City of Potosi's water, sewer or natural gas systems through any "master" meter after October 15, 2003, unless the owner submits and has approved the required plan as required by paragraph (e) above. (Ord. 384, §§ 1-4; Ord. 843, §1)

**Sec. 25-51. Sale of water outside city limits authorized.**

That the board of aldermen be and is hereby authorized to provide for the sale of water to persons or corporations outside of the City of Potosi only upon application by said person or corporations to the board of aldermen and each applicant shall be considered separately. (Ord. 443, §8.)

*(Revised 10/15)*

**Secs. 25-52 to 25-56. Reserved.**

*(Revised 11/03)*

UTILITIES

**ARTICLE VI  
WATER SERVICE**

**DIVISION 2. CROSS CONNECTION CONTROL**

**Sec. 25-57. General policy.**

(a) **Purpose.** The purpose of this Division is:

- (1) To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
- (2) To promote the elimination, containment, isolation, or control of existing cross connections, actual or potential, between the public or consumer's potable water system and nonpotable water systems, plumbing fixtures, and industrial-process systems.
- (3) To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.
- (4) All references to the Board of Public Works shall have the same meaning read as Board of Aldermen. (Ord. 718)

(b) **Application.** This ordinance shall apply to all premises served by the public potable water system of the City of Potosi, Missouri.

(c) **Policy.** This ordinance will be reasonably interpreted by the board of public works. It is the board of public works' intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard. The board of public works shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross connections. The board of public works and consumer are jointly responsible for preventing contamination of the water system within the consumer's premises.

If, in the judgement of the board of public works or his authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at his own expense; and failure, refusal, or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided. (Ord. 627, §1.)

**Sec. 25-58. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this ordinance.

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"*Air gap separation*" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.

"*Auxiliary water supply*" means any water source or system, other than the public water supply, that may be available in the building or premises.

"*Backflow*" means the flow other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of a public water supply.

"*Backflow prevention device*" means any device, method, or type of construction intended to prevent backflow into a potable water system.

"*Consumer*" means the owner or person in control of any premises supplied by or in any manner connected to a public water system.

"*Containment*" means protection of the public water supply by installing a cross connection control device or air gap separation on the main service line to a facility.

"*Contamination*" means an impairment of the quality of the water by sewage, process fluids, or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

"*Cross connection*" means any physical link between a potable water supply and any other substance, fluid, or source, which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

"*Hazard, degree of*" means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

(a) *Hazard, health* - any condition, device, or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.

(b) *Hazard, plumbing* - a plumbing type cross connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap separation or backflow prevention device.

(c) *Hazard, pollutional* - an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

(d) *Hazard, system* - an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

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"*Industrial process system*" means any system containing a fluid or solution, which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into a potable water supply.

"*Isolation*" means protection of a facility service line by installing a cross connection control device or air gap separation on an individual fixture, appurtenance, or system.

"*Pollution*" means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

"*Public potable water system*" means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

"*Service connection*" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

"*Water purveyor*" means the owner, operator, or individual in responsible charge of a public water system, or its employee or designee. (Ord. 627, §2; Ord. 860, §1)

### **Sec. 25-59. Cross connection prohibited.**

(a) No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public potable or consumer's water system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the water purveyor, and as required by the laws and regulations of the Missouri Department of Natural Resources.

(b) No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the water purveyor and the Missouri Department of Natural Resources.

(c) No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using acceptable plumbing practices considered by the water purveyor as necessary for the protection of health and safety. (Ord. 627, §3)

### **Sec. 25-60. Survey and investigations.**

(a) The consumer's premises shall be open at all reasonable times to the water purveyor, or his authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.

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(b) On request by the water purveyor or his authorized representative, the consumer shall furnish information on water use practices within his premises.

(c) It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his premises to determine whether there are actual or potential cross connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system. (Ord. 627, §4)

**Sec. 25-61. Type of protection required.**

(a) The type of protection required by this ordinance shall depend on the degree of hazard which exists, as follows:

- (1) An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
- (2) An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
- (3) An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollution hazard not dangerous to health. (Ord. 627, §5)

**Sec. 25-62. Where protection is required.**

(a) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the water purveyor or the Missouri Department of Natural Resources, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.

(b) An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the water purveyor or the Missouri Department of Natural Resources, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connection may not exist at the time the backflow prevention device is required to be installed. This includes but is not limited to the following situations:

- (1) Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the water purveyor and the Missouri Department of Natural Resources.

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- (2) Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.
- (3) Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.
- (4) Premises having a repeated history of cross connections being established or reestablished.
- (5) Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.
- (6) Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
- (7) Premises where materials of a toxic or hazardous nature are handled such that if backsiphonage or backpressure should occur, a serious health hazard may result.

(c) The following types of facilities fall into one or more of the categories of premises where an approved air gap separation or reduced pressure principle backflow prevention device is required by the water purveyor and the Missouri Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the water purveyor and the Missouri Department of Natural Resources.

- 1. Aircraft and missile plants
- 2. Automotive plants
- 3. Auxiliary water systems
- 4. Beverage bottling plants
- 5. Breweries
- 6. Building complexes
- 7. Canneries, packing houses, and reduction plants
- 8. Car washing facilities
- 9. Chemical manufacturing, processing, compounding or treatment plants.
- 10. Chemically contaminated water system
- 11. Civil works
- 12. Dairies and cold storage plants
- 13. Film laboratories
- 14. Fire protection systems
- 15. Hazardous waste storage and disposal sites
- 16. Hospitals, mortuaries, clinics
- 17. Irrigation and sprinkler systems
- 18. Laundries and dye works
- 19. Metal manufacturing, cleaning, processing and fabricating plants
- 20. Oil and gas production, storage or transmission properties
- 21. Paper and paper products plants
- 22. Plating plants

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23. Power plants
24. Printing and publishing facilities
25. Radioactive material processing plants or nuclear reactors
26. Research and analytical laboratories
27. Rubber plants - Natural and synthetic
28. Sand and gravel plants
29. Schools and colleges
30. Sewage and storm drainage facilities - Pumping stations
31. Water front facilities and industries
32. Zoological and horticultural gardens

(Ord. 627, §6)

**Sec. 25-63. Backflow prevention devices.**

(a) Any backflow prevention device required by this ordinance shall be of a model or construction approved by the water purveyor and the Missouri Department of Natural Resources.

- (1) Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.
- (2) A double check valve assembly or a reduced pressure principle backflow prevention device shall be approved by the water purveyor, and shall appear on the current "list of approved backflow prevention devices" established by the Missouri Department of Natural Resources.

(b) Existing backflow prevention devices approved by the water purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this ordinance so long as the water purveyor is assured that they will satisfactorily protect the water system. Whenever the existing device is moved from its present location, or requires more than minimum maintenance, or when the water purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this ordinance. (Ord. 627, §7)

**Sec. 25-64. Installation.**

(a) Backflow prevention devices required by this ordinance shall be installed at a location and in a manner approved by the water purveyor and shall be installed at the expense of the water consumer.

(b) Backflow prevention devices installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.

(c) Backflow prevention devices shall be located so as to be readily accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. (Ord. 627, §8)

**Sec. 25-65. Inspection and maintenance.**

(a) It shall be the duty of the consumer at any premises on which backflow prevention devices required by this ordinance are installed to have inspection, tests, and overhauls made in accordance with the following schedule or more often where inspections indicate a need.

- (1) Air gap separations shall be inspected at the time of installation and at least every twelve months thereafter.
- (2) Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every thirty months.
- (3) Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five years.
- (4) The twelve month reinspections required by paragraphs (1), (2) and (3) shall be due on the 1<sup>st</sup> day of January, to be completed within the immediately preceding thirty (30) days of that date. For purpose of interpretation, when the date of initial inspection was between January 1<sup>st</sup> and June 30<sup>th</sup>, the first reinspection date will be January 1<sup>st</sup> of the immediately succeeding year; and where the date of initial inspection was between July 1<sup>st</sup> and December 31<sup>st</sup>, the first reinspection date will be January 1<sup>st</sup> of the year following the January 1<sup>st</sup> of the immediately succeeding year, and yearly on January 1<sup>st</sup> of all succeeding years. (Ord. 954, §1)
- (5) For any customer that has a backflow device on a lawn sprinkler system, the inspection due date shall be May 1<sup>st</sup> on any and all backflow devices owned by that customer.

(b) Inspections, tests, and overhauls of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by the water purveyor or a State of Missouri certified backflow prevention device tester.

(c) Whenever backflow prevention devices required by this ordinance are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.

(d) The water consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of tests, inspections, and repairs. Records of inspections, test, repairs and overhauls shall be made available to the water purveyor upon request. Failure to provide said records within 24 hours of request, or a failure to allow an inspection of said backflow prevention devices within 24 hours of request shall be a misdemeanor, chargeable against the owner of the property, the possessor of the property or the owner's or possessor's manager, and punishable upon conviction by a fine of not less than \$5.00 and not more than \$500.00 or confinement in jail for not more than 90 days, or both fine and confinement. Each day the violation continues shall constitute a separate offense. (Ord. 860, §2)

(e) Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the water purveyor. (Ord. 627, §9; Ord. 860, §2; Ord. 954, §1)

*(Revised 11/13)*

**Sec. 25-66. Violations.**

(a) The water purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by this Article is not installed, tested, and maintained in a manner acceptable to the water purveyor, or who do not timely comply with a request to inspect records or premises, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists on the premises. For the purposes of this Section, reasonable notice shall be not more than seven days from the date that notice is served upon any owner, possessor or manager of the premises. (Ord. 860, §3).

(b) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this ordinance to the satisfaction of the water purveyor.

(c) If at any time, the occupants and/or owner of any premises that has not conformed to this ordinance is the cause of contamination, the occupants and/or owner shall have the full financial responsibility for the restoration of the water lines and any accidents caused by nonconformance with said ordinance. There shall also be a fine imposed on the responsible parties of up to \$500.00 for violation of this ordinance.

(d) In addition to the refusal of services, termination of service and other penalties provided in Section 25-66(a), (b) and (c) above, violation of any provision of sections 25-57 through 25-68 inclusive, shall be a misdemeanor, punishable upon conviction by a fine of not less than \$5.00 and not more than \$500.00 or confinement in jail for not more than 90 days, or both fine and confinement. Each day the violation continues shall constitute a separate offense. (Ord. 627, §10; Ord. 860, §4)

**Secs. 25-67 to 25-71. Reserved.**

UTILITIES

**ARTICLE IV  
PUBLIC SEWER SYSTEM**

**DIVISION 1. GENERALLY**

**Sec. 25-72. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

*"BOD"* - (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

*Building drain* - shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

*Building sewer* - shall mean the extension from the building drain to the public sewer or other place of disposal.

*Combined sewer* - shall mean a sewer receiving both surface runoff and sewage.

*Garbage* - shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

*Industrial wastes* - shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

*Natural outlet* - shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

*Person* - shall mean any individual, firm, company, association, society, corporation, or group.

*pH* - shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

*Watercourse* - shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 573, Art. I, §§1-23.)

**Sec. 25-73. Unlawful disposal of unsanitary waste**

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Potosi, Missouri, or in any area under the jurisdiction of said City of Potosi, Missouri, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the City of Potosi, Missouri, or in any area under the jurisdiction of said City of Potosi, Missouri, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. (Ord. 573, Art. II, §§1, 2.)

**Sec. 25-74. Restrictions on private waste facilities.**

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. (Ord. 573, Art. II, §3.)

**Sec. 25-75. Connection to city sewer system required.**

The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the City of Potosi, Missouri, and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City of Potosi, Missouri, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line. (Ord. 573, Art. II, §4.)

**Sec. 25-76. Permit required to connect to sewer system.**

(a) Where a public sanitary or combined sewer is not available under the provisions of Article IV, Section 25-60 the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the superintendent. The application for such permit shall be made on a form furnished by the City of Potosi, Missouri, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent.

(c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent.

(d) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Missouri. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 5,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. 573, Art. III, §§1-4.)

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### **Sec. 25-77. Regulation of private sewer connections.**

(a) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 25-60, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City of Potosi, Missouri.

(c) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

(d) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. 573, Art. III, §§ 5-8.)

### **Sec. 25-78. Disturbing or tampering with public sewers prohibited.**

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent. (Ord. 573, Art. IV, §1.)

(b) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage work. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 573, Art. VI, §1.)

### **Sec. 25-79. Grease traps required for certain businesses.**

(a) All business sites engaged in food preparation for retail sales or for on site consumption, including but not limited to, restaurants, restaurants-bars, hospitals or nursing care facilities with on site food preparation for patients, day-care facilities serving meals to more than ten children maximum per day, boarding homes serving meals to more than ten residents per day, hotels and motels with food preparation facilities on site, and any other business within the City of Potosi, Missouri, with food preparation facilities, shall have an on site grease trap meeting the standards of the City of Potosi, currently of a size of at least one thousand gallon capacity, and not connected in any way to the City sewer system, for the storage and disposal of grease and other cooking wastes.

(b) A business currently operating in the City or to begin operation within the City in a pre-existing building that is required to have a separate grease trap may apply to the Building Inspector for a variance to install or maintain a smaller grease trap than that currently required for new construction or renovation. The Building Inspector shall be allowed to issue a variance to install a grease trap of either 500 gallon or 300 gallon capacity, considering factors such as available space, amount of grease and other wastes generated and cost of retro-fitting.

(c) The Building Inspector shall have the right to inspect all grease traps to determine usage and to require the sanitary disposal of grease and wastes contained therein, regardless of drainage or disposal as provided in paragraph (d) below. The Building Inspector shall inform a business, in writing delivered to an employee on the premises, when he determines that a grease trap needs to be emptied, and shall give the owner or operator 10 business days to provide proof of sanitary disposal.

(d) All 1000-gallon tanks shall be drained as needed but no less than once a year. All 500-gallon tanks shall be drained as needed but no less than once every three months. All 300-gallon tanks shall be drained as needed but no less than once every two months.

(e) All businesses shall be required to provide proof of sanitary disposal of grease and wastes to the City Building Inspector on the schedule provided in paragraph (d).

(f) **Penalty.** Violation of this section, either as to failure to install a grease trap, or failure to drain and provide sanitary disposal of grease and other wastes, as ordered by the Building Inspector or as required in paragraph (d) above, shall be a misdemeanor, punishable by a fine of not more than \$500.00 or confinement in the city jail for not more than 90 days, or both fine and confinement. each day not in compliance shall be a separate offense. (Ord. 857, §1)

**Sec. 25-80. Property owner responsible for costs of installation and connection of building sewer.**

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City of Potosi, Missouri, from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 573, Art. IV, §§2, 3.)

**Sec. 25-81. Separate sewers required for every building.**

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. 573, Art. IV, §4.)

**Secs. 25-82 to 25-86. Reserved.**

UTILITIES

**ARTICLE V  
PUBLIC SEWER SYSTEM**

**DIVISION 2. USE OF THE PUBLIC SEWERS**

**Sec. 25-87. Unpolluted drainage or drain connections to sewer system restricted.**

(a) No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 573, Art. IV, §8.)

(b) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminating cooling water, or unpolluted industrial process waters to any sanitary sewer. (Ord. 573, Art. V, §1.)

(c) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or combined sewers or to a natural outlet approved by the Water, Sewer and Street Department Foreman. Industrial cooling water or unpolluted process waters may be discharged on approval of the Water, Sewer and Street Department Foreman to a storm sewer, combined sewer, or natural outlet. (Ord. 573, Art. V, §2; Ord. 1044 §12)

**Sec. 25-88. Disposition of flammable or petroleum products or toxic wastes in sewer system prohibited.**

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

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any 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 cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

(c) Any 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.

(d) Solid or viscous substance in quantities or of such size capable or 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, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders. (Ord. 573, Art. V, § 3.)

**Sec. 25-89. Harmful or hazardous wastes - Restrictions.**

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Water, Sewer and Street Foreman or Water and Waste Operator II that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of those wastes, the Water, Sewer and Street Foreman or the Water and Waste Operator II will give consideration to such factors as the quantities of subject wastes, the relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F or sixty-five (65) degrees C.

(b) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) ng/lm or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F or zero to sixty-five (0-65) degrees C.

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Water, Sewer and Street Foreman or the Water and Waste Operator II.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Water, Sewer and Street Foreman or the Water and Waste Operator II for such materials.

(f) Any waters or wastes containing phenols or other tastes or odor producing substances in such concentrations exceeding limits which may be established by the Water, Sewer and Street Foreman or the Water and Waste Operator II as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Water, Sewer and Street Foreman or the Water and Waste Operator II in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of nine and one half (9.5).

(i) Materials which exert or cause:

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- (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
- (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- (3) Unusual BOD, chemical oxygen, demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) 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.

- (k) Any waters or wastes having
- (1) a 5-day BOD greater than 300 parts per million by weight, or
  - (2) containing more than 350 parts per million by weight of suspended solids, or
  - (3) having an average daily flow greater than 2 percent of the average sewage flow of the City of Potosi, Missouri, shall be subject to the review of the Water, Sewer and Street Foreman or the Water and Waste Operator II.

Where necessary, in the opinion of the Water, Sewer and Street Foreman or the Water and Waste Operator II, the owner shall provide, at his expense, such preliminary treatment as may be necessary to

- (1) reduce the BOD to 300 parts per million by weight, or
- (2) reduce the suspended solids to 350 parts per million by weight, or
- (3) control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Water, Sewer and Street Foreman or the Water and Waste Operator II and no construction of such facilities shall be commenced until said approvals are obtained in writing. (Ord. 573, Art. V, §4; Ord. 1044 §13))

### **Sec. 25-90. Acceptability of wastes to be determined by Water, Sewer and Street Foreman or the Water and Waste Operator II.**

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 25-87 through 25-89 of this Article, and which in the judgment of the Water, Sewer and Street Foreman or the Water and Waste Operator II, 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 Water, Sewer and Street Foreman or the Water and Waste Operator II may:

- (a) Reject the wastes.
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers.

- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this Article.

If the Water, Sewer and Street Foreman or the Water and Waste Operator II permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Water, Sewer and Street Foreman or the Water and Waste Operator II, and subject to the requirements of all applicable codes ordinances and laws. (Ord. 573, Art. V, §§3-5; Ord. 1044 §14)

**Sec. 25-91. Requirements on industrial sewer connections.**

(a) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Water, Sewer and Street Foreman or the Water and Waste Operator II, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Water, Sewer and Street Foreman or the Water and Waste Operator II, and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. 1044 §15)

(b) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continually in satisfactory and effective operation by the owner at his expense.

(c) When required by the Water, Sewer and Street Foreman or the Water and Waste Operator II, the owner of any property services by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Water, Sewer and Street Foreman or the Water and Waste Operator II. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ord. 1044 §15)

(d) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be 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. (The particular analyses involved will determine whether a twenty-four (24) hours composite of all outfalls of a premise 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's are determined from periodic grab samples.)

(e) No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City of Potosi, Missouri, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City of Potosi, Missouri, for treatment, subject to payment therefore, by the industrial concern. (Ord. 573, Art. V, §§6-10.)

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### **Sec. 25-92. Authority to inspect waste processes.**

(a) The Water, Sewer and Street Foreman or the Water and Waste Operator II and other duly authorized employees of the City of Potosi, Missouri, bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurements, sampling, and testing in accordance with the provisions of this Article. The Water, Sewer and Street Foreman or the Water and Waste Operator II, or his representatives shall have no authority to inquire into any process including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in subsection (a) above, the Water, Sewer and Street Foreman or duly authorized employees of the City of Potosi, Missouri, shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City of Potosi, Missouri, and its employees and the City of Potosi, Missouri, shall indemnify the company against loss or damage to its property by City of Potosi employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this Article.

(c) The Water, Sewer and Street Foreman and other duly authorized employees of the City of Potosi, Missouri, bearing proper credentials and identification shall be permitted to enter all private properties through which the City of Potosi, Missouri, holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 573, Art. VII, §§1-3; Ord. 1044 §16)

### **Secs. 25-93 to 25-97. Reserved.**



UTILITIES

**ARTICLE V  
PUBLIC SEWER SYSTEM**

**DIVISION 3. REGULATIONS ON SEWER CONSTRUCTION**

**Sec. 25-98. Requirements for sewer systems construction.**

(a) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this Ordinance.

(b) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Potosi, Missouri. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and S.P.C.F. Manual of Practice No. 9 shall apply.

(c) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 573, Art. IV, §§5-7.)

(d) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Potosi, Missouri, or the procedures set forth in appropriate specifications of the A.S.T.M. and the S.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(e) The applicant for the building sewer permit shall notify the Water, Sewer and Street Foreman when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Water, Sewer and Street Foreman or his representative. (Ord. 573, Art. IV, §§9-10; Ord. 1044 §17)

**Sec. 25-99. Back water traps required on sewer line connections; penalties.**

(a) From and after the effective date of this Ordinance all persons who shall cause sewer lines from their residence or place of business to be connected with the main sewer lines owned or controlled by the City of Potosi shall install and use, in the line so connected, a standard back water trap, which trap shall be installed in the basement sewer drain in a workmanlike manner according to the general construction methods used in the City of Potosi.

(b) It shall be, and it is hereby declared, unlawful for any person to install, or permit to be installed, any sewer line as aforesaid, without the installation and use of said standard back water trap as herein provided.

(c) Any person who shall violate the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not less than five dollars (\$5.00) nor more than twenty five dollars (\$25.00). (Ord. 318, §§1-3.)

**Sec. 25-100. Vented traps required for sewer line connections; septic tank lines prohibited from connection to city sewer lines; penalties.**

(a) Following the passage and approval of this ordinance all persons, firms, or corporations who shall connect, or cause to be connected, a sewer line from privately owned premises with the sewer line installed, owned and maintained by the City of Potosi shall cause to be installed in said line, at approximately the point where said line leaves the premises, a vented trap, and said trap shall be properly vented to the open air.

Where the previous use of a septic tank shall be discontinued and sewer lines shall be connected to the city-owned sewer line such lines shall be in no way connected to such septic tank but shall bypass such septic tank entirely and such septic tank shall no longer be used for any purpose.

(b) Any person, firm or corporation causing a sewer line to be connected with the city-owned sewer line, after the passage and approval of this ordinance, shall, before such sewer line is covered, request the city clerk to send a city employee to inspect such sewer line, and such sewer line shall not be covered until such inspection has been made and the proposed sewer line installation approved.

(c) Any person, firm or corporation who shall violate this ordinance shall, upon conviction thereof, be punished by a fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00), and any person or firm who shall be convicted may be punished by imprisonment in the city jail not to exceed ninety days, or by both such fine and imprisonment. (Ord. 373, §§ 1-3; Ord. 479, §3.)

**Sec. 25-101. Storm drains prohibited from connection to city sewerage system; open or unsealed sewer connections forbidden; penalties.**

(a) It shall be unlawful for any contractor, plumber, or any other person constructing a sewer, a house or business connection, an industrial connection to a sanitary sewer of the sewerage system of the City of Potosi to leave such connection open, unsealed, or incomplete in such a manner that will permit storm or surface water to enter into any sanitary sewer of the City of Potosi.

(b) It shall be unlawful for any person to indirectly or directly connect any storm drain or other drainage channel to the sewerage system of the City of Potosi so as to permit storm water and other surface water to be discharged into said sewerage system without the consent of the board of aldermen. This section shall be deemed to apply to all connections whether made upon city property or individual property and shall include, but without limitation, any elbow, any tap in, and any other connection which will allow storm or other surface water to enter said sewerage system.

(c) Any person who shall have a connection as set out in subsection (a) and (b) at the time of the passage of this Ordinance shall have sixty (60) days to remedy or remove said connection and thereafter, on the sixty-first day after the passage of this Ordinance, shall be deemed subject to subsection (d).

(d) Any person violating the provisions herein shall be given notice specifying the time in which he must remedy the violation. If the violation shall continue beyond the time limit specified said person shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00), or be imprisoned in the city jail for a term not to exceed ninety (90) days, or both such fine and imprisonment. Each day in which a violation continues shall be a separate offense. (Ord. 463, §§1-4; Ord. 479, §3.)

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### **Sec. 25-102. Barricades and lights required on sewer excavations.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as 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 of Potosi, Missouri. (Ord. 573, Art. IV, §11.)

### **Sec. 25-103. Property – Owner responsibility for maintenance and repair of sewer line/liability.**

(a) The Property Owner is responsible for all repairs and maintenance from the Property Owner's home or business to their respective sewer connection.

(b) Only the City has the authority to install sewer taps and the sewer lateral to the property line; the Property Owner is prohibited from repairing any part of the sewer system from the main to the property line.

(c) The backwater trap or back flow prevention device shall be located on the property of the Property Owner per Article V, Public Sewer System, Division 3. Regulations on sewer construction, Sec. 25.99. Back water traps on sewer line connections; penalties.

(d) The City shall be responsible for the repair and maintenance of the lateral line commencing on the property line to the sewer tap and sewer main owned or controlled by the City. However, the City is not responsible for clean outs caused by root growth, clogs, or by any objects blocking or interfering with the flow. The City does not construct or install the lateral line to the lateral line connection at the property line and/or clean out. The Property Owner shall follow all published guidelines and specifications for proper hook up. The City official must inspect the connection before the Property Owner installs proper fill and restores the surface to its original condition.

(e) The standpipe or sewer clean out shall be located on the property of the Property Owner;

(f) It is the intent of this Ordinance to clearly state that the City is not liable or responsible in any way regarding damage to the Property Owner for sewer backup flow into the basement, home or building of the Property Owner. It is the responsibility of the Property Owner to properly install and maintain in good condition and repair the backwater trap or back flow prevention device.

(g) Any person who shall violate the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not less than \$25.00 nor more than \$50.00 for each day in which any violation continues shall be deemed a separate offense.

(h) This Ordinance shall be effective upon passage.  
(Ord. 1104, §1)

### **Secs. 25-104 to 25-107. Reserved.**



UTILITIES

**ARTICLE V  
PUBLIC SEWER SYSTEM**

**DIVISION 4. PENALTIES**

**Sec. 25-108. Penalties for violations of sewer code.**

(a) Any person found to be violating any provision of this Ordinance except Section 25-63(b) shall be served by the City of Potosi, Missouri, with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a), shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding five hundred dollars (\$500.00) for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this Ordinance shall become liable to the City of Potosi, Missouri, for any expense, loss, or damage occasioned the City of Potosi, Missouri, by reason of such violation. (Ord. 573, Art. VIII, §§1-3; Ord. 479, § 3.)

**Sec. 25-109. Reserved.**



UTILITIES

**ARTICLE VI  
WATERWORKS AND SEWER SYSTEM**

**DIVISION 1. ADMINISTRATION - RATES**

**Sec. 25-110. Mayor authorized to appoint water and sewer commissioner.**

(a) The Mayor of the City of Potosi is authorized to appoint one of the duly elected or appointed members of the Board of Aldermen to the position of water and sewer commissioner.

(b) It shall be the duty and responsibility of the water and sewer commissioner to monitor the personnel, practices, organization and all other aspects of the Water and Sewer Department of the City of Potosi, to develop findings and plans from the information obtained through said monitoring, to report said findings and plans to the Mayor and the Board of Aldermen, and make recommendations to the Mayor and the Board of Aldermen for the betterment and improvement of the Water and Sewer Department of the City of Potosi.

(c) The appointment of a member of the Board of Aldermen to the position of Water and Sewer Commissioner shall be fulfilled without pay or additional compensation and shall be in addition to the duties heretofore imposed upon such alderman by the laws of the State of Missouri and the ordinances of the City of Potosi. (Ord. 503, §3; Ord. 722, §§1-3; Ord. 797, §1)

**Sec. 25-111. Water and sewer systems combined.**

The existing Sanitary Sewerage System and all future improvements and extensions thereto, and the existing Waterworks and all future improvements and extensions thereto, of the City of Potosi are hereby combined and they shall thenceforth be operated and maintained as a combined waterworks and sewerage system. (Ord. 360, §§1-2; Ord. 797, §2)

**Sec. 25-112. Basis of calculation of City user charge system for sewer rates.**

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the city's treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining public wastewater treatment works. (Ord. 797, §3)

**Sec. 25-113. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

“*BOD*” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter (mg/l).

“*Master Meter*” shall mean a water volume measuring and recording device that serves more than two users, furnished and/or installed by the City of Potosi or furnished and/or installed by a user and approved by the City of Potosi.

“*Normal Domestic Wastewater*” shall mean wastewater that has a BOD concentration of not more than 220 mg/1 and a suspended solids concentration of not more than 250 mg/1.

“*Operation and Maintenance*” shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

“*Replacement*” shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works are designed and constructed. The term “operation and maintenance” includes replacement.

“*Residential Contributor*” shall mean any contributor to the city’s treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

“*Shall*” is mandatory; “*May*” is permissive.

“*SS*” (denoting Suspended Solids) shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

“*Treatment Works*” shall mean any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

“*Useful life*” shall mean the estimated period during which a treatment works will be operated.

“*User charge*” shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of wastewater treatment works.

“*Water meter*” shall mean a water volume measuring and recording device, furnished and/or installed by the City of Potosi or furnished and/or installed by a user and approved by the City of Potosi. (Ord. 797, §4; Ord. 1127, §1)

#### **Sec. 25-114. Calculation of sewer rates.**

(a) Each user shall pay for the services provided by the city based on his use of the treatment works as determined by water meters acceptable to the city.

(b) For residential contributors, monthly user charges will be based on actual monthly water usage during each month according to readings from each users water meter.

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(c) For industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on wastewater meters or separate water meters installed and maintained at the contributor's expense, and in a manner acceptable to the city.

(d) The minimum charge per month for users located within the city limits shall be \$7.20. In addition, each contributor shall pay a user charge rate for operation and maintenance including replacement of \$1.65 per 1000 gallons of water as determined in the preceding section.

(e) The rates for sewerage services described in subsection (d) above shall apply solely to premises located within the corporate limits of the City. As to premises located outside the corporate limits of the City and served by the City's sewerage system, the rates described in Section 25-112 above shall be increased by twenty (20%) percent.

(f) (Reference is made to Appendix A). For those contributors who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to operation and maintenance including replacement is:

\$0.33 per pound BOD

(g) Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the city's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the Board of Aldermen.

(h) The user charge rates established in this Article apply to all users of the city's treatment works regardless of the user's location. (Ord. 797, §5)

**Sec. 25-115. Rates for use of water and sewer systems.**

The standard rates for water and sewer services provided by the City of Potosi shall be as follows:

**(a) *Within the geographical limits of the City of Potosi:***

For year July 1, 2017 to June 30, 2018

Gallons	Water Rate	Sewer Rate	Combined Rate
2000 Minimum	\$22.45	\$14.94	\$37.39
2001 to 20,000	\$ 4.47	\$3.42	\$ 7.89
20,001 to 100,000	\$ 3.86	\$3.42	\$ 7.28
100,001 & Over	\$ 2.87	\$3.42	\$ 6.29

(Ord. 1033, §1; Ord. 1084, §1; Ord. 1100, §1; Ord. 1118, §1; Ord. 1127, §2)

**(b) *Without the geographical limits of the City of Potosi:***

For year July 1, 2017 to June 30, 2018

Gallons	Water Rate	Sewer Rate	Combined Rate
2000 Minimum	\$26.93	\$17.91	\$44.84
2001 to 20,000	\$ 5.34	\$ 4.13	\$ 9.47
20,001 to 100,000	\$ 4.61	\$ 4.13	\$ 8.74
100,001 & Over	\$ 3.44	\$ 4.13	\$ 7.57

(Ord. 1033, §1; Ord. 1084, §1; Ord. 1100, §1; Ord. 1118, §1; Ord. 1127, §2)

**(c) Master Meters within the geographical limits of the City of Potosi**

For the year July 1, 2017 to June 30, 2018

Gallons	Water Rate	Sewer Rate	Combined Rate
2000 Minimum	\$22.66	\$15.08	\$37.74
2001 to 20,000	\$ 4.52	\$ 3.46	\$ 7.98
20,001 to 100,000	\$ 3.90	\$ 3.46	\$ 7.36
100,001 & Over	\$ 2.89	\$ 3.46	\$ 6.35

(Ord. 1127, §2)

**(d) Master Meters without the geographical limits of the City of Potosi**

For the year July 1, 2017 to June 30, 2018

Gallons	Water Rate	Sewer Rate	Combined Rate
2000 Minimum	\$27.70	\$18.42	\$46.12
2001 to 20,000	\$ 5.50	\$ 4.24	\$ 9.74
20,001 to 100,000	\$ 4.74	\$ 4.24	\$ 8.98
100,001 & Over	\$ 3.54	\$ 4.24	\$ 7.78

(Ord. 1127, §2)

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### **PCC Water and Sewer Rate:**

By Ordinance #1007 enacted by the Board of Alderman on November 24, 2009, the rate for this special Group was established at \$10.59 per 1000 gallons based on a minimum of 145,000 gallons per day. This rate shall remain the same.

#### ***(e) Special class of user created.***

(1) For the purpose of charging certain customers for their use and benefit of the water supply and sewerage treatment systems of the City of Potosi, there is hereby created a class of users, being any and all of those customers and users who receive water supply and sewer treatment services at a point of delivery outside the corporate boundary limits of the City of Potosi, and who request minimum daily operating capacities of at least one hundred forty-five thousand gallons per day for water supply and sewer service.

(2) The City Collector and Clerk shall each month prepare and send to each customer within the class of users established by section (c) (1) above, a statement of a service charge based on a minimum combined water and sewer rate of \$12.87 for the fiscal year starting July 1, 2014, per thousand gallons of water sold. This minimum rate may be increased at such time and in such proportions as are consistent with rate increases applicable to all users supplied by the City outside of its city limits. (Ord. 938, §1; Ord. 969, §1; Ord. 991, §2; Ord. 997, §1; Ord. 1007, §2; Ord. 1033, §1; ; Ord. 1084, §1; Ord. 1127, §2)

(f) ***Annual rate adjustment for inflation, how calculated.*** Beginning on December 31, 2002, and on each subsequent December 31 thereafter, the City Clerk is authorized to adjust the combined rates for water and sewerage for the effects of inflation or deflation, for the following year by a cost of living adjustment. This annual adjustment shall not require separate action or approval by the Board of Aldermen or the enactment of a new Ordinance. The adjustment for each class and rate shall be by the same percentage, and shall be the same percentage as the cost of living adjustment made to Social Security recipients' benefits in the year of the adjustment. The Clerk shall post the new rates on or before the last weekday of the year, along with the report from the Social Security Administration setting out the cost of living adjustment for that year, and both shall be made part of the record at the first meeting of the Board of Aldermen of the following year.

(g) ***Board of Aldermen retains the authority to modify rates.*** The Board of Aldermen of the City of Potosi, notwithstanding the automatic cost of living adjustment authorized by paragraph (d) above, shall retain the authority to modify the rates charged for water and sewerage supplies and services, by Ordinance, to keep the system solvent and to provide revenue streams or resources to pay for repair, improvement or replacement of facilities needed by the water and sewer department to supply the needs of the City and comply with all State and Federal Laws and Regulations imposed upon the department.

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(h) The calculation of the above rates were made according to State approved formula and include a reserve for the repairs and improvement of the system. The reserve of twenty percent (20%) of the sewer fee shall not be deposited into the general revenue or general water and sewer account of the City. Instead, the reserve fund amount shall be deposited into a special interest bearing reserve account by the City Clerk, to be used only for necessary repairs and improvements to the system upon the approval of the Board of Aldermen and the Mayor by Resolution passed in the normal manner. (Ord. 553, §§1-2; Ord. 675, §§1 & 2; Ord. 710, §§1, 2 & 3; Ord. 797, §6; Ord. 802, §1; Ord. 936, §1 Ord. 991, §1; Ord. 1007, §1; Ord. 1018, §1; Ord. 1127, §2)

**Sec. 25-116. Billing for water and sewerage services; Penalty for delinquent payment.**

(a) All water meters shall be read and bills for water and sewerage services shall be rendered monthly as such services accrue. The City Clerk shall prepare a consolidated municipal services bill, for the water and sewerage services and any other municipal service that each customer has used. All bills are due and payable at the office of the City during regular hours of business from and after the date of billing.

(b) If any bill for municipal services of water and sewage shall remain due and unpaid five (5) days after billing, a ten percent (10%) delinquency penalty shall be assessed to the customer. The City Clerk shall send a delinquency notice to such customer on the 6<sup>th</sup> day after the bill was due, notifying the customer of both the delinquency and that the service to the customer will be terminated if payment is not received within ten (10) days of the delinquency notice letter. If the customer has no deposit with the City for said services, or if the customer has a deposit on hand which is less than the currently required deposit under Sec. 25-119, the notice of delinquency shall also notify and require customer to post the required deposit under Sec. 25-119 within ten (10) days of the delinquency notice, in addition to the payment of the delinquency and penalty above, to maintain service. (Ord. 443, §3; Ord. 797, §7; Ord. 833, §1; Ord. 1003, §1)

(c) Delinquent water and sewer bills may become a tax lien of the property. If any billing for municipal water or sewer service remains unpaid for more than thirty (30) days from the date on which services were terminates pursuant to Section 25-117, the City Clerk shall issue a special tax bill against the property for said services provided, as provided by Section 71.780 RSMo., the same to be collected the same as other tax bills are collectable under the laws of this state. (Ord. 1022, §1)

**Sec. 25-117. Termination of water and sewerage services for delinquent payment.**

If any bill for municipal water or sewage services or delinquency fee, or replacement deposit shall remain due and unpaid for a period of ten (10) days from the notice of delinquency, the City Clerk shall notify the Water and Sewer Department, which shall cause the water to premises served through the meter to be shut off for nonpayment with the municipal bill, and, at the City's option, install a block in the lateral sewer line, subject to any statute or regulation regulating the termination of such utilities. (Ord. 443, §4; Ord. 797, §8; Ord. 833, §2; Ord. 1003, §1)

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### **Sec. 25-118. Reconnection fee.**

(a) Whenever the water supply or sewer connection of an person or business shall have been involuntarily terminated in accordance with the preceding section, or for any other sufficient cause, such party shall pay to the City Clerk a reconnection fee of fifty dollars (\$50.00) in cash or money order only, (no check allowed), for City residents and one hundred dollars (\$100.00) in cash or money order only, (no check allowed), for non-city customers, in addition to the full municipal services bill on customer account in cash or money order only, (no check allowed), before water and sewer services shall be reconnected. (Ord. 1116, §1)

(c) Any customer requesting emergency or after hours reconnection shall pay an additional fifty dollars (\$50.00) fee, to cover overtime pay required of the appropriate city worker. For purposes of this Article, any reconnection requested between the hours of 4:00 p.m. and 7:00 a.m., Monday through Friday, or between 4:00 p.m. Friday and 7:00 a.m. Monday, or on any City holiday, shall be considered an after hour or emergency reconnection. (Ord. 443, §5; Ord. 797, §9; Ord. 833, §3; Ord. 1003, §1)

### **Sec. 25-119. Deposit upon new service; Connection fees.**

#### **(a) Deposits**

**New Service.** Any person desiring water and sewage service to a premises within or without the City already served by and water and sewage tap meter, shall supply for service to the City with proof that the applicant is the owner or occupant of the premises, and shall at the time of application, deposit with the City a security deposit in the amount of seventy-five (\$75.00) for a home owner, and one hundred dollars (\$100.00) for non-owner residential use, or

1. one hundred fifty dollars (\$150.00) for commercial use. The above deposit shall be waived in whole or in part where the application is a transfer or services from one premises served by City utilities, to another of the same customer. The deposit shall be waived completely where the city holds a deposit in the amount of the currently required deposit, and the customer owes not delinquent taxes, fees, or utility bills to the City, to the extent necessary to credit the customer for the pre-existing deposit, less any sum applicant owes to the City. No waiver of the deposit required in this section shall be made in those cases where the City does not hold a current deposit on the property from which services are being transferred. (Ord. 1003, §1)
2. **Deposits upon reconnection after involuntary termination of services, or notice of delinquency.** In any case where the applicant, or member of applicant's immediate household, has had service terminated for delinquent payment pursuant to section 25-117 upon the premises, the deposit upon reconnection shall be one hundred dollars (\$100.00) for a home owner, and one hundred fifty dollars (\$150.00) for non-owner residential use and two hundred dollars (\$200.00) for commercial use. Deposits required upon delinquency notice shall be the same for those for termination if the customer has had services for nonpayment within the immediately preceding thirty-six (36) months. Deposits required upon notice of delinquency where the customer has not had services terminated pursuant to sec. 25-117 within the immediately preceding thirty-six (36) months shall be those as set out for new services as in Sec. 25-119 (a) 1. (Ord. 1003, §1)

3. **Use of deposit upon involuntary termination of services.** In any case where there has been an involuntary termination of services pursuant to section 25-117, the deposit shall be used to first pay any delinquent utility bill, if sufficient, then any other sum owed to the City, and any excess deposit shall be refunded. Such deposit not shall not be used to pay any reconnection fee under section 25-118, nor any new deposit. (Ord. 1003, §1)
4. **City Clerk not to approve application – when.** The City Clerk shall not approve the application of any person, business, or corporation for water or sewer service who owes any delinquent taxes, fees or utility bills to the City until said sums are paid in full, in addition to receipt of the deposits required under this section, nor shall the City Clerk approve the application of any person who is either a co-resident or co-owner of any business or corporation who owes any delinquent taxes, fees or utility bills to the City until said sums are paid in full. (Ord. 1003, §1)
5. **Refund of deposit – when.** The security deposit shall be refunded to te depositor upon the voluntary discontinuation of services, provided that the depositor has not had any delinquency in payment as provided in section of 25-116 (b), or termination of service under section 25-117, or has any outstanding balances owed to the City within the immediately preceding thirty-six (36) months. In the event that there have been delinquencies or a termination of service within the immediately preceding thirty-six (36) months, the deposit shall be forfeit. (Ord. 1003, §1)

(b) Any person desiring water or sewerage service to a premises within the City which does not have an existing water or sewerage tap, shall apply for services with the City, with proof that the applicant is the owner or occupant of the premises. All applicants shall be required to pay a connection or “tap” fee for each connection before connection to the City’s systems. The fee for connecting to the City Water System shall be six hundred dollars (\$600.00) within the City Limits. No connection to the City Sewerage System shall be allowed unless there is also a connection to the City Water System.

(c) Any person desiring water or sewerage service to a premise outside the Corporate Limits of the City of Potosi, which does not have an existing water or sewerage tap, shall apply for services with the City, with proof that the applicant is the owner or occupant of the premises. The City Clerk shall place the application for services upon the agenda for the next regularly scheduled meeting of the Board of Aldermen which shall have the right to approve or reject the proposed connection, after considering cost to the City for maintenance and extension of service to that premises and income to the City. All applicants shall be required to pay a connection or “tap” fee for each connection before connection to the City’s systems. The fee for connecting to the City Water System shall be eight hundred dollars (\$800.00) outside the City Limits. The fee for connecting to the City Sewer System shall be eight hundred dollars (\$800.00) outside the City limits. No connection to the City Sewerage System shall be allowed unless there is either an existing or concurrent connection to the City Water System, or a contract to install City water within a set period of time, not to exceed thirty-six months, and a metered source for calculating present usage. (Ord. 994, §1).

(d) Whenever a connection is to be made to the waterworks system or to the sewerage system of the City, the City shall make the tap and connection to the curb line including the curb cock and box, if any, all of which charges shall be included in the connection fee set out above, however, the applicant shall be responsible for the cost of any line test from the curb line to the meter and the building.

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(e) The City, by and through the Board of Aldermen may agree or contract with an applicant to perform labor and furnish materials to extend a water line or trunk sewer line to a location where a premises may be attached to said line at a curb line, or upon the private property of the applicant, for a fee to be agreed upon. Nothing in this section shall be construed to require the City of Potosí, Missouri, to pay for labor or materials to extend any connection, whether sewerage or water, upon the private property of any applicant.

(Ord. 309, §3; Ord. 443, §7; Ord. 477, §§1, 2 & 3; Ord. 573, Art. IV, §2; Ord. 797, §10; Ord. 833, §4; Ord. 880, §1; Ord. 908, §1; Ord. 921, §1; Ord. 971, §1; Ord. 980, §1)

### **Sec. 25-120. Inspection of water or sewer systems prior to connection to city system.**

No connection to the City's water or sewerage system shall be made without first having ascertained that such sewer or water system shall have been previously inspected and approved by an authorized inspector employed by the State of Missouri, and shall have met the requirements of said state. In addition, the City shall have the right to inspect the premises to ascertain that all requirements of its ordinances have been met. (Ord. 343, §§1, 2; Ord. 797, §11)

### **Sec. 25-121. Reserve accounts for sewer and water systems.**

(a) Sewer reserve account established – funding

1. The City hereby establishes a Reserve Account for the sewer system.
2. The City hereby dedicates 8% of the billed amount for sewerage services to fund said Reserve to be used and set aside for repairs, extensions and improvements of the City Sewer system.
3. The City hereby declares that the minimum balance of the Sewer reserve Account should be maintained at not less than \$150,000.00 to protect the City from unexpected, necessary or required repairs or modifications.
4. The City hereby authorizes a surcharge to be placed upon the bills of all City sewer service accounts to additionally fund the Sewer Reserve Account to attain the recommended \$350,000.00 amount.
  - A. The surcharge shall be set at \$3.00 per month per account for City residents and \$4.00 per month for services outside the City Limits.
  - B. The City Clerk shall collect the surcharge with the normal billing.
  - C. On the first month after the Sewer Reserve Account first reaches \$150,000.00, the Clerk shall automatically cease charging and collecting the surcharge permitted in (a) 4. above, and such surcharge shall automatically “sunset” or terminate and there shall be no authority to charge or collect any such surcharge thereafter without specific authorization by new ordinance.

(b) Water Reserve Account established - funding

1. The City hereby established a Reserve Account for the water system.
2. The City hereby dedicates 9% of the billed amount for water use to fund said Reserve to be used and set aside for repairs, extensions and improvements of the City water system.
3. The City hereby declares that the minimum balance for the Water Reserve Account should be maintained at not less than \$150,000.00 to protect the City from unexpected, necessary or required repairs or modifications to the system.
4. The City hereby authorizes a surcharge to be placed upon the bills of all City sewer service accounts to additionally fund the Water Reserve Account.
  - (a) The surcharge shall be set at \$3.00 per month per account for City residents and \$4.00 per month per account for services outside the City Limits.
  - (b) The City Clerk shall collect the surcharge with the normal billings.

(Ord. 833, §5; Ord. 923, §1; Ord. 1020, §1; Ord. 1119, §1)

**Sec. 25-122. Application for temporary utility service and connection fees.**

- (a) Any owner or manager of property within the City Limits of the City of Potosi, Missouri, who desires temporary water and sewerage services to a premises within the City for the purposes of making repairs, improvements or cleaning to the premises, shall apply for temporary service with the City by submitting the appropriate application and agreeing to all the conditions thereon, and provide proof that the applicant is the owner or manager of the premises, and by depositing with the City Clerk the appropriate fee and deposit.
  1. The term of temporary services shall not exceed fourteen (14) days;
  2. The fee for the temporary connection to the City's Water and Sewer System shall be \$10.00 and the deposit shall be an additional \$15.00, and the owner shall be liable for all utility charges accrued during the period of the temporary services in excess of the deposit, and shall be entitled to a refund of any surplus from the deposit.

(Ord. 873, §1)

**Secs. 25-123 to 25-127. Reserved.**

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**ARTICLE VI  
WATERWORKS AND SEWER SYSTEM**

**DIVISION 2. CUSTOMERS LOCATED 1/2 MILE OR MORE FROM CITY REQUESTING AT  
LEAST 150,000 GALLONS PER DAY SERVICE**

**Sec. 25-128. Class of users created.**

For the purpose of charging certain customers for their use and the benefit of the water supply and sewerage treatment systems of the city there is hereby created a class of users, being any and all of those customers and users who receive water supply and/or sewer treatment services at a point of delivery (metering) more than one-half mile from the closest city limit, and who request minimum daily operating capacities of at least one hundred fifty thousand gallons per day for water supply, and at least one hundred thousand gallons per day for sewer treatment service. (Ord. 607, §1.)

**Sec. 25-129. Monthly statement sent to customer.**

The city collector and clerk shall each month prepare and send to each customer within the class of users established by Section 25-113 hereof a statement of a service charge or monthly minimum rate equal to the particular customer's respective equal share of the sum of the following:

(a) The cost of operating the system for the period from the last previous billing or reading of meters for the purposes of billing;

(b) The monthly cost of principal and interest required to retire by full payment when due the \$400,000.00 revenue bond issue of the City of Potosi, Missouri dated September 1, 1987 and due September 1, 1997, as the same may be certified to the collector and clerk of the City of Potosi by its auditor; and

(c) All expenses incident to the maintenance of the plant and water and sewer systems, so that the systems shall have capacity to continue the service being furnished, including items to pay for obsolescence of plant and equipment. (Ord. 607, §2.)

**Sec. 25-130. Monthly rate reduced after bond issue retired.**

From and after the date of the retirement by payment in full of all sums of principal and interest due by the terms of the \$400,000.00 Potosi Revenue Bond Issue dated September 1, 1987, the service charge and minimum monthly rate established hereby shall be reduced by the amount of all charges related thereto. (Ord. 607, §3)

**Secs. 25-131 to 25-135. Reserved.**

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**ARTICLE VII**  
**STORM WATER MANAGEMENT**

**Sec. 25-136. Purpose.**

The purpose of this Article is to lessen or avoid hazards to persons and property caused by uncontrolled storm water runoff or by obstructions to drainage and to lessen the degradation of the quality of surface runoff. (Ord. 764, §200)

**Sec. 25-137. Definitions.**

Unless specifically defined, words or phrases shall be interpreted so as to give them the meanings they have in common usage and to give this Article its most reasonable application. The term "*shall*" is always mandatory and not discretionary; the word "*may*" is permissive.

*Administrative officer:* The duly elected Mayor of the city or his designated representative.

*Adverse impact:* Any modifications, alterations or effects on a feature or characteristic of surface waters, including their quality, quantity, hydrodynamics, surface area, species composition, living resources, aesthetics, or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

*Applicant:* The record owner or his authorized representative of a tract of land that is the site of development or development activity within the scope of this Article.

*Base flood elevation:* The elevation at any location delineating high waters having a one(1) percent probability of being equaled or exceeded in any given year (also known as the 100-year flood).

*Board of Aldermen:* The Board of Aldermen of the City of Potosi Missouri.

*Building:* Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind.

*Capacity of a storm drainage facility:* The maximum ability of a storm drainage facility to convey, detain or retain storm water flows without causing substantial damage to public or private property, and in the case of a pipe, without surcharging.

*Channel:* A natural or artificial open watercourse with definite bed and banks which periodically or continuously contains moving water or which forms a connecting link between two(2) bodies of water.

*City:* The City of Potosi, Missouri

*Conduit:* Any channel, pipe, sewer or culvert used for the conveyance or movement of water, whether open or closed.

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*Control device:* An element of a discharge structure which allows the gradual release of water under controlled conditions.

*Control elevation:* Design elevation of a discharge structure at which, or below which, water is contained behind the structure.

*Detention:* The delay of storm runoff prior to discharge into receiving waters.

*Detention basin:* A facility constructed or modified to restrict the discharge of storm water to a prescribed maximum range and to concurrently detain the excess waters that accumulate behind the outlet. A wet bottom detention basin is a structure designed to retain a permanent pool of water after having provided its planned detention or runoff during a storm event. A dry bottom detention basin is designed to be completely de-watered after having provided its planned detention of runoff during a storm event.

*Detention storage:* The temporary detaining or storage of storm water in storage basins, on rooftops, in streets, parking lots, school yards, parks, open space or other areas under 'predetermined and controlled conditions, with the rate of drainage therefrom regulated by appropriately installed devices.

*Detention volume:* The volume of water equal to the difference between the control elevation of a discharge structure and the maximum level at which water can be accumulated prior to discharge times the average area of open surface storage (between the control elevation and maximum level) behind the discharge structure.

*Developer:* Any individual, firm, corporation, association, partnership or other entity involved in commencing proceedings under this Article to effect the development of land for himself or another.

*Development or development activity:* Any manmade change to improved or unimproved land including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations. Any subdivision of land as defined in the City's subdivision regulations, excluding minor subdivisions.

*Differential runoff:* The difference in rate and volume of storm water runoff from a parcel or project in its undeveloped natural condition and its developed condition is known as differential runoff.

*Discharge:* The rate of outflow of water from detention storage.

*Discharge structure:* Structural device, usually of concrete, metal, timber, etc., through which water is discharged from a project to the receiving water.

*Drainage area:* The area from which water is carried off by a drainage system; a watershed or catchment area.

*Drainage facility:* An element in a drainage system which includes, but is not limited to, any of the following: conduits and appurtenant features, canals, channels, detention basins, ditches, sumps, culverts, weirs and pumping stations.

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*Drainage system:* The surface or subsurface system which conveys water from or over the land, including all watercourses, water bodies and wetlands (also referred to as the storm water management system).

*Easement:* A grant by a property owner to the public, a corporation or a person of the use of land for a specific purpose.

*Elevation:* Height in feet above mean sea level according to National Geodetic Vertical Datum (NGVD).

*Emergency spillway:* Saddle or low point facility located around the rim of a dammed impoundment such as a detention or retention basin for providing an efficient and safe means of conveying the maximum design flood discharge through the impoundment, without overtopping the dam.

*Excess storm water runoff:* The volume and rate of flow of storm water discharged from a drainage area which is or will be in excess of that volume and rate which is specified in this Article.

*Fifteen-year storm:* Rainstorms of varying duration and intensity having a 6.67 percent probability of being equaled or exceeded in any given year.

*Floodplain:* The special flood hazard land adjoining a watercourse, the surface elevation of which is equal to or lower than the base flood elevation (the 100-year flood), which is subject to periodic inundation during floods.

*Floodway:* The channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the base flood.

*Flood fringe:* The higher portion of the floodplain, immediately adjacent to and on either side of the floodway, occupied by quiescent or slow moving waters during floods.

*High water elevation:* The elevation of floodwaters of a flood or specified frequency or occurrence at any given point.

*Impervious surface:* A surface which has been compacted or covered with a layer of materials so that it is highly resistant to infiltration of water; the term includes most conventionally surfaced streets, which includes all street surfacing applications including compacted gravel, roofs, sidewalks, parking lots and similar structures.

*Improvement:* A structure on or other alteration of land on a given site, including but not limited to grading, street paving, storm sewers, sanitary sewers and utilities.

*Minor subdivision:* A subdivision of a lot into not more than three lots that is not regulated except as to lot size under Chapter 26 of the Code of Ordinances of the City of Potosi Missouri.

*Offsite detention basin:* A feature or structure for temporarily storing excess storm water originating at two (2) or more sites, having devices for controlling the rate of release of the stored water, and located downstream of all sites where the runoff originates.

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*Onsite detention basin:* A feature or structure for temporarily storing excess storm waters, having devices for controlling the rate of release of the stored waters, and located within the sites where the runoff originates.

*One-hundred-year storm:* Rainstorm of varying duration and intensity having a one (1) percent probability of recurring in any one (1) year.

*Overflow elevation:* Design elevation of a discharge structure at which point, or above which point, water leaks out or bleeds out through a control device down to the control elevation.

*Peak Flow:* The maximum rate of flow of water at a given point in a channel or conduit resulting from a predetermined storm or flood.

*Post-development conditions:* Those conditions which are expected to exist, or do exist, after alteration, resulting from human activity, of the natural topography, vegetation and rate, volume or direction of surface or subsurface flow.

*Pre-development conditions:* Those conditions which exist at the time this Article becomes effective in terms of topography, vegetation and rate, volume or direction of surface or subsurface flow, as indicated by the best available historical data.

*Primary drainage (water management) systems:* Includes major waterways and appurtenant structures or systems whose total tributary area from origin to outfall exceeds or equals fifty (50) acres.

*Professional engineer or architect:* An engineer or architect duly registered by the state to practice engineering or architecture.

*Rational method:* An empirical formula for calculating peak rates of runoff resulting from rainfall. Expressed mathematically, the formula is:

$$Q=CIA$$

Where

Q = Peak flow in cubic feet per second (cfs)

C = Runoff coefficient, or fraction of runoff to rainfall, dependent on type of surface cover and topography

I = Rainfall intensity, in inches per hour? for a specific storm and duration

A = Watershed area, in acres

*Receiving bodies of water:* Any water body or stream into which surface waters flow.

*Site plan:* The plan, usually in map form, prepared pursuant to the governing body's zoning or other land development ordinances as a requirement for the development of property.

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*Storm water runoff:* The waters derived from rain falling or snow melting within a tributary drainage basin flowing over the surface of the ground or collected in a storm water drainage system, storm sewer or watercourse.

*Subdivision:* As defined in Chapter 26, Subdivisions, of the Code of Ordinances of the City of Potosi, Missouri.

*Twenty-five-year storm:* Rainstorms of varying duration and intensities having a four (4) percent probability of being equaled or exceeded in any given year.

*Time of concentration:* The elapsed time for storm water to flow from the most distant point in a drainage basin to the outlet or point in question.

*Watercourse:* Any stream, creek, brook, branch; natural or artificial depression, slough, gulch, reservoir, lake, pond or natural or manmade drainage way in or into which storm water runoff and floodwaters flow, either regularly or intermittently. (Ord. 764, §210)

### **Sec. 25-138. Applicability.**

(a) Any person, firm corporation or business or government entity within the municipality shall apply to the administrative officer for approval of a storm water management plan and obtain a permit before commencing any development or development activity as defined herein.

(b) A storm water management plan shall be required of any platted subdivision for which no approved improvement plans have been submitted at the time this Article takes effect.

(c) Detention requirements are directly related to permitted land use in the Zoning Ordinance of the City of Potosi. The permitted densities and minimum lot areas are important factors in the anticipated runoff. Table I lists the zoning districts with the major permitted use category, minimum lot area and the corresponding percent of imperviousness.

(d) For permitted land uses other than those listed in Table I such as schools, churches, fire stations, etc., the rate of imperviousness shall be determined by the same method as for commercial uses listed in Table I. For conditional land use in any zoning district, the same ratio determination criteria shall apply. (Ord. 764, §220)

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**TABLE I**  
**STORM WATER DATA BY ZONING DISTRICTS**

Zone	Major Permitted Areas	Minimum Lot Area (Square Ft.)	Percent of Impervious Area for Design Standards in Table II
R-1	Single Family Residential	6,000 or less	45
R-1	Single Family Residential	Greater than 6,000	35
R-2	Two Family Residential	8,000	35
R-3	Multi-Family Residential	None	Determined
R-3a	Residential Minimum Lot Size		Percentage of
C-1	Commercial		Impervious
C-2	Commercial		Area by Ratio
C-P	Commercial		Of Impervious
M-1	Manufacturing		Surface
M-2	Manufacturing		Area to
M-P	Manufacturing		Total Area

### **Sec. 25-139. Exemptions.**

(a) Development within a subdivision shall not require approval of a storm water management plan if each of the following conditions have been met:

(1) Drainage provisions for the project were previously approved and remain valid as part of a final plat;

(2) The development is conducted in substantial accordance with the storm water management provisions contained in the development plan submitted with the final plat as approved.

(b) Development on isolated lots of record for all single-family and two-family dwelling purposes shall not require approval of a storm water management plan nor a grading permit, unless the development involves altering, rerouting, deepening, widening, obstructing or significantly changing any existing drainage facilities, degrades the quality of water, adversely affects any wetland or adversely affects any sinkhole, watercourse or water-body.

(c) Storm water management plans may be waived for building construction which will not increase the amount of impervious area on the site and will not adversely impact an existing drainage area or drainage on adjoining properties.

(d) Written notice of intent to commence development shall be delivered to the administrative officer prior to undertaking any development activity, whether exempt from plan provisions or not. Application for a building permit may constitute notice of intent. (Ord. 764, §230)

### **Sec. 25-140. Storm water management plan application.**

(a) Purpose. The purpose of the storm water management plan review process is to

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provide an organized framework for evaluation and acting upon proposals for development as they relate to storm water management issues.

(b) Required information. It is the responsibility of an applicant to include sufficient information in the storm water management plan to enable evaluation of the environmental quality of the affected area, the potential and predicted impacts of the proposed activity on affected waters, and the effectiveness and acceptability of the measures proposed by the applicant for preventing or reducing adverse impacts. The applicant shall furnish the administrative officer with three (3) copies of the storm water management plan application form and storm water management plan, sealed by a professional engineer or architect registered in the state.

(c) Minimum information. The application form requires the following minimum information:

- (1) The name, address and telephone number of the applicant, and the owner if different from the applicant.
- (2) Name and address of the professional engineer or architect.
- (3) The legal description of the property. (Ord. 764, §240)

#### **Sec. 25-141. Storm water management plan.**

A storm water management plan is designed to safely manage the storm water runoff following the rainstorms which exceed the maximum allowable release rate and the capacity of the stormwater drainage system and/or the storm sewer system by detention of the excess storm water runoff. The plan shall provide or be accompanied by maps at a minimum scale of one (1) inch less than or equal to two hundred (200) feet and other descriptive material, including the basis of computation, showing the following:

- (1) Required pre-development site information (map scales are minimums):
  - A. Detailed location sketch showing the parcel and major adjacent roads.
  - B. Topographic map of the site at a scale of one (1) inch less than or equal to two hundred (200) feet with maximum five-foot contour intervals, except in floodplains or other areas of low relief where a smaller interval may be required, and shall be tied into Potosi's Mapping Program, data to be obtained from City Engineer.
  - C. Where percolation or infiltration systems are proposed, information as to the location and type of vegetative cover and soil types and characteristics representative of the design condition mapped at a scale of one (1) inch less than or equal to two hundred (200) feet.
  - D. Location of streams and other floodwater runoff channels, their normal channels, and the extent of the floodplains at the established high water elevations, and the limits to the floodway mapped at a scale of one (1) inch less than or equal to two hundred (200) feet.

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E. Location of lakes, ponds, swamps and detention basins indicating their normal shorelines, floodplains and lines of inflow and outflow mapped at a scale of one (1) inch less than or equal to two hundred (200) feet.

F. Location of farm drains, inlets and outfalls, storm and sanitary sewers and outfalls, septic tank systems, and outlets, if any, and seeps, springs, and flowing and other wells mapped at a scale of one (1) inch less than or equal to two hundred (200) feet.

G. Location and description of nearby existing offsite water management: facilities such as wells, lakes, drainage ways, etc., which are potentially directly affected by the proposed construction or development, mapped at a scale of one (1) inch less than or equal to two hundred (200) feet.

(2) For all existing drainage facilities which are to be maintained, altered or enlarged as part of the storm water management system, provide information as to their size, slopes, depths, outfalls, receiving waters, elevations, cross sections, profiles, construction materials and other design details as applicable.

(3) Location of all new drainage facilities, including detention basins, to be constructed. Provide design details on each facility as applicable.

(4) Location and extent of existing and proposed impervious surfaces (roads, parking lots, building, etc.) and their elevations. Provide grading and paving plans and specifications.

(5) Location and extent of rights-of-way and easements for the storm water management system, including all areas to be dedicated for water management purposes.

(6) Identification and description of any special or required maintenance procedures to keep the project functioning as designed.

(7) Provide storm water management system design calculations as follows:

A. Design storms used.

B. Calculated hydrographs of inflow and outflow of design storm runoff for the project site under natural and undeveloped conditions.

C. Hydrographs of the runoff from the design storm for the project site under developed conditions.

D. For all detention basins, a plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations.

E. Acreage and percentage of property proposed as:

1. Impervious surfaces,
2. Pervious surfaces (green areas);
3. Lakes, canals, detention areas, etc.,
4. Total acreage of project,
5. Other.

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F. Runoff routing calculations showing discharge, elevations and volumes retained and/or detained during applicable storm event.

G. Calculations required for determination of minimum building floor and road elevations.

(8) Identify the entity responsible for operation and maintenance of the system.

(9) The requirements for specific plan elements cited above may be waived by the administrative officer upon written supportive recommendation of the city engineer. The Storm water management plan for minor development activities may consist of a certification from a professional engineer or architect that the differential runoff is not significant.

(10) The administrative officer will ascertain the completeness of the storm water management plan application. The administrative officer will return incomplete applications to the applicant for completion and resubmission. After determining that the application is complete, the administrative officer will distribute copies of the application for review and comment to other persons with special technical expertise as deemed appropriate by the city administrator. Within a reasonable period after submission of the complete storm water management plan application by the applicant, the administrative officer shall approve, approve with specified conditions, or deny the application and shall notify the applicant accordingly. If the storm water management plan application is denied or approved with conditions, the administrative officer shall state the reasons for denial or the specified conditions. If the applicant feels aggrieved due to the denial or conditions, he may appeal the decision to the Board of Aldermen. (Ord. 764, §250)

### **Sec. 25-142. Review and permit fees.**

All storm water management plan projects shall be prepared by and bear the seal of a professional engineer prior to the submission of the storm water management plan application to the city. All fees for such review and evaluation shall be paid by the property owner or developer directly to the engineer, and the engineer shall certify that he/she has reviewed the proposed storm water management plan and that said plan conforms with all design requirements and other requirements imposed by this Article. In addition, a permit fee of Fifty dollars (\$50.00) for the short form and One Hundred dollars (\$100.00) for a long form, shall be remitted to the city with the application plan. (Ord. 764, §260)

### **Sec. 25-143. General design requirements.**

(a) A storm water management system shall be provided for protecting lots, roads, streets and buildings in the project area from the potential adverse impacts of storm water runoff. Streets, blocks, depths of lots, parks and other public grounds and ultimate land usage shall be determined, located and laid out in such a manner as to reduce the velocity of overland flow and allow the maximum opportunity for infiltration of storm waters into the ground and to preserve and utilize natural streams, channels and detention basins and, whenever possible, to include streams and floodplains within parks or other public grounds.

(b) The maximum allowable release rate of storm water after development shall not exceed the before-development rate, based on a 1 5-year frequency storm. The total drainage

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area must be used in calculating the allowable release rate. The required storage volume will be based on the project area only, with extraneous flows from upland areas being bypassed or discharged via overflow spillway or other devices.

(c) The increased storm water runoff resulting from the proposed development shall be detained onsite by appropriate detention basins; by storage on flat roofs, parking lots or skeets; or by other acceptable techniques. The minimum volume of storage shall be sufficient to store the volume from a 25-year storm (under developed conditions). Control devices shall limit the discharge from storage to a rate no greater than that prescribed by this Article. Downstream property, watercourses, channels or conduits shall not receive storm water runoff from proposed development at a higher peak flow rate than that which existed prior to the development.

(d) Generally acceptable locations of the storm water runoff channels in the design of the project area may include the following:

(1) In a depressed median of a double roadway, street or parkway, provided the median is wide enough to permit required roadway shoulders.

(2) Centered on the rear lot lines in a block, or entirely within the rear yards of a single row of lots or parcels, provided that in either case the lots are deep enough to permit side slopes in the runoff channel and a building site of the elevation required by other sections of this Article.

(3) In a depressed area along roadway, street or parkway, provided the area is wide enough to permit slopes as required in other sections of this Article.

(4) Alternative systems such as curb and gutter and storm sewers that discharge into an appropriate detention basin may be incorporated into the storm water management plan.

(5) The smaller, uppermost reaches of drainage channels and swales forming the natural drainage system near a watershed divide may be relocated or eliminated and incorporated into the planned system of storm sewers and open channels designed consistent with the requirements of this Article.

(e) A continuous easement may be provided abutting rear lot lines as shown in the storm water management plan within which utility lines and open drainage facilities may be located and maintained, but on which no accessory buildings may be constructed. The utility drainage easement shall be at least twenty (20) feet wide. Within the area so designed for the passage or storage of waters, no structure may be erected, no fences, shrubbery or trees planted or changes made to the prescribed grades and contour of the specified floodwater or storm water runoff channels.

(f) All storm sewer outfalls shall be so designed, by reason of elevation of the invert, by a flap gate or by other features, that when the receiving stream is in full flood, the storm sewers will continue to drain the areas they are designed to serve unless the provision is made for sewer backups into planned storage locations.

(g) All sanitary sewer manholes constructed in a floodplain, in a street designed for detention or in an area designed for the storage or passage of floodwater or storm water, shall be provided with either a watertight bolted manhole cover, a watertight concealed pick-hole

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cover, or be constructed with a, rim elevation at or above the high water elevation of the 100- year flood or the high water elevation of the design storm, whichever is applicable to the specific area.

(h) Projects that are to be developed in phases will normally require the submission of a master plan of the applicant's contiguous land holdings. Applications for individual project phases may be considered only when the phases are totally independent of, or make sufficient provisions for, adjacent lands. (Ord. 764, §270)

#### **Sec. 25-144. Hydraulic design considerations.**

(a) Design storms. Storm water systems will be designed with sufficient hydraulic capacity as a minimum for the following frequencies and durations:

<u>Type of Facility</u>	<u>Design Frequency</u> (Year)
(1) Detention basins .....	25
(2) Primary drainage systems .....	25
(3) Bridges.....	50
(4) Secondary drainage systems (i.e., cross-drains and ditches for internal subdivision drainage).....	15

(b) The administrative officer may require alternative designs or features to reduce the cost of long-term maintenance.

(c) In critical areas, the administrative officer may require additional hydraulic capacity above the minimum set forth above, up to the 1 00-year frequency design. (Ord. 764, §280)

#### **Sec. 25-145. Storm water management system design requirements.**

(a) Method of evaluation. Differential runoff evaluation consists of the determination of rates of runoff before and after development, the determination of required volume of detention and verification of adequacy of discharge and control structures.

(b) Differential runoff rates. Differential runoff rates for all three (3) size classes of projects shall be evaluated by the rational formula. The runoff coefficients in Table II shall be used. Differential runoff rates shall be evaluated by equation:

$$R=(R_d-R_u) \quad \text{(EQUATION 1)}$$

Where R = Differential runoff rate  
 $R_d$  = C I factor for developed conditions  
 $R_u$  = C I factor for undeveloped conditions

(c) Volume detention. Volumes of detention for the three (3) classes of projects shall be evaluated according to the following methods:

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(1) Volume of detention for projects of less than twenty-five (25) acres shall be evaluated by the "simplified volume formula."

(2) Volume of detention for projects of twenty-five (25) acres or greater, but less than two hundred (200) acres, may be evaluated either by the "simplified volume formula" or the "modified rational hydrograph method."

(3) For projects larger than two hundred (200) acres, the owner's engineer shall submit his proposed method of evaluation for the sizing of the detention basin to the administrative officer. The method will be evaluated for professional acceptance, applicability and reliability. No detail review for projects larger than two hundred (200) acres will be rendered before the method of evaluation of the detention is approved.

(4) Other analytical methods of evaluation of volume of detention will be considered, provided that reliability, professional acceptance and proper application are approved by the administrative officer.

(d) Formulae. Any of the following methods may be used for calculating detention volume as applicable:

(1) Simplified volume formula. Total volume of detention shall be computed by the equation:

$$V = R \times A \times 30 \text{ (min)} \times 60 \text{ (sec/min)} \quad \text{(EQUATION 2)}$$

Where V = Total volume of detention

R = Differential runoff rate

A = Area of project in acres

(2) Graphic representation. For purposes of further analysis, the simplified volume formula may be represented by a triangular synthetic hydrograph as shown in Figure III with the following elements:

Tb = Base time of hydrograph for developed project without detention

Tb = 60 minutes

Tp = Time of peak runoff of developed project

Tp = 20 minutes

Qd = Total peak runoff of developed project in cfs.

Qd = A x Rd (see equation 1)

Qu = Total peak runoff of unimproved project in cfs.

Qu = A x Ru (see equation 1)

A = Total area of project in acres

Tq = Assumed time of peak differential for unimproved project

Tq = Qu/Qd x 40

Tr = Assumed recedence time differential for discharge at rates no greater than unimproved condition

Tr = (30 Qd/Qu) - 60

V = Volume of detention

V = (Qd-Qu) x 30 (min) x 60(sec/min)

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(3) Modified rational hydrograph method. This is a modification of the unit hydrograph method of hydrologic evaluation simplified to reflect features of present practice and some elements of topographic characteristics, concentration patterns and routing. Figure III illustrates the elements of the modified hydrograph. Steps to develop the hydrograph are as follows:

A. Determine the time of concentration for the project by use of Chart IV or similar reference manual adopted by the city engineer. Chart IV is based on Overland Flow Time from Seeley Data Book for Civil Engineers. Enter chart with overland travel distance, follow horizontally to slope curve then vertically down to C or P factor listed in Table II and obtain Tc. For analysis of large improved channels, time for travel for overland flow and channel are to be analyzed to determine reasonable (Tc) time of concentration.

B. Determine time of peaking by equation:

$$\begin{aligned} T_p &= D/2 + 0.6 T_c && \text{(EQUATION 3)} \\ \text{Where } T_p &= \text{Time of peak discharge of developed project in minutes} \\ D &= 20 \text{ minutes} = \text{storm duration in minutes} \end{aligned}$$

C. Determine the base time of the hydrograph without detention, by equation:

$$T_b = 2.67 T_p \quad \text{(EQUATION 4)}$$

D. Determine the base time of the hydrograph with detention by equation:

$$T_r = \frac{T_b Q_d}{Q_u} - 1 \quad \text{(EQUATION 5)}$$

Where Tr = Additional time required for discharge at a rate no greater than that of the undeveloped condition

Qd = Total peak runoff of improved project in cfs

$$Q_d = A \times R_d \text{ (see equation 1)} \quad \text{(EQUATION 6)}$$

Qu = Total runoff of unimproved project in cfs

$$Q_u = A \times R_u \text{ (see equation 1)} \quad \text{(EQUATION 7)}$$

E. Determine the required volume of detention by equation:

$$V = 1/2 (Q_d - Q_u) T_b \quad \text{(EQUATION 8)}$$

(e) Control structures. Detention facilities shall be provided with obvious and effective control structures. Plan view and sections of the structure with adequate detail shall be included in plans. The design discharge (Q) for the low-flow weir shall not exceed the 1 5-year (frequency) with a duration equal to the time of concentration for the watershed, runoff from the tributary area for five (5) percent imperviousness (1.7 cfs per acre). The maximum discharge shall be designed to take place under total anticipated design-head conditions. Sizing of the low-flow weir shall be by the appropriate weir formulas. The overflow opening or spillway shall be designed to accept the total peak runoff of the improved tributary area

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The low-flow channel invert through dry detention facilities on other than permanently flowing streams shall be paved.

(f) Detention design criteria. Detention in the overall system, including swales, lakes, canals, greenways, etc., shall be provided as follows in subsection (g).

(g) General.

(1) Storage volumes. The minimum volume of storage provided in detention basins, together with such storage as may be authorized in other onsite facilities, shall be sufficient to store the volume from a 25-year storm (under developed conditions) with a discharge no greater than the rate of flow from a 15-year storm (under undeveloped conditions).

(2) Outlet control structures. Outlet control structures shall be designed to operate simply and automatically. They will limit discharges into existing or planned downstream channels or conduits so as not to exceed predetermined maximum authorized peak flow rates.

(3) Emergency spillway. Emergency overflow facilities must be provided in all instances so that stored waters will not exceed the safe capacity of the basin. At a minimum, the emergency spillway must be able to pass without damage the 100-year storm.

(4) Designs should result in aesthetically pleasing configurations which will enhance public acceptability.

(h) Dry-detention facilities.

(1) Perimeter maintenance easements of fifteen (15) feet (minimum) width at slopes no steeper than 3:1 (horizontal to vertical) shall be provided.

(2) Side slopes of the facility shall not be steeper than 3:1 (horizontal to vertical).

(3) Provisions must be incorporated to facilitate complete interior drainage to dry bottom basins, to include the provision of natural grades to outlet structures, longitudinal and transverse grades to perimeter drainage facilities, or the installation of subsurface drains.

(4) Multipurpose features may be designed to serve secondary purposes for recreation, open space or other types of use which will not be adversely affected by occasional or intermittent flooding.

(5) The limits of maximum ponding elevation shall not be closer than twenty-five (25) feet horizontally from any building and less than two (2) feet vertically below the lowest sill elevation unless approved by variance. The entire reservoir area shall be seeded, fertilized and mulched, sodded or paved.

(i) Wet detention facilities.

(1) Perimeter maintenance and operation easements of fifteen (15) feet (minimum preferable) width at slopes no steeper than 3:1 (horizontal to vertical) shall be provided.

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(2) Control elevations should be no higher than two and one-half (2 1/2 ) feet below the minimum road centerline elevation in the area served by the control device in order to protect the road subgrade when structures are constructed near roads.

(3) Side slopes shall not be steeper than 3:1 (horizontal to vertical) out to a depth of two (2) feet below the control elevation, then as steep as soil stability will allow.

(4) If fish are to be used to help keep the basin clean, at least one-quarter (1/4) of an area of the permanent pool must be a minimum depth often (10) feet.

(5) For emergency purposes, cleaning or shoreline maintenance, facilities shall be provided or plans prepared for the use of auxiliary equipment to permit emptying and drainage.

(6) The limits of maximum ponding elevation are to be no closer than twenty-five (25) feet horizontally from any building and no less than two (2) feet below the lowest sill elevation of any building.

(j) Impervious areas. Paved parking lots may be designed to provide detention storage of storm waters on all or a portion of their surfaces. Outlets will be designed so as to slowly empty the stored waters, and depths of storage must be limited to a maximum depth of twelve (12) inches so as to prevent damage to parked vehicles. Ponding should be regulated to those portions of the parking lots farthest from the area served.

(k) Rooftop storage. Detention storage requirements may be met in total or in part by detention of flat roofs. Details of such designs, to be included in the storm water management plan application, shall include the depth and volume of storage, details of outlets devices and downdrains, elevations of overflow scuppers, design loadings for the roof structure and emergency overflow provisions.

(l) Underground storage. All or a portion of the detention storage may also be provided for in underground facilities, as long as all applicable requirements of this Article are met. Details of such designs are to include type of facility, depth and volume of storage, details of inlet and outlet devices and locations, emergency overflow provisions, and measures to be used for surface and ground water pollution control.

(m) Design alternatives. The above listing of design criteria is not intended to preclude the use of other known state-of-the-art methods and available best management practices and should not be construed as a mechanism to discourage innovative design concepts.

(n) Developments adjoining a floodplain. Where a development adjoins or encompasses a portion of a floodplain for a 100-year flood, the following shall apply:

(1) The applicant shall show the floodplain and floodway on the storm water management plan.

(2) The applicant shall include in the storm water management plan all other plans, plats, specifications, etc., required by federal, state, county and/or municipal law or regulations detailing such provisions or restrictions as are necessary to comply with the following:

- A. All applicable zoning and subdivision requirements.
- B. All applicable building code requirements.

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- C. All requirements of other federal, state or local agencies exercising jurisdiction over the area.

(o) Alterations affecting flow. The applicant shall not alter any channel from conveying, in its post-development state, the same amount of flow, at the same or lower maximum water elevation, that it conveyed in its pre-development state.

(p) Additional information. The applicant shall furnish, for the administrative officer's review and approval, the following information pertaining to proposed channel modifications:

- (1) Typical cross sections of the existing and proposed channel.
  - (2) Plan view of the channel showing the location of existing constrictions, obstructions and other non-typical areas.
  - (3) Hydrographs and/or flood routing calculations and backwater curve profiles of the proposed waterway corresponding to a storm recurrence interval of one hundred (100) years.
  - (4) Engineering evaluation of all potential increases in flood hazards to the adjacent upstream or downstream private or public lands and facilities located thereon, showing provisions for eliminating any and all adverse impacts on such land and facilities at no public cost.
  - (5) Minimum finished floor elevations which shall be set at or above the maximum water surface elevation as determined by either or both of the following: "Flood Insurance Rate Map" published by the Federal Emergency Management Agency; or backwater curve profiles of the proposed waterway due to a 100-year storm recurrence interval.
  - (6) Designation on the final plan of all areas reserved for flood routing, detention or storage, together with the required wording pertaining to restrictions, dedications and maintenance responsibilities of such areas.
- (q) Credit for detention storage. If detention storage is provided within a floodplain, only the net increase in storage volume above that which naturally existed on the floodplain shall be credited to the development. No credit will be granted for volumes below the elevation of the regulatory flood at the location unless compensatory storage is also provided.
- (r) Verification of adequacy. Analysis of all elements of design is to be verified by the engineer of record submitting the plan. The following outline is provided to ascertain that certain critical elements are in workable compliance with the aims of this Article.

For projects less than fifty (50) acres in area, there is no need for submittal of routing calculations or tabulated proof of adequacy of tributary runoff for detention; however, it is recommended that verification be made of:

- (1) Volume of detention for the total project;
- (2) Tributary (Q) peak runoff to basin;
- (3) Balanced maximum outflow rate from the low-flow structure;
- (4) Ratios of inflow to outflow rates;
- (5) Sizing of the overflow facilities;
- (6) Stability of detention dikes;
- (7) Safety features;
- (8) Maintenance features.

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For projects of fifty (50) acres or greater but less than two hundred (200), routing calculations shall be submitted in legible tabulated form. Proof of adequacy of volume of detention and sizing computations for low-flow structure shall also be submitted. Features of stability and safety may also need to be documented if the scope of the project requires special attention in this area of design.

Projects over two hundred (200) acres in area shall provide documented verification of adequacy according to scope and complexity of design.

TABLE II  
AVERAGE CI (PI) FACTORS IN CFS PER ACRE  
20 - MINUTE INLET TIME

Impervious Area (Percent) (Factor)	C or P 15 - Yr.	25 - Yr.	50 - Yr.	100 - Yr.	
5	0.37	1.7	2.00	2.18	2.37
10	0.39	1.79	2.11	2.30	2.50
15	0.41	1.89	2.21	2.42	2.62
20	0.435	2.0	2.35	2.57	2.78
25	0.455	2.09	2.46	2.68	2.91
30	0.475	2.10	2.57	2.80	3.04
35	0.495	2.28	2.68	2.92	3.17
40	0.52	2.39	2.81	3.07	3.33
45	0.54	2.48	2.92	3.19	3.46
50	0.56	2.58	3.02	3.30	3.58
55	0.58	2.68	3.13	3.42	3.71
60	0.60	2.76	3.24	3.54	3.84
65	0.625	2.88	3.38	3.69	4.00
70	0.645	2.97	3.48	3.81	4.13
75	0.665	3.06	3.59	3.92	4.26
80	0.685	3.15	3.70	4.04	4.38
85	0.705	3.24	3.81	4.16	4.51
90	0.73	3.36	3.94	4.31	4.67
95	0.0.75	3.45	4.05	4.43	4.80
100	0.77	- 3.54	4.16	4.54	4.93
<hr/>					
Rainfall		4.60	5.40	5.90	6.40

From U.S. Weather Bureau Technical Paper No. 40: "Rainfall Frequency Atlas of the United States for durations from 30 Minutes to 24 Hours and Return Periods from 1 to 100 Years."

(s) Installation of storm water runoff control measures. Positive storm water runoff control shall be provided for during development. Storm water management plans shall include a schedule for the installation, construction or modification of all drainage facilities. Erosion control measures and a schedule for their installation shall be shown on the storm water management plan. Installation of drainage facilities and erosion control measures shall proceed as scheduled in the approved storm water management plan. (Ord. 764, §290)

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**Sec. 25-146. Rights-of-way and easements.**

(a) All storm water management facilities shall be constructed within an easement or right-of-way dedicated for storm water management use and connected to a public road or other location from which operation and maintenance are legally available. Minimum rights-of-way and maintenance easements shall be provided by instrument or plat dedication for all waterways used to convey or detain runoff. Where permanent maintenance will be provided by the property owner, maintenance easements or rights-of-way may not be required. The minimum widths of rights-of-way and easements shall be as follows:

<u>Facility</u>	<u>Maintenance Access Width</u>
Open drainage channel or facility	30 feet, 15 feet each side
Greenways	Width of greenway
Pipes and culverts	15 feet, centered

  

<u>Facility</u>	<u>Maintenance Access Width</u>
Detention areas	15 feet continuous around total area
Connecting access	15 feet

(b) Easements must include the "top of the bank width" and the maintenance access width.

(c) The maintenance access width begins at the point of the bank or slope of the facility.

(d) The maintenance access width may be required by the administrative officer in special circumstances where more width on one (1) or both sides is necessary for maintenance purposes. (Ord. 764, §300)

**Sec. 25-147. Maintenance responsibilities for storm water management facilities.**

(a) Purpose. The purpose of this section is to establish maintenance standards to ensure that after storm water management facilities have been properly designed and constructed, they continue to function properly. Continued proper functioning is highly dependent upon the proper maintenance of the facilities.

(b) Design of facilities. Maintenance costs over a period of years will generally surpass the costs of initially constructing water management facilities. The applicant and the administrative officer should utilize all appropriate methods, approaches and techniques to design and construct these facilities in such a manner that fulfills the requirements of this Article, facilitates their inspection, and minimizes future maintenance costs.

(c) Maintenance responsibilities. The growth of noxious weeds, the creation of conditions which support the growth of mosquitoes and other insects, and the decrease in available storage by accumulated sediments shall be controlled. The cleanup of accumulated debris, flotsam and other materials after runoff events have subsided shall be assured.

Detention facilities, when mandatory, are to be built in conjunction with the storm sewer installation and/or grading. Since these facilities are intended to control increased runoff,

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they must be partially or fully operational soon after the clearing of the vegetation. Silt and debris connected with early construction shall be removed periodically from the detention area and control structure in order to maintain close to full storage capacity.

The responsibility for maintenance of storm water management facilities in single-lot development projects shall remain with the owner, developer and general contractor until final inspection of the development is performed and approved and a legal occupancy permit, where applicable, is issued. After legal occupancy of the project, the maintenance of storm water management facilities shall be vested with the owner of the project.

The responsibility for maintenance of storm water management facilities in subdivision projects shall remain with the developer until such time as responsibility is transferred, under appropriate legal arrangements, to the private individual owner in the subdivision, the trustee of the subdivision, the city or such other maintenance entity or authority as may be proposed and approved by the Board of Aldermen.

If responsibility is to be transferred to the private individual owners in the subdivision, the developer shall assure perpetual maintenance of the drainage management facilities, including detention systems if any are included, through the adoption of maintenance agreements or covenants for any facilities that remain in private ownership. Such agreements or covenants shall be subject to the approval of the administrative officer.

If the responsibility is to be transferred to the trustees of the subdivision, the developer shall establish a suitable indenture of trust. Upon release of escrows required for the subdivision development, the responsibility for maintenance shall be vested in the trustees of the subdivision by virtue of the trust indenture. The indenture of trust shall clearly indicate resident responsibility for maintenance and shall be subject to the approval of the administrative officer.

If responsibility for maintenance is to be transferred to the city, the system(s) to be maintained by the city shall have adequate easements, dedicated to the public for storm water management use, to permit the city to inspect and enter upon the property, as necessary, to maintain the system(s).

(d) Performance and maintenance security. Security against defects in workmanship shall be required for any portion of the drainage management facilities dedicated to the public. The terms of the performance security shall apply to any repairs needed and maintenance needed during the two-year period following completion. Inspection and repair of defects shall be required as a condition of release of the posted security. (Ord. 764, §310)

### **Sec. 25-148. Plan adherence.**

The applicant shall be required to adhere strictly to the storm water management plan as approved. Any changes or amendments to the plan must be approved by the administrative officer in accordance with the procedures set forth in this Article for obtaining storm water management plan approval. Enforcement officials shall be and are herein granted inspection rights and right-of-entry privileges in order to ensure compliance with the requirements of this Article. (Ord. 764, §320)

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**Sec. 25-149. Enforcement.**

(a) Approved projects. The administrative officer or his designated representative shall carry out periodic inspections of the project site to ensure the applicant's compliance with this Article.

If it is determined that the project is not being carried out in accordance with the approved storm water management plan, the administrative officer is authorized to:

(1) Written notice. Issue written notice to the applicant or owner, specifying the nature and location of the alleged noncompliance, with a description of the remedial actions necessary to bring the project into compliance within a reasonable specified time.

(2) Stop-work order. Issue a stop-work order directing the applicant or owner to cease and desist all or any portion of the work which violates the provisions of this Article, if the remedial work identified in the "written notice" is not completed within the specified time.

(3) Revocation of approval. Should the applicant or owner not bring the project into compliance with the written notice and stop-work order, he shall then be subject to immediate revocation of his storm water management plan approval and to the penalties described in section Penalties for Violation.

(4) Appeal. Any notice, order or revocation issued pursuant to subparagraphs (a)(1), (2) or (3) above shall become final unless the person or persons named therein requests, in writing, no later than ten-(10) days after the date such notice, order or revocation is served, a hearing before the Board of Aldermen.

(b) Unapproved projects. With respect to any development or development activity determined by the administrative officer or his designated representative to be subject to this Article, and being carried out without approval, the administrative officer is authorized to:

(1) Written notice. Issue written notice to the owner, specifying the nature and location of the alleged noncompliance, with a description of the remedial actions necessary to bring the project into compliance within a reasonable specified time.

(2) Stop-work order. Issue a stop-work order directing the owner to cease and desist all or any portion of the work which violates the provisions of this Article, if the remedial work identified in the "written notice" is not completed within the specified time.

(3) Noncompliance with stop-work order. Should the owner not bring the project into compliance with the written notice and stop-work order, he shall then be subject to the penalties described in section Penalties for Violation.

(4) Appeal. Any notice, order or revocation issued pursuant to subparagraphs (b) (1), (2) or (3) above shall become final unless the person or persons named therein requests, in writing, no later than ten (10) days after the date such notice, order or revocation is served, a hearing before the Board of Aldermen. (Ord. 764, §330)

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### **Sec. 25-150. Penalties for violation.**

(a) General. Violation of the provisions of this Article or failure to comply with any of its requirements, including conditions and safeguards established in connection with variances or special use permits, shall constitute a misdemeanor. Any person who violates this Article or fails to comply with any of its requirements shall upon conviction thereof, be fined no more than five hundred dollars (\$500.00) or imprisoned for not more than three (3) months, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

(b) Corrective actions. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. All such costs connected therewith shall accrue to the person or persons responsible. (Ord. 764, §340)

### **Sec. 25-151. Vested rights.**

This Article shall not in any way limit or modify the vested rights of any person to complete any development or improvements to lands based upon prior law, where a previous permit or authorization has been granted or applied for and where such previous permit or authorization remains in effect. The city may acknowledge vested rights in other circumstances where it is equitable and just. (Ord. 764, §350)

### **Sec. 25-152. Conflict with other provisions.**

In the case of conflict within this Article or any part thereof and the whole or part of any other existing or future ordinance or code of the city, the most restrictive in each case shall apply. (Ord. 764, §360)

### **Sec. 25-153. Other permits.**

Before starting any work regulated by this Article, an applicant shall comply with the requirements set forth in all other applicable ordinances with respect to the submission and approval of preliminary and final subdivision plats, site plans for and building, construction and rezoning improvement plans, grading and zoning permits, 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. (Ord. 764, §370)

### **Sec. 25-154. Interpretation.**

In the interpretation and application of this Article, the provisions expressed herein shall be held to be the minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other powers granted by the state statutes. (Ord. 764, §380)

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**Sec. 25-155. Savings clauses.**

(a) Sevarability. If any part of this Article is held to be unconstitutional, it shall be construed to have been the legislative intent to pass this Article without such unconstitutional part, and the remainder of this Article, as to the exclusion of such part, shall be deemed and held to be valid as if such part not been included herein. If this Article or any provision hereof is held to be inapplicable to any persons, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability hereof to any other person, property or circumstances.

(b) Abrogation and greater restrictions. It is not intended by this Article to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article imposes greater restrictions, the provision of this Article shall prevail. (Ord. 764, §390)

**Sec. 25-156. Liability disclaimer.**

The performance standards and design criteria set forth herein establish minimum requirements which must be implemented with good engineering practice and workmanship. Use of the requirements contained herein shall not constitute a representation, guarantee or warranty of any kind by the municipality or its officers and employees of the adequacy or safety of any drainage management structure or use of land. Nor shall the approval of a storm water management plan and the issuance of a permit imply that land uses permitted will be free from damages caused by storm water runoff. The degree of protection required by these regulations is considered reasonable for regulatory purposes and is based on historical records, engineering and scientific methods of study. Larger storms may occur or storm water runoff heights may be increased by manmade or natural causes. Enforcement of these provisions, therefore, shall not create liability on the part of the municipality or any officer of the municipality with respect to any legislative or administrative decision lawfully made here under, nor shall compliance relieve an owner, developer and/or permittee from responsibility under any circumstances where liability would otherwise exist. (Ord. 764, §400)

**Secs. 25-157 to 25-161. Reserved.**

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### **ARTICLE VIII IDENTITY THEFT PREVENTION PROGRAM**

#### **Sec. 25-162. Introduction.**

The City of Potosi, Missouri (the “Utility”) has developed this Identity Theft Prevention Program (“Program”) pursuant to the Federal Trade Commission (“FTC”) Red Flag Rule, which implements Section 114 of the Fair and Accurate Credit Transaction Act of 2003, pursuant to 16 C.F.R. 681.2. This Program is designed to detect, prevent and mitigate identity theft in connection with the opening and maintenance of certain utility accounts. For purposes of this Program, “Identity Theft” is considered to be “fraud committed using the identifying information of another person.” The accounts addressed by the Program, (the “Accounts”) are defined as:

(a) A continuing relationship the Utility has with an individual through an account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and

(b) Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identify Theft.

This Program was developed with oversight and approval of the City Council. After consideration of the size and complexity of the Utility’s operations and Account systems, and the nature and scope of the utility’s activities, the City Council determined that this Program was appropriate for the City of Potosi and therefore approved this Program on October 22, 2008. (Ord. 987, §1)

#### **Sec. 25-163. Identification of Red Flags.**

A “Red Flag” is a pattern, practice, or specific activity that indicates the possible existence of Identity Theft. In order to identify relevant Red Flags, the Utility considered risk factors such as the types of Accounts that it offers and maintains, the methods it provides to open its Accounts, the methods it provides to access its Accounts, and its previous experiences with Identity Theft. The utility identified the following Red Flags, in each of the listed categories:

(a) Notifications and Warnings from Consumer Reporting Agencies.

Possible Red Flags for this category include:

- (1) A fraud or activity alert is included with a consumer report;
- (2) Receiving a report or notice from a consumer reporting agency of a credit freeze;
- (3) Receiving a report of fraud with a consumer report; and
- (4) Receiving indication from a consumer report of activity that is inconsistent with a customer’s usual pattern or activity.

(b) Suspicious Documents.

Possible Red Flags for this category include:

- (1) Receiving documents that are provided for identification that appear to be forged or altered;

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- (2) Receiving documentation on which a person's photograph or physical description is not consistent with the person presenting the documentation;
- (3) Receiving other documentation with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
- (4) Receiving an application for service that appears to have been altered or forged.

(c) Suspicious Personal Identifying Information:

Possible Red Flags for this category include:

- (1) A person's identifying information is inconsistent with other sources of information (such as an address not matching an address on a consumer report or a SSN that was never issued);
- (2) A person's identifying information is inconsistent with other information the customer provides (such as inconsistent SSNs or birth dates);
- (3) A person's identifying information is the same as shown on other Applications found to be fraudulent;
- (4) A person's identifying information is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
- (5) A person's SSN is the same as another customer's SSN;
- (6) A person's address or phone number is the same as that of another person;
- (7) A person fails to provide complete personal identifying information on an application when reminded to do so; and
- (8) A person's identifying information is not consistent with the information that is on file for the customer.

(d) Unusual Use of or Suspicious Activity Related to an Account.

Possible Red Flags for the category include:

- (1) A change of address for an Account followed by a request to change the Account holder's name or add other parties;
- (2) A new Account is used in manner consistent with fraud (such as the customer failing to make the first payment, or making the initial payment and no other payments);
- (3) An account being used in a way that is not consistent with prior use (such as late or no payments when the Account has been timely in the past);
- (4) Mail sent to the Account holder is repeatedly returned as undeliverable;
- (5) The Utility receives notice that a customer is not receiving his paper statements; and
- (6) The Utility receives notice that an Account has unauthorized activity;
- (7) Other information which would indicate that the Utilities' system has been breached or that unauthorized access has been made into customer's accounts or records.

(e) Notice regarding possible identify theft.

Possible Red Flags for this category include:

The Utility receives notice from a customer, an identity theft victim, law enforcement or any other person that it has opened or is maintaining a fraudulent Account for a person engaged in identity Theft.

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(f) All Red Flags listed above and in Appendix A of the FTC Red Flag Rule are given only as illustrations and not as a comprehensive list of all possible Red Flags. The utility shall continuously monitor its accounts for suspicious activity and classify as Red Flags any suspicious activity which it notes, and take appropriate action to cure the problem. (Ord. 987, §1)

### **Sec. 25-164. Detection of Red Flags.**

(a) In order to detect any of the Red Flags identified above with the opening of a new Account, Utility personnel will take the following steps to obtain and verify the identity of the person opening the Account:

Steps can include:

- (1) Requiring certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, SSN, driver's license or other identification;
- (2) Verifying the customer's identity, such as by copying and reviewing a driver's License or other identification card;
- (3) Reviewing documentation showing the existence of a business entity; and
- (4) Independently contacting the customer.

(b) In order to detect any of the Red Flags identified above for an existing Account, Utility personnel will take the following steps to monitor transactions with an Account:

Steps can include:

- (1) Verifying the identification of customers if they request information (in person, via Telephone, via facsimile, via email);
- (2) Verifying the validity of requests to change billing addresses; and
- (3) Verifying changes in banking information given for billing and payment purposes.

(Ord. 987, §1)

### **Sec. 25-165. Preventing and mitigating identity theft.**

(a) In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

Steps can include:

- (1) Continuing to monitor an Account for evidence of Identity Theft;
- (2) Contacting the Customer;
- (3) Changing any passwords or other security devices that permit access to Accounts;
- (4) Reopening an Account with a new number;
- (5) Not opening a new Account;
- (6) Closing an existing Account;
- (7) Notifying law enforcement;
- (8) Determining that no response is warranted under the particular circumstances; or
- (9) Notifying the Program Administrator (as defined below) for determination of the appropriate step(s) to take;
- (10) Any other action which appears to be a prudent response to any perceived or reported threat.

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(b) In order to further prevent the likelihood of identity theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures:

These steps are not outlined in the FTC's Red Flag Rule, but possible steps may include:

- (1) Providing a secure website or clear notice that a website is not secure;
- (2) Ensuring complete and secure destruction of paper documents and computer files containing customer information, including documentation of such destruction;
- (3) Ensuring that office computers are password protected and that computer screens lock after a set period of time;
- (4) Requiring only the last 4 digits of SSN' on customer applications;
- (5) Limiting access to Accounts to only employees that require access;
- (6) Prohibiting Account Information to be written on sticky pads or note pads;
- (7) Ensuring that computer screens are only visible to the employee accessing the account; and
- (8) Requiring customers to authenticate addresses and personal information, rather than account representatives asking if the information is correct.

(Ord. 987, §1)

#### **Sec. 25-166. Updating the program and the Red Flags.**

This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. At least once per year, the Program Administrator will consider the Utility's experiences with Identify Theft situation, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of Accounts the Utility maintains and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will present the City Council with his or her recommended changes and the City Council will make a determination of whether to accept, modify or reject those changes to the Program. (Ord. 987, §1)

#### **Sec. 25-167. Program administration.**

(a) Oversight.

The Utility's Program will be overseen by a Program Administrator. The Program Administrator shall be: City Collector/City Clerk. the Program Administrator will be responsible for the Program's administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances, reviewing and, if necessary, approving changes to the Program.

(b) Staff Training and Reports.

Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. Such training will be sufficient to effectively implement the Program.

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(c) Service Provider Arrangements.

Accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

(d) These steps may include:

- (1) Requiring, by contract, that service providers have such policies and procedures in place;
- (2) Requiring, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

(Ord. 987, §1)

**Secs. 25-168 to 25-173. Reserved.**