

## **Chapter 22 - PUBLIC WORKS AND IMPROVEMENTS**

**\*Cross reference**—Boone County Community Services Advisory Board, § 2-266 et seq.; Columbia area economic development commission, § 2-281 et seq.; community development commission, § 2-326 et seq.; environment and energy commission, § 2-346 et seq.; armory board, § 2-376 et seq.; special business district board, § 2-436 et seq.; city airport. Ch. 3; buildings and building regulations, Ch. 6; civil defense, Ch. 7; fire prevention and protection, Ch. 9; parks and recreation, Ch. 17; planning, Ch. 20; signs, Ch. 23; streets, sidewalks and public places, Ch. 24; subdivision regulations, Ch. 25; utilities, Ch. 27; zoning regulations, Ch. 29.

**\*State law reference**—Public works, RSMo. § 88.010 et seq.

### **ARTICLE I. - IN GENERAL**

**Secs. 22-1—22-15. - Reserved.**

### **ARTICLE II. - PUBLIC WORKS DEPARTMENT**

**\*Cross reference**—City departments generally, § 2-176 et seq.

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

**Sec. 22-16. - Director—Appointment and qualifications.**

The city manager shall appoint the director of the department of public works, who shall be an engineer registered under the laws of Missouri and qualified to perform the duties required of him by the charter and ordinances of the city.

*(Code 1964, § 2.2200)*

**Sec. 22-17. - Same—Powers and duties.**

**(a)**

The director of public works shall serve as city engineer and shall have charge of:

**(1)**

The designing, construction, reconstruction, supervision and repair of all municipal buildings, bridges, viaducts, waterways, sewers, drains, levees, airports, public market facilities, tunnels and structures, including alterations, replacements, additions and appurtenances thereto, and maintenance of the same.

**(2)**

The physical construction and improvement of all parks, parkways, playgrounds, golf courses, recreational centers, camps, swimming pools and all other city-owned land and buildings to be used for recreational purposes.

**(3)**

The grading and improvement of all streets, alleys, highways, sidewalk spaces and public ways, and keeping the same open and in a safe and clean condition.

**(4)**

The construction, reconstruction, repair and maintenance of all pavements, curbs and sidewalks.

**(5)**

The collection and disposal of garbage, ashes and refuse and disposal of sewage.

**(6)**

The lighting of public grounds and highways, the laying of conduits, the location, erection and construction of poles and all structures in, on or over public grounds and highways, the granting of all permits to excavate into or disturb any highway or public property or to make any special use thereof; provided that, with respect to such functions, the duties of the department of public works and the water and light department shall be coordinated by the city manager.

**(7)**

The inspection of gas, plumbing, electrical wiring, boilers, smoke, sanitary and safety equipment of all buildings and structures within the city, the inspection of weights and measures, and such other inspectional duties as the council may by ordinance prescribe.

**(8)**

The issuance and revocation of all building permits and the administration of all building and zoning ordinances.

**(9)**

The supervision and control, as far as the city can exercise it, over all privately owned or operated public utilities in the city, and the enforcement of the terms of all franchises and ordinances relating to such utilities.

**(10)**

The making and keeping of records of all necessary plats, surveys, drawings and estimates, and the furnishing of all information and reports relating to public works or the public works department as may be required by the city manager.

**(11)**

The making and keeping of records of location, direction, depth and connection of all underground equipment.

(b)

As director of public works and as city engineer, he shall perform such additional duties not herein specifically set out as may be required of him by charter, by law, by ordinance or by the city manager.

(Code 1964, § 2.2210)

**Secs. 22-18—22-25. - Reserved.**

**DIVISION 2. - TRANSPORTATION DIVISION**

**Sec. 22-26. - Created.**

There is hereby created within the department of public works a division of transportation which shall be under the supervision and control of the director of public works.

(Code 1964, § 14.2000)

**Sec. 22-27. - City to own public transportation system.**

The division of transportation is hereby authorized to purchase, hire, lease, construct, own, maintain and operate a system of public transportation, as may be directed by the city council or city manager, and to dispose of the services thereof; and to supervise and control, as far as the city can exercise it, all privately owned or operated public utilities in the city, and to enforce the terms of all franchises and ordinances relating to such utilities.

(Code 1964, § 14.2010)

**Sec. 22-28. - Superintendent.**

There is hereby created within the classified service of the city, the position of superintendent of the division of transportation, department of public works, and such other subordinate employees of the division of transportation as may be authorized by the city manager, who shall be under the direction, supervision and control of the director of public works.

(Code 1964, § 14.2020)

**Sec. 22-29. - Transportation fares.**

(a)

The following fares shall be in effect on all fixed route buses operated by the division of transportation:

(1)

Regular fares

Per ride \$1.00

30-day Full Fare (Tickets/Fast Passes) 35.00

25-Ride Full Fare (Tickets/Fast Passes) 20.00

(2)

Handicapped, elderly, Medicare or Medicaid recipients, junior fares and persons with a women, infants and children (WIC) card, a current food stamp card, or individuals who can validate that they are persons with annual incomes equal to or below one hundred eighty-five (185) per cent of the federal poverty level

Per ride 0.50

30-Day Half Fare (Tickets/Fast Passes) 15.00

25-Ride Half Fare (Tickets/Fast Passes) 10.00

(3)

School pass for students age 5 or over in kindergarten or grades 1—12

Per week 5.00

Per month 20.00

Per regular semester 60.00

Per summer semester 45.00

(4)

Students of any university, college or trade school in the City of Columbia, Missouri, with the showing of a valid student identification card

Per week 5.00

Per month 20.00

Per regular semester 60.00

Per summer semester 45.00

(b)

The following fares shall be in effect on all vehicles used to provide paratransit service operated by the division of transportation:

(1) Certified ADA eligible persons or companion, per ride 2.00

(2) Registered personal care attendant accompanying a certified ADA eligible person Free

(c) For purposes of this section, the following definitions are established:

*ADA eligible:* Any person exhibiting a valid ADA eligibility card and is certified as eligible for the specific paratransit service requested.

*Elderly:* Any person age sixty-five (65) or over who exhibits a pass showing proof of age, Medicaid or other ID.

*Fixed route buses:* Any vehicle operated on the routes published in the schedules for the Columbia Area Transit System.

*Handicapped:* Any person certified as handicapped by reason of illness, injury, age, congenital malfunction or other permanent or temporary incapacity or disability.

*Junior:* A child age five (5) through eleven (11) years inclusive.

*Medicare recipient:* Any person, regardless of age, who is a medicare recipient and exhibits a valid medicare card.

*Regular semester:* The period from January 1 to May 15 or from August 15 to December 31.

*Summer semester:* The period from May 16 to August 14.

(Ord. No. 11185, § 1, 9-2-86; Ord. No. 11377, § 1, 2-16-87; Ord. No. 13577, § 1, 1-19-93; Ord. No. 13747, § 1, 7-19-93; Ord. No. 13982, § 1, 3-7-94; Ord. No. 20048, § 1, 9-15-08; Ord. No. 20076, § 1, 10-6-08; Ord. No. 20278, § 1, 5-18-09)

### **Sec. 22-30. - Transportation promotion.**

The director of the department of public works is hereby authorized to promote the city's transportation system by such means as he deems appropriate, including the authority to temporarily suspend or reduce fares for a maximum of forty-five (45) days per fiscal year and offer incentives in the nature of fringe benefits or time off to division of transportation employees.

(Code 1964, § 14.2040)

### **Secs. 22-31—22-45. - Reserved.**

## **ARTICLE III. - PUBLIC IMPROVEMENTS**

**\*Charter reference—Public improvements, §§ 71—88.**

## **DIVISION 1. - GENERALLY**

### **Sec. 22-46. - Authority to make public improvements; scope.**

The city may establish and improve public highways of every character and parts thereof by grading, regrading, paving, repaving, macadamizing, surfacing, resurfacing, reconstructing, oiling, sprinkling, curbing, guttering or repairing the same, constructing or repairing sidewalks thereon, or by sodding the same, or by planting and caring for trees and shrubbery on or along same, or by constructing and maintaining bridges, viaducts, subways, culverts, drains or sewers on or along any highway right-of-way therefor; and may acquire, construct, repair and maintain sewers, drains and all appurtenances thereto; improve watercourses and the banks thereof and divert and change the channels of the same; acquire, construct, maintain and repair parks and other recreational facilities; and acquire, construct, repair and maintain all other public improvements. When not otherwise limited by law, the powers enumerated herein may be exercised by the city, within or outside the city limits, for the benefit of the city and its inhabitants.

(Code 1964, § 14.290)

**Charter reference—Similar provisions, § 71.**

### **Sec. 22-47. - Opening, vacating and improving streets, alleys, etc.**

The council shall have the power to create, open and improve any public square, street, avenue, alley or other highway, old or new, and also vacate or discontinue the same whenever deemed necessary or expedient; provided, that all damages sustained by the citizens of the city, or the owners of the property therein, shall be ascertained as prescribed in that portion of this division relating to the condemnation of private property for public use; and provided further, that whenever any public square, street, avenue, alley or other highway shall be vacated, the same shall revert to the owners of adjacent lots in proportions as it was taken from them; and still further provided, that when the grade of any street or alley shall have been once established by ordinance, it shall not be lawful to change such grade without making compensation to all persons owning real estate on such street, square, avenue, alley or other highway who may be damaged by such change of grade, to be determined and governed in all respects with

reference to benefits and damages as is provided in this chapter.

*(Code 1964, § 14.300)*

#### **Sec. 22-48. - Condemnation of private property.**

Private property may be taken for public use for the purpose of establishing, opening, widening, extending or altering any street, avenue, alley, wharf, creek, river, watercourse, market place, public park or public square, and for establishing market houses, and for any other necessary public purposes. The council shall have the power to condemn private property for public use, occupation or possession in the construction and repair of public, district, joint district and private sewers in the same manner as other property is condemned within the city for public uses. This power of eminent domain shall include the exercise of the power of excess condemnation as authorized by the constitution or by law, and the power to condemn private property, real or personal, or any easement or use therein for public use within or without the city.

*(Code 1964, § 14.310)*

**State law reference**—Similar provisions, RSMo. § 88.497.

#### **Sec. 22-49. - Condemnation and removal of sidewalks.**

The city council may, by ordinance, condemn wooden or defective sidewalks, or any sidewalk which may be deemed unfit for use, and provide for the removal of any sidewalk so condemned.

*(Code 1964, § 14.320)*

**State law reference**—Condemnation of sidewalks, RSMo. § 88.507.

#### **Sec. 22-50. - Purchase or condemnation of property of public utility.**

The city shall have the right to acquire by condemnation or otherwise, the property of any public utility in accordance with the general laws of the state; provided, that the price to be paid shall in no event include any value predicated upon the franchise, good will or prospective profits.

*(Code 1964, § 14.330)*

#### **Sec. 22-51. - Condemnation proceedings.**

All proceedings for the condemnation or the damaging of property or in the exercise of the right of eminent domain shall be in accordance with the laws of the state now or hereafter applicable to cities of the third class.

*(Code 1964, § 14.340)*

**State law reference**—Condemnation procedure, RSMo. §§ 88.010—88.077.

#### **Sec. 22-52. - Relocation policy.**

(a)

It is the policy of the city to follow the provisions of Sections 523.200 through 523.205, RSMo., in all condemnation proceedings that may necessitate displacement of persons or businesses when such displacement is not subject to the provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. sections 4601 to 4655, as amended).

(b)

The provisions of RSMo §§ 523.200 through 523.205, shall apply to any plan, project, or area for redevelopment under the operation of RSMo Chs. 99, 100 or 353, which is hereafter filed for approval, approved, or amended.

*(Ord. No. 19364, § 1, 1-2-07; Ord. No. 20273, § 1, 5-4-09)*

#### **Secs. 22-53—22-60. - Reserved.**

### **DIVISION 2. - FUND**

**\*Charter reference**—Similar provisions, § 87.

**\*Cross reference**—City purchasing regulations, § 2-456 et seq.

#### **Sec. 22-61. - Created.**

There is hereby created a fund to be known as the "public improvement fund."

*(Code 1964, § 14.900)*

## **Sec. 22-62. - Sources.**

The public improvement fund may be established and maintained from any or all of the following sources:

- (1) Appropriations from the general funds when available.
- (2) The proceeds from bond issues as provided in the charter.
- (3) Collections of special assessments or special tax bills, and any interest thereon, levied or issued for public work or condemnation of land theretofore paid for out of such public improvement fund.
- (4) The proceeds from the sale of special tax bills.
- (5) Any other source permitted by law or provided by ordinance.

*(Code 1964, § 14.910)*

## **Sec. 22-63. - Payment of special assessments into fund.**

Whenever the council shall authorize the cost of any public improvement or the purchase of any tax bills issued for any public improvement to be paid out of the public fund, any special assessment, and interest thereon, that may be levied and collected on account of such improvement, or the proceeds from the collection of any such tax bills and interest thereon, shall be credited to and paid into the public improvement fund.

*(Code 1964, § 14.920)*

## **Secs. 22-64—22-70. - Reserved.**

## **DIVISION 3. - CONTRACT LETTING PROCEDURE**

### **Sec. 22-71. - When bids required; right of rejection; letting.**

Except as otherwise provided in this Code, all public improvements constructed or made at the expense of the city costing more than twenty-five hundred dollars (\$2,500.00), and all work to be paid for by special tax bills or special assessments shall be let by contract, after the city shall have advertised for bids therefor upon such notice as is prescribed in section 22-78 of this chapter; provided, however, that this shall not be so construed as to prevent the council from providing that any such work may be done by the city's own departments and employees when no satisfactory bid is received therefor or when deemed advisable by the city manager. Any and all bids may be rejected. Except for such right of rejection, the city manager shall let the contract to the lowest responsible bidder.

*(Code 1964, § 14-360; Ord. No. 19841, § 1, 3-17-08)*

**Charter reference**—Similar provisions, §§ 73, 77.

### **Sec. 22-72. - Institution of proceedings.**

All proceedings to make any public improvements, except emergency work or repairs requiring prompt attention and ordinary maintenance work, shall be begun by the adoption of a resolution by the council declaring the necessity of such improvement, and stating the nature thereof and the method of payment therefor. When payment is to be made by special tax bills or other evidence of assessments upon real property, or out of the public improvement fund, as provided in sections 22-61 through 22-63 of this chapter, and reimbursed by collection of such assessments, the resolution shall state the proposed method of making assessments to pay therefor. The resolution shall also state the estimate of the probable cost of such improvement, but any error or inaccuracy in such estimate as compared with the actual cost of any work shall not affect the validity of the proceedings or of any assessments made or special tax bills issued to pay for such work.

*(Code 1964, § 14.370)*

**Charter reference**—Similar provisions, § 74.

### **Sec. 22-73. - Estimate of cost of proposed improvement by city official in charge.**

Whenever the city council shall deem it necessary to start proceedings to make any public improvements which are to be begun by the adoption of a resolution by the council, they shall instruct the city manager to cause the city official charged with the responsibility for such improvement under the charter to make an estimate of the cost of the improvement proposed to be made, and such city official shall without delay make such estimate and submit the same to the city council as soon thereafter as may be practicable; provided, however, that no estimate shall be submitted by such city official until he has had an adequate opportunity to make a thorough study of the problems involved.

**State law reference**—Similar provisions, RSMo. § 88.520(3).

**Sec. 22-74. - Public hearings; time of holding; notice.**

Upon the adoption of a resolution by the city council declaring it necessary to make any public improvement, as provided in this chapter, the council shall, in respect to all improvements to be paid for by special assessments and all other public improvements, the total estimated cost of which shall be seven thousand five hundred dollars (\$7,500.00) or more, fix a time at which a public hearing in respect to such improvement shall be had. The council shall cause notice of the hearing to be published in a newspaper published in the city. The public hearing shall be held not less than ten (10) nor more than forty (40) days after the adoption of such resolution. All persons interested in this improvement shall be given an opportunity to be heard at this public hearing. After such hearing, the council may determine that it is or is not in the public interest that such improvement or any part thereof be made. If the city council determines to proceed with the project, the city clerk shall be directed to record a notice with the Boone County Recorder of Deeds. This notice shall contain the following information:

- (a) Brief description of the improvement;
- (b) Legal descriptions of the properties which may be specially assessed;
- (c) Names of the property owners;
- (d) Estimated amount of the special assessment; and
- (e) Statement that when assessed, the special assessment shall be on file with the Director of Finance of the City of Columbia.

(Code 1964, § 14.390; Ord. No. 18879, § 1, 2-6-06; Ord. No. 20207, § 1, 3-2-09)

**Charter reference**—Similar provisions, § 75.

**Sec. 22-75. - Preparation and submission of plans and specifications.**

After the public hearing, or without such hearing when not herein required, if the council determines to proceed with such improvement or any part thereof, the city manager shall cause the city official charged with the responsibility for such improvement to prepare and submit plans and specifications to the council for approval. Such plans and specifications shall not limit the materials to be used to those of any particular producer or manufacturer, but shall be so arranged as to permit materials and processes to enter into competition.

(Code 1964, § 14.440)

**Charter reference**—Similar provisions, § 76.

**Sec. 22-76. - Method and manner of payment; adoption of plans and specifications.**

- (a) All ordinances and contracts for public improvements shall specify how the same are to be paid for. In case payment is to be made in whole or in part to the contractor in special tax bills or other evidence of special assessments, the city shall in no event be liable for or on account of the work to be so paid for.
- (b) The ordinance authorizing the making of any public improvement shall prescribe the manner in which payment for the same shall be made. Such payments may be made in whole or in part by the city, or in whole or in part by special tax bills issued to the contractor, or by special assessment against private property, as provided for by the charter and this Code. The plans and specifications for such improvement shall be adopted by ordinance before any contract therefor shall be let; provided that such adoption may be by reference to plans and specifications which are on file in the office of the city clerk.

(Code 1964, §§ 14.350, 14.450)

**Charter reference**—Similar provisions, §§ 72, 78.

**Sec. 22-77. - Payment by special tax bill.**

Whenever any portion of the cost of an improvement is to be met by special tax bills or assessments, the ordinance authorizing the making of such public improvement shall specify the portion thereof and set forth the boundaries of the district within which private property is to be so assessed. Special assessments may be made and collected by the city in the same manner as is used for collection of taxes on real estate, or special tax bills may be issued to the contractor. Any such tax bills issued to the contractor may be purchased by the city from the contractor out of any funds available for such purpose.

(Code 1964, § 14.460)



**Sec. 22-78. - Advertising for bids.**

Before letting any contract for making a public improvement, the council shall order the city clerk to advertise for bids for the making of such improvement. Such advertisement shall be published for at least seven (7) consecutive insertions in a daily newspaper of general circulation in the city, and shall state the date, time and place where the bids must be filed, such date to be at least ten (10) days after the date of the first publication, and shall state the date, time and place where such bids will be opened by the city clerk, and shall refer to the plans and specifications on file in the city clerk's office. Such advertisement shall also advise bidders of the method of payment for the improvement and that the council reserves the right to reject any and all bids. However, a failure to state these things shall not render the city liable for any of the cost of the improvement. All bids shall be accompanied by a certified check or bid bond with corporate surety, satisfactory to the city counselor, for five (5) per cent of the amount thereof and, without such check or bid bond, shall not be considered. All bids shall be opened by the city clerk in the chambers where the city council holds its regular meetings, at a time during regular business hours and such ceremony of opening the bids shall always be open to the public. Thereafter, and within a reasonable time, the city manager shall make a recommendation to the city council that the city accept a bid or reject any or all bids, and shall give reasons for such recommendation. In the event there are no bids received or all bids are rejected for any reason, the city council may order the city clerk to advertise for the bids as in the first instance, or may, by ordinance, order and require the city official charged with the responsibility for such improvement under the charter to perform such work, using the city's own departments and employees, in accordance with the plans and specifications adopted therefor and the conditions of the charter and this article. Such city official shall keep an accurate account of the cost of the separate items thereof, and the city shall pay for the labor and material and all other costs of such work out of any funds which they may have on hand available for such purpose; and at the completion of such work (either by contract or by the city, as last provided) shall provide for payment therefor as set forth in the charter, this article, and other ordinances governing public improvements.

(Code 1964, § 14.470)

**Sec. 22-79. - Entering into contract; bond of contractor.**

(a)

Before any work under this chapter shall be commenced, if done by contract, the contractor shall enter into a written contract, to be approved by the city counselor, upon facts and specifications furnished by the city official charged with the responsibility for such improvement under the charter, executed in triplicate by such contractor and by the city manager on behalf of the city, one of which shall be for the use of the city and another for the contractor. The contract shall set forth the terms thereof, provide for the completion of such work according to the plans and specifications within the time agreed upon, and without negligence causing or tending to cause damage to private property, prescribe the manner in which payment for the same shall be made, and provide that the contractor agrees to accept payment for such work in whole or in part by the city or in whole or in part by special tax bills or other evidence of special assessments issued to the contractor; further, it shall provide that in no event is the city liable for any sum whatever for work done under such contract except as hereinbefore provided, and the plans and specifications shall be attached to such contract and made a part thereof. Such contract, before it becomes binding and effective, shall be confirmed by ordinance.

(b)

The contractor shall also give an approved bond to the city in an amount not less than the contract price, or a bond with two (2) or more good and sufficient securities to be approved by the city manager, conditioned that the contractor will faithfully and completely comply with all the terms and conditions of such contract, and that he will pay for all labor and material employed that are used in the work, provided for in such contract, and hold the city harmless on account of any damage which may accrue to any person by reason of the negligence of such contractor in constructing such work, and against liens growing out of such labor performed or materials furnished. The city council shall have the power to require any contractor grading or paving any alley, or grading, paving or guttering the roadway part of any street, when the improvement is to be paid for with special tax bills, to guarantee that an improvement will last for a specified term of years, and during such term will be kept in repair, and to require the contractor to give to the city approved bonds for the faithful performance of any obligation.

(Code 1964, § 14.480)

**State law reference—Contractor's bond, RSMo. § 88.520(4).**

**Sec. 22-80. - Sidewalk construction and repair—Estimate of director of public works.**

The city council may provide for the building of any sidewalk or for the rebuilding and reconstruction of the same, including grading and filling therefor and including the extension of sidewalks at corner lots from the property line each way to the street curbline, and including the grading of that portion of the street lying between the sidewalk and the street curbline. The estimate prepared by the director of public works shall show the estimated quantities of grading, filling and of the various materials required for the sidewalk to be built and an estimate of the cost of such work per cubic yard or per square yard, as the case may be, and an estimate of the cost of the removal of any condemned sidewalk or other obstructions.

(Code 1964, § 14.400)

**Sec. 22-81. - Same—Prior notice to owner.**

Whenever the council shall, by resolution, declare that it is necessary to construct, alter or repair any sidewalk which is not a part of a street project, the owner of the abutting property, if known, shall be notified thereof. If the owner is unknown, or for any reason cannot be notified, then such notice shall be published for two (2) consecutive weeks in a newspaper of the city, describing the location of the sidewalk, so as to identify the same, and giving the specifications of the work to be done; provided, however, that the notice provisions of this section shall not apply to any sidewalk certified by the director of public works under the provisions of section 22-82 relating to uniform sidewalks.

(Code 1964, § 14.410)

#### **Sec. 22-82. - Same—Uniform sidewalks.**

Any sidewalk or portions thereof lying within any business district, adjacent to any school, park, or in any area subject to a high level of pedestrian travel, may be certified by the director of public works as a "uniform sidewalk," when such sidewalk, due to its use, location and characteristics is such as to necessitate a uniform surface, grade and appearance to promote safety and enhance the appearance of the neighborhood. In the event of such certification, emergency work or repair, ordinary maintenance, construction or reconstruction may be undertaken without the notice required by section 22-81 or the tenor thirty-day waiting periods hereinafter provided for. All such uniform sidewalks shall be repaired, maintained, constructed or reconstructed, either by contract or by city forces, in accordance with the provisions relating to public improvements, and the costs thereof shall be levied as a special assessment against the abutting property in an amount no greater than the benefit accorded such property by the improvement.

(Code 1964, § 14.415)

#### **Sec. 22-83. - Same—Procedure if emergency work.**

If the sidewalk work referred to in section 22-81 hereof is emergency work or repair requiring prompt attention and ordinary maintenance work, and the owner does not cause such work to be done within ten (10) days after the notice or publication as in such section provided, then the director of public works may cause the same to be put in good and substantial repair and pay the cost thereof out of the funds apportioned to his department. An accurate account of the cost of the making of such repairs in front of and adjacent to each tract of land shall be kept. The director of public works shall, at the end of May of each year, charge against the tracts of land in front of which any such repairs have been made during the preceding year, the cost thereof, and shall make a written report to the council thereof, which report shall contain a description of each tract of land so charged and the amount with which it is chargeable. If the council approves such report by ordinance regularly passed, levying and assessing such costs, the director of finance shall place the amount so charged and assessed on the land tax book for the next tax payment period, which assessment shall be a lien upon the property so charged from the date of such entry in the land tax book. Such assessment shall be subject to the same penalties and shall be collected and may be enforced with the same effect and in the same manner as in the case of general taxes. Such assessments, when collected, shall be credited to the fund from which the money was paid by such department.

(Code 1964, § 14.420)

#### **Sec. 22-84. - Same—Procedure if not emergency work.**

If the owner does not construct such sidewalk referred to in section 22-81 hereof so declared by resolution to be necessary, according to the specifications therefor within thirty (30) days after such notice or publication, and such sidewalk work is not emergency work or repair requiring prompt attention and ordinary maintenance work, the city shall follow the same procedure in its entirety as in other proceeding to make public improvements, and proceed to do such constructing, reconstructing, altering or repairing, either by contract or by the city's own departments and employees, and the cost thereof shall be levied as a special assessment against the abutting property.

(Code 1964, § 14.430)

#### **Sec. 22-85. - Supervision of work under contract required; report to council.**

All work under contracts provided for in this article shall be carried on under the supervision of the city official charged with the responsibility for such improvement under the charter, who shall personally inspect the work as it progresses, and see that the same is done in accordance with the estimate, plans, specifications and contract, the ordinance governing the same, and the charter of the city. On completion thereof, if, in the opinion of such city official, such work has been done according to the requirements as aforesaid, he shall so report to the council. If such report should be that such work has not been performed as hereinbefore provided, the council may review such report upon application of the contractor, and may accept and approve such work if, in their judgment, such contract has been faithfully and completely performed.

(Code 1964, § 14.490)

#### **Secs. 22-86—22-96. - Reserved.**

### **DIVISION 4. - SPECIAL ASSESSMENTS-TAX BILLS**

**\*Editor's note—**



Ord. No. 10832, § 1, adopted Dec. 16, 1985, repealed former Div. 4, §§ 22-96—22-107, relative to assessment of costs and enacted in lieu thereof a new Div. 4, §§ 22-97—22-102 to read as herein set out. The provisions of former Div. 4 derived from Code 1964, §§ 14.500—14.600.

**Sec. 22-97. - Costs of public improvements may be assessed against lands benefitted and chargeable therewith.**

All or part of the costs of public improvements may be assessed against lands benefitted and chargeable therewith. The charges made shall be known as special assessments for improvements. The charges shall be made by levying special assessments and issuing tax bills against the property benefitted by the improvement, and chargeable with the cost of such improvement. Upon the completion of any improvement, the city official charged with the responsibility for such improvement shall compute the cost thereof, make a written report to the council that the improvement has been completed and apportion all or part of the cost of such improvement among the lots, parcels and tracts of land benefitted thereby and chargeable therewith, charging each tract of land with its proportionate part of such costs. The council shall, by ordinance, after a public hearing levy special assessments and authorize the issuance of tax bills against the lots, parcels and tracts of land benefitted by the improvement and chargeable with the costs thereof. The ordinance shall contain a description of each lot, tract or parcel of land chargeable with a part of the cost of the improvement and the amount with which it is chargeable. The city clerk shall issue the tax bills and deliver them to the director of finance for collection. Tax bills shall be signed by the clerk and sealed with the corporate seal of the city. Public improvements made by city departments and employees may be paid for in the same manner as herein provided for any improvement made by contract. When an ordinance levying a special assessment is passed, a copy of the tax bill authorized thereby, shall be delivered to the then record owner of the property charged therewith. The special assessment and tax bill shall be a first lien upon the property. The lien may be foreclosed in the manner provided by law.

*(Ord. No. 10832, § 1, 12-16-85; Ord. No. 13242, § 1, 2-3-92; Ord. No. 13294, § 1, 4-20-92)*

**Sec. 22-97.1. - Deferred tax bills for sanitary sewer projects.**

**(a)**

If the special assessment levied against an undeveloped lot, tract or parcel of land benefitted by construction of a sanitary sewer exceeds five thousand dollars (\$5,000.00) or thirty cents (\$0.30) per square foot, an initial tax bill shall be issued against the property in the amount of five thousand dollars (\$5,000.00) or thirty cents (\$0.30) per square foot, whichever is less. A tax bill for the balance of the special assessment (a deferred tax bill) shall be issued when any of the following events occur:

**(1)**

The lot, tract or parcel of land is split or subdivided.

**(2)**

The lot, tract or parcel of land is rezoned, unless rezoning is initiated by the city council.

**(3)**

The size or number of water meters serving the lot, tract or parcel of land is increased, unless such increase is solely for the purpose of fire protection or landscape irrigation.

Deferred tax bills shall be subject to the same rules relating to interest and installment payments as other tax bills for public improvements.

**(b)**

If the special assessment levied against a one-family developed lot or a two-family developed lot benefitted by construction of a sanitary sewer exceeds five thousand dollars (\$5,000.00) for a one-family developed lot or ten thousand dollars (\$10,000.00) for a two-family developed lot, an initial tax bill shall be issued against the property in the amount of five thousand dollars (\$5,000.00) for a one-family developed lot or ten thousand dollars (\$10,000.00) for a two-family developed lot. For purposes of this section, a "one-family developed lot" means a lot, tract or parcel of land in zoning district R-1 or R-2 that contains a one-family dwelling; a "two-family developed lot" means a lot, tract or parcel of land in zoning district R-2 that contains a two-family dwelling. Tax bills for the balance of the special assessment (deferred tax bills) shall be issued when any of the following events occur:

**(1)**

The lot, tract or parcel of land is split or subdivided;

**(2)**

The lot, tract or parcel of land is rezoned, unless rezoning is initiated by the city council; and

**(3)**

The size or number of water meters serving the lot, tract or parcel of land is increased, unless such increase is solely for the purpose of fire protection or landscape irrigation.

Deferred tax bills shall be subject to the same rules relating to interest and installment payments as other tax bills for public improvements.

**(c)**

When an ordinance is passed levying special assessments which involve deferred tax bills, the director of finance shall file in the office of the recorder of deeds a notice of deferred tax bill. The notice shall contain a legal description of each lot, tract or parcel of land for which a deferred tax bill shall be issued, the amount of each deferred tax bill and the events which would cause a deferred tax bill to be issued. The notice shall also state that the records of the finance department should be searched to determine whether tax bills have been issued and whether assessments have been paid.

**(d)**

The total amount of tax bills deferred under this program shall not exceed two million dollars (\$2,000,000.00).  
(Ord. No. 15667, § 1, 7-20-98; Ord. No. 16735, § 1, 1-2-01; Ord. No. 17677, § 1, 5-5-03; Ord. No. 20146, § 1, 12-15-08; Ord. No. 20681, § 1, 7-19-10)

#### **Sec. 22-98. - Invalid assessments may be reassessed.**

If any tax bill or special assessment shall be invalid in whole or in part as determined by the council or a court of competent jurisdiction, or the amount assessed is not sufficient to pay the cost of the improvements, the council may, after a new public hearing, cause such assessment to be reassessed and authorize the enforcement of its collection.

(Ord. No. 10832, § 1, 12-16-85)

#### **Sec. 22-99. - Tax bills; form and content.**

Each tax bill shall contain a brief general statement of the facts authorizing its issue, the amount for which it is issued, the name of the record owner and the description of the property against which it is issued, the rate of interest which it bears, when it begins to bear interest, and shall state that it is a lien against the land therein described, and give the time that the lien continues. Tax bills shall bear no interest for sixty (60) days after the date of issue, at which time such tax bills shall be due and payable in full. After the expiration of sixty (60) days, tax bills shall bear interest, on the unpaid balance, at a rate equal to the *Wall Street Journal's* Prime Rate as published on the day the city council adopts the resolution declaring the necessity of the project or as published two (2) weeks before the first reading of the ordinance authorizing issuance of the tax bills, whichever rate is lower. Tax bills issued after January 1, 2006, for projects for which the city council has adopted a resolution of necessity before January 1, 2006, shall bear interest, on the unpaid balance, at a rate of nine (9) per cent or at a rate equal to the *Wall Street Journal's* Prime Rate as published two (2) weeks before the first reading of the ordinance authorizing issuance of the tax bills, whichever rate is lower. The interest rate shall be set forth in the ordinance authorizing issuance of the tax bills. Every tax bill shall be a lien against the lot, tract or parcel of land described therein for a period of ten (10) years after date of issue, unless sooner paid. The lien, for tax bills payable in installments, shall expire one year after the date of maturity of the last installment, except when it becomes necessary to bring suit to enforce the lien, in which case the lien shall continue until the expiration of the litigation. All tax bills shall be assignable, and the owner or holder of any tax bill may enforce the collection thereof by filing suit in a court of competent jurisdiction, in the name of the city to his own use or in an action brought by the city in its own name and for its own use. If the property owner cannot be served by legal process, a suit may be brought by attachment or by any other legal remedy. Tax bills shall be prima facie evidence of what they contain, of their own validity, of the facts authorizing their issue, that they are a lien on the land described and, in all tax bills issued in payment for sewers, the liability of the person named as the owner of such property. No mere informality or clerical mistake in any of the proceedings shall be a defense thereto. Any error made in issuing any tax bill may be corrected by the city clerk, either by interlineation or by issuing a new tax bill in lieu of the erroneous one. When a tax bill is corrected by interlineation, the date of making same shall be certified by the clerk on the margin or back of the bill. In any action brought on any tax bill, the court shall have the authority to correct any error in the tax bill.

(Ord. No. 10832, § 1, 12-16-85; Ord. No. 18865, § 1, 1-17-06)

#### **Sec. 22-100. - Installment payments.**

(a)

The owner of any tract of land, against which a tax bill has been issued, may, not later than sixty (60) days after the issuance of the tax bill, enter into an agreement with the city to pay the tax bill in ten (10) annual installments. Each payment shall be in an amount equal to one-tenth (1/10) of the unpaid balance of the tax bill, together with all accrued interest. The agreement shall provide that if any installment is not paid when due, the balance shall be then due and payable in full, together with all accrued interest. Prepayments may be made without penalty.

(b)

The owner of any tract of land, against which a tax bill has been issued, who shall qualify for the senior citizen installment plan, may, not later than sixty (60) days after the issuance of the tax bill, enter into an agreement with the city to pay the tax bill in ten (10) annual installments. The first nine (9) payments shall be in an amount equal to the accrued interest on the unpaid amount of the tax bill. The tenth payment shall be in an amount equal to the unpaid balance of the tax bill, together with all accrued interest. The agreement shall provide that if any installment is not paid when due, the balance shall be then due and payable in full, together with all accrued interest. Prepayments may be made without penalty.

(1)

To qualify for the senior citizen installment plan, the applicant must meet the following qualifications at the time of signing the agreement:

a.

The applicant must be not less than sixty (60) years of age;

b.

The applicant must be an owner of the property subject to the tax bill and have occupied that property as his principal place of residence continuously for the previous twelve (12) months; and

c.

The combined annual income of the applicant and those persons having an ownership interest in the property shall not exceed seven thousand five hundred dollars (\$7,500.00).

(2)

The terms used herein shall be defined as follows:

a.

"Owner" and "ownership interest" includes one or more tenants by the entireties, joint tenants, or tenants in common.

b.

"Income" means Missouri adjusted gross income as declared on the applicant's most recent state tax return and as defined in the Revised Missouri Statutes and increased, where necessary, to reflect the following:

1. Social Security, railroad retirement and veterans payment and benefits.
2. The total amount received from all other public and private pensions and annuities.
3. Public relief, public assistance, and employment benefits received in cash, other than benefits received pursuant to the Senior Citizens Property Tax Relief Statutes.
4. Capital gain as defined by the Internal Revenue Code unless already declared as income.
5. Interest earned on obligations of the United States, any state, or any of their subdivisions or agencies.
6. No deduction shall be allowed for losses not incurred in a trade or business.

(Ord. No. 10832, § 1, 12-16-85)

### **Sec. 22-101. - Record and payment.**

The director of finance shall keep a record of all tax bills issued by the city, which shall show the date and amount of each tax bill, the rate of interest it bears, the name of the record owner and the description of the property against which it was issued, and a general description of the improvement. The director of finance shall accept partial or total payment of any tax bill and shall keep a record of all payments. When any tax bill is paid in full, he shall note the date of satisfaction on the record. The tax bill shall then be cancelled and returned to the property owner.

(Ord. No. 10832, § 1, 12-16-85)

### **Sec. 22-102. - Liability of public property for tax bills.**

All lands owned by any state, county or other political subdivision, cemetery company or railroad company fronting or abutting on any public improvement shall be liable for their proportionate part of the cost of such improvement, and tax bills shall be issued against such property.

(Ord. No. 10832, § 1, 12-16-85)

## **DIVISION 5. - SPRINKLING, OILING, REPAIRING, SURFACING AND RESURFACING UNIMPROVED STREETS, AVENUES, ALLEYS AND OTHER PUBLIC PLACES**

**\*Editor's note—**

Ord. No. 10832, § 1, adopted Dec. 16, 1985, repealed former Div. 5, §§ 22-116 and 22-117, relative to payment for certain work by special tax bill and enacted in lieu thereof a new Div. 5, §§ 22-103 and 22-104 to read as herein set out. The provisions of former Div. 5 derived from Code 1964, §§ 14.610 and 14.630.

### **Sec. 22-103. - Division of city into districts.**

The city shall be divided into sprinkling, oiling, repairing, surfacing and resurfacing districts.

(Ord. No. 10832, § 1, 12-16-85)

### **Sec. 22-104. - Special assessments limited to two dollars per front foot.**

(a)

The council may cause unimproved streets, avenues, alleys and other public places of the city, or any part thereof, to be sprinkled, oiled, repaired, surfaced and resurfaced, and the cost may be defrayed by a special assessment not to exceed two dollars (\$2.00) per front foot.

(b)

The council shall not levy special assessments under this section for any street maintenance project initiated after July 15, 2002.

(Ord. No. 10832, § 1, 12-16-85; Ord. No. 17377, § 1, 7-15-02)

## **DIVISION 6. - STREET MAINTENANCE POLICY**

**\*Editor's note—**

Ord. No. 10832, § 1, adopted Dec. 16, 1985, repealed former Div. 6, §§ 22-126—22-130, relative to streets and enacted in lieu thereof a new Div. 6, § 22-105 to read as herein set out. The provisions of former Div. 6 derived from Code 1964, §§ 14.980—14.1020.

#### **Sec. 22-105. - Maintenance policy.**

- (a) The city will maintain and repair, without charge to abutting property, all streets that are designated to be permanently improved streets by the council upon recommendation of the director of public works. All streets hereinafter constructed or reconstructed shall be constructed or reconstructed in accordance with the street construction standards and specifications set forth in the transportation plan and subdivision regulations.
- (b) The city will maintain unimproved streets only to the extent of keeping such streets in a safe and passable condition. Unimproved streets shall be those which have been heretofore constructed or improved but are not designated by the council as having been permanently improved. No dust control measures will be initiated by the city for unimproved streets. Residents or owners of property abutting unimproved streets may provide, at their expense, such dust control measures as may be approved by the director of public works.

*(Ord. No. 10832, § 1, 12-16-85)*

### **DIVISION 7. - STREETS**

#### **\*Editor's note—**

Ord. No. 10832, § 1, adopted Dec. 16, 1985, repealed former Div. 7, § 22-141, relative to sidewalks and enacted in lieu thereof a new Div. 7, §§ 22-107—22-109 to read as herein set out. The provisions of former Div. 7 derived from Code 1964, § 14.1500.

#### **Sec. 22-106. - Classification of streets; design standards and specifications.**

- (a) For the purpose of planning the orderly extension, construction and reconstruction of streets, all public streets and rights-of-way are classified in the transportation plan as follows:
- (1) Local residential;
  - (2) Local nonresidential;
  - (3) Collector;
  - (4) Arterial;
  - (5) Expressway;
  - (6) Freeway.
- (b) Street design standards and specifications are set forth in the transportation plan and the subdivision regulations.
- (c) The council may, upon the recommendation of the director of public works, grant a variance or exception to the minimum street widths required by the standards and specifications.

*(Ord. No. 10832, § 1, 12-16-85; Ord. No. 15506, § 1, 2-2-98)*

#### **Sec. 22-107. - Street dedications.**

Any dedication of right-of-way for street purposes shall be referred to the planning and zoning commission for recommendation and to assure compliance with the Transportation Plan, the Subdivision Regulations, the requirements of this Division and other applicable City ordinances.

*(Ord. No. 10832, § 1, 12-16-85)*

#### **Sec. 22-108. - City participation in street construction or reconstruction.**

- (a) *Definitions.* "Local residential street portion of costs" shall mean an amount not to exceed ninety (90) per cent of the city's average cost of constructing the pavement portion of local residential streets and of constructing the local residential pavement portion of collector and arterial streets during the two (2) calendar years prior to the year in which the ordinance is passed approving the engineer's final report for a particular street construction project.

"Major drainage structure" shall mean a bridge or box culvert which is designed to convey a twenty-five (25) year storm, using established engineering criteria and which has a span of more than twenty (20) feet.

(b)

*Local streets in new subdivision.* The city will not participate in the cost of local residential or local nonresidential streets within new subdivisions.

(c)

*Local streets in approved subdivisions that have not been constructed by the subdivider.* The city may construct local residential streets and alleys when those streets and alleys have been dedicated for public use but have not been constructed by the subdivider. The cost of the construction may be charged by the levy of special assessments and issuance of tax bills against the lots, tracts and parcels of land benefited by the construction and fronting or abutting on the street or alley. The assessment shall not exceed the full cost of construction, including engineering and design, sidewalks, drainage structures and appurtenances and any associated utility relocation or right-of-way costs.

(d)

*Local residential streets outside of new subdivisions.* The cost of reconstructing local residential streets and alleys outside of new subdivisions may be charged by the levy of special assessments and issuance of tax bills against the lots, tracts and parcels of land benefitted by the construction or reconstruction and fronting or abutting on the street or alley. The assessment shall not exceed the local residential street portion of costs, as defined in subsection (a). The cost of all or any part of such reconstruction may be paid by the city as the council may determine and specify in the ordinance authorizing the improvement.

(e)

*Local nonresidential streets outside of new subdivisions.* The cost of constructing or reconstructing local nonresidential streets and alleys outside of new subdivisions may be charged by the levy of special assessments and issuance of tax bills against the lots, tracts and parcels of land benefitted by the construction or reconstruction and fronting or abutting on the street or alley. The assessment shall not exceed the full cost of construction, including sidewalks, drainage structures and appurtenances and any associated utility relocation or right-of-way costs.

(f)

*Collector and arterial streets within new subdivisions.* When a collector or arterial street is to be constructed within a new subdivision, the subdivider may request city participation in the project. If the city council determines that the city shall participate in the project, the procedures of division 3 of this article shall be followed. The subdivider shall provide the right-of-way and easements, engineering, clearing, grading to within +/- five-tenths (0.5) foot of final grade, and drainage improvements necessary for the project. The subdivider shall not be required to provide engineering for or to construct major drainage structures. The subdivider shall be required to provide the roadway grading to the bridge abutments or to the limits of the one hundred-year floodway if the width of the floodway is greater than the length of the major structure. The local residential street portion of cost may be charged by the levy of special assessments and issuance of tax bills against the lots, tracts and parcels of land benefitted by the construction in proportion to the number of fronting or abutting feet.

(g)

*Collector and arterial streets outside of new subdivisions.*

(1)

A part of the local residential street portion of costs, as defined in subsection (a), of constructing or reconstructing collector and arterial streets outside of new subdivisions may be charged by levying special assessments and issuance of tax bills against each lot, tract or parcel of land benefitted by the construction or reconstruction and fronting or abutting on the collector or arterial street in an amount which shall not exceed an assessment for five hundred (500) front feet.

(2)

The criteria for determining the part of the local residential street portion of costs which shall be charged by levying special assessments and issuance of tax bills shall be the cost of curbs and gutters, improved drainage, overlay, or such other criteria as approved by the council upon the recommendation of the director of public works.

(Ord. No. 10832, § 1, 12-16-85; Ord. No. 13513, § 1, 11-16-92; Ord. No. 15506, § 1, 2-2-98; Ord. No. 17470, § 1, 10-21-02)

## **Sec. 22-109. - Through lots.**

In levying assessments for streets outside of new subdivisions on through lots, tracts or parcels of land, zoned for single-family residential or agricultural use, which front and back on a street, the rear footage may, within the discretion of the council upon the recommendation of the director of public works, be assessed at seventy (70) per cent of the applicable footage rate if right of access from the property to the street being constructed or reconstructed is retained. No assessments shall be made if rights of access from the property to the street being constructed or reconstructed are transferred to the city or if the right of access is denied by reason of zoning restrictions or other regulatory requirements. This section shall not apply to streets being constructed within new subdivisions.

(Ord. No. 10832, § 1, 12-16-85; Ord. No. 17358, § 1, 7-1-02)

## **Secs. 22-110—22-114. - Reserved.**

## **DIVISION 8. - BEAUTIFICATION PROJECTS**

## **Sec. 22-115. - Beautification policy.**

In order to enlist the support of the residents of the city in the beautification of the city, city departments with public maintenance responsibilities may seek volunteers to assist with the development and maintenance of public beautification projects and in maintaining the cleanliness of existing public facilities and rights of way.

(Ord. No. 14884, § 1, 6-17-96)

#### **Sec. 22-116. - Coordination of volunteer efforts.**

The department of public works shall coordinate the work of all volunteers for beautification and maintenance projects.

(1)

Any city department controlling property, facilities or easements may participate in a volunteer beautification or cleanup program by submitting a description of the property, facility or easement to the director.

(2)

Volunteers for beautification or cleanup projects shall contact the director in order to participate in beautification or cleanup projects.

(3)

The director is authorized to establish guidelines and rules for volunteer projects and volunteer conduct and may decline to accept current or future offers of materials or labor from any source.

(4)

The director shall evaluate all property, facilities, easements and projects submitted for inclusion as volunteer beautification or cleanup projects for suitability as a volunteer project. The director shall consider safety, accessibility, public impact, cost to the city and ultimate benefit of the project in determining which projects are most suitable as volunteer projects.

(Ord. No. 14884, § 1, 6-17-96)

#### **Sec. 22-117. - Beautification projects.**

Any person or organization proposing to create, establish or participate in a beautification project on city property or right of way shall apply to the city council for a right of use permit allowing the project on city property or right of way.

(1)

Applications for right of use permits submitted to the city council shall clearly identify the location of the intended project, explain the project in detail and be accompanied by drawings illustrating the project.

(2)

The city staff shall review the applications and shall make a recommendation to the council after considering traffic, parking, the effect on sight distance for motorists, public safety, the suitability of proposed plantings, maintenance requirements and other aesthetic features.

(Ord. No. 14884, § 1, 6-17-96)

#### **Sec. 22-118. - Adopt-a-spot programs.**

(a)

To the extent that staff and resources are available to properly support and monitor volunteer cleanup efforts, the public works department shall establish and coordinate volunteer efforts to clean up streets, right of ways, city property, or property used for city purposes. Such programs or efforts shall not be intended to replace normal maintenance responsibilities of the city, but rather to provide additional resources in areas of public use and visibility.

(b)

The public works department shall determine the suitability of any street right of way, public area or property used for city purposes to be adopted, taking into consideration the character of the area, traffic volumes, general safety concerns and long-term maintenance responsibilities. If areas proposed to be adopted are not on properties controlled by the department of public works, the department shall serve as a coordinator with the appropriate city department and no work shall be performed until approval is received by the department of public works from the proper city department. In exercising discretion, the director may consider the following:

(1)

*Arterial and commercial collector streets.* Arterial and those collector streets that serve a predominantly commercial area or along which the abutting property is unplatted and undeveloped may be adopted by adjacent property owners, individuals, or organizations and clubs. First preference shall be given to adjacent property owners. Adoption of these streets shall not be allowed for groups with participating children under twelve years of age.

(2)

*Residential collector and local residential streets.* Neighborhood residential and collector streets that are obviously residential in character may be adopted only by adjacent property owners in either the form of a recognized homeowners association, church congregation or church or school sponsored social or scout groups, or by petition of more than one-half of the abutting property owners.

(3)

*Public areas.* Property that is owned or controlled by the city, or where city operations are conducted, may be adopted. Areas in this category include recycling drop-off points, yard waste drop-off sites, linear parks and railroad



**Sec. 22-119. - Volunteer agreements.**

(a)

Before any volunteer beautification or cleanup project is accepted by the city, the volunteer or volunteer group shall apply to the director and acknowledge the individual and group responsibilities attendant to the project. The application shall cover the following points:

(1)

The location and description of the street, right of way, property or equipment site to be adopted or beautified.

(2)

A plan for the cleanup or beautification, including start date, work schedule, completion date or length of commitment, list of materials or supplies needed, source of the supplies, support required of the city.

(3)

A plan identifying safety hazards of the project and outlining the safety measures and training to be provided, including a schedule and outline of safety meetings that shall be conducted.

(4)

Reporting requirements of the volunteers and a plan for meeting those requirements.

(5)

Identification of volunteers who are responsible and methods to contact these people.

(6)

A plan for handling materials cleaned up, including recyclables, or materials expended in the case of beautification.

(7)

A plan for use and return of any city-supplied equipment or materials.

(b)

The city shall support volunteer efforts by:

(1)

Assisting the volunteer or volunteer groups in creating the plans required by this section.

(2)

Providing (where applicable) bags, gloves, safety vests and "Volunteers at Work" signs.

(3)

Arranging for collection and disposal of the material collected.

(4)

Maintaining records on amounts collected, number of volunteers involved, and hours of service.

(5)

Providing identification signs to be placed in the adopted area.

(6)

Assisting the volunteer group in recognizing safety issues and responding to these issues.

(c)

The safety of volunteers participating in cleanup or beautification programs is the responsibility of the individual volunteer and volunteer groups and not the city. Each volunteer shall sign a statement to this effect releasing the city from responsibility for injuries occurring during participation in the program.

**Secs. 22-120—22-155. - Reserved.**

**ARTICLE IV. - REFUSE COLLECTION**

**\*Cross reference**—Trash storage facilities requirement under minimum properties standards code, § 6-148; garbage storage or disposal facilities under minimum properties standards code, § 6-149; disposal of garbage under minimum properties standards code, § 6-170; garbage and rubbish disposal in food service establishments, § 11-156(f); junk dealers and junkyards, § 11-176 et seq.; littering, § 16-231; discarding refuse and trash in parks, § 17-66.

**DIVISION 1. - GENERALLY**

**Sec. 22-156. - Definitions.**

For the purpose of this article, the following words and terms shall have the meanings respectively ascribed:

*Battery, or lead-acid battery.* A battery designed to contain lead and sulfuric acid with a nominal voltage of at least six (6) volts and of the type intended for use in motor vehicles and watercraft.

*Bioreactor landfill.* A landfill to which liquid is added to actively manage decomposition of waste and enhance gas recovery.

*Bulky item.* Any single item which cannot be contained in a refuse bag, can be easily collected by two (2) persons, as determined by the director, and weighs less than fifty (50) pounds.

*Clean fill.* Uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy of the state department of natural resources for fill, reclamation or other beneficial use.

*Director.* The director of public works or his designated representative.

*Garbage.* Food wastes from homes, kitchens, apartments, hotels, restaurants, fraternity houses, sorority houses, stores, markets, and similar establishments.

*Holidays.* All holidays observed by the city.

*Household hazardous waste.* Small quantities of hazardous waste generated by use within residences which are exempt from regulation under the provisions of Sections 260.350 to 260.434, RSMo., but are considered flammable, explosive, corrosive, toxic or radioactive and considered a threat to the health or environment.

*Major appliance.* Clothes washers and dryers, water heaters, trash compactors, dishwashers, microwave ovens, conventional ovens, ranges, stoves, woodstoves, air conditioners, refrigerators and freezers.

*Recyclable item.* Recyclable items shall include aluminum and tin cans, #1 and #2 plastic, glass, cardboard, newsprint, magazines and catalogs, chipboard and any other item duly designated by regulation by the director.

*Refuse.* All solid wastes.

*Residential unit.* Premises used as residence for one or more persons which contains one kitchen unit, except for multiple kitchen residences owned or occupied by the same family.

*Solid waste.* Garbage and other discarded materials including, but not limited to, solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste.

*Tire.* A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle or trailer as defined in chapter 301, RSMo.

*Yard Waste.* Leaves, grass clippings, brush and limbs, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

(Code 1964, § 10.9050; Ord. No. 12820, § 1, 12-10-90; Ord. No. 13056, § 1, 8-19-91; Ord. 15641, § 1, 6-15-98; Ord. No. 19873, § 1, 4-21-08; Ord. No. 20341, § 1, 7-20-09)

## **Sec. 22-157. - Provision of service by city.**

### **(a)**

*Generally; powers and duties of director.* The city shall provide refuse collection and disposal within the city in accordance with the provisions of this article and may provide contract services to other governmental units as further described in this article. The city shall encourage reclaiming and recycling of materials as an alternative to disposal in the city landfill. The director is authorized to make arrangements for the sale, in accordance with city ordinance, of recyclable or reclaimed items collected and of mulch and compost produced by city operations. The director shall have charge and supervision of the collection and disposal of refuse pursuant to this chapter and shall have the power to establish rules and regulations governing keeping, collection, removing and disposition of refuse not inconsistent with the provisions of this article. The director is authorized to negotiate terms and submit bids for providing solid waste transportation, processing or disposal services to other governmental units. Agreements for these services must be authorized by the city council. The director is authorized to establish rates equal to the actual costs to the city of collection and disposal of materials and objects which, by their nature or composition, require unusual or special treatment and handling.

#### **(1)**

Nothing herein shall require the city to accept, collect or dispose of any material, the collection or disposal of which is prohibited or regulated by the state or federal government; nor to require the city to collect or dispose of any material or object which, in the sole discretion of the director, poses any undue threat of harm to the citizens or employees of the city or to any public property or improvement, except that a program to provide for the collection and safe disposal of household hazardous waste in accordance with applicable state and federal regulations shall be established by April 1, 1992. The director is hereby authorized to implement such a program by regulation.

#### **(2)**

The director shall establish a cost list for special handling charges wherever possible and shall develop costs upon request for materials or objects of which the city has not previously collected or disposed.

### **(b)**

*Requirement of service; waiver.* Every owner, occupant, tenant or lessee within the city limits shall receive refuse service and tender payment therefor in accordance with the fees herein provided for, unless a waiver of service is authorized by the director or his authorized agent, after special investigation of the conditions upon which the waiver is requested.

(c)

*Billing, deposits and discontinuance of service.* Billing, deposits, discontinuance of service and all aspects thereof shall be handled in accordance with the utility billing and service provisions of section 27-16 et seq.

(Code 1964, § 10.9060; Ord. No. 13056 § 1, 8-19-91; Ord. No. 17836, § 1, 9-15-03)

## **Sec. 22-158. - Prohibitions.**

(a)

*Unlawful items.* The city shall not collect for disposal at its sanitary landfill, nor shall it accept for disposal at its sanitary landfill, the following items:

(1)

Hazardous waste.

(2)

Household hazardous waste.

(3)

Infectious waste which has not been rendered innocuous.

(4)

Lead-acid batteries.

(5)

Tires which have not been cut, chipped or shredded in accordance with RSMo chapter 260.

(6)

Major appliances.

(7)

Waste oil from motor vehicles.

(b)

*Unlawful acts.*

(1)

It shall be unlawful for any person to conceal or attempt to conceal any unlawful items in refuse to be collected by the city or deposited in the city's sanitary landfill. The director shall be authorized to cause inspection of any materials brought to the landfill to assure conformance with this requirement.

(2)

It shall be unlawful for any person to utilize the refuse containers or bags of another for the disposal of his own refuse or garbage.

(3)

It shall be unlawful for any person to deliver, deposit, drop off or set out at any residential yard waste site any materials, substances or thing other than yard waste from that person's personal residence.

(4)

It shall be unlawful for any person to dispose of any refuse by depositing the same in any public alley, street, roadway, vacant lot or property of any kind or character within the city or in any stream or body of water within the city, or by burning garbage. However, nothing in this section shall be construed to prohibit the disposition of refuse by means of burning the same in an incinerator enclosed within a building and complying with applicable state law.

(5)

It shall be unlawful for any person to block, either by parking a motor vehicle or by placing any barriers or other restrictive devices, the access to any refuse storage container by the city collection vehicles.

(6)

Information obtained from waste disposed or deposited in violation of this section may be a rebuttable presumption that the person so identified committed the violation of sections 22-158(b)(2) and (4).

(7)

Except as otherwise provided in this subsection, it shall be unlawful for any person to take, open or remove the contents of, commingled recycling bag placed near the street for collection by the city. This subsection (b)(8) shall not apply to city refuse collectors performing their job duties.

(Ord. No. 13056 § 1, 8-19-91; Ord. No. 13055 § 1, 8-19-91; Ord. No. 15641, § 1, 6-15-98; Ord. No. 16572, § 1, 9-5-00; Ord. No. 20061, § 1, 9-15-08; Ord. No. 20341, § 1, 7-20-09)

### **Editor's note—**

Section 1 of Ord. No. 12820, adopted Dec. 10 1990, added a new § 22-158 and renumbered existing §§ 22-158—22-165 as §§ 22-159—22-166.

## **Sec. 22-159. - Residential customers.**

(a)

*Rates.* Residential service shall consist of the removal of refuse, in bags provided by the city or approved by the director, or in centralized containers set for grouped residential units as approved by the director, once weekly. The fees for such service shall be as follows:

Residences, per month, per residential unit (single-family, duplex, apartment up to four (4) units) \$ 15.42\*

Residences, per month, per residential unit when property is vacant and owner has requested discontinuance of a metered service 4.90

Grouped residential units having centralized collection containers instead of refuse bags, per unit, per month 14.67\*

(b)

*Refuse bags.* Residential customers shall be provided refuse bags by the city at the rate of twenty-five (25) bags every four (4) months. Additional refuse bags will be made available for sale to the customer at a cost and location to be determined by the director.

(c)

*Customer responsibility.* It shall be the duty of every customer to place the daily accumulation of refuse in refuse bags which are securely closed or other disposable container for pickup, and it shall be the duty of every person placing garbage in any such bag or container, to eliminate, as far as possible, all water and liquid from such garbage before placing same in such bag or container.

(d)

*Location of refuse or yard waste for pickup.* All material to be removed by the city, or its authorized collector, shall be placed in an easily accessible location at the back of the curb, edge of the roadway or immediately adjacent to an alley, as the case may be. Material for disposal shall not be located within a building or structure. If more than one bag is necessary to hold the refuse accumulated at a customer's premises, or if more than one bag is used for the refuse from any one building, all bags shall be placed at the same location on the premises.

(e)

*Unlawful to deposit other than refuse in bags for pickup.* It shall be unlawful for any person to deposit in a container or bag from which refuse is to be removed by the city or its authorized collector, any material other than refuse as defined in this article. If any container or bag contains material other than refuse, the city or its authorized collector shall not be obliged to remove the contents of such container or bag.

(f)

*Unlawful to place refuse at curb, when:*

(1)

It shall be unlawful for any person, partnership or corporation to place or allow any refuse, grass clippings, leaves or brush, to remain at the curb or edge of the roadway, or in any other open and unscreened area accessible to animals, on any day other than the scheduled day of collection of refuse for that location. The "day of collection" is hereby defined to be the period from 4:00 p.m. of the day preceding collection until 6:00 p.m. the day of collection.

(2)

The person or persons in whose name the refuse account is maintained and the owners of record of the property on which the refuse, garbage, or grass clippings, leaves or brush, is placed or allowed to remain shall be prima facie responsible for its placement and maintenance in violation hereof.

(3)

Violation of this subsection shall constitute a class "C" misdemeanor pursuant to the provisions of chapter 16, article II of this Code.

(g)

*Dimensions and weight.* All material for collection must be in a bag, disposable containers, or securely bound bundles not greater than four (4) feet in length, two (2) feet in diameter, and shall not exceed fifty (50) pounds total weight each.

(h)

*Collection and pickup.* Residential refuse pickup shall be made once weekly according to a schedule on file with the director. Yard waste pickup shall be on a seasonal schedule to be prepared annually by the director. The director may vary the schedule and will post notice of any such variance because of weather conditions or other conditions which make the normal collection schedule impractical. When a holiday is observed on the normal day of collection, the collection will be made the following day or as approved and publicly announced by the director.

(i)

*Special pickup.* A special pickup for residential customers will be provided on a continuous basis at no additional charge. This service is intended for disposal of quantities or items which are too large for regular pickup. All material for special collection shall be placed in a visible and easily accessible location not to extend more than fifteen (15) feet from the back of curb, edge of roadway or immediately adjacent to an alley, as the case may be. Materials resulting from the erection, destruction or major remodeling of a building, felled trees, large automobile parts, hazardous materials, etc., and items which cannot be handled by the special collection crew will not be picked up. Material meeting the special pickup criteria but placed for collection by owners of commercial businesses or rental property will be collected based on the commercial hand pickup service charge, provided previous arrangements are made.

(j)

*Suspension of bundle requirements.* In the event of a storm which causes widespread tree damage, the requirement to bundle brush and tree trimmings for collection may be suspended by the director.

(k)

*House collection for physically disabled or handicapped:*

(1)

Any owner, occupant, tenant or lessee of a residential unit who, due to a physical disability or handicap, is unable to

carry refuse to the curbline may receive house collection at the same service rate as curbside collection. A request for this service must be submitted in writing to the director. This request must include certification by a licensed health care provider of the applicant's physical disability or handicap.

(2)

Refuse to be collected from the house must be in bags and shall be located in plain view in an accessible location at ground level or on an open platform not more than four (4) feet above the ground level and so placed that they may be reached from the ground by the collector. Bags shall not be located within a building or structure. Collection will be made from only one location on the premises.

(l)

*Major appliance pickup.* The director shall establish a date and time for pickup of major appliances at curbside upon the payment of a fee of ten dollars (\$10.00) and receipt of a permit for each appliance to be picked up by the person desiring the pickup. The permit shall be nonrefundable and nontransferable. Upon the applicant's request, the permit fee may be charged to the applicant's utility account.

(m)

*Special pickup of unlawfully placed material.* The city may remove refuse that is untimely placed or allowed to remain at the curb or edge of the roadway in violation of subsection (f) of this section. The city may remove yard waste that is improperly deposited at curbside for pickup in violation of section 22-158(b)(3). The fee for material removal service under this subsection shall be as follows:

Special pickup \$ 50.00

The person(s) whose refuse or yard waste is being disposed of, the person(s) who unlawfully placed the refuse or yard waste, the occupant(s) of the property where a special pickup occurs and the owner(s) of the property, if different, shall be jointly and severally liable for payment of the special pickup fee. Normally, special pickup fees shall be billed initially to the city utility customer for the location where the special pickup was made.

(Code 1964, § 10.9070; Ord. No. 9931, § 1, 9-6-83; Ord. No. 12023, § 1, 9-19-88; Ord. No. 12820, § 1, 12-10-90; Ord. No. 13055 § 1, 8-19-91; Ord. No. 13057, § 1, 8-19-91; Ord. No. 13925 § 1, 1-3-94; Ord. No. 14213 § 1, 9-19-94; Ord. No. 15641, § 1, 6-15-98; Ord. No. 16776, § 1, 2-5-01; Ord. No. 16851, § 1, 4-2-01; Ord. No. 17020, § 1, 9-17-01; Ord. No. 17836, § 1, 9-15-03; Ord. No. 19207, § 1, 9-18-06; Ord. No. 19678, § 1, 9-17-07; Ord. No. 20263, § 1, 5-4-09; Ord. No. 20341, § 1, 7-20-09; Ord. No. 20741, § 1, 9-20-10)

\*This rate is effective October 1, 2010; provided that rates for monthly charges shall be applied to utility bills beginning with the first cycle billed in October, 2010.

**Note—**

See the editor's note following § 22-158.

**Sec. 22-159.1. - Residential recycling program.**

(a)

As part of its basic service to residential customers, as set out in section 22-159, the city will also provide, by August 1, 1998, or as soon thereafter as is reasonably practicable, weekly pickup of recyclable material. The schedule for pickup shall be on file with the director. Any variances from the schedule shall be made in accordance with section 22-159(h).

(b)

*Duties of customer.* It shall be the duty of the customer to place recyclable items in bags identified for that purpose at the curb as provided for residential pickup (section 22-159(d)). All recyclable items shall be separated and packaged according to rules promulgated by the director.

(c)

Bags will be provided at the rate of eighteen (18) every four (4) months. Commingled recycling bags will be provided to all customers receiving regular trash bags and having access to curbside recycling. Additional bags will be made available for sale to the customer at a cost and location to be determined by the director.

(Ord. No. 13056, § 1, 8-19-91; Ord. No. 15641, § 1, 6-15-98)

**Sec. 22-160. - Apartments in excess of four units per structure.**

(a)

*Refuse collection containers.* Bulk refuse storage containers shall be provided in lieu of refuse bags by the city for apartments in excess of eight (8) units. It shall be within the discretion of the director to determine whether or not to place bulk storage containers for use of apartments containing less than eight (8) units per structure. If bulk refuse containers are not placed at these structures, rates and provisions for bags for residential customers shall apply.

(b)

*Collection methods and rates.* The following collection methods and rates shall apply to apartment complexes with more than four (4) units per structure:

(1)

The occupant, tenant or lessee of each apartment unit shall be charged fourteen dollars and sixty-seven cents (\$14.67)\* per month for pickup from bulk containers without bags furnished.

(2)

The owner or manager of an apartment complex may make application to the director for billing of an entire apartment

complex to a single customer. This service with pickup from a bulk storage container without refuse bags shall be fourteen dollars and forty-two cents (\$14.42)\* per apartment unit per month, provided all apartment units in a complex are billed the same rate to a single customer.

(c)

*Use of bulk storage containers.* The owner or manager of any such apartment complex, regardless of the collection method applicable, shall maintain a bulk storage container as approved by the director. It shall be the duty of every occupant, tenant, lessee and owner to place the daily accumulation of refuse in the container required above and when placing garbage in such container, to eliminate, as far as possible, all water and liquid from such garbage, and to securely wrap garbage in paper before placing the same in such container.

(d)

*Size of container.* The director shall determine the size and type of bulk storage containers to be placed at the apartment complex based upon the number of residential units and shall determine the number of times the containers shall be emptied. If additional pickups are needed, the director is authorized to set rates by duly promulgated regulation for the additional pickups, which shall not exceed the actual cost of service.

(e)

*Collection and pickup.* Pickup shall be available once daily, except Sundays and legal Holidays, and shall be made as determined necessary by the director.

(f)

*Upkeep and maintenance.* The owner of the premises shall bear the sole responsibility for upkeep and maintenance of private drives, parking lots or other paved surfaces over which city vehicles must travel to reach bulk storage containers.

(Code 1964, § 10.9080; Ord. No. 12023, § 1, 9-19-88; Ord. No. 12820, § 1, 12-10-90; Ord. No. 13055, § 1, 8-19-91; Ord. No. 13057, § 1, 8-19-91; Ord. No. 14213 § 1, 9-19-94; Ord. No. 15641, § 1, 6-15-98; Ord. No. 16776, § 1, 2-5-01; Ord. No. 17020, § 1, 9-17-01; Ord. No. 17836, § 1, 9-15-03; Ord. No. 19207, § 1, 9-18-06; Ord. No. 19678, § 1, 9-17-07; Ord. No. 20341, § 1, 7-20-09; Ord. No. 20741, § 1, 9-20-10)

\*This rate is effective October 1, 2010; provided that rates for monthly charges shall be applied to utility bills beginning with the first cycle billed in October, 2010.

**Note—**

See the editor's note following § 22-158.

**Sec. 22-161. - Commercial service.**

(a)

*Customer responsibility.* Commercial customers shall comply with the following requirements:

(1)

Every person owning, managing, operating, leasing or renting any commercial premises where excessive amounts of refuse accumulate shall maintain a metal bulk storage container or containers, approved by the director, of sufficient size to contain all refuse which the establishment accumulates between collections.

(2)

Every person owning, managing, operating, leasing or renting any premises shall place the daily accumulation of refuse in the required container or containers.

(3)

Every person placing garbage in any such container shall eliminate, as far as possible, all water and liquid from the garbage, and shall securely wrap the garbage in paper before placing it in the container.

(4)

It shall be unlawful for any person required to maintain a metal bulk storage container or containers to allow refuse to be deposited anywhere except within the container or to allow the container to become overly filled to the extent that all material cannot be confined to the container.

(b)

*Commercial collection methods and rates.* The following refuse collection methods and rates shall apply to commercial customers as approved by the director.

(1)

Commercial hand pickup:

a.

The service charge for hand pickup of businesses or commercial places, boarding and rooming houses, fraternities and sororities, shall be at the rate of two dollars and twenty-three cents (\$2.23) per collection minute, or a minimum of nine dollars and seventy-three cents (\$9.73) per month. Such collection time shall be computed by the director from time to time and shall be based on the average collection time for such place of business. A notice from the director establishing the average collection time for hand pickup accounts shall be from time to time reestablished. Service to these accounts shall be rendered daily when and where needed, as determined by the director.

b.

Commercial customers served by hand pickup service, shall conform to container capacity of twenty (20) to thirty-three (33) gallons and weighing, with contents when full, not over fifty (50) pounds, or the equivalent thereof.



(2)

Bulk storage container collection. Rates per month for bulk storage containers shall be shown in the following table for container sizes indicated and number of collections per week:

Container Size	Number of Collections per Week					Extra Collections	
	1	2	3	4	5	6	Each
1	\$	\$	\$ 77.21	\$ 86.62	\$ 96.02	\$105.43	\$ 42.55
	5	6					
	8	7					
	.	.					
	4	8					
	0	1					
2	6	8	103.43	122.24	141.05	159.86	42.55
	5	4					
	.	.					
	8	6					
	1	2					
3	7	1	129.64	157.86	186.07	214.29	42.55
	3	0					
	.	1					
	2	.					
	1	4					
		3					
4	7	1	154.86	192.48	230.10	267.71	42.55
	9	1					
	.	7					
	6	.					
	2	2					
		4					
6	9	1	209.29	265.71	322.14	378.57	42.55
	6	5					
	.	2					
	4	.					
	3	8					
		6					
8	1	1	262.71	337.95	413.19	488.43	42.55
	1	8					
	2	7					
	.	.					
	2	4					
	4	8					

Pickup shall be available once daily, except Sundays and legal holidays, and shall be made as determined necessary by the director. The director is authorized to order special collections or extra collections in the event containers are found to be overly filled prior to the regularly scheduled collection date and to direct that the customer be billed in accordance with the provisions of this article.

(3)

*Compactor collection.* The director shall set, by duly promulgated regulation, the rates for collection of privately owned, nonroll-off type compactors. These rates shall not exceed the cost of providing the service.

(4)

*Large volume user.* When a commercial, institutional or governmental customer has refuse collection needs which are of a larger volume than for the number of collections per week and number of containers for bulk container collection set out in subsection (2) above, and the director determines that a variation from the stated rates or methods of collection is appropriate, the director is hereby authorized to establish methods of collection and rates not less than the actual cost to the city of collection and disposing of the refuse of such large volume user. The city manager and city clerk are hereby authorized to enter into and execute agreements for this service with such large volume users when necessary or appropriate.

(c)

The owner of the premises shall bear the sole responsibility for upkeep and maintenance of private drives, parking lots or other paved surfaces over which city vehicles must travel to reach collection containers.

(d)

*Front loading construction dumpsters.* The city shall set a dumpster at a construction site upon payment of seventy-nine

dollars and twenty cents (\$79.20). Collection service from the dumpster shall be made upon request at a rate of fifty-one dollars and five cents (\$51.05) per collection with a minimum monthly charge of fifty-one dollars and five cents (\$51.05). In the event service is not requested within each thirty (30) days following placement, the container may be removed and a new placement charge will be levied to set the container again.

(Code 1964, § 14.895; Ord. No. 10059, § 2, 2-6-84; Ord. No. 12820, § 1, 12-10-90; Ord. No. 13055, § 1, 8-19-91; Ord. No. 13057, § 1, 8-19-91; Ord. No. 14213, § 1, 9-19-94; Ord. 15641, § 1, 6-15-98; Ord. No. 17836, § 1, 9-15-03; Ord. No. 20049, § 1, 9-15-08; Ord. No. 20341, § 1, 7-20-09; Ord. No. 20414, § 1, 9-21-09)

**Note—**

See the editor's note following § 22-158.

**Sec. 22-162. - Billing and credit.**

All service fees provided for by this article and those uniform utility charges set by chapter 27, article II, shall be billed and collected as provided for by the procedures of chapter 27, article II. All service fees collected shall be credited to the account of the department of public works.

(Code 1964, § 10.9100; Ord. No. 12820, § 1, 12-10-90)

**Note—**

See the editor's note following § 22-158.

**Sec. 22-163. - Landfill and disposal areas.**

**(a)**

*Rates for landfill.* Landfill fees shall be determined by weight unless scales are temporarily out of commission. The current state solid waste tonnage fee will be added to all rates where applicable except the "per ton" rate, set forth in subsection (1) below, which includes that fee. Charges for use of the landfill shall be determined by weight or volume as follows:

**(1)**

Per ton, or any fraction thereof \$32.50  
Minimum fee 10.00

**(2)**

Automobiles, each 10.00  
Pickups, vans and trailers without specified rates, each 10.00

**(3)**

Any vehicle one ton or larger (trailers with dual wheels or more than one axle will be included in this category unless other specified rates apply), each 86.25

**(4)**

Noncompacted roll-off boxes, trailers greater than eighteen (18) feet in length (length to be determined by dimension of cargo area) and truck with haul bed greater than eighteen (18) feet in length, each 172.55

**(5)**

Vehicle towing trailer:

**a.**

No charge if empty.

**b.**

Regular charge if hauling material to be deposited in the landfill.

**(6)**

Compactor trucks and compactor roll-off boxes, per cubic yard capacity 15.05

**(7)**

Uncovered or unsecured loads that may either blow or fall off of the haul vehicle during transit will be charged a ten dollar (\$10.00) service fee in addition to the basic charge for the haul vehicle.

**(8)**

The city may establish a monthly billing processing for regular customers of the landfill when approved by the director.

**(9)**

Construction demolition, clean fill, or other soil material which is determined by the director or his duly appointed representative to contain material that is totally compostable or recyclable on site will be charged at one-half (½) the normal rate, subject to standard minimum charges provided the material is delivered to a designated area at the landfill.

**(10)**

Yard waste consisting of grass clippings, leaves, and chipped brush and chipped tree limbs will be accepted at the landfill at no charge provided it is delivered to the designated compost area free of any contaminants. Tree limbs and brush which require chipping and yard waste that requires any further separation and handling will be charged at one-half (½) the normal rate subject to standard minimum charges.

**(11)**

Major appliances delivered to a designated location at the landfill:

- a. Appliances equipped for use of refrigerants, per appliance \$ 15.00
- b. Appliances not requiring refrigerants, per appliance 10.00

(b)

*Operation of disposal area:*

(1)

*Loitering at disposal area unlawful.* It shall be unlawful for any person to loiter at any area maintained by the city for disposal of refuse and which is posted as such by conspicuous signs; and further it shall be unlawful for any person to remove refuse or rubble from any such area without authority from the director, or in any way disturb, mar, mutilate any equipment, facility or property owned by the city or being used by the city at such areas.

(2)

*Authority to establish hours.* The director shall have authority to establish the hours of operation for the disposal area.

(c)

*Rates for material recovery facility.* Recyclable material approved by the director or the director's designee may be delivered to the material recovery facility at the landfill by the general public, other governmental units or private businesses, or may be transported to the material recovery facility from other governmental units or private businesses by city crews in accordance with regulations promulgated by the director. The director is authorized to establish rates that are not less than the cost of providing the services and the processing of materials.

(Code 1964, § 10.9110; Ord. No. 11621, § 1, 9-21-87; Ord. No. 12820, § 1, 12-10-90; Ord. No. 13055, § 1, 8-19-91; Ord. No. 13057, § 1, 8-19-91; Ord. No. 13437, § 1, 9-21-92; Ord. No. 14213, § 1, 9-19-94; Ord. No. 15641, § 1, 6-15-98; Ord. No. 16370, § 1, 3-6-00; Ord. No. 17836, § 1, 9-15-03; Ord. No. 19699, § 1, 10-15-07)

**Note—**

See the editor's note following § 22.158.

**Sec. 22-164. - City responsibility for items collected as refuse.**

The city shall not be responsible for damage, replacement, return or reimbursement of any items picked up as refuse which have been placed in refuse bags or placed at the normal location of refuse pickup.

(Code 1964, § 10.9120; Ord. No. 12820, § 1, 12-10-90)

**Note—**

See the editor's note following § 22.158.

**Sec. 22-165. - Unauthorized hauling of garbage.**

(a)

It shall be unlawful for any person, other than an agent of the city, to haul, convey, carry or transport any garbage from any location within the city .

(b)

Notwithstanding the provisions of subsection (a), any generator of garbage that had been hauling its own garbage with the written permission of the director before April 7, 2003, shall be allowed to continue hauling its own garbage from its point of origin to a properly licensed disposal site.

(Code 1964, § 10.9130; Ord. No. 12820, § 1, 12-10-90; Ord. No. 17636, § 1, 4-7-03)

**Note—**

See the editor's note following § 22-158.

**Sec. 22-166. - Delivery of refuse to authorized areas.**

All refuse transported through any street or alley of the city shall be delivered to a disposal facility approved by the state. When delivered to a city disposal area it shall be dumped in a manner and in a place directed by the director or his authorized representative.

(Code 1964, § 10.9140; Ord. No. 12820, § 1, 12-10-90)

**Editor's note—**

Section 1 of Ord. No. 12820, adopted Dec. 12, 1990, deleted former §§ 22-166 and 22-167, which pertained to depositing refuse or rubber in streams, lots, streets, using incinerators, and using bags or containers of another, and derived from Code 1964, §§ 10.9150, 10.9160.

Section 1 of Ord. No. 12820 also renumbered § 22-165 as 22-166. See the editor's note following § 22-158.

**DIVISION 2. - SPECIAL BUSINESS DISTRICT SOLID WASTE DISTRICT**

**Sec. 22-170. - District boundaries; provision of service within district; character of the service.**

- (a) The Special Business District Solid Waste District (the "district") is established consisting of all property within the boundaries of the Columbia Special Business District.
- (b) The city shall provide solid waste services within the district.
- (c) Solid waste services within the district shall be based upon the common use of trash containers, trash compactors, recycling facilities and other solid waste management programs rather than individual customer service. Individual customer service in addition to the common solid waste services may be provided within the district when the director determines such service is necessary, appropriate and in the best interest of the city.

(Ord. No. 17498, § 1, 11-4-02)

**Sec. 22-171. - Establishment of container/compactor sites.**

- (a) The director shall inspect the territory within the district and identify suitable locations for placement of refuse containers and compactors. Whenever feasible, containers and compactors shall be located in places convenient to the greatest number of customers. The director shall review the placement of containers and compactors periodically for the purpose of improving service and reducing costs to the city and customers.
- (b) When locating containers and compactors and establishing, changing or enhancing solid waste services within the district, the director shall meet with duly designated representatives of the Special Business District and any interested individual district customers in order to obtain their input and assistance in establishing economical, efficient and convenient refuse service within the district.

(Ord. No. 17498, § 1, 11-4-02)

**Sec. 22-172. - Establishment of rates.**

- (a) Refuse collection rates shall be based upon the total cost of providing solid waste services in the Special Business District and shall be proportioned among customers based on specific customer categories and the relative size of operation of the customer with respect to other customers within that category.
- (b) The following customer categories are established:
  - (1) *Restaurant*—Businesses that serve food or drinks as the primary function of the establishment and generate a combination of food waste, beverage container waste and product packaging waste.
  - (2) *Retail*—Businesses that sell products or services to the general public and generate product packaging and office waste materials and small quantities of food product waste from break rooms or employee consumption of food on-site.
  - (3) *Office*—Businesses that provide professional services or products not associated with retail sales and primarily generate paper or mixed fiber waste and small quantities of food product waste from break rooms or employee consumption of food on-site.
  - (4) *Bank*—Financial institutions recognized and regulated by state and federal law, operated for the purpose of providing checking, savings, lending and other financial management services and generate primarily paper fiber waste and small quantities of food product waste from break rooms or employee consumption of food on-site.
  - (5) *Church*—Places of worship that primarily generate mixed waste from office areas, congregational gatherings and occasional large quantities of food product waste from special events.
  - (6) *Production/industrial/processing*—Businesses that create, manufacture or process a product or service on a bulk quantity basis and generate primarily paper, cardboard and mixed fiber waste, shipping containers, production supply and material waste and small quantities of food product waste from break rooms or employee consumption of food on-site.
  - (7) *Lodging*—Businesses that provide temporary lodging for guests and generate a mixed waste of paper, cardboard and packaging materials, plastic, metal and glass containers, cloth materials, and variable quantities of food product waste

consumed by guests in rooms or as part of a food service provided by the establishment.

(8)

*Residential*—Living quarters for family units that generate mixed solid waste typical of residential units outside the Special Business District.

(9)

*Printing/production/silk screening*—Businesses that create, manufacture or process a product or service involving printing of paper or cloth materials, not in bulk quantity and primarily generating cardboard or mixed fiber waste, shipping containers, product supply waste and small quantities of food product from breakrooms or employee consumption.

(c)

Each customer category shall contain the following three customer classifications;

(1)

*Class I*—A customer generating quantities of solid waste estimated to be equal to or greater than sixty-six and two-thirds ( $66\frac{2}{3}$ ) per cent of the quantity of solid waste generated by the largest solid waste generator in the same category as determined by the director.

(2)

*Class II*—A customer generating quantities of solid waste estimated to be equal to thirty-three and one-third ( $33\frac{1}{3}$ ) per cent but less than sixty-six and two-thirds ( $66\frac{2}{3}$ ) per cent of the quantity of solid waste generated by the largest solid waste generator in the same category as determined by the director.

(3)

*Class III*—A customer generating quantities of solid waste estimated to be less than thirty-three and one-third ( $33\frac{1}{3}$ ) per cent of the quantity of solid waste generated by the largest solid waste generator in the same category as determined by the director.

(d)

The director shall identify and assign all businesses, residences and other permanent establishments which can reasonably be expected to generate solid waste in the district to one of the established customer categories. The director shall review such assignments periodically or upon receipt of a request from a customer. When assigning and reviewing customer assignments, the director shall consult with duly designated representatives of the Special Business District. The director shall consider the costs of providing service and the amount and type of refuse generated when making category assignments. The director shall annually review the cost of providing solid waste service in the district. If the director determines that it is necessary to increase the fees set forth in subsection (e) in order to fully recover the costs of providing solid waste service in the district, the director shall submit the proposed fee increases to the Special Business District board of directors for review and comment before submitting proposed amendments to the rates in subsection (e) to the city council.

(e)

The following monthly rates shall apply to the categories and classifications as established by this article and shall be billed and collected as provided for by the procedures of Chapter 27, Article II:

Monthly Rate	
Category	Classification
	II
Restaurant	\$ 84.00
Retail	34.00
Office	42.00
Church	28.00

Production/industrial	196.00
Bank	45.00
Lodging	168.00
Printing/production/silk/screening	51.00
Residential	Current rate in Sec. 22-159. Residential customers.

(f)

The director shall establish fees for additional individual customer service which shall be billed and collected in addition to the category/classification monthly fee.

(Ord. No. 17498, § 1, 11-4-02; Ord. No. 19011, § 1, 5-1-06)

**Secs. 22-173—22-180. - Reserved.**

**ARTICLE V. - RENTAL UNIT CONSERVATION LAW**

**Sec. 22-181. - Title.**

This article shall be known and may be cited as the "Rental Unit Conservation Law of the City of Columbia, Missouri."

(Code 1964, § 11.1100)

**Sec. 22-182. - Article provisions deemed supplemental.**

The requirements of this article shall be in addition to the requirements of all other applicable ordinances, including chapter 13, article II, known as the general licensing ordinance of the city, and the penalties imposed by this article for violations shall be in addition to those imposed for violations of chapters 6, 9 (article II), 20, 23, 25 and 29 of this Code and all other applicable ordinance provisions.

(Code 1964, § 11.1130)

**Sec. 22-183. - Definitions.**

Unless otherwise expressly stated, for the purpose of this article, the following terms shall have the meanings indicated:

*Agent of the owner.* A person who is authorized to act on behalf of the owner, as herein defined, with regard to repairs and maintenance of a dwelling or rooming unit.

*Apartment house.* Any dwelling or combination of related dwellings having the same owner, located in a contiguous area, and operated as a single business entity, in which the operator provides for lease three (3) or more dwelling units.

*Census tracts.* Those areas established as census tracts for the 1970 Census of Population and Housing in the City of Columbia by the U.S. Department of Commerce, Bureau of the Census.

*Contiguous area.* Any lots, plots or parcels of land which actually touch each other or which are a part of the same city block and abut upon a common public street or alleyway.



*Director.* The director of the department of public works of the city, or his authorized representative.

*Dwelling.* Any building, mobile home, or other structure which is wholly or partly used or intended to be used for residential occupancy, but this word shall not include temporary housing.

*Dwelling unit.* One or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

*Existing apartment house, rooming house, two-family dwelling or single rental unit.* A dwelling or dwellings operated as an apartment house, rooming house, two-family dwelling, or single rental unit on the effective date of the ordinance from which this article is derived.

*New apartment house, rooming house, two-family dwelling or single rental unit.* A dwelling constructed or operated as an apartment house, rooming house, two-family dwelling or single rental unit after the effective date of this ordinance which was not operated as an apartment house, rooming house, two-family dwelling, or single rental unit on the effective date of the ordinance from which this article is derived.

*Occupant.* Any person over one year of age (including owner or operator) living in a dwelling or rooming unit or having actual possession of such dwelling or rooming unit.

*Office of the manager.* An office located on the premises for which a certificate of compliance is issued or sought, where an agent of the owner may be contacted on a regular basis.

*Operate, operating and operation.* Owning or acting as lessor or manager of any apartment house, rooming house, two-family dwelling or single rental unit which is leased or rented in the city. Proof of any of the following acts shall be prima facie evidence of "operation":

(1)

Being owner of an apartment house, rooming house, two-family dwelling or single rental unit leased or rented for residential purposes; or

(2)

Acting as agent for the owner of an apartment house, rooming house, two-family dwelling or single rental unit as herein defined; or

(3)

Making application for a business license or certificate of compliance under the provisions of this article for an apartment house, rooming house, two-family dwelling or single rental unit; or

(4)

Signing of a lease or document to lease a dwelling or rooming unit in an apartment house, rooming house, two-family dwelling or single rental unit on behalf of or as lessor or landlord, provided that the act of subleasing of a dwelling or rooming unit shall not constitute operation, absent proof of other acts constituting operating within the meaning of this article;

except on a showing by the person with respect to subparagraphs (2), (3) or (4):

a.

That he is not authorized to act on behalf of the owner with regard to repairs and maintenance of a dwelling or rooming unit; and

b.

Of the identity or name of the person who is authorized to act on behalf of the owner with regard to repairs and maintenance of a dwelling or rooming unit.

*Operator.* The owner and any person operating an apartment, rooming house, two-family dwelling or single rental unit in the city.

*Owner.* The owner or owners or the mortgagee in possession of the apartment house, rooming house, two-family dwelling or single rental unit, as the case may be.

*Premises.* A lot, plot or parcel of land, including the buildings or structures thereon.

*Rooming house.* A dwelling consisting of three (3) or more rooming units leased separately, none of which include cooking facilities, but which may include a common kitchen to be shared by three (3) or more occupants. This definition shall also include the housing provided by fraternities and sororities organized for students of any college or university; however, a hotel, motor hotel or motel licensed under Missouri statute shall not, be deemed a rooming house for purposes of this article.

*Rooming unit.* Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

*Single rental unit.* Any dwelling unit existing in a dwelling in which the operator thereof provides, for lease, up to but not to exceed one dwelling unit.

*Temporary housing.* Any tent, trailer or other structure used for human shelter which is designed to be transportable and

which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

*Two-family dwelling.* Any dwelling or combination of related dwellings having the same owner, located in a contiguous area, and operated as a single business entity, in which the operator provides for lease two (2) dwelling units.

(Code 1964, § 11.1110; Ord. No. 12032, § 1, 10-3-88)

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

#### **Sec. 22-184. - Certificate of compliance required; display.**

It shall be unlawful to operate within the city any apartment house, rooming house, two-family dwelling, or single rental unit without a current certificate of compliance displayed in full view in the lobby, vestibule or other prominent common area of the apartment house, rooming house, two-family dwelling or single rental unit which is open to the public or to all occupants, and if there be no such area then such certificate of compliance shall be displayed in the office of the manager or in each dwelling unit or rooming unit.

(Code 1964, § 11.1120(G); Ord. No. 11416, § 1, 3-16-87)

#### **Sec. 22-185. - Classes of certificates.**

There shall be four (4) classes of certificates of compliance:

(1)

*Apartment house certificate.* This certificate of compliance shall be issued to the operator of an apartment house as defined in this article and shall require compliance with chapters 6, 9 (article II), 20, 23, 25 and 29 of this Code. A separate certificate shall be issued for each dwelling and shall state those dwelling units for which the certificate is issued.

(2)

*Rooming house certificate.* This certificate of compliance shall be issued to the operator of a rooming house as defined in this article and shall require compliance with chapters 6, 9 (article II), 20, 23, 25 and 29 of this Code. A separate certificate shall be issued for each dwelling and shall state those dwelling units for which the certificate is issued.

(3)

*Two-family dwelling certificate.* This certificate of compliance shall be issued to the operator of a two-family dwelling as defined in this article and shall require compliance with chapters 6, 9 (article II), 20, 23, 25 and 29 of this Code. A separate certificate shall be issued for each dwelling and shall state those dwelling units for which the certificate is issued.

(4)

*Single rental unit certificate.* This certificate of compliance shall be issued to the operator of a single rental unit as defined in this article and shall require compliance with chapters 6, 9 (article II), 20, 23, 25 and 29 of this Code. A separate certificate shall be issued for each dwelling and shall state those dwelling units for which the certificate is issued.

(Code 1964, § 11.1140)

#### **Sec. 22-186. - Application for certificate.**

(a)

*Formal application required.* Every operator shall submit an application for a certificate of compliance to the director.

(b)

*Content and form.* The application for such certificate of compliance shall be a written statement in affidavit form, to be sworn to by the applicant before a notary public of this state. One application may be submitted for all property in common ownership and under a common operator. The application for the certificate of compliance shall be on forms provided by the director and shall include:

(1)

The street address and a general description of the premises for which the certificate is sought.

(2)

The name, address and telephone number of the owner of the premises.

(3)

The name, address and telephone number of the agent of the owner (operator).

(c)

*Consent to inspection.* The application may be accompanied by a written consent on forms provided by the director authorizing the director to enter upon and inspect the premises for which the certificate is sought at any reasonable time for the purpose of determining whether or not the premises are in compliance with chapters 6, 20, 23, 25 and 29 of this Code.

(d)

*Inspection fees.* The application shall be accompanied by the full payment of the inspection fees.

(e)

*Heating and ventilation systems certificates of inspection and approval.* The application shall be accompanied by a certificate of inspection and approval signed by a journeyman or master mechanical heating, ventilation, air conditioning and refrigeration mechanic licensed by the city. The certificate shall state that the heating and ventilation systems in the premises for which a certificate is sought were personally inspected by the mechanic and were functioning properly and safely. The certificate shall also state the date on which the inspection was made. For renewal certificates, the inspection must have been made within ninety (90) days before the current certificate of compliance expires. For original certificates, the inspection must have been made within ninety (90) days before the application is filed.

(Code 1964, § 11.1150; Ord. No. 13407, § 1, 8-3-92)

**Sec. 22-187. - Procedure for issuance of certificate.**

(a)

*Inspection prerequisite.* The director shall make an inspection of the dwelling or dwellings for which a satisfactorily completed and executed application for a certificate of compliance is filed. Such inspection shall be made pursuant to consent or a search warrant issued under the provisions of section 22-189 of this article. No person shall be prosecuted for a violation of this article prior to inspection of the dwelling or dwellings for which an application for a certificate of compliance has been filed, provided that such application is satisfactorily completed and executed and is filed at least forty-five (45) days prior to the date when the applicant must obtain or renew the certificate of compliance.

(b)

*Inspection of each unit.* An inspection shall be required for each dwelling or rooming unit sought to be licensed, provided that the director, upon written request by the applicant, may determine by random sampling of at least thirty (30) per cent of the dwelling or rooming units, whether an apartment house or rooming house containing more than thirty (30) dwelling or rooming units complies with the provisions of chapters 6, 20, 23, 25 and 29 of this Code, provided that those units inspected must be representative of the various types and location of units in the dwelling and further that all units for which a violation complaint has been received shall be inspected.

(c)

*Issuance.* If, as a result of the inspection, the director determines that the dwelling is in compliance with the provisions of chapters 6, 9 (article II), 20, 23, 25 and 29 of this Code, he shall issue a certificate of compliance to the operator.

(d)

*Violations.* If, as a result of the inspection, the director shall determine that the dwelling is in violation of any of the provisions of chapters 6, 9 (article II), 20, 23, 25 of this Code, the director shall notify the operator of the violations and proceed to correct such violations under the provisions of chapters 6, 9 (article II), 20, 23, or 25 of this Code, whichever is applicable.

The operator of an apartment house, rooming house, two-family dwelling, or single rental unit where any such violation is found to exist shall have all rights and remedies and shall be subject to the procedures established by chapters 6, 9 (article II), 20, 23, or 25 of this Code, whichever is applicable.

(e)

*Certificate of use conditioned on compliance:*

(1)

*Pending appeal.* The operator of a dwelling where violations of chapters 6, 9 (article II), 20, 23, 25 or 29 of this Code are found to exist may apply to the director for a certificate of use conditioned on compliance to allow the operator to appeal from a notice of violation under the applicable procedures. Such certificate shall be issued only if:

a.

An appeal under the applicable ordinance has been filed; and

b.

Only for such time as is actually necessary to complete said appeal.

A certificate of use conditioned on compliance issued hereunder shall expire upon completion of the appeals process unless extended under the provisions of subsection (e)(2) herein.

(2)

*Period of compliance.* A certificate of use conditioned on compliance may be issued by the director, on application, to make available a reasonable time for existing apartment houses, rooming houses, two-family dwellings, or single rental units to come into compliance with the provisions of chapters 6, 9 (article II), 20, 23, 25 or 29 of this Code. Such certificate shall be issued only:

a.

On signing of a notarized agreement by the operator admitting such violations and agreeing to remove such violations within a reasonable time period agreed to by the director, or established by an appeals board on appeal under subsection (e)(1); and

b.

Only for the period as determined by the director or established by an appeals board on appeal under subsection (e)(1), which is reasonably required to remove such violations, which period, if established by the director, shall in no event exceed one hundred eighty (180) days. A certificate of use conditioned on compliance shall be revoked if it appears that the operator is not correcting the violations in accordance with the established compliance schedule.

A certificate of use conditioned on compliance may not be issued for a new dwelling, two-family dwelling, or single rental unit, and may not be issued for any dwelling or rooming unit which the director has declared to be an unsafe building or a structure unfit

for human occupancy under the building code of the city.

*(Code 1964, § 11.1160)*

#### **Sec. 22-188. - Fees and charges.**

(a)

In order to defray the costs incident to the administration of this article, the following fees shall be required to be paid for the inspection and shall be nonrefundable:

(1)

There shall be an application fee of thirty-five dollars (\$35.00) per building for each application for a certificate of compliance.

(2)

There shall, in addition, be an inspection fee of seven dollars (\$7.00) per dwelling unit or rooming unit, as the case may be, covered by each certificate of compliance.

(3)

There shall, in addition, be a reinspection fee of twenty dollars (\$20.00) per unit.

(4)

There shall, in addition, be a fee of fifteen dollars (\$15.00) to be assessed when owner or owner's representative fails to meet with inspector at scheduled appointment time.

(b)

In addition to inspection upon application or complaint, units may be inspected at the request of the owner for which an inspection service charge of fifteen dollars (\$15.00) shall be charged. The inspector shall provide the owner with a written summary of the findings of his inspection, provided that such an inspection shall extend only to matters regulated under the provisions of these ordinances and shall not extend to the condition of items of personal property or to fixtures, the condition of which is not addressed by city codes.

(c)

In the event that a unit for which an unexpired certificate of compliance has been issued is inspected pursuant to a complaint, the person making the complaint shall pay a fifteen dollar (\$15.00) inspection service charge if the unit is not found to be in violation of any ordinance.

*(Code 1964, § 11.1190; Ord. No. 11622, § 1, 9-21-87; Ord. No. 13438, § 3, 9-21-92; Ord. No. 16594, § 2, 9-18-00)*

#### **Sec. 22-189. - Search warrant.**

When application is made pursuant to this article for a certificate of compliance with respect to any house, dwelling or unit, the municipal judge of the county circuit court shall have authority to issue search warrants for searches or inspections of such house, dwelling or unit to determine the existence of violations of chapters 6, 20, 23, 25 or 29 of this Code. Warrants and searches or inspections made pursuant thereto shall conform to and be governed by the following provisions:

(1)

The city manager may make application for the issuance of a search warrant.

(2)

The application shall:

a.

Be in writing;

b.

State the time and date of the making of the application;

c.

Identify the property or places to be searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

d.

State facts sufficient to show probable cause for the issuance of a search warrant to search for violations of chapters 6, 20, 23, 25 or 29 of this Code;

e.

Be verified by the oath or affirmation of the applicant; and

f.

Be filed in the municipal division of the county circuit court.

(3)

The application shall be supplemented by written affidavits verified by oath or affirmation. Such affidavits shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the property or places to be searched. Oral testimony shall not be considered.

(4)

The judge shall hold a nonadversary hearing to determine whether sufficient facts have been stated to justify the issuance of a search warrant. If it appears from the application and any supporting affidavits that there is probable cause to inspect or search for violations of chapters 6, 20, 23, 25 or 29 of this Code, a search warrant shall

immediately be issued to search for such violations. The warrant shall be issued in the form of an original and two (2) copies.

(5)

The application and any supporting affidavits and a copy of the warrant shall be retained in the records of the municipal judge.

(6)

Search warrants issued under this section shall: a. Be in writing and in the name of the issuing authority;

b.

Be directed to any police officer or deputy in the city;

c.

State the time and date the warrant is issued;

d.

Identify the property or places to be searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

e.

Be limited to a search or inspection for violations of chapters 6, 20, 23, 25 or 29 of this Code;

f.

Command that the described property or places be searched and that any photographs of violations found thereof or therein be brought, within ten (10) days after filing of the application, to the judge who issued the warrant, to be dealt with according to law; and

g.

Be signed by the municipal judge, with his title of office indicated.

(7)

A search warrant issued under this section may be executed only by a police officer or deputy of the city. The warrant shall be executed by conducting the search commanded.

(8)

A search warrant shall be executed as soon as practicable and shall expire if it is not executed and the return made within ten (10) days after the date of the making of the application.

(9)

After execution of the search warrant, the warrant with a return thereon, signed by the officer making the search, shall be delivered to the judge who issued the warrant. The return shall show the date and manner of execution and the name of the possessor and of the owner of the property or places searched, when he is not the same person, if known.

(10)

A search warrant shall be deemed invalid:

a.

If it was not issued by a judge of the municipal division of the Boone County, Missouri, Circuit Court;

b.

If it was issued without a written application having been filed and verified;

c.

If it was issued without probable cause;

d.

If it was not issued with respect to property or places within the city;

e.

If it does not describe the property or places to be searched with sufficient certainty;

f.

If it is not signed by the judge who issued it; or

g.

If it was not executed within the time prescribed by subsection (8) of this section.

(Code 1964, § 11.1165)

### **Sec. 22-190. - Unlawful to refuse entry.**

It shall be unlawful for any person to refuse entry or access to any unit, dwelling or structure to any person to whom a search warrant has been issued authorizing inspection of said unit, dwelling or structure pursuant to the provisions of this article.

Code 1964, § 11.1120(H))

### **Sec. 22-191. - Duration of certificates; renewal.**

(a)

A certificate of compliance issued pursuant to this article, except for a certificate of use conditioned on compliance, shall be effective for three (3) years from the expiration date of the current certificate at time of application or, if no certificate existed

at time of application, from its date of issue, unless sooner revoked, or unless extended by the director under the procedures established in paragraph (b) herein. Such certificate shall be renewable triennially upon forms supplied by the director in accordance with the procedures for obtaining a certificate of compliance set forth herein. Initial certificates shall be issued for new structures in conjunction with issuance of occupancy permits; inspection for the purposes of determining compliance with the building code shall satisfy the inspection provisions of this article.

(b)

The director may, on written application of the operator and payment of a twenty-five dollar (\$25.00) fee per building, extend a current certificate of compliance for a period not to exceed three (3) years without further inspection, if the apartment house, rooming house, two-family dwelling or single rental unit for which the certificate of compliance is issued had no violations for the past three (3) years.

(Code 1964, § 11.1170; Ord. No. 13438, § 3, 9-21-92; Ord. No. 15898, § 1, 2-15-99)

#### **Sec. 22-192. - Transfer of certification.**

Upon the transfer of record, legal title of any dwelling which has a certificate of compliance, the transferee shall cause the existing certificate to be transferred for the unexpired portion of the term for which it was issued upon making written application to the director, on forms to be supplied by the director, within fifteen (15) days from the date of transfer, and upon payment of a two dollar (\$2.00) transfer fee for the certificate sought to be transferred. The application for transfer shall contain the same information and be in the same form as required by section 22-186(b). Nothing contained in this section shall affect the validity of any sale, transfer or disposition of any interest in real property.

(Code 1964, § 11.1180)

#### **Sec. 22-193. - Noncompliance; revocation of certificate.**

Whenever the director shall determine that any unit in an apartment house, rooming house, two-family dwelling, or single rental unit for which a certificate of compliance has been issued under this article is in violation of the provisions of chapters 6, 9 (article II), 20, 23, 25 or 29 of this Code, or whenever the director shall determine that the conditions of a certificate of use conditioned on compliance are not being satisfied because violations are not being corrected in accordance with the terms and time limits set forth in the certificate of use conditioned on compliance, the director shall notify the operator of same in accordance with the notice provisions set forth in chapters 6, 9 (article II), 20, 23, 25 or 29 of this Code, as applicable. Before revoking a certificate of compliance for such violations, a hearing shall be held in accordance with the hearing procedures set forth in chapters 6, 9 (article II), 20, 23 25 or 29 of this Code. The operator of the apartment house, rooming house, two-family dwelling, or single rental unit to which the certificate of occupancy issued shall have all rights and remedies and shall be subject to the procedures established by chapters 6, 9 (article II), 20, 23 25 or 29 of this Code, whichever is applicable with regard to such violations.

(Code 1964, § 11.1200)

#### **Sec. 22-194. - False complaints.**

(a)

It shall be unlawful for any person to knowingly make a false complaint against the owner of any structure or relating to any structure subject to the inspection provisions of this article.

(b)

A false complaint shall be presumed to be knowingly made where such complaint is the third or more complaint made with respect to any structure or any owner by such person, in any twelve-month period, where inspections pursuant to such complaints fail to reveal any violation of the provisions of city ordinance upon inspection by housing inspectors of the city. This presumption shall be rebuttable.

(c)

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined an amount of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00), or by imprisonment in the city jail for not exceeding three (3) months, or by both such fine and imprisonment. Each false complaint shall constitute a separate offense.

(d)

In addition to the criminal remedies herein provided for, the city counselor is hereby authorized to pursue any person who knowingly makes a false complaint, who shall be liable for the city's actual costs of inspection resulting from such complaint.

(Code 1964, § 11.1210)

#### **Sec. 22-195. - Penalty.**

Any person violating the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction therefor shall be punished as provided in section 1-8 of this Code. In addition thereto, the city may institute injunction, mandamus or other appropriate forms of remedy or relief. Provided, that it shall be a defense to a prosecution under this article that a person charged requested and used reasonable efforts to obtain access to a dwelling unit or rooming unit under lease to another and was refused access by the lessee or person in possession of such unit.

(Code 1964, § 11.1120(I))

#### **Secs. 22-196—22-209. - Reserved.**



## ARTICLE VI. - SEWERS AND SEWAGE DISPOSAL

**\*Cross reference**—Sanitary facilities in regard to minimum properties standards, § 6-144; required connection to water and sewer system under minimum properties standards code, § 6-145; sewage disposal in food service establishments, § 11-156(b); utilities generally, Ch. 27.

### DIVISION 1. - GENERALLY

#### Sec. 22-210. - Definitions.

The following words and terms as used in this article shall be deemed to mean and be construed as follows, unless the context specifically indicates otherwise:

*Bi-Monthly.* Once every other month.

*Bi-Weekly.* Once every other week.

*BOD (biochemical oxygen demand).* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter (mg/l).

*Building drain.* 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 three (3) feet outside the exterior face of the building wall.

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

*Bypass.* Means the intentional diversion of wastes from any portion of a treatment facility.

*C.A.* Control authority, City of Columbia.

*Capital charge.* That portion of the total charges for sewage service which are levied for local capital costs, local investment in plant facilities and other local costs excluding operation, maintenance and replacement costs.

*Categorical pretreatment standard.* Any regulation containing pollutant discharge limits promulgated by EPA in accordance with 33 U.S.C. § 1317 which applies to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

*City.* The City of Columbia, Missouri.

*City council.* The duly elected mayor and council of the City of Columbia, Missouri, or their duly authorized representatives.

*COD (chemical oxygen demand).* A quantitative measure of the amount of oxygen required for the chemical oxidation of carbonaceous (organic) material in wastewater using inorganic dichromate or permanganate salts as oxidants in a two-hour test, expressed in milligrams per liter (mg/l).

*Combined sewer.* A sewer receiving both surface runoff and wastewater.

*Composite sample.* A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample: composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of flow; or a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.

*Contributor.* Any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the city sanitary sewer system.

*Cooling water.*

(1)

*Uncontaminated:* Water used for cooling purposes only which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectably higher than that of the intake water.

(2)

*Contaminated:* Water used for cooling purposes only which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.

*Daily Maximum.* The maximum allowable discharge of pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

*Director.* The Director of the Department of Public Works of the City of Columbia, Missouri, or that person's authorized representative.

*Domestic wastewater.* Wastewater discharging from dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm water, surface water and industrial wastewater.

*Garbage.* Solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

*Grab sample.* An individual sample collected in less than fifteen (15) minutes, without regard for flow or time.

*Industrial wastewater.* The water-carried wastes or liquid wastes from industrial or commercial processes as distinguished from domestic wastewater.

*Instantaneous maximum concentration.* The maximum concentration allowed in any single grab sample.

*Interference.* The inhibition or disruption of the City of Columbia's wastewater system or operations or its processing, use or disposal of sludge, by a user's discharge which alone or in conjunction with other discharges, causes, or contributes to the inhibition or disruption and which: (a) causes a violation of any requirement of the City of Columbia's NPDES Permit (including an increase in the magnitude or duration of a violation); or (b) prevents the use or disposal of sludge by the City of Columbia in compliance with the following statutes and regulations: Section 503 of the Clean Water Act; the Solid Waste Disposal Act; including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; or any more stringent state or local regulations. A user contributes interference when the user:

- (1) Discharges a pollutant concentration or a daily pollutant loading in excess of that allowed by City of Columbia Ordinance or permit or by federal, state or local law;
- (2) Discharges wastewater which substantially differs in nature and constituents from the user's normal average discharge;
- (3) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other users, would result in interference; or
- (4) Knows or has reason to know that the City of Columbia is, for any reason, violating its NPDES Permit and that the user's discharge either alone or in conjunction with discharges from other users, increases the magnitude or duration of the City of Columbia's violations.

*mg/l.* Milligrams per liter.

*Monthly average.* The arithmetic mean of the values for effluent samples collected during a calendar month or specified 30-day period (as opposed to a rolling 30-day window).

*Natural outlet.* Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

*New source.*

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards pursuant to 33 U.S.C. § 1317 which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3)

Construction of a new source as defined under this section has commenced if the owner or operator has:

a.

Begun, or caused to begin, as part of a continuous on-site construction program

1.

Any placement, assembly, or installation of facilities or equipment; or

2.

Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b.

Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

*Normal wastewater.* Wastewater which contains not over two hundred forty (240) mg/l of total suspended solids and not over two hundred (200) mg/l of BOD, and which does not contain any of the materials or substances listed in sections 22-215 and 22-215.1 in excess of allowable amounts specified in those sections.

*NPDES Permit.* A permit issued under the National Pollutant Discharge Elimination System pursuant to the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq., for a discharge into waters of the state.

*Pass through.* A discharge of a pollutant from the City of Columbia's POTW into waters of the State of Missouri when such discharge causes a violation of any requirement of the City's NPDES permit, or a violation of a state or federal water quality standard or increases the magnitude or duration of any violation and which is the result of a user's discharge of the pollutant either alone or in conjunction with other users' discharges of the pollutant in the City of Columbia's POTW. A user contributes to pass through when the user:

(1)

Discharges a pollutant concentration of a daily pollutant loading in excess of that allowed by City of Columbia ordinance or permit or by federal, state or local law;

(2)

Discharges wastewater which substantially differs in nature and constituents from the user's normal average discharge;

(3)

Knows or has reason to know that its discharge, alone or in conjunction with discharges from other users, would result in pass through; or

(4)

Knows or has reason to know that the City of Columbia is, for any reason, violating its final effluent limitations in its NPDES permit and that the user's discharge either alone or in conjunction with discharge from other users, increases the magnitude or duration of the City of Columbia's violations.

*Person.* Any individual, firm, company, association, society, corporation or group.

*pH.* The logarithm (base ten) of the reciprocal of the hydrogen ion concentration in grams per liter of solution.

*(POTW) Publicly Owned Treatment Works.* A treatment works as defined by 33 U.S.C. § 1292 which is owned by the City of Columbia. This definition includes any devices or systems used in collection, storage, treatment, recycling, and reclamation of wastewater or industrial wastes of liquid nature and any conveyances which convey wastewater to a POTW treatment plant. POTW shall also include any sewers that convey wastewater to the POTW from users outside the city limits of the City of Columbia who are by contract or agreement with the City, users of the City of Columbia POTW, even though the sewers may not have been constructed by or may not be maintained by the City of Columbia.

*Properly shredded garbage.* The wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

*Public sewer.* A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

*Roof drain.* A conduit for conveying the storm water or rainwater from a roof.

*Sanitary sewer.* A sewer which carries domestic, industrial or normal wastewater and to which storm waters, surface waters and groundwaters are not admitted.

*Sewer.* A pipe or conduit for carrying domestic, industrial or normal wastewater and other waste liquids or storm water.

**Significant industrial user (SIU).** Noncategorical industry with >25,000 GPD; >5% of dry weather hydraulic or organic capacity; categorical industry; any industrial user designated by C.A. to have a reasonable potential to adversely affect POTW's operation.

**Significant noncompliance (SNC).** Industrial user violations which meet one of the following criteria:

(1)

Violation of wastewater discharge limits.

a.

Chronic violations. Sixty-six (66) per cent or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period.

b.

Technical Review Criteria (TRC) violations. Thirty-three (33) per cent or more of the measurements exceed the same daily maximum limit or the same average by more than the TRC in a six (6) month period.

There are two (2) groups of TRCs:

Group I for conventional pollutants (BOD, TSS, fats, oil, and grease)	TRC = 1.4
Group II for all other pollutants	TRC = 1.2

c.

Any other violation(s) of an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through, or endangered the health of the POTW personnel or the public.

d.

Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(2)

Violations of compliance schedule milestones, contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.

(3)

Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety-day compliance reports, and periodic reports) within thirty (30) days from the due date.

(4)

Failure to accurately report noncompliance.

(5)

Any other violation or group of violations which the City of Columbia determines will adversely affect the operation or implementation of the local pretreatment program.

**Slug discharge.** Any discharge at a flow rate or concentration which could cause interference as defined herein.

**Standard industrial classification.** A classification pursuant to the latest edition of the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

**Storm sewer or storm drain.** A sewer which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes; it may, however, carry acceptable cooling water and unpolluted water.

**Storm water.** That portion of the rainfall or other precipitation which runs off over the surface during a storm and for a period of time following a storm during which the flow exceeds the normal runoff.

**Surface water.** That portion of a rainfall or other precipitation which runs off over the surface of the ground.

**TSS (total suspended solids).** Solids that either float on the surface of, or are in suspension in water, wastewater or other liquids and which are removable by laboratory filtering, expressed in milligrams per liter (mg/l).

**Upset.** Means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.

**User.** The owner or occupant of property or premises that is connected directly or indirectly or has available to the property or premises the facilities of the POTW of the City of Columbia.

**User charge.** That portion of the total charges for POTW service which are levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment system.

*Wastewater or sewage.* A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

*Wastewater system.* All facilities for collecting, transporting, pumping, treating and disposing of wastewater.

*Wastewater treatment plant.* The structures, equipment and processes used for treating wastewater.

*Wastewater treatment works (or sewerage system).* All facilities for collecting, transporting, pumping, treating and disposing of wastewater.

*Watercourse.* A channel in which a flow of water occurs, either continuously or intermittently.

*Weekly average.* The arithmetic mean of the values for effluent samples collected over a period of seven consecutive days.

(Code 1964, § 14.645; Ord. No. 10059, § 2, 2-6-84; Ord. No. 10857, § 1, 1-6-86; Ord. No. 15324, § 1, 9-2-97; Ord. No. 16734, § 1, 1-2-01)

#### **Sec. 22-211. - Classes of sewers; location and connections.**

The general sewer system shall be composed of four (4) classes of sewers, to wit: public, district, joint district, and private sewers. The determination as to the class to which any sewer belongs shall be made without regard to the area drained, the size, character or purpose thereof. All public, district and joint district sewers shall be constructed along streets, alleys and other public ways wherever practicable; and no such sewer shall be built or acquired by the city, unless it is on a public way or right-of-way owned by the city. Such sewers may be connected with any other sewer of any class or with a natural course of drainage.

(Code 1964, § 14.640)

**Charter reference**—Similar provisions, § 81.

#### **Sec. 22-212. - Property subject to special assessments.**

All property located within any benefit district established by the council, whether publicly or privately owned, shall be liable for special assessments made or special tax bills issued against such property. Any such assessment or tax bill shall constitute a personal obligation of the owner of such property as well as a lien against the property and may be collected by suit or other proceedings in any court of competent jurisdiction, and such assessment, tax bill or judgment thereon against public property shall be paid out of the general treasury of the public body, agency, corporation or authority owning such property.

(Code 1964, § 14.730)

**Charter reference**—Similar provisions, § 88.

#### **Sec. 22-213. - Liability of city for district and joint district sewers.**

The city shall incur no liability for building district sewers or joint sewers other than in the manner provided in section 22-243 or section 22-253 hereof, except when the city is the owner of a plot of ground within the district or joint sewer district, and in that case the city shall be liable for the cost of such sewer in the same manner as other property owners within the district. If any district or joint sewer shall drain territory lying outside the city limits and not included in the district or joint district, the city shall pay that part of the cost of such sewer as would have been assessed against such territory if it were included in the district or joint district.

(Code 1964, § 14.740; Ord. No. 12208, § 1, 4-3-89)

#### **Sec. 22-214. - Payment of maintenance costs for district and joint district sewers.**

The repairs, cleaning and other incidental expenses of district or joint district sewers shall be paid out of a general appropriation for that purpose.

(Code 1964, § 14.750; Ord. No. 10857, § 1, 1-6-86)

#### **Sec. 22-215. - Unlawful discharges.**

Except as hereinafter provided, it shall be unlawful for any person to discharge or cause to be discharged into any sewer any of the following described substances, materials, water or wastes:

- (1)  
Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius).
- (2)  
Any pollutants with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius).
- (3)

- Any gasoline, benzene, naphtha, fuel oil, mineral oil, or other flammable or explosive liquid, solid or gas.
- (4) Any water or wastes containing more than two hundred (200) mg/l of fat, oil or grease.
- (5) Any water or wastes that contain grease or oil or other substances that will solidify or become discernibly viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees Celsius).
- (6) Any garbage that has not been properly shredded or comminuted to a degree that all particles will be carried freely under the flow conditions of the sewer with no particle greater than one-half inch in any dimension.
- (7) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, chemical residues, paint residues, unapproved cannery waste, bulk solids, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater treatment plant.
- (8) Any water or wastes having corrosive properties capable of causing damage or hazard to pipe, structures, equipment or personnel of the wastewater treatment plant or collection system. Free acids and alkalis of such wastes must be neutralized within a permissible range of pH between 5.5 and 9.5. The director may grant variances for higher pH than 9.5, but in no event lower than 5.5.
- (9) Any water or wastes containing a toxic or poisonous substance, that result in toxic gases, fumes, or vapors, or of high chlorine demand in sufficient quantity to injure or interfere with any POTW process, constitute a hazard to worker health and safety, or to other humans or animals, or create any hazard in the receiving waters or the effluent of the wastewater treatment plant.
- (10) Any water or wastes which contain more than ten (10) mg/l by weight of the following gases: hydrogen sulfide, sulfur dioxide or nitrous oxide.
- (11) Any water or wastes containing the discharge of acid pickling wastes or concentrated plating solutions, whether neutralized or not, which are capable of causing any obstruction, damage or corrosion in the sewers or the wastewater treatment plant.
- (12) Any waters containing suspended solids of such character and quantity that unusual provision, attention or expense is required to handle such materials at the wastewater treatment plant.
- (13) Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating public nuisance or hazard to life or of preventing entry into sewers for maintenance and repair.
- (14) Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration, or create any other condition deleterious to structures and treatment processes.
- (15) Any water or wastes which do not comply with applicable state and federal pretreatment standards and requirements.
- (16) No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
- (17) No user shall introduce or cause to be introduced into the POTW any pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

*(Ord. No. 14914, § 1, 8-5-96; Ord. No. 16734, § 1, 1-2-01)*

#### **Sec. 22-215.01. - Grease traps.**

- (a) Every food establishment, restaurant or facility which has the potential to discharge waste water containing animal or vegetable fats, oils, grease or solids shall have installed the appropriate grease trap or interceptor device to prevent the discharge or concentration of such substances into the sewers. All such grease traps or interceptor devices shall be installed as set out in the Plumbing Code of Columbia, Missouri adopted in section 6-52 of this Code.
- (b) Every food service establishment, restaurant or facility required to have a grease trap or interceptor device shall develop a cleaning schedule and shall have such devices serviced, maintained, inspected and cleaned, at the establishment's expense, as frequently as required to prevent discharge of grease into the sanitary sewers. The establishment shall maintain

detailed records of such inspection and maintenance in a manner acceptable to the director of public works. Records will remain on file for at least three (3) years.

(c)

Records required to be kept by this section shall be provided to health department inspectors and public works department pretreatment inspectors during their periodic inspections and during the normal business hours of the establishment.

(d)

It shall be unlawful to fail to install, maintain, service or inspect the grease traps or interceptor devices required by this section, or to fail to keep the records required by this section, or to fail to allow the inspection of those records by city officials.

(Ord. No. 18492, § 1, 5-2-05; Ord. No. 19649, § 1, 9-4-07)

### **Sec. 22-215.05. - Specific pollutant limitations.**

(a)

*Categorical pretreatment standards:* Any industrial user having process waste streams which are subject to any federal categorical pretreatment standards either currently in effect or promulgated or modified after the effective date of this ordinance shall comply with the requirements of such standards. All categorical pretreatment standards established pursuant to 40 CFR Chapter One, Subchapter N, are hereby incorporated by reference and are fully enforceable under this ordinance the same as if fully set out herein. Limitations established in such standards shall apply to the treated effluents from the processes regulated by the standard, unless otherwise specified by the standard. When the limits in a categorical pretreatment standard are production based, the director may convert the limits to equivalent mass or concentration for purposes of calculating effluent limitations applicable to individual users. Where regulated process effluents can not be sampled prior to mixing with other wastestreams, alternative limits for the mixed effluent may be established by the director using the combined wastestream formula subject to the provisions of 40 CFR 403.6(e). All users subject to categorical pretreatment standards are also obligated under federal law to comply with the City of Columbia's discharge limitations specified in sections 22-215 and 22-215.05 of this ordinance. When a pollutant in a user's discharge is subject to both a limit from a categorical pretreatment standard and a City of Columbia limit at the same sampling point, the most strict limit shall apply.

(b)

*Local limits:* No user shall discharge or cause to be discharged wastewater to the POTW containing concentrations in excess of the limits listed for the substances below:

POLLUTANT	DAILY MAXIMUM (mg/l)
Total Arsenic (As)	0.31
Total Cadmium (Cd)	0.19
Total Chromium (Cr)	3.73
Total Copper (Cu)	2.87
Total Lead (Pb)	0.82
Total Mercury (Hg)	0.05
Total Nickel (Ni)	2.34
Total Silver (Ag)	0.14
Total Zinc (Zn)	7.33
Total Cyanide (CN)	0.85
Phenols	0.50

(Code 1964, § 14.786; Ord. No. 10059, § 2, 2-6-84; Ord. No. 10857, § 1, 1-6-86; Ord. No. 14914, § 1, 8-5-96; Ord. No. 16734, § 1, 1-2-01)

### **Sec. 22-215.1. - Sanitary sewer discharge prohibitions.**

It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage including interior and exterior foundation drains, cooling water, or unpolluted industrial process waters to any sanitary sewer.

(Code 1964, § 14.782; Ord. No. 10059, § 2, 2-6-84)

### **Sec. 22-215.2. - Discharge into storm sewers.**

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the director. Acceptable industrial cooling water or unpolluted process waters may be discharged upon approval by the director to a storm sewer or to a natural outlet. An NPDES permit may be required.

(Code 1964, § 14.784; Ord. No. 10059, § 2, 2-6-84; Ord. No. 14914, § 1, 8-5-96)

### **Sec. 22-215.3. - Dilution prohibited.**



No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Code 1964, § 14.808; Ord. No. 10059, § 2, 2-6-84; Ord. No. 14914, § 1, 8-5-96)

#### **Sec. 22-215.4. - Combined sewers.**

Combined sewers shall be prohibited.

(Code 1964, § 14.645(8); Ord. No. 10059, § 2, 2-6-84)

#### **Sec. 22-216. - Unusual waste subject to review, regulation and approval.**

- (a) Wastes which are unusual in composition, i.e., contain an extremely large amount of total suspended solids or BOD; are high in dissolved solids such as sodium chloride, calcium chloride, or sodium sulfate; or are in any other way unusual, shall be reviewed by the director, who will determine whether such wastes shall be prohibited from or may be admitted to the city sewers or shall be modified or treated before being admitted. Wastes which, in the opinion of the director, are unusual or highly variable in volume shall be subject to flow equalization or other forms of regulation.
- (b) Any water or waste which, by interaction with other water or wastes in the public sewer system, releases obnoxious gases or develops color of undesirable intensity, or forms suspended solids in objectionable concentration, or creates any other condition deleterious to structures and treatment processes, shall be subject to control of the director.
- (c) The admission into the public sewers of any water or waste (1) having a five-day biochemical oxygen demand greater than two hundred (200) mg/l; or (2) containing more than two hundred forty (240) mg/l of total suspended solids; or (3) having a COD greater than four hundred (400) mg/l; or (4) having an average daily flow or a maximum peak flow greater than allotted percentages of the total average wastewater flow or maximum peak flow in a sewer or to a treatment facility as allocated by the director; or (5) containing any quantity of substances having the characteristics described in section 22-215 or section 22-215.05, shall be subject to the review and approval of the director. Where necessary in the opinion of the director, the owner shall provide at his expense such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to less than two hundred (200) mg/l, the total suspended solids to less than two hundred forty (240) mg/l and the COD to less than four hundred (400) mg/l; or (2) control the quantities and rates of discharge of such waters or wastes; or (3) reduce objectionable characteristics or constituents to within the maximum limits provided for in section 22-215 or section 22-215.05, or meet applicable state or federal pretreatment standards. Plans, specifications, compliance schedules and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the director, and no construction of such facilities shall be commenced until such approval is obtained in writing.
- (d) Any decision of the director concerning this section and/or pretreatment standards may be appealed to the city council by filing a statement with the city clerk within ten (10) days after the director's decision. Such statement shall include:
- (1) Name and address of party;
  - (2) Name and address of business;
  - (3) Original request to the director;
  - (4) Director's decision;
  - (5) Additional supporting documentation;
  - (6) Suggested reasoning for upholding or denial of appeal.

The city council will decide the appeal within a reasonable time and notify the parties of its decision.

(Code 1964, § 14.790; Ord. No. 10059, § 2, 2-6-84; Ord. No. 10857, § 1, 1-6-86; Ord. No. 14914, § 1, 8-5-96; Ord. No. 19649, § 1, 9-4-07)

#### **Sec. 22-216.1. - Unlawful acts.**

It shall be unlawful for any person:

- (1) To place or deposit or cause to be deposited or placed into any sewer any domestic wastewater, industrial waste or other polluted water except in accordance with the provisions of this article and the plumbing code adopted by the city.
- (2) To adjust, obstruct, damage, break or remove any portion of any manhole, cleanout, catch basin, inlet, outlet, or any

part of the sanitary or storm sewer system, or throw or deposit or cause to be thrown or deposited in any sewer opening or receptacle connecting with the sanitary or storm sewer system, any matter or thing whatsoever, except in accordance with the provisions of this article or to obstruct in any way or uncover the public sewers for any purpose, or to make connection therewith, or uncover the public connection branches thereof, unless and except with the consent and under the supervision of the director.

(3)

To make or cause to be made any such connections, except as herein provided, and by a competent and skillful mechanic, duly licensed by the council to do such work, or to make such connections in any manner other than provided for by regulations adopted by the city.

(4)

To allow the entry of ground water or storm water to the sanitary sewer system through: a faulty sewer service line or connection point with the public sanitary sewer, surface water area drain, subsurface cleanout, roof drain, or by pumping any unpolluted water except in accordance with the provisions of this article and the plumbing code adopted by the city.

(5)

To utilize a sanitary sewer service connection point that is structurally poor and deteriorated, protruding into the public sanitary sewer, causing infiltration or inflow of subsurface water, or permitting the growth of tree roots into the public sanitary sewer.

(Code 1964, § 14.814; Ord. No. 10059, § 2, 2-6-84; Ord. No. 14914, § 1, 8-5-96)

### **Sec. 22-216.2. - Treatment or flow control may be required.**

In cases where the director determines that wastes may be deleterious to the POTW or have an adverse effect upon the wastewater treatment process or the receiving stream, or body of water, the director may require treatment to reduce the total suspended solids, BOD or other constituents to levels more closely approaching those of normal wastewater before discharging such wastes into the city sewers. The director may also require any contributor to control its discharge to the public sewers so that it will not exceed a maximum percentage of the total flow in a sewer or to a treatment facility.

(Code 1964, § 14.804; Ord. No. 10059, § 2, 2-6-84; Ord. No. 14914, § 1, 8-5-96)

### **Sec. 22-216.3. - Discharge permits.**

The director is authorized to establish local pretreatment standards and conditions for all wastewater discharged into city sewer systems. In order to enforce local, state and federal pretreatment standards, the director is authorized to require discharge permits of any person prior to that person discharging wastewater into any city sewer.

(1)

As a condition of issuing a discharge permit, the director may require any permit applicant to sample the discharge, analyze the sample and record and report the results at frequencies and with methods determined by the director.

(2)

As a condition of issuing a discharge permit, the director or his designees shall have the right to enter the premises of the facility generating the wastewater to inspect the facility, sample the wastewater and inspect and copy any records required to be kept relating to the wastewater or to enter any other premises where records are kept relating to the wastewater to inspect those records.

(3)

The director is authorized after investigation to grant or deny the permit, or after the permit is issued to revoke the permit, upon discovery of a violation of the permit restrictions or to reconsider the permit if changes in local, state or federal pretreatment standards so require.

(4)

Permits shall not be issued for a period longer than five (5) years.

(5)

The permittee must submit an application for a new permit at least ninety (90) days before the expiration date of the permit if the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit.

(6)

An expired permit will continue to be effective and enforceable until the permit is reissued if:

a.

The permittee has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit.

b.

The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

(Ord. No. 14914, § 1, 8-5-96; Ord. No. 16734, § 1, 1-2-01)

### **Sec. 22-217. - Violations; penalties.**

(a)

If any person is found to be violating any provision of this article, the director may, at his discretion, pursue any combination of the following remedies:

- (1) Injunctive or other appropriate relief in circuit court restraining the violation, requiring compliance with this article and recovering the city's cost in remediating any damage caused by the violation.
- (2) Prosecution in municipal court.
- (3) Notice of violation to the persons responsible for the violation.

(b)

Any person who commits an unlawful act under this article or who knowingly makes any false statement, representation or certification in any application, record plan or other document filed or required to be maintained or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required hereunder shall upon conviction thereof be punished in the same manner as if convicted of a class A misdemeanor under chapter 16 of this Code. Each day the unlawful act occurs or continues shall constitute a separate offense.

(c)

If any person shall fail to remedy a violation after notice of the violation from the director and any hearing required under this article, the director is authorized to do any combination of the following: revoke any discharge permit previously granted; discontinue sewer service to that person; use city or contract forces to remedy the violation and charge the costs of the remedy to the sewer utility account of that person.

(d)

A list of contributors who were in significant noncompliance with the provisions of this article during the twelve (12) previous months shall be annually published by the director in a local newspaper. The notification shall also summarize any enforcement action taken against the contributors during the same twelve (12) months. For the purposes of this provision, significant noncompliance are violations which meet one of the following criteria:

(1)

Violation of wastewater discharge limits.

a.

Chronic violations. Sixty-six (66) per cent or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period.

b.

Technical Review Criteria (TRC) violations. Thirty-three (33) per cent or more of the measurements exceed the same daily maximum limit or the same average by more than the TRC in a six (6) month period.

There are two (2) groups of TRCs:

Group I for conventional pollutants (BOD, TSS, fats, oil, and grease)	TRC = 1.4
Group II for all other pollutants	TRC = 1.2

c.

Any other violation(s) of an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through, or endangered the health of the sewage treatment personnel or the public.

d.

Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(2)

Violations of compliance schedule milestones, contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.

(3)

Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety-day compliance reports, and periodic reports) within thirty (30) days from the due date.

(4)

Failure to accurately report noncompliance.

(5)

Any other violation or group of violations which the City of Columbia determines will adversely affect the operation or implementation of the local pretreatment program.

(Code 1964, § 14.895; Ord. No. 10059, § 2, 2-6-84; Ord. No. 14914, § 1, 8-5-96; Ord. No. 16734, § 1, 1-2-01)

## **Sec. 22-217.1. - Notice of violation and hearings.**

(a)

A notice of violation may be served by registered mail to any person identified as a responsible party, by personal delivery to a responsible adult at any facility in violation, or by physically posting the notice of violation on the property where the violation is occurring.

(b)

A notice of violation shall set out the facts constituting the violation in detail and give the responsible party thirty (30) days to present the director a plan for the correction of the violation. If the nature of the violation requires, the director may determine and notify the violator that the plan is required in less than thirty (30) days.

(c)

If the violation is not corrected by timely compliance, or a satisfactory correction plan submitted within the specified time limit, the director may order any responsible party to show cause before the director why enforcement action should not be taken. A written notice shall be served on the party specifying the time and place of a hearing, the reason why the action is to be taken, and the proposed enforcement action. The director may propose any enforcement action reasonably necessary to abate the violation, including termination of wastewater service or revocation of any discharge permit.

(1)

At the hearing, testimony shall be given under oath and a record made. Each party, including the city, may be represented by counsel and may call and cross-examine witnesses. Technical rules of evidence shall not apply.

(2)

Upon the request of any party, subpoenas and subpoenas duces tecum shall be issued, served and enforced in the same manner as subpoenas issued under chapter 536, RSMo by agencies created by the constitution or state statute.

(d)

After hearing and consideration of the evidence, the director shall render a decision and order in writing. The decision and order shall be supported by findings of fact and conclusions of law and shall be final, binding and not subject to further administrative appeal.

(e)

Any person who shall continue any violation that was the subject of a hearing and a decision and order of the director beyond the time limit set by the decision and order shall be guilty of a misdemeanor and on conviction shall be punished in the same manner as if convicted of a class A misdemeanor under chapter 16 of this Code. Each day the person shall continue in violation of the order shall constitute a separate offense.

(Ord. No. 14914, § 1, 8-5-96)

## **Sec. 22-218. - Inspection and enforcement.**

The director is duly authorized to inspect and approve the installation of building sewers and their connections to the public sewer system, and to inspect such wastewater as may be discharged therefrom.

(Code 1964, § 14.794; Ord. No. 10059, § 2, 2-6-84; Ord. No. 14914, § 1, 8-5-96)

### **Sec. 22-218.1. - Notice required prior to excavation.**

Any person desiring to lay pipes for water, gas, steam, or other purposes, in any street or alley upon which sewers are to be laid, shall give at least twenty-four (24) hours' notice to the director of public works before opening the street, and the manner of excavating and backfilling over such pipe shall be subject to the approval of the director of public works. All such work shall be planned and executed so that no injury shall occur to any public sewer or drain or to any house sewer or drain connected therewith.

(Code 1964, § 14.780; Ord. No. 14914, § 1, 8-5-96)

## **Sec. 22-219. - Testing, reporting and recordkeeping.**

(a)

Any person discharging other than domestic wastewater to the city sewers shall submit to the director at such intervals as he may prescribe a report accurately describing the character and quantity of all such wastes discharged in the city sewers during the period covered by the report. In order to ensure compliance with these provisions, the director may at any time take such measurements, collect such samples, and run such laboratory analyses at the contributor's expense on representative samples of any waste as may be deemed necessary. All tests performed by the city or by the owner for submittal to the city shall be in accordance with standard laboratory methods as set forth in section 22-219.2.

(b)

All records, books, documents, memoranda, reports, correspondence and any and all summaries thereof relating to monitoring, sampling and chemical analysis shall be kept for not less than three (3) years.

(c)

Records of sampling and analyses shall include, but are not limited to, the following:

(1)

The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;

(2)

Who performed the sampling or measurements;

(3)

- (4) The date(s) analyses were performed;
- (5) Who performed the analyses;
- (6) The analytical techniques or methods used; and
- (6) The results of such analyses.

(Code 1964, § 14.802; Ord. No. 10059, § 2, 2-6-84; Ord. No. 14914, § 1, 8-5-96; Ord. No. 16734, § 1, 1-2-01)

#### **Sec. 22-219.1. - Confidentiality of permit information.**

- (a) Information and data required by federal, state or local rule to be reported on the pretreatment applications may be claimed as confidential pursuant to federal rule 40 CFR 403.14 by the submitter. The burden of providing confidentiality pursuant to federal rules shall remain with the submitter.
- (b) Information not claimed to be confidential and information obtained from monitoring programs and inspections which is effluent data shall be available to the public without restriction.

(Code 1964, § 14.812; Ord. No. 10059, § 2, 2-6-84; Ord. No. 14914, § 1, 8-5-96)

#### **Sec. 22-219.2. - Reporting guidelines.**

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in paragraph (b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report which contains the information listed in paragraph (b) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described above shall submit the information set forth below.
  - (1) *Identifying information.* The name and address of the facility, including the name of the operator and owner.
  - (2) *Environmental permits.* A list of any environmental control permits held by or for the facility.
  - (3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  - (4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
  - (5) *Measurement of pollutants.*
    - a. The categorical pretreatment standards applicable to each regulated process.
    - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 22.219.3 of this ordinance.
    - c. Sampling must be performed in accordance with procedures set out in section 22.219.3 of this ordinance.
  - (6) *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
  - (7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this

schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the following requirements:

- a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- b. No increment referred to above shall exceed nine (9) months;
- c. The user shall submit a progress report to the director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- d. In no event shall more than nine (9) months elapse between such progress reports to the director.

(8)

*Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section 22-220 of this ordinance.

(c)

Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in section 22-219.2(b)(4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to a categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 22-220 of this ordinance.

(d)

Periodic compliance reports.

(1)

All significant industrial users shall, at a frequency determined by the director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 22-220 of this ordinance.

(2)

All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(3)

If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director, using the procedures prescribed in section 22-2.19.3 of this ordinance, the results of this monitoring shall be included in the report.

(Ord. No. 14914, § 1, 8-5-96)

#### Editor's note—

Section 1 of Ord. No. 14914, adopted Aug. 5, 1996, added, in part, §§ 22-219.2 and 22-220. Section 1 also renumbered former §§ 22-219.2 and 22-220 as §§ 22-219.3 and 22-219.4, respectively.

### Sec. 22-219.3. - Test guidelines.

(a)

All measurements, tests and analyses of the characteristics of water and wastes shall be determined using analytical procedures approved in 40 CFR Part 136 and amendments thereto.

(b)

Except as indicated in paragraph (c) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(c)



Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(Code 1964, § 14.798; Ord. No. 10059, § 2, 2-6-96; Ord. No. 14914, § 1, 8-5-96)

**Note—**

See editor's note following § 22-219.2.

**Sec. 22-219.4. - Collection points for samples.**

Any contributor shall, upon request by the director, provide a central collection point to facilitate observation, measurement and sampling of the waters or wastes. Such collection points shall be accessible at any time to authorized city personnel and easily located and shall be constructed in accordance with plans approved by the director. The collection point shall be installed and maintained by the owner at his expense. In the event no collection point is established or required, the nearest downstream manhole shall be considered as a collection point for the property which is being served.

(Code 1964, § 14.800; Ord. No. 10059, § 2, 2-6-84; Ord. No. 14914, § 1, 8-5-96)

**Note—**

See editor's note following § 22-219.2.

**Sec. 22-219.5. - Automatic resampling.**

If the results of the permit holders wastewater analysis indicates a violation has occurred, the permit holder must:

(1)

Inform the City of Columbia of the violation within 24 hours of becoming aware of the violation; and

(2)

Repeat the sampling and pollutant analysis and submit, in writing, the results of this second analysis within thirty (30) days after becoming aware of the first violation.

(Ord. No. 16734, § 1, 1-2-01)

**Sec. 22-219.6. - Representative sampling and flow measurements.**

(a)

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring point(s) specified in the applicable permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected and maintained to ensure their accuracy. Monitoring points shall not be changed without notification to and the approval of the City of Columbia.

(b)

If flow measurement is required by this permit, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than ten (10) per cent from true discharge rates throughout the range of expected discharge volumes.

(Ord. No. 16734, § 1, 1-2-01; Ord. No. 19649, § 1, 9-4-07)

**Sec. 22-220. - Certification statement.**

(a)

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(b)

The certification statement shall be signed as required in (1), (2), or (3) below:

(1)

By a responsible corporate officer, if the industrial user submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

a.

A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation; or



- b. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2)

By a duly authorized representative of the individual designated in subsection (1) of this section if:

- a. The authorization is made in writing by the individual described in subsection (1);
- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or a well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
- c. The written authorization is submitted to the city.

(3)

If an authorization under subsection (2) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of subsection (2) of this section must be submitted to the city prior to or together with any reports to be signed by an authorized representative.

(Ord. No. 14914, § 1, 8-5-96; Ord. No. 16734, § 1, 1-2-01)

### **Sec. 22-221. - Preliminary treatment facilities.**

Where preliminary treatment facilities are provided for any waters or wastes, they shall be owned and maintained continuously in satisfactory and effective operation by the owner at his expense.

(Code 1964, § 14.792; Ord. No. 10059, § 2, 2-6-84; Ord. No. 14914, § 1, 8-5-96)

### **Sec. 22-222. - Accidental discharges/slugs control plans.**

At least once every two (2) years, the director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the director of any accidental or slug discharge, as required by section 22-222.1 of this ordinance; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response.

(Code 1964, § 14.810; Ord. No. 10059, § 2, 2-6-84; Ord. No. 14914, § 1, 8-5-96)

### **Sec. 22-222.1. - Reporting accidental or slug discharges.**

- (a) In the case of any discharge, including, but not limited, to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (b) Within five (5) days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- (c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call

in the event of a discharge described in paragraph (a) above. Employers shall ensure that all employees who may cause such a discharge to occur, are advised of the emergency notification procedure.

(d)

A documented and verified operating upset, as defined in section 22-210, shall be an affirmative defense to any enforcement action brought against the user for violations attributable to the upset event.

(Ord. No. 14914, § 1, 8-5-96; Ord. No. 16734, § 1, 1-2-01)

### **Sec. 22-222.2. - Bypass of treatment facilities.**

(a)

Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury or severe property damage or no feasible alternatives exist.

(b)

The permittee may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation.

(c)

Notification of bypass:

(1)

Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to: Director of Public Works, P.O. Box 6015 Columbia, MO 65205-6015

(2)

Unanticipated bypass. The permittee shall immediately notify the City of Columbia, as listed in section 22-222.1(a), and submit a written notice to the Director of Public Works within 5 days. This report shall specify:

a.

A description of the bypass, and its cause, including its duration;

b.

Whether the bypass has been corrected; and

c.

The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.

(Ord. No. 16734, § 1, 1-2-01)

### **Sec. 22-223. - Establishment of stricter limitations; conflicting provisions.**

The city council reserves the right to establish more stringent limitations or requirements on discharges to the POTW. In the event of conflict between local, state or federal regulations, the most stringent regulation shall apply as recommended by the director and determined by the city council.

(Code 1964, § 14.788; Ord. No. 10059, § 2, 2-6-84; Ord. No. 14914, § 1, 8-5-96)

### **Sec. 22-224. - Special agreements.**

Special agreements, arrangements or contracts may be entered into between the city and any industrial concern whereby industrial waste of unusual strength or character may be accepted by the city for treatment subject to the rate and cost as established by the city council.

(Code 1964, § 14.796; Ord. No. 10059, § 2, 2-6-84; Ord. No. 14914, § 1, 8-5-96)

### **Sec. 22-225. - Reserved.**

## **DIVISION 2. - PUBLIC SEWERS**

### **Sec. 22-226. - Establishment.**

Public sewers shall be established along the principal courses of drainage, at such points, to such extent, of such dimensions and under such regulations as may be provided by ordinance, and these may be extensions or branches of sewers already constructed or entirely new throughout, as may be deemed expedient.

(Code 1964, § 14-350; Ord. No. 19841, § 1, 3-17-08)

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

### **Sec. 22-227. - Special tax.**

The council may levy a tax on all property made taxable for state purposes over the whole city, to pay for the constructing, reconstructing and repairing of such work, which tax shall be called "special public sewer tax," and shall be such amount as may be required for the sewer provided by ordinance to be built; and the fund arising from such tax shall be appropriated wholly to the constructing, reconstructing and repairing of such sewer.

**Charter reference**—similar provisions, § 81.

**Cross reference**—Licenses, permits and miscellaneous regulations, Ch. 14; taxation, Ch. 26.

**Sec. 22-228. - Sewer extension; city payment of differential cost.**

The city council may, by ordinance, authorize agreements allowing property owners to extend city sewers to serve their property. The sewer pipe used in any such extension must be sized properly to serve the property but must be at least eight (8) inches in diameter. If the city requires a larger size pipe to serve other property, the city may pay the extra cost of extending the larger pipe.

(Ord. No. 19841, § 1, 3-17-08)

**Sec. 22-229. - Sewer extension; reimbursement of property owners from project connection fees.**

(a)

The city council may, by ordinance, authorize agreements allowing property owners to extend city sewers to serve their property in situations where the city would normally extend the sewers but lacks the funding to do so. Such agreements must provide that the sewer will be built in accordance with city plans and specifications. The city may agree to partially reimburse the person or persons extending a sewer from project connection fees charged to other property owners in the project drainage area.

(b)

The reimbursement shall be computed by subtracting the total pro rata contribution of all persons paying or agreeing to pay for the sewer, before construction began, from the total cost of the project. The total cost of the project shall be determined by the city based on documentation provided by the person constructing the project. The total area within the drainage basin served by the project will be calculated in square feet and identified as the project recovery area. The pro rata contribution shall be computed by multiplying the cost per square foot of the project times the number of square feet owned by the persons who have paid or agreed to pay at least their proportionate share of the project cost.

(c)

The city may agree to reimburse the person constructing the sanitary sewer when the city is paid a project connection fee, separate from and in addition to any other fees normally collected by the city, by a person in the project recovery area who has not paid a connection fee before construction of the sanitary sewer began. Whenever a project connection fee is paid to the city, the city shall pay the person constructing the sewer a sum of money equivalent to the project connection fee, plus whatever penalties are charged by the city, less the cost of collection as determined by the director of finance. Nothing contained in this subsection shall be construed, however, to create any liability on behalf of the city; nor shall the city contract with the person building the sewer to create any liability for its failure to collect such connection fees.

(d)

Agreements made under this section shall be for a period not to exceed twenty (20) years. If the person constructing the sewer is no longer in existence or cannot be located by the city, the city shall cause the reimbursement to be made available to those persons who have contributed their proportionate share of the cost of the sewers before construction began, provided such persons must file claims and prove their claims to the director of public works within twenty (20) years from the date of the contract. If no such claims are filed, or if the city cannot locate the person constructing the sewers within twenty (20) years after the date of the contract, all such refunds shall forever be barred, and such money shall revert to the city's sewer fund.

(Ord. No. 19841, § 1, 3-17-08)

**Sec. 22-230. - Reserved.**

**DIVISION 3. - DISTRICT SEWERS**

**Sec. 22-231. - Definition; establishment.**

District sewers are those which have been or may be constructed or acquired, under authority of ordinance, within the limits of an established sewer district, and paid for in whole or in part by special tax bills evidencing special assessments upon the property in the district. District sewers shall be established within the limits of the districts prescribed by ordinance, and shall connect with public sewers or other district sewers and may be constructed with the main branch or discharge pipe wholly within or beyond the boundary of the district, as the council shall determine. Such district may be subdivided, enlarged or changed by ordinance at any time previous to the construction of the sewers therein; and more than one district sewer may be laid in a sewer district if deemed necessary by the council for sanitary or other purposes. The council shall cause sewers to be constructed in each district whenever a majority of the resident property owners therein shall petition therefor or whenever the council shall deem such sewers necessary for sanitary or other purposes.

(Code 1964, § 14.660; Ord. No. 12208, § 1, 4-3-89)

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

**Charter reference**—Similar provisions, § 81.

## **Sec. 22-232. - Costs; special tax.**

All or a part of the cost of constructing, reconstructing or acquiring district sewers shall be charged against the lots, tracts or parcels of ground in the district, exclusive of the improvements, in proportion to the area of the whole district exclusive of public highways. A special tax for district sewers shall be levied and assessed in the name of the owner thereof.

*(Code 1964, § 14.680; Ord. No. 12208, § 1, 4-3-89)*

**Cross reference**—Licenses, permits and miscellaneous business regulations, Ch. 13; taxation, Ch. 26.

## **Sec. 22-233. - Construction.**

District sewers shall be of such dimensions and materials as may be prescribed by ordinance, and may be changed, enlarged or extended, and shall have all necessary laterals, inlets, catch basins, manholes and other appurtenances.

*(Code 1964, § 14.670)*

## **Secs. 22-234—22-240. - Reserved.**

### **DIVISION 4. - JOINT DISTRICT SEWERS**

## **Sec. 22-241. - Definition; purpose; funding.**

Joint district sewers are those which have been or may be constructed or acquired under the authority of ordinances uniting one or more districts and unorganized territory, or uniting districts or unorganized territory into a joint sewer district, for the purpose of providing main, outlet or intercepting sewers, for the benefit of such joint sewer district, and paid for in whole or in part by special assessment upon the property in such joint, sewer district.

*(Code 1964, § 14.690)*

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

**Charter reference**—Similar provisions, § 81.

## **Sec. 22-242. - Cost; special tax.**

The cost of constructing joint district sewers, except the sum, if any, specified in the ordinance to be paid by the city, shall be assessed and paid in special tax bills against the property included in the joint sewer district, the same as is provided in the case of district sewers. The action of the council creating the joint sewer district shall be conclusive as to the necessity therefor, and no special tax bills shall be held invalid or be affected on account of the included drainage area thereof, or the size, character or purpose of such sewer; provided, it shall not include any district not contained in its natural drainage area or watercourse.

*(Code 1964, § 14.720)*

**Cross reference**—Licenses, permits and miscellaneous business regulations, Ch. 13; taxation, Ch. 26.

## **Sec. 22-243. - When constructed.**

Joint district sewers may be constructed by the city whenever the city may deem it necessary that a sewer should be constructed uniting one or more districts and unorganized territory, or uniting districts or unorganized territory. In such case it may, by ordinance, unite such districts as aforesaid into a joint sewer district and cause a sewer to be constructed therein in like manner and in all respects as is provided in the case of district sewers; except in cases of joint district sewers, the city may, if deemed proper, provide in the ordinance creating such joint district sewer that the city shall pay a certain sum, to be specified in such ordinance, toward the payment of such joint district sewer.

*(Code 1964, § 14.700)*

## **Sec. 22-244. - Construction by sections.**

Ordinances creating joint sewer districts may provide for the construction of the sewers therein in one or more sections and for the levy and assessment of the cost of any section upon the completion thereof as a special assessment in the manner herein provided.

*(Code 1964, § 14.710)*

## **Secs. 22-245—22-250. - Reserved.**

### **DIVISION 5. - PRIVATE SEWERS**

## **Sec. 22-251. - Definition; construction; cost to city.**

Private sewers are those paid for by private parties constructing the same. Private sewers connected with the public, district or joint district sewers may be constructed under such restrictions and regulations as the council may prescribe by general ordinance; but the city shall bear no expense for the construction, repairing or cleaning of same.

(Code 1964, § 14.760)

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

**Charter reference**—Similar provisions, § 81,

**Sec. 22-252. - Acquisition by gift, condemnation, or purchase.**

The city may acquire any private sewer by gift, condemnation or purchase and provide for reimbursement by special assessment, in the manner hereinbefore provided, to be levied against the property in the district or joint district for which such private sewer is acquired; and an ordinance making a private sewer a part of a proposed district or joint district sewer, may provide that the contractor shall pay for such private sewer at the price fixed in such ordinance, and the cost thereof shall be included in the total cost of constructing such district or joint district sewer.

(Code 1964, § 14.770; Ord. No. 10059, § 2, 2-6-84)

**Charter reference**—Similar provisions, § 83.

**Sec. 22-253. - Private common collector sewers.**

- (a) A private common collector sewer is a sewer line which is not owned and maintained by a public entity and which serves two (2) or more lots, tracts or parcels of land or two (2) or more structures under separate ownership.
- (b) The city may acquire, by gift, purchase or condemnation, any private common collector sewer.
- (c) Prior to acquiring, except by gift, a private common collector sewer, the city shall establish a sewer district which encompasses the private common collector sewer to be acquired.
- (d) After acquiring a private common collector sewer, the city may repair or reconstruct the sewer line to bring the line into compliance with city sewer standards and specifications.
- (e) Special assessments shall not be levied for sewer district projects that involve the elimination of private common collector sewers.

(Ord. No. 12208, § 1, 4-3-89; Ord. No. 19842, § 1, 3-17-08)

**Secs. 22-254—22-260. - Reserved.**

**DIVISION 6. - RATES AND CHARGES**

**\*Cross reference**—Licenses, permits and miscellaneous business regulations, Ch. 13.

**Sec. 22-261. - Generally.**

- (a) It is the purpose of this division to provide for the recovery of costs from contributors to the city's sanitary sewer system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees, to be prepared by the director and approved by the city council. The city council shall adopt charges and fees which may include:
  - (1) Fees for monitoring, inspections and surveillance procedures;
  - (2) Fees for permit applications;
  - (3) Appeal fees;
  - (4) Other fees or surcharges as the director may deem necessary to carry out the requirements contained herein.
- (b) Surcharges shall be shown on the utility bill as a separate item which shall show the amount of the surcharge and shall be payable to the finance department at the same time as the water bill and normal sewer service charge.

(Code 1964, § 14.816; Ord. No. 10059, § 2, 2-6-84)

## Sec. 22-262. - Classification of users.

(a)

All users of the wastewater treatment system are hereby classified in the following manner:

(1)

*Residential.* Any premises served, upon which is located a structure housing one or two (2) families.

(2)

*Public authority.* Any governmental, educational, municipal or institutional user of the system; provided, however, that when, in the judgement of the director or his authorized representative, the waste, sewage or discharge of public authority is other than normal wastewater, such waste, sewage or discharge shall be regulated as that of a commercial or industrial user; provided further, that only the specific waste which is other than normal wastewater shall be so regulated; all other waste, sewage or discharge of the public authority shall be treated as that of a residential user.

(3)

*Commercial and industrial.* All users of the system other than those above classified.

(b)

Revenue received from sewage service charges shall be accounted for according to the above customer classifications.

(Code 1964, § 14.820; Ord. No. 10059, § 2, 2-6-84; Ord. No. 14914, § 1, 8-5-96)

## Sec. 22-263. - Charges for sewage service.

(a)

There is hereby levied on each wastewater system user having any sewer connection with the wastewater system of the city or otherwise discharging sewage, industrial waste, or other liquids, either directly or indirectly into the city's wastewater system, a sewage service charge. Subject to the exceptions provided in this article, such charge shall be based upon the quantity of water used in or on the premises as the same is measured by a water or sewer meter or sewer meters approved by the city; provided, however, that if actual sewer service cannot reasonably be determined from the water or sewage so metered, whether due to defect, tampering or causes unknown, the amount of sewage, waste or waters discharged into such system shall be estimated and billed as provided for in section 27-19. Additional charges for extra strength sewage, toxic pollutants, and wastewater monitoring will be levied where applicable.

(b)

The monthly charges for residential and public authority customer classifications shall be based on the average monthly billing of water usage during the immediate preceding calendar months of January, February and March. Where such basis is not considered representative of sewage discharge for public authority customers, the provisions of section 27-19 of this Code or any other reasonable basis of estimating sewage discharge from such customers may be used. Commercial and industrial charges shall be based on one hundred (100) per cent of the monthly metered water used, except as otherwise provided in this Code.

(1)

*Basic sewage service charge.* Each user of the wastewater system of the city shall pay for the use of such system monthly sewage service charges based on the following rates:

	User Charge Portion	Capital Charge Portion	Total
Service charge, per month:			
All customers	\$5.677*	\$1.328*	\$7.00*
Quantity charge, per Ccf:			
All volume	\$1.391*	\$0.268*	\$1.66*
Ccf = 100 cubic feet			

(2)

*Extra strength charge.* Wastewater discharged to the wastewater system from commercial or industrial users shall be subject to an extra strength charge when the BOD or total suspended solids concentration exceeds three hundred (300) milligrams per liter (mg/l) by weight. All analyses shall be performed on composite samples collected at no less than hourly intervals over a twenty-four-hour period.

Extra strength charges shall be calculated based on one hundred (100) per cent of metered water use, except as otherwise provided in section 22-269 of this Code, in accordance with the following formula:

$$S = V_s \times 0.00624 \times [\$0.206 (\text{BOD} - 300) + \$0.1411 (\text{SS} - 300)]$$

Where:

S	=	Surcharge in dollars monthly.
Vs	=	Sewage volume in 100 cubic feet per month.
0.00624	=	Conversion factor for hundred cubic feet to million pounds.
\$0.206*	=	Unit charge for BOD in dollars per pound; of which \$0.161 represents the



		user charge portion and \$0.045 represents capital charges.
BOD	=	BOD strength index in mg/l by weight.
300	=	Allowed BOD and suspended solids strengths in mg/l by weight.
\$0.1411*	=	Unit charge for suspended solids in dollars per pound; of which \$0.10856 represents the user charge portion and \$0.0325 represents capital charges.
SS	=	Suspended solids strength index in mg/l by weight.

(3)

*Monitoring charge.* When regulations as set forth by the federal government, state and city require monitoring of the waste from a commercial or industrial user, whether for strength calculations or for NPDES compliance, that user shall pay a monitoring charge.

The monitoring charge shall consist of all costs for personnel, material and equipment used to collect and analyze samples from the user's wastewater.

The exact charge shall be based on actual costs and shall be determined by the director.

(4)

*Toxic pollutant charge.* Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the city's treatment system shall pay for such increased costs.

(5)

*Base charge.* When residential property is vacant and the customer has requested discontinuance of a metered service the customer shall be charged a base charge of seven dollars (\$7.00)\* per month in lieu of all other charges for sewage services.

(Code 1964, § 14.830; Ord. No. 10275, § 1, 9-4-84; Ord. No. 12022, § 1, 9-19-88; Ord. No. 12711, § 1, 8-20-90; Ord. No. 13413, § 1, 8-17-92; Ord. No. 14914, § 1, 8-5-96; Ord. No. 15620, § 1, 5-18-98; Ord. No. 15926, § 2, 3-15-99; Ord. No. 16851, § 1, 4-2-01; Ord. No. 16890, § 2, 5-7-01; Ord. No. 17837, § 1, 9-15-03; Ord. No. 18215, § 2, 9-20-04; Ord. No. 18685, § 2, 9-19-05; Ord. No. 19231, § 2, 10-2-06; Ord. No. 19656, § 2, 9-17-07; Ord. No. 20046, § 2, 9-15-08; Ord. No. 20413, § 2, 9-21-09; Ord. No. 20740, § 2, 9-20-10)

\*This rate is effective October 1, 2010; provided that rates for monthly charges shall be applied to utility bills beginning with the first cycle billed in October, 2010.

## **Sec. 22-264. - Connection fees.**

(a)

The following definitions apply to this section:

*Expanded user of the wastewater system* means the owner or occupant of property that has previously been connected to the wastewater system who is increasing the size or number of water meters serving the property.

*New user of the wastewater system* means the owner or occupant of property that is being connected to the wastewater system for the first time.

(b)

Each new residential user of the wastewater system shall pay a wastewater system connection fee of eight hundred dollars (\$800.00) per residential unit. All other new users of the wastewater system shall pay a wastewater system connection fee based on the size of the water meter that shall serve the property in accordance with the following table:

*Size of water meter*

InchesConnection fee

5/8 and 3/4 \$800.00

1 1,422.00

1 1/2 3,200.00

2 5,689.00

3 12,800.00

4 22,756.00

6 51,200.00

8 91,022.00

10 142,222.00

12 204,800.00

(c)

Each expanded user of the wastewater system who is increasing the size of a water meter shall pay a connection fee equal to the difference between the connection fee shown in subsection (b) for the size water meter which was in place prior to the expansion and the connection fee shown in subsection (b) for the size of the water meter to be installed. Each expanded user of the wastewater system who is increasing the number of water meters serving the property shall pay a connection fee



for each additional water meter in accordance with the table in subsection (b).

(d)

The director shall reduce the amount of the connection fee when the new or expanded user of the wastewater system establishes that a substantial portion of the water to be metered shall not be discharged into the wastewater system. The amount of the reduced connection fee shall be based on the size of the water meter that would have been required to provide that portion of the water to be metered that shall be discharged into the wastewater system.

(e)

The wastewater system connection fees imposed by this section are in addition to plumbing permit fees and all other fees and charges imposed by the city.

(f)

A plumbing permit to connect to the wastewater system shall not be issued unless the connection fee has been paid. A plumbing permit to increase the size of a water meter serving property that is connected to the wastewater system shall not be issued unless the connection fee has been paid. A plumbing permit to increase the number of water meters serving property that is connected to the wastewater system shall not be issued unless the connection fee has been paid.

*(Ord. No. 15324, § 1, 9-2-97; Ord. No. 17837, § 1, 9-15-03; Ord. No. 19231, § 2, 10-2-06; Ord. No. 19656, § 2, 9-17-07; Ord. No. 19696, § 1, 10-1-07; Ord. No. 20050, § 1, 9-15-08; Ord. No. 20415, § 1, 9-21-09)*

#### **Sec. 22-265. - Review of user charge rate structure.**

The user charge rate schedule shall be reviewed and adjusted at least biennially to:

(1)

Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among user classes.

(2)

Provide adequate revenues to cover OM&R and capital costs.

(3)

Apply any excess or shortage of revenue collected from a class of users to the costs of OM&R attributable to that class to the following year(s) and adjust the sewage service rates accordingly.

*(Code 1964, § 14.860)*

#### **Sec. 22-266. - Computation of sewer charges and fees to users outside city.**

Each user of the wastewater system of the city whose property or premises may be located outside the corporate limits of such city and within any unincorporated area, shall pay as a sewage service charge a sum equal to the charge computed under the provisions of section 22-263 of this Code plus fifty (50) per cent. Each user of the wastewater system of the city whose property or premises may be located outside the corporate limits of the city and within the corporate limits of any other municipality, or each user in an area whose inhabitants have instituted proceedings for incorporation as another municipality, shall pay as a sewage service charge a sum equal to the charge computed under the provisions of section 22-263 of this Code plus one hundred (100) per cent. Persons owing a connection fee for property located outside the corporate limits of the city shall pay as a connection fee a sum equal to the connection fee computed under the provisions of section 22-264 of this Code plus fifty (50) per cent. The amounts computed in accordance with this section shall be considered as additional capital charges.

*(Code 1964, § 14.870; Ord. No. 14914, § 1, 8-5-96; Ord. No. 15324, § 1, 9-2-97)*

#### **Sec. 22-267. - Billing; payment; deposits and service charges; discontinuance of service for nonpayment.**

The service fees provided for by this article shall be billed and collected by the department of finance of the city in accordance with the provisions of section 27-16 along with all other charges and deposits provided for by the provisions of section 27-16 et seq. The patron's sewage charges shall be billed and collected as provided for by the standard utility and billing procedures of section 27-16 et seq. All service fees shall be credited upon collection to the accounts of the sewer utility. Delinquency and shut off shall be handled in accordance with the standard provisions of section 27-16 et seq.

*(Code 1964, § 14.880)*

#### **Sec. 22-268. - Notification.**

All users of the system shall be notified at least annually in conjunction with a regular billing for sewage service as to:

(1)

The rate schedule in effect.

(2)

That part of user charges attributable to wastewater treatment services.

*(Code 1964, § 14.890; Ord. No. 14914, § 1, 8-5-96)*

#### **Sec. 22-269. - Determination of amount of use.**

(a)

The amount of sewage discharged to the wastewater system of the city shall be determined by the quantity of water metered

to the user; provided, however, that if actual sewer service cannot reasonably be determined from the water or sewage so metered, whether due to defect, tampering or causes unknown, the amount of sewage, waste or waters discharged into such system shall be estimated and billed as provided for in section 22-263 of this Code.

(b)

Each person from whose property or premises sewage in any quantity is discharged into the wastewater system of the city, but who is not a water customer of such city, is hereby required to meter, at its source, the quantity of water used, with an appropriate meter to be approved by such city, and to pay a monthly sewer service charge based upon the amount of water thus metered, to be computed in like manner as provided in section 22-263 of this Code.

(c)

Each user of the wastewater system of the city who is a water customer of such city, but who also obtains water from any source other than from such city, is hereby required to meter, at such other source, the quantity of water used, with an appropriate meter to be approved by said city, and to pay a monthly sewage service charge, based upon the amount of water thus metered, to be computed in like manner as is provided in section 22-263 of this Code.

(d)

If a commercial or industrial user desires to establish eligibility for a sewage service volume base of less than one hundred (100) per cent of water used he may, at his sole expense:

(1)

Install a sewage meter acceptable to the director to measure the volume of liquid actually discharged into the wastewater system from his premises. Such meter shall be maintained and calibrated by the customer and the readings from the meter shall be taken at least twice weekly and shall be provided to the city on a monthly basis. In the event a sewage meter is installed the rate schedule as set forth in section 22-263 of this Code shall be applied to:

a.

The volume of sewage entering the sanitary sewer as measured by the meter each month; or

b.

A calculated volume based on the percentage of metered water usage discharged to the wastewater system as determined by the historical comparison of water usage and metered sewage.

(2)

In lieu of a sewage meter, the user may install auxiliary water meter(s) to measure that portion of water usage which is diverted from entering the wastewater system. In the event an auxiliary water meter is installed, the volume of water metered by such meter(s) shall be deducted from the total volume of water usage before the sewage service rate schedule is applied. No refunds, allowances or reductions from the one hundred (100) per cent water use base will be granted for any time period prior to approval of a wastewater metering or diverted water metering system.

(e)

If, through no fault of the customer, a residential customer has been under-billed because of a malfunctioning water meter or inaccurate meter readings, the residential customer shall not be billed an additional amount for any sewer service received more than six (6) months before the current billing cycle.

*(Code 1964, § 14.840; Ord. No. 14914, § 1, 8-5-96; Ord. No. 19550, § 1, 6-4-07)*

## **Sec. 22-270. - Determination of extra strength.**

(a)

The city will perform analyses at intervals no greater than twelve (12) months to determine the strength of sewage discharged by commercial and industrial users who discharge an annual average volume of twenty-five thousand (25,000) gallons or more of sewage per average work day and whose wastes are subject to extra strength charges. Industrial and commercial users who discharge an average of less than twenty-five thousand (25,000) gallons per day and whose wastes are subject to extra strength charges shall have their wastes analyzed as often as deemed necessary by the director to obtain representative samples.

(b)

If any industrial or commercial user chooses not to accept the analytical determination made by the city, they may, at their sole expense, employ an independent laboratory, acceptable to the director, to conduct sampling and analysis of their sewage. The time period and location for the collection of the samples shall be designated by the city. The city and the independent laboratory shall both preside over the collection of the samples and shall equally divide the final composite so that a duplicate analysis may be made.

(c)

If results of the analysis of the sewage sample by both the city and the independent laboratory are not comparable, the director may appoint a second independent laboratory to analyze the sewage. The sampling procedures used will be the same as those outlined above. The results of these analyses, together with the previous results, shall be used to determine the actual extra strength charges. The fee for the second independent laboratory analysis, shall be shared equally between the city and the user.

(d)

If any industrial or commercial user improves the quality of their discharged sewage, the city will reevaluate the strength of the sewage if requested to do so by the user. The user will pay an additional monitoring charge for the necessary sampling and analysis.

(e)

The director or his authorized representatives shall have the right to enter upon all premises served by the wastewater system of the city, for the purpose of inspecting, reading or otherwise examining all meters and appurtenances involved in

the recording of water received on the premises or sewage discharged therefrom, or to collect samples for analysis of sewage discharged therefrom.

*(Code 1964, § 14.850; Ord. No. 14914, § 1, 8-5-96)*

**Sec. 22-271. - Sewer extension permit requirements.**

**(a)**

A construction permit is required for all sanitary sewer extensions. All applications for sewer extension permits shall be submitted on forms issued by the director and shall contain all information required by the director.

**(b)**

Applications for sanitary sewer extension permits shall be accompanied by detailed construction drawings. Construction drawings for sewer extensions shall be prepared by a qualified, registered professional engineer licensed in the State of Missouri and shall be prepared in accordance with City of Columbia Sanitary Sewer Specifications and Standards, Sanitary Sewer Pump Station Design Requirements and Standard Specifications, Street and Storm Sewer Specifications and Standards, Storm Drainage Design Manual and all other applicable state and federal regulations including those of the Missouri Department of Natural Resources. All construction drawings for sewer extensions shall be reviewed and approved by public works staff prior to construction. Easements shall be provided for all sewer extensions.

**(c)**

An application for a sanitary sewer extension permit shall be accompanied by a nonrefundable fee of three hundred dollars (\$300.00).

*(Ord. No. 20653, § 1, 6-21-10)*