

**BOA Meeting Agenda
Peculiar City Board of Aldermen
Meeting and Public Hearing
City Hall – 250 S. Main St
Monday October 21, 2013 6:30 p.m.**

Notice is hereby given that the Board of Aldermen of the City of Peculiar will hold a regularly scheduled meeting on Monday, October 21, 2013 at 6:30 pm, in the Council Chambers at 250 S. Main St. Representatives of the news media may obtain copies of this notice by contacting the City Clerk at City Hall, 250 S. Main St Peculiar, MO 64078 or by calling 816-779-2221. All proposed Ordinances and Resolutions will be available for viewing prior to the meeting in the Council Chambers.

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. City Clerk – Read the Board of Alderman Statement**
- 5. Consent Agenda**
 - A. Approval of the Agenda**
 - B. Approval of the Draft Minutes of September 16, 2013 BOA Meeting.**
 - C. Approval of the Draft Minutes of September 26, 2013 Special Meeting.**
 - D. Approval of the Draft Minutes of October 7, 2013 BOA Work Session Meeting.**
- 6. Employee of the Quarter - David Shrout**
- 7. New Business**
 - A. Bill No. 2013-19 and Public Hearing - AN ORDINANCE AMENDING CHAPTER 250 AND CHAPTER 415 AND ESTABLISHING CHAPTERS 420, 425 AND 430 OF THE PECULIAR MUNICIPAL CODE TO ALIGN LAND-USE REQUIREMENTS IN THE CITY'S MUNICIPAL CODE.**
 - B. RESOLUTION 2013-43 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI TO APPROVE AND ADOPT THE ATTACHED 3, 8 AND 13 YEAR ANNEXATION PLAN AS THE ANNEXATION PLAN FOR THE CITY OF PECULIAR**
 - C. RESOLUTION 2013-44 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING THE INTERLOCAL AGREEMENT WITH THE CITY OF BELTON PERTAINING TO OUTLINING BOUDARIES FOR FUTURE ANNEXATIONS.**
- 8. City Administrator Report**
- 9. Aldermen Directives**
- 10. Adjournment**

**Board of Aldermen Regular Meeting Minutes
Monday September 16, 2013**

A regular meeting and public hearing of the Board of Aldermen of the City of Peculiar, Missouri, was held in the Council Chambers in City Hall at 6:30 p.m. on Monday September 16, 2013. Mayor Ernest Jungmeyer called the meeting to order and all who were present joined in reciting the Pledge of Allegiance.

The following aldermen responded to roll call: Michael Gallagher, Holly Stark, Bob Fines, Donald Turner, and Homer Dunsworth with Veronika Ray being absent.

City Staff present for the meeting were City Administrator Brad Ratliff, City Attorney Reid Holbrook, City Engineer Carl Brooks, Chief of Police Harry Gurin, City Clerk Nick Jacobs, Parks and Recreation Director Nathan Musteen, Business Office Manager Trudy Prickett.

Consent Agenda

- A. Approval of the Agenda
- B. Approval of the Draft Minutes of August 19, 2013 BOA Meeting
- C. Approval of the Draft Minutes of September 3, 2013 Work Session Meeting

Alderman Stark made the correction that she was not in attendance for the September 3rd Worksession meeting and the minutes need to be amended to correct this.

On a motion made by Alderman Stark and seconded by Alderman Dunsworth the amended consent agenda was approved by a unanimous voice vote.

Unfinished Business

- A. Bill No. 2013-15 - AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI RE-DECLARING ITS INTENTION TO APPLY A TRANSPORTATION TAX AND A PARKS TAX ON ALL SALES OF METERED WATER SERVICE, ELECTRICITY, ELECTRICAL CURRENT, AND NATURAL, ARTIFICIAL, OR PROPANE GAS, WOOD, COAL, OR HOME HEATING OIL FOR DOMESTIC USE; AND ESTABLISHING SECTION 720.020 B AND SECTION 720.015 TITLED "LOCAL PARKS TAX".**
**2nd Reading*

City Clerk Nick Jacobs addressed the Board regarding the 2nd reading of the bill to apply a 1% tax to domestic utilities. The 1% would 1/2% for transportation and 1/2% for local parks purposes. He stated that there were no changes since the first reading and that staff recommends approval.

Alderman Turner made a motion to have the second reading of the Bill by title only. The motion was seconded by Alderman Dunsworth was accepted by a 5-0 voice vote. Alderman Turner made a motion to accept the second reading of Bill 2013-15 and place on final passage as Ordinance number 09162013. Seconded by Alderman Fines and accepted by the following 4-1 roll call vote with Alderman Ray being absent.

Alderman Gallagher	Aye	Alderman Ray	Absent
Alderman Dunsworth	Aye	Alderman Stark	Nay
Alderman Fines	Aye	Alderman Turner	Aye

- B. Bill No. 2013-17 - AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI EXTENDING ENFORCEMENT OF APPLICABLE ORDINANCES TO PUBLIC PROPERTY WITHIN CITY LIMITS, INCLUDING (BUT NOT LIMITED TO) THE RAYMORE-PECULIAR SCHOOL DISTRICT.**
**2nd Reading*

Police Chief Harry Gurin addressed the Board regarding the 2nd reading of the bill. He stated that this would allow Peculiar Police Officers to enforce applicable ordinances on public property. This stems from an accident which occurred last year in which a student flipped their car on school property and the police officers were unable to issue any citations.

Alderman Gallagher asked if the school campus was considered private property. Staff commented that it is paid for tax payers dollars therefore it is public property.

Alderman Stark made a motion to have the second reading of the Bill by title only. The motion was seconded by Alderman Turner was accepted by a 5-0 voice vote. Alderman Stark made a motion to accept the second reading of Bill 2013-17 and place on final passage as Ordinance number 09162013A. Seconded by Alderman Turner and accepted by the following 6-0 roll call vote with Alderman Ray being absent.

Alderman Gallagher	Aye	Alderman Ray	Absent
Alderman Dunsworth	Aye	Alderman Stark	Aye
Alderman Fines	Aye	Alderman Turner	Aye

C. Bill No. 2013-18 - AN ORDINANCE APPROVING AN ASSIGNMENT OF THE FRANCHISE AGREEMENT BETWEEN THE CITY OF PECULIAR, MISSOURI AND SOUTHERN UNION COMPANY, D/B/A MISSOURI GAS ENERGY, TO LACLEDE GAS COMPANY

**2nd Reading*

City Attorney Reid Holbrook addressed the Board regarding the 2nd reading of the bill. He stated that this Bill was simply because Laclede Gas Company would like an Ordinance with their name on it instead of Missouri Gas Energy. He recommended that the Board approve the Bill so there was no interruption in service or interruption in receiving tax dollars.

Alderman Stark made a motion to have the second reading of the Bill by title only. The motion was seconded by Alderman Turner was accepted by a 5-0 voice vote with Alderman Ray being absent. Alderman Stark made a motion to accept the second reading of Bill 2013-18 and place on final passage as Ordinance number 09162013B. Seconded by Alderman Turner and accepted by the following 5-0 roll call vote with Alderman Ray being absent.

Alderman Gallagher	Aye	Alderman Ray	Absent
Alderman Dunsworth	Aye	Alderman Stark	Aye
Alderman Fines	Aye	Alderman Turner	Aye

New Business

A. RESOLUTION 2013-38 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI ADOPTING THE FISCAL YEAR 2013-2014 OPERATING BUDGET FOR THE CITY OF PECULIAR AND AMENDING THE FISCAL YEAR 2012-2013 OPERATING BUDGET.

The Mayor commented that the budget looks a little different than last time with the addition of flow charts and mission statements and goals for each department.

City Administrator Brad Ratliff addressed the Board pertaining to the proposed budget. He gave credit to the hard work of staff for the time and effort that was put into developing it. He highlighted some of the challenges of the upcoming year as well as some of the projects that will occur this coming fiscal year. He commented that with all funds combined it is a seven million dollar budget but that is heavily skewed by the 1.2 million in FBI funds.

Alderman Stark asked why when comparing the proposed budget by revenues and expenditures, there is a difference of \$1,343,000. She commented that she knows 1.2 million is FBI funds, but what is the other. Staff commented that it is a portion of the Sanitary Sewer Project that will be carried over from this fiscal year. Staff commented that they will amend the budget summary to reflect this.

Alderman Stark made a motion to adopt Resolution 2013-38 with the amendment to the budget summary to reflect the differences in revenues and expenditures. The motion was seconded by Alderman Turner and was accepted by a 5-0 roll call vote.

Alderman Gallagher	Aye	Alderman Ray	Absent
Alderman Dunsworth	Aye	Alderman Stark	Aye
Alderman Fines	Aye	Alderman Turner	Aye

B. RESOLUTION 2013-39 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH LARKIN ENGINEERS FOR PROFESSIONAL SERVICES FOR A PROPOSED PRELIMINARY ENGINEERING/FACILITY PLAN REPORT PREPARATION THE CITY OF PECULIAR, MO

City Engineer Carl Brooks spoke about a grant which city staff had applied for had been approved. The grant is an 85/15 split between the State and the City to update the City's water map, hydraulic model and have a 5 year supervised plan with the State. The grant will study four sources of water, a new transmission main, and many upgrades to the current distribution system.

Alderman Stark asked if the grant points out needed improvements and the City does not act on these, will the City be in a liability situation.

Staff commented that the 5 year supervised program allows the City to lay out the plan and route it wants to take to get there.

Alderman Stark made a motion to adopt Resolution 2013-39. The motion was seconded by Alderman Turner and was accepted by a 5-0 roll call vote.

Alderman Gallagher	Aye	Alderman Ray	Absent
Alderman Dunsworth	Aye	Alderman Stark	Aye
Alderman Fines	Aye	Alderman Turner	Aye

City Administrator Report

Brad Ratliff addressed the Board with an update he just received pertaining to the difference in the revenue and expenditures that it is actually the Park Capital and not the Sewer that caused the discrepancy. The planning Commission is moving forward with the land use matrix and hope to have a draft to the Board next month. The judgment hearing on the annexation is on October 8th. The City has its first sponsored girls volleyball team this year and will have basketball signups next month. The Quail Run lift station is off line and is now just a manhole. Public Works had a rough week with the Sludge Truck breaking down due to a scorched cylinder. A citizen stopped by City Hall and alerted staff to the water tower overflowing and it turned out to be a software issue. Staff thinks the loss is between 50,000 and 100,000 gallons. Water loss was at 8% this last month and will continue to try and make it lower. The sidewalk scope was submitted to MoDOT to get a sidewalk from City Hall to the J/C Interchange. There will be some Ordinances coming pertaining to the MS4 Permit.

Alderman Directives

- Sign Bill 2013-15 and Send to Department of Revenue
- Update Ordinance for enforcing Ordinances on public property
- Update Ordinance with agreement with Laclede Gas Company
- Upload Budget
- Have mayor sign agreement with Gary Mallory and vehicle lease program
- Sign contract with Larkin for water study

Executive Session

The City Administrator has requested a 20-minute Executive Session to discuss Real Estate Matters, per RSMo. §610.021(2)

Alderman Stark made a motion to enter into executive session to discuss real estate matters at 7:35pm not to exceed 20 minutes. Seconded by Alderman Turner and was approved by a 5-0 roll call vote

Alderman Gallagher	Aye	Alderman Ray	Absent
Alderman Dunsworth	Aye	Alderman Stark	Aye
Alderman Fines	Aye	Alderman Turner	Aye

Regular session reconvened at 7:55pm.

Adjournment

On a motion from Alderman Stark, second from Alderman Turner, the meeting was adjourned at 7:55pm with a 5-0 voice vote with Aldermen Ray being absent.

Regular session minutes were taken and transcribed by Nick Jacobs, City Clerk.

Nick Jacobs, City Clerk

Approved by the Board of Aldermen:

**Board of Aldermen Special Meeting Minutes
Thursday September 26, 2013**

A special meeting and public hearing of the Board of Aldermen of the City of Peculiar, Missouri, was held in the Council Chambers in City Hall at 6:00 p.m. on Thursday September 26, 2013. Mayor Pro-Tem Holly Stark called the meeting to order and all who were present joined in reciting the Pledge of Allegiance.

The following aldermen responded to roll call: Michael Gallagher, Bob Fines, Holly Stark, Donald Turner, Homer Dunsworth and Veronika Ray.

City Staff present for the meeting were City Administrator Brad Ratliff, City Engineer Carl Brooks, Chief of Police Harry Gurin, City Clerk Nick Jacobs.

Business

A. RESOLUTION 2013-40 - A RESOLUTION OF THE CITY OF PECULIAR, MISSOURI, STATING INTENT TO SEEK FUNDING THROUGH THE HAZARD MITIGATION GRANT PROGRAM AND AUTHORIZING THE MAYOR TO PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE FUNDING, IDENTIFYING A PROJECT MANAGER AND ADOPTING THE CITY OF PECULIAR VOLUNTARY FLOOD BUYOUT POLICY.

City Engineer Carl Brooks addressed the Board pertaining to a grant that was offered to the City to buyout the property at 872 Kendall. This is a 100% funded grant.

There was discussion pertaining to the ownership of the bridge that serves the property. Staff commented that the bridge would be owned by the property to the North.

Alderman Gallagher asked if the City had to retain ownership. Staff commented that the deed has to have a set of restrictions that follow the property preventing selling of it.

Mayor Pro-Tem Stark commented that after the house is removed the property would be an ongoing expense to the City for mowing and maintenance.

Further discussion ensued.

Alderman Turner made a motion to adopt Resolution 2013-40. The motion was seconded by Alderman Fines and was accepted by a 5-0 roll call vote.

Alderman Gallagher	Aye	Alderman Ray	Aye
Alderman Dunsworth	Aye		
Alderman Fines	Aye	Alderman Turner	Aye

Adjournment

On a motion from Alderman Gallagher, second from Alderman Turner, the meeting was adjourned at 6:17pm with a 5-0 voice vote.

Regular session minutes were taken and transcribed by Nick Jacobs, City Clerk.

Nick Jacobs, City Clerk

Approved by the Board of Aldermen:

**Board of Aldermen Regular Meeting Minutes
Monday October 7, 2013**

A regular work session meeting and public hearing of the Board of Aldermen of the City of Peculiar, Missouri, was held in the Council Chambers in City Hall at 6:30 p.m. on Monday October 7, 2013. Mayor Ernest Jungmeyer called the meeting to order and all who were present joined in reciting the Pledge of Allegiance.

The following aldermen responded to roll call: Michael Gallagher, Veronika Ray, Donald Turner, and Bob Fines. Holly Stark and Homer Dunsworth arrived after roll call was taken.

City Staff present for the meeting were City Administrator Brad Ratliff, City Attorney Reid Holbrook, City Engineer Carl Brooks, Chief of Police Harry Gurin, City Clerk Nick Jacobs, City Planner Clifford McDonald, Parks & Recreation Director Nathan Musteen, and Business Office Manager Trudy Prickett.

Mayor's Appointments – Christopher Green to Park Board – Resolution 2013-41

Parks and Recreation Director Nathan Musteen addressed the Board introducing Christopher Green as a new applicant for the Park Board. He stated that Michael Hedrick had to resign his seat due to residency requirements.

Alderman Stark moved to adopt Resolution 2013-41, seconded by Alderman Turner and was approved by a 5-0 roll call vote with Aldermen Dunsworth being absent.

Alderman Gallagher	Aye	Alderman Ray	Aye
Alderman Dunsworth	Absent (arrived late)	Alderman Stark	Aye
Alderman Fines	Aye	Alderman Turner	Aye

Business

A. RESOLUTION 2013-42 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING THE INTERLOCAL AGREEMENT WITH THE SHERIFF OF CASS COUNTY

Police Chief Harry Gurin addressed the Board pertaining to agreement with the Cass County Sheriff about a shooting simulator the Peculiar Police Department has purchased. This agreement would allow City officers to get Continuing Education Credits at no cost.

Alderman Stark asked if there was any thought given to housing the machine inside City limits and charging other entities to use it.

Staff commented that it was designed to give all agencies in the County the opportunity to use it at no charge.

Alderman Turner asked if three years from now they could charge the City to use it.

Staff commented that the simulator is the property of the City and can be removed if another agreement cannot be reached after three years.

Karen Mckee addressed the Board asking if there was any thought of allowing the citizens to utilize this simulator for gun training.

Alderman Stark moved to adopt Resolution 2013-42, seconded by Alderman Gallagher and was approved by a 5-0 roll call vote with Aldermen Dunsworth being absent.

Alderman Gallagher	Aye	Alderman Ray	Aye
Alderman Dunsworth	Absent (arrived late)	Alderman Stark	Aye
Alderman Fines	Aye	Alderman Turner	Aye

Topics for Discussion

A. Twin Oaks Home Owners Association

City Attorney Reid Holbrook addressed the Board regarding the formation of the Twin Oaks Homeowner Association. He gave a brief overview of the history of the development of Twin Oaks. He stated that the City is subsidizing tax payers' dollars to mow these common areas that should be maintained by the Home Owners Association. Mr. Holbrook proposed that the Board authorize him to file with the Secretary of State articles of incorporation. This association would step into the shoes of the nonexistent homeowners association.

There was further discussion pertaining to the way the association would be formed and how it would run.

Alderman Turner asked if this has been done in any other municipality.

Staff commented that it hasn't.

Alderman Gallagher asked why they could not do it themselves.

Staff commented that after 13 years they hadn't and it would take someone to step up.

Further discussion ensued as to the status of the developer setting up the homeowners association.

Several citizens addressed the Board pertaining to the proposal that was set forth. Their names include: Paul Johnson, Rob Stottlemire, Karen Mckee, Tina Elsworth, Jerry Ford, Jennifer Treolo, Rebecca Fletcher and Chance Clemmons. Each citizen expressed their opinions and asked questions to the Board.

There was much discussion pertaining to the composition of the Board of Directors and how many citizens should be on the Board VS Aldermen.

Alderman Stark made a motion for the City Attorney and staff to move forward and bring it back to the Board at a later date. Seconded by Alderman Gallagher and was approved by the following 6-0 roll call vote.

Alderman Gallagher	Aye	Alderman Ray	Aye
Alderman Dunsworth	Aye	Alderman Stark	Aye
Alderman Fines	Aye	Alderman Turner	Aye

B. Annexation Plan

City Planner Cliff McDonald addressed the Board pertaining to the proposed Annexation Plan. The purpose of the plan is to outline procedures for voluntary and involuntary annexations as well as outline potential properties to annex in the next 13 years.

The Mayor commented that the City of Belton will be using what the City of Peculiar sent to them last year as a guideline for an agreement for future annexations.

Alderman Ray asked if there was any plan to annex South of the City Lake. Staff commented there was none at this time.

C. Public Works Logo

City Engineer Carl Brooks addressed the Board regarding the proposed logo.

Alderman Stark stated she thought a new logo for Public Works would cause confusion.

The general consensus of the Board was that they disliked the logo but would not be opposed to redoing the City's logo.

Alderman Concerns or Additional Topics for Discussion by Aldermen

Alderman Fines commented about a pothole at Hurley and School Road. Staff commented they would take a look at it.

Alderman Ray asked about some unsafe structures. Staff commented that they would have Codes look at it and report back

Alderman Gallagher commented about the edge of the road being torn up between Glengera and Hurley. Staff commented that they would take a look at it.

Aldermen Directives Reported by City Administrator

Send a letter to Chris Green welcoming him to the Park Board.
Sign and send the MOU with the Sheriff.
Move forward with Twin Oaks Home Association
Public Works Logo is a no go.
Pothole at School Road and Hurley
Alderman Ray will get addresses to Cliff for unsafe properties
Road edge between Hurley and Glengera

Adjournment

On a motion from Alderman Stark, second from Alderman Gallagher, the meeting was adjourned at 8:25pm with a 6-0 voice vote.

Regular session minutes were taken and transcribed by Nick Jacobs, City Clerk.

Nick Jacobs, City Clerk

Approved by the Board of Aldermen:

City Administrator
Brad Ratliff



City Engineer
Carl Brooks

City Planner
Cliff McDonald

Chief of Police
Harry Gurin

City Attorney
Reid F. Holbrook

City Clerk
Nick Jacobs

Business Office
Trudy Prickett

Municipal Offices – 250 S Main, Peculiar, MO 64078
Phone: 816.779.5212 Facsimile: 816.779.5213

Parks Director
Nathan Musteen

To: Board of Aldermen
From: Cliff McDonald, City Planner
Date: October 21, 2013
Re:

GENERAL INFORMATION

Applicant: City Staff
Status of Applicant: City Staff
Requested Actions: Consider Changes to Chapter 250, Storm Water Management Regulations and Chapter 400, Zoning Regulations to align Land-use and Land Development regulations into Chapter 400 and establish Chapter 420: Illicit Discharge into Municipal Storm Water System
Date of Application: October 21, 2013
Purpose: To Amend Chapter 250, Storm Water Management Regulations into Chapter 400, Zoning Regulations and reorganize Chapter 400 to align Land-use and Land Development regulations into one area and establish a new Chapter 420: Illicit Discharge into Municipal Storm Water System in support of the City’s MS-4 Permit requirements.

Property Location (if applicable): N/A

PROPOSAL

For the Board of Aldermen to consider approving amendments to Chapter 250, Storm Water Management Regulations and Chapter 400, Zoning Regulations to align Land-use and Land Disturbance regulations into one Chapter of the Municipal Code (Chapter 400) and establish a new Ordinance, Chapter 420: Illicit Discharge into Municipal Storm Water System which is necessary to meet the City’s MS-4 Permit requirements.

PREVIOUS ACTIONS

The reorganization of the City’s Land-use and Land Disturbance regulations into one place, Chapter 400, has been reviewed and approved by City Staff. This alignment action (see Atch 1) was initiated to consolidate requirements into one area of the Municipal Code and improve accessibility to engineers, developers and City Staff. The Planning Commission held a Public Hearing on these proposed amendments to Chapter 250 and Chapter 400 on October 10th, 2013 and subsequently approved the

proposed changes with no amendments. The Board of Aldermen has a Public Hearing scheduled on October 21, 2013 on these proposed amendments.

KEY ISSUES

The Ordinance presented for approval has Twelve (12) Changes which will realign Land-use regulations into Chapter 400 and amend seven (7) SECTIONS which reference Storm Water Management Regulations to reflect its new Chapter number.

STAFF RECOMMENDATIONS

I recommend the Board of Aldermen approve the changes presented to Chapter 250 and Chapter 400 in the Ordinance presented at tonight's meeting.

STAFF CONTACT: Clifford L. McDonald

BILL NO. 2013-19
ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 250 AND CHAPTER 415 AND ESTABLISHING CHAPTERS 420, 425 AND 430 OF THE PECULIAR MUNICIPAL CODE TO ALIGN LAND-USE REQUIREMENTS IN THE CITY'S MUNICIPAL CODE.

WHEREAS, the City Planner has recommended amending Chapter 250 and Chapter 415 and establishing Chapters 420, 425 and 430 of the City of Peculiar Municipal Code, and amendments to SECTIONS 400.130, 400.640, 405.260, 405.290, 405.480, 405.690 and 405.740, and

WHEREAS, the Planning Commission ("Commission") recommended approval of amending Chapter 250 and Chapter 415 and establishing Chapters 420, 425 and 430 of the City of Peculiar Municipal Code, and amendments to SECTIONS 400.130, 400.640, 405.260, 405.290, 405.480, 405.690 and 405.740 of the City Municipal Code following a Public Hearing held October 10, 2013.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI THAT CHAPTERS 250, 415, 420, 425 AND 430 AND SECTIONS 400.130, 400.640, 405.260, 405.290, 405.480, 405.690 AND 405.740 OF THE CITY MUNICIPAL CODE BE AMENDED AND ESTABLISHED AS FOLLOWS:

SECTION I: That Chapter 250 of the Peculiar Municipal Code be removed in its entirety and replaced with the following language:

CHAPTER 250: RESERVED

SECTION II: That existing Chapter 415 of the Peculiar Municipal Code (Planning and Planning Commission) be removed in its entirety and replaced with the following:

CHAPTER 415: STORM WATER MANAGEMENT REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 415.010: TITLE

These regulations shall hereafter be known, cited and referred to as the "Storm Water Management Regulations" of the City of Peculiar. (Ord. No. 50189 §1.1, 5-1-89)

SECTION 415.020: APPLICABILITY

Any person, firm, corporation or business proposing to construct buildings or develop land within the City shall apply to the City Engineer for approval of a Storm Water Management Plan and issuance of a drainage permit as specified in these regulations. No land shall be developed except upon issuance of such permit. (Ord. No. 50189 §1.3, 5-1-89)

SECTION 415.030: PURPOSE

A. In order to promote the public health, safety, and general welfare of the citizens of Peculiar, these Storm Water Management Regulations are hereby enacted for the general purpose of assuring the proper balance between man's use of land and the preservation of a safe and beneficial environment.

B. More specifically, the provisions of these regulations, as amended from time to time, are needed to:

1. Reduce property damage and human suffering; and
2. To minimize the hazards of personal injury and loss of life due to flooding, to be accomplished through the approval of Storm Water Management Plans pursuant to the provisions of these regulations, which:
 - a. Establish the primary and secondary Storm Water Management Systems;
 - b. Define and establish Storm Water Management practices and use restrictions;
 - c. Establish guidelines for handling increases in volume and peak discharges of runoff; and
 - d. Establish a technical review committee to review decisions of the City Engineer. (Ord. No. 50189 §1.4, 5-1-89)

SECTION 415.040: DEFINITIONS

For the purpose of this Chapter certain terms and words shall be used, interpreted and defined as set forth in this Section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words in the singular shall include the plural, and vice-versa; the word, "*person*," includes corporation, partnership, and unincorporated association of persons; and the word, "*shall*," is always mandatory.

BASE FLOOD: The flood having a one percent (1%) chance of being equalled or exceeded in any given year, i.e., the one hundred (100) year flood.

BOND: Any form of security for the completion or performance of a Storm Water Management Plan or the maintenance of drainage improvements, including surety bond, collateral, property or instrument of credit, or escrow deposit in an amount and form satisfactory to the governing body.

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

CHANNEL: A watercourse of perceptible extent which periodically or continuously contains moving water, or which forms a connecting link between two (2) bodies of water, and which has a definite bed and banks.

DETENTION BASIN: Any man-made area which serves as a means of controlling and temporarily storing storm water runoff.

DETENTION STORAGE: The temporary detaining or storage of storm water in reservoirs, on rooftops, on parking lots and other areas under predetermined and controlled conditions.

DEVELOPMENT: Any change of land use or improvement on any parcel of land.

DIFFERENTIAL RUNOFF: The volume and rate of flow of storm water runoff discharged from a parcel of land or drainage area which is or will be greater than that volume and rate which pertained prior to proposed development or redevelopment.

DRAINAGE PERMIT: A permit issued by the City Engineer upon approval of a Final Storm Water Management Plan.

DRY BOTTOM BASIN: A facility designed for the temporary storage of storm water runoff.

EASEMENT: Authorization by a property owner for use by another party or parties of all or any portion of his/her land for a specified purpose.

FIFTY YEAR FLOOD: A flood having a two percent (2%) chance of occurrence in a given year.

FIFTY YEAR PEAK FLOW: The peak rate of flow of water at a given point in a channel, watercourse, or conduit resulting from the fifty (50) year flood.

FIFTY YEAR STORM: Rainstorms of a specific duration having a two percent (2%) chance of occurrence in any given year.

FLOODPLAIN: A land area adjoining a river, stream, watercourse, or lake which is likely to be flooded.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FREEBOARD: A factor of safety expressed as the difference in elevation between the top of the detention basin dam and the design surface water flow elevation.

HABITABLE DWELLING UNIT: A dwelling unit intended for and suitable for human habitation.

ONE HUNDRED YEAR PEAK FLOW: The peak rate of flow of water at a given point in a channel, watercourse, or conduit resulting from the base flood.

ONE HUNDRED YEAR STORM: Rainstorms of a specific duration having a one percent (1%) chance of occurrence in any given year.

PERMITTEE: A person, partnership or corporation to whom a permit is granted.

PLAT: A legally recorded plan of a parcel of land subdivided into lots with streets, alleys and other land lines drawn to scale.

PROJECT: A development involving the construction, reconstruction, or improvement of structures and/or grounds.

RATIONAL METHOD: An empirical formula for calculating peak rates of runoff resulting from rainfall.

STORM WATER RUNOFF: Water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation, and which flows over the ground surface.

STRUCTURE: Any object constructed above or below ground.

TRIBUTARY AREA: All of the area that contributes storm water runoff to a given point.

WET BOTTOM BASIN: A detention basin intended to have a permanent pool.

WATERCOURSE: Any surface stream, creek, brook, branch, depression, reservoir, lake, pond, or drainageway in or into which storm water runoff flows. (Ord. No. 50189 §1.5, 5-1-89)

ARTICLE II. STORM WATER RUNOFF MANAGEMENT SYSTEM

SECTION 415.050: GENERAL

This Article establishes the Storm Water Runoff Management System of Peculiar, Missouri, which shall be composed of a primary system, a secondary system, management controls, and management practices. These regulations shall apply in the secondary system. (Ord. No. 50189 §2.1, 5-1-89)

SECTION 415.060: THE PRIMARY SYSTEM

The primary system shall be composed of the regulatory floodplain as shown on the National Flood Insurance Program maps. (Ord. No. 50189 §2.2, 5-1-89)

SECTION 415.070: THE SECONDARY SYSTEM

The secondary system shall be composed of all watercourses and drainage structures, both public and private, that are not mapped as a part of the primary system. (Ord. No. 50189 §2.3, 5-1-89)

SECTION 415.080: MANAGEMENT CONTROLS

"*Management controls*" are regulations applicable to the secondary system under the provisions of this Chapter. Such controls shall limit any activity which will adversely affect hydraulic function of detention facilities, open channels, drainage swales, or enclosed storm water conveyance systems. (Ord. No. 50189 §2.4, 5-1-89)

SECTION 415.090: MANAGEMENT PRACTICES

The following practices may be utilized upon approval of the City Engineer.

1. *Storage.* Runoff may be stored in temporary or permanent detention basins, or through rooftop or parking lot ponding, or percolation storage, or by other means in accordance with the design criteria and performance standards set forth in these regulations.
2. *Open channels.* Maximum feasible use shall be made of existing drainageways, open channels and drainage swales that are designed and coordinated with design criteria and performance standards set forth in these regulations.
3. *Streets and curbs.* Streets, curbs, and gutters shall be an internal part of the storm water runoff management system. To the maximum extent possible, drainage systems, street layout and grades, lotting patterns and the location of the curbs, inlets and site drainage and overflow swales shall be concurrently designed in accordance with the design criteria and performance standards set forth in these regulations.
4. *Enclosed conveyance systems.* Enclosed conveyance systems consisting of inlets, conduits, and manholes may be used to convey storm water runoff. Where used, such systems must be designed in accordance with design criteria and performance standards set forth in these regulations.
5. *Other.* The storm water runoff management practices enumerated herein shall not constitute an exclusive listing of available management practices. Other generally

accepted practices and methods may be utilized if the purposes, design criteria and minimum performance standards of these regulations are complied with. (Ord. No. 50189 §2.5, 5-1-89)

SECTION 415.100: PUBLIC AND PRIVATE RESPONSIBILITIES UNDER THE STORM WATER MANAGEMENT SYSTEM

A. *Public Responsibilities.*

1. *Administration.* The administration of these regulations shall be the responsibility of the City Engineer, who shall review and approve Storm Water Management Plans as provided herein.

2. *Operation and Maintenance of Publicly Owned Facilities.* The City Public Works Department shall be responsible, during and after construction, for the operation and maintenance of all drainage structures and improved courses which are part of the storm water runoff management system under public ownership and which are not constructed and maintained by or under the jurisdiction of any State or Federal Agency.

B. *Private Responsibilities.*

1. Each developer of land within the City has the responsibility to provide on the developer's property all approved storm water runoff management facilities to ensure the adequate drainage and control of storm water on the developer's property both during and after construction of such facilities.

2. Each developer or owner has the responsibility and duty before and after construction to properly operate and maintain any on-site storm water runoff control facility which has not been accepted for maintenance by the public. Such responsibility is to be transmitted to subsequent owners through appropriate covenants. (Ord. No. 50189 §2.6, 5-1-89)

ARTICLE III. PROCEDURE FOR THE SUBMISSION, REVIEW AND APPROVAL OF STORM WATER RUNOFF MANAGEMENT PLANS

SECTION 415.110: GENERALLY

No development shall increase the quantity and rate of storm water emanation from said land areas except in accordance with an approved Storm Water Management Plan as provided in these regulations. The Storm Water Management Plan shall be prepared by a licensed professional engineer in the State where the development occurs. No building permits shall be issued until

and unless the Storm Water Management Plan has been approved by the City Engineer. (Ord. No. 50189 §3.1, 5-1-89)

SECTION 415.120: SUBMISSION OF PRELIMINARY STORM WATER MANAGEMENT PLAN

A. The Preliminary Storm Water Management Plan for any proposed development shall contain but not be limited to the following information and data:

1. Topographic map outlining the limits of the contributing area. Topographic maps should be the best available. U.S.G.S. 7.5 minute quadrangle topographic maps with a ten (10) foot contour interval will be accepted as a minimal requirement;
2. Site plan of suitable scale or contour interval, showing the land to be developed and such adjoining land whose topography may affect the layout or drainage patterns for the development;
3. The location of streams and other flood water runoff channels, the extent of flood plains at the established high water elevations, the limits of the floodway, if pertinent, and any additional information, all of which shall be properly identified;
4. The normal shoreline of lakes, ponds, swamps and detention basins including their flood plains and inflow and outflow structures if such structures exist;
5. The location and calculated flow rates of other existing storm drains, inlets and outfalls;
6. The location and calculated flow rates of any existing storm sanitary and combined sewers which occur within the proposed project site or adjacent thereto within a distance of approximately five hundred (500) feet from the perimeter of said site;
7. The location and observed flow rates of any flowing springs, existing wells or any existing seepage areas as determined by means of a field inspection of the property;
8. General information regarding the type and characteristics of soils which will be encountered within the project;
9. Concepts which will be considered within the development to handle safely all storm water runoff, including the methods for detention or control of increased storm water runoff generated by the project development;
10. A general plan showing the extent and nature of the storm drainage facilities which will be planned to serve the proposed project including preliminary calculations indicating the runoff which must be handled by such facilities, the methods and criteria

which have been utilized in calculating such runoff, and basic information regarding the receiving stream channel into which such drainage facilities will discharge;

11. Calculation supporting the method and capacity needed for the sale and temporary storage of increased runoff resulting from the proposed development, if temporary storage is needed;

12. Basic information regarding the receiving stream or channel into which proposed storm drainage facilities will discharge including the channel location, general cross section, existing downstream culverts and bridges and other waterway openings, any existing detention basins or lakes and other information required to determine, in preliminary form, the effect which the proposed development will have on downstream drainage conditions;

13. A general plan indicating the exterior perimeter of the site, the general development proposed for the project, and an indication by means of rough contours showing the terrain after grading the site.

B. The information received in Subsection (A) shall be submitted in accordance with existing subdivision plan approval procedures. (Ord. No. 50189 §3.2, 5-1-89)

SECTION 415.130: REVIEW OF PRELIMINARY STORM WATER MANAGEMENT PLAN

Following receipt of the Preliminary Storm Water Management Plan, and information to be included with such plan, the general drainage concepts and planning proposals will be reviewed by the City Engineer with representatives of the developer, including the developer's engineer, to review the overall concepts included in the Preliminary Storm Water Management Plan. The purpose of this review shall be to jointly agree upon an overall Storm Water Management Concept for the proposed development and to review criteria and begin design parameters which shall apply to final design of the project. (Ord. No. 50189 §3.3, 5-1-89)

SECTION 415.140: FINAL STORM WATER RUNOFF MANAGEMENT PLAN

Following review of the Preliminary Storm Water Management Plan and after the concept review meeting and general approval of the preliminary plan by the City Engineer, a Final Storm Water Management Plan shall be prepared for each phase of the proposed project as each phase is developed. The final plan shall constitute a refinement of the concepts approved in the Preliminary Storm Water Management Plan with preparation and submittal of the following additional detailed information unless specifically excluded during the preliminary concept review meeting:

1. A topographic map of the project site and adjacent areas, of suitable scale and contour interval, which shall define the location of streams, the extent of flood plains, and calculated high water elevations, the shoreline of lakes, ponds, swamps and detention basins including their inflow and outflow structures, if any;
2. The location and flowline elevation of all existing sanitary, storm, or combined sewers, and the location of any existing sewage treatment facilities, which fall within the project limits and within a distance of two hundred fifty (250) feet beyond the exterior boundaries of said project;
3. Detailed determination of runoff anticipated for the entire project site following development indication design volumes and rates of proposed runoff of each portion of the watershed tributary to the storm drainage system, the calculations used to determine said runoff volume and rates and restatement of the criteria which have been used by the project engineer throughout his/her calculations;
4. A refined layout of the proposed Storm Water Management System including the location and size of all drainage structures, storm sewers, channels and channel sections, detention basins, and analyses regarding the effect said improvements will have upon the receiving channel and its high water elevation;
5. The slope, type, size and flow calculations for all existing and proposed storm sewers and other waterways;
6. For all detention basins, if any, a plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations;
7. For all detention basins, if any, design hydrographs of inflow and outflow for the hundred (100) year differential runoff from the site under proposed development conditions;
8. A refined grading plan for the entire project site drawn at a suitable scale and contour interval, or the terrain within the proposed project site including contours of the existing terrain along with contours indicating final grades which will be established during completion of the project. The grading plan shall also include a plotting of the line defining the high water elevation to be expected under one hundred (100) year peak flow conditions produced by the projected development of the contributing watershed based on the best available land use information;
9. A profile and one (1) or more cross-sections of all existing and proposed channels or other open drainage facilities, showing existing conditions and the proposed changes thereto, together with the high water elevations expected from storm water runoff under the controlled conditions called for by these regulations and the relationship of structures, streets, and other utilities to such channels. (Ord. No. 50189 §3.4, 5-1-89; Ord. No. 70290 §1b, 7-2-90)

SECTION 415.150: REVIEW AND APPROVAL OF FINAL STORM WATER MANAGEMENT PLANS

- A. Final Storm Water Management Plans shall be reviewed by the City Engineer. If it is determined according to present engineering practice that the proposed development will provide control of storm water runoff in accordance with the purposes, design criteria and performance standards of these regulations and will not be detrimental to the public health, safety and general welfare, the City Engineer shall approve the plan or conditionally approve the plan, setting for the conditions thereof. If approved, a drainage permit for the development shall be granted.
- B. If it is determined that the proposed development will not control storm water runoff in accordance with these regulations, the City Engineer shall disapprove the Final Storm water Management Plan.
- C. If disapproved, the application and date shall be returned to the applicant for resubmittal.
- D. Time frames for filing, review and approval of Storm Water Management Plans shall coincide with time periods applicable in existing subdivision regulations. (Ord. No. 50189 §3.5, 5-1-89)

ARTICLE IV. DESIGN CRITERIA AND PERFORMANCE STANDARDS

SECTION 415.160: DESIGN CRITERIA

Unless otherwise provided, the following rules shall govern the design improvements with respect to managing storm water runoff:

- 1. *Methods of determining storm water runoff.* Developments where the area contributing runoff is twenty-five (25) acres or less shall be designed using the Rational Method of calculating runoff. Developments where the area contributing runoff is four hundred (400) acres or less shall be designed using either the Rational Method of calculating runoff or other methods as approved by the City Engineer. For developments where the area contributing runoff is four hundred (400) acres or more, the applicant shall submit a proposed method of evaluation for the calculation of runoff to the City Engineer for review and approval. All such development proposals shall be prepared by a licensed professional engineer.
- 2. *Development design.* Streets, blocks, depth of lots, parks, and other public grounds shall be located and laid out in such a manner as to minimize the velocity of overland flow and allow maximum opportunity for infiltration of storm water into the ground, and to preserve and utilize existing and planned streams, channels, and detention basins, and include, whenever possible, streams and floodplains within parks and other public grounds.

3. *Enclosed systems and open channels.* Unless otherwise provided by the City Engineer, the Design Criteria for Storm Sewers and Appurtenances, Revised, 1973, prepared by the Kansas City Metropolitan Chapter of the American Public Works Association, Section 5100 to 5112, inclusive, or as amended, which is by reference made part hereof as though expressly rewritten and incorporated in this Chapter, shall govern the design enclosed systems and open channels within the City of Peculiar.

4. *Methods of controlling downstream flooding.* The City Engineer shall determine whether the proposed plan will cause or increase downstream development and an analysis of storm water runoff with and without the proposed development as set forth in the Article. When the City Engineer determines that the proposed development will cause or increase downstream flooding conditions during the one hundred (100) year storm, provisions to minimize such flooding conditions shall be included in the design of storm drainage improvements. Such provisions may include downstream improvements and/or the temporary controlled detention of storm water runoff and its regulated discharge to the downstream storm drainage system.

5. *Downstream improvements.* Improvements to minimize downstream flooding conditions may include, but not be limited to, the construction of dams, dikes, levees and floodwalls; culvert enlargements; and channel clearance and modification projects. Such downstream improvements should be discussed between the City Engineer and the developer's engineer so that appropriate provisions with the respect to planning and implementing said improvements can be made at the earliest possible date.

6. *Detention.* Developments also may include temporary detention of storm water runoff in order to minimize downstream flooding conditions. The following design criteria shall govern the design of temporary detention facilities;

a. *Storage volume.* The storage volume provided in detention basins shall be as stipulated in the Design Criteria for Storm Sewers and Appurtenances, Section 5600, 1990, Kansas City Chapter of American Public Works Association, or as amended.

b. *Free board.* Detention storage areas shall have adequate capacity to contain the storage volume of tributary storm water runoff with at least two (2) feet of freeboard above the water surface of flow in the emergency spillway in a one hundred (100) year storm or as required by State law.

c. *Outlet control works.*

1) Outlet works shall be designed to limit peak outflow rates from detention storage areas to or below peak flow rates that would have occurred prior to the proposed development.

2) Outlet works shall not include any mechanical components or devices and shall function without requiring attendance or control during operation.

3) Size and hydraulic characteristics shall be such that all water in detention storage is released to the downstream storm sewer systems with twenty-four (24) hours after the end of the design rainfall.

d. *Spillway.* Emergency spillways shall be provided to permit the safe passage of runoff generated from one hundred (100) year storm, or greater, if required by law, or if appropriate because of downstream high hazard, such as loss of life or damage to high value property.

e. *Design data submittal.* In addition to complete plans, the following design data shall be submitted to the City Engineer for all projects including temporary detention facilities;

1) Rainfall hyetograph plotted in units of inches per hour as ordinates, and time from beginning of the storm as abscissas.

2) Runoff hydrograph plotted in units of cubic feet per second runoff rate of the tributary area as ordinates, and time from the start of runoff as abscissas.

3) *Area.* Capacity curve for proposed detention facility plotted in units of datum elevation as ordinates, and cumulative volume of storage as abscissas.

4) Discharge characteristics curve or outlet works plotted in units of detention facility water surface elevation as ordinates, and discharge rate for cubic feet per second (CFS) as abscissas.

5) *Storage capacity.* Inflow and outflow curves in units of accumulated volume as ordinates, and time from start of runoff as abscissas. Curves shall be so arranged that the vertical distance between the accumulated storage and accumulated discharge will indicate the net volume in storage at any point in time. Curves shall be extended to the time required for complete discharge of all runoff stored in the detention facility.

f. *Detention methods.* In addition to the above criteria, the following shall be applicable, depending on the detention alternative(s) selected by the City Engineer and the developer's engineer.

1) *Wet bottom basins.* For basins designed with permanent pools;

a) *Minimum depths.* The minimum normal depth of water before the introduction of excess storm water shall be four (4) feet.

b) *Depth for fish.* If fish are to be used to keep the basin clean, at least one-quarter ($\frac{1}{4}$) of the area of the permanent pool must have a minimum depth of ten (10) feet.

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

2) *Dry bottom basins.* For basins designed to be normally dry:

a) *Interior drainage.* Provisions must be incorporated to facilitate interior drainage to outlet structures.

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

3) *Rooftop storage.* Detention storage may be met in total or in part by detention on roofs. Details of such designs, which shall be included in the drainage permit applications, shall include the depth and volume of storage, details of outlet devices and downdrains, elevations of overflow scuppers, design loadings for the roof structure and emergency overflow provisions. Direct connection of rooftop drains to sanitary sewers is prohibited.

4) *Parking lot storage.* Paved parking lots may be designed to provide temporary detention storage of storm water on all or a portion of their surfaces. Outlets will be designed so as to slowly empty the stored waters and depths of storage must be limited so as to prevent damage to parked vehicles.

5) *Other storage.* All or a portion of the detention storage may also be provided in underground or surface detention facilities, to include basins, tanks, or swales, etc. (Ord. No. 50189 §4.1, 5-1-89; Ord. No. 70290 §1a, 7-2-90)

SECTION 415.170: PERFORMANCE STANDARDS

A. *Storm water Channel Location.* General acceptable locations of storm water runoff channels in the design of a subdivision may include but not be limited to the following:

1. In a depressed median of a double roadway, street or parkway provided the median is wide enough to permit maximum three (3) to one (1) side slopes.

2. Centered on lot lines or entirely within the rear yards of a single row of lots or parcels.

3. In each of the foregoing cases, a drainage easement to facilitate maintenance and design flow shall be provided and shown on the plat. No structure shall be constructed within or across storm water channels.

B. *Storm Sewer Outlet.* The storm sewer outlet shall be designed so as to provide adequate protection against downstream erosion and scouring.

C. *Lot Lines.* Whenever the plans call for the passage and/or storage of floodwater, surface runoff or storm water along lot lines, the grading of all such lots shall be prescribed and established for the passage and/or storage of waters, and no structure may be erected which will obstruct the flow of storm water, no fences, shrubbery, or trees planted, or changes made to the prescribed grades and contours of the specified floodwater or storm water runoff channels.

D. *Manholes.* All sanitary sewer manholes constructed in a floodplain or in an area designed for the storage or passage of flood or storm water, shall be provided with either a water-tight manhole cover or be constructed with a rim elevation of a minimum of one (1) foot above the high water elevation of the base flood or the high water elevation of the design storm, whichever is applicable to the specific area.

E. *Easements.* Permanent easements for the detention and conveyance of storm water, including easements of access to structures and facilities, shall be dedicated to the City.

F. *Maintenance.* Provisions acceptable to the City for perpetual maintenance of detention facilities, outlet works, and appurtenances shall be made, as provided in [Section 415.190](#) of these regulations.

G. *Drainage Permits.* A drainage permit for projects including detention facilities may be granted by the City Engineer only after the Storm Water Management Plan has been approved and all easements have been dedicated, accepted, and recorded, and all required maintenance assurances and required bonds have been executed, as required in [Section 415.210, Subsection \(A\)](#) of these regulations. (Ord. No. 50189 §4.2, 5-1-89)

ARTICLE V. BONDS, MAINTENANCE ASSURANCE AND DRAINAGE PERMITS

SECTION 415.180: PERFORMANCE BONDS AND OTHER ASSURANCES FOR COMPLETION OF STORM WATER MANAGEMENT IMPROVEMENTS

Upon approval of the Final Storm Water Management Plan, but before the issuance of a drainage permit, the City Engineer shall require the applicant to post a performance bond, cash escrow, certified check, or other acceptable form of performance security for the amount of the work to be done pursuant to the approved Storm Water Management Plan. (Ord. No. 50189 §5.1, 5-1-89)

SECTION 415.190: MAINTENANCE AGREEMENT

A maintenance agreement, approved by the governing body of the City, assuring perpetual maintenance of Storm Water Management improvements shall be agreed upon by the City and the applicant. (Ord. No. 50189 §5.2, 5-1-89)

SECTION 415.200: MAINTENANCE BOND

A two (2) year maintenance bond against defects in workmanship may be required by the City for any portion of the Storm Water Management improvements dedicated to the public. (Ord. No. 50189 §5.3, 5-1-89)

SECTION 415.210: DRAINAGE PERMITS

A. Upon approval of the Final Storm Water Management Plan and acceptance of the applicant's assurances of performance and maintenance as provided in these regulations, the City Engineer shall issue a drainage permit. The drainage permit shall be issued to the applicant who shall then be known and thereafter be referred to as the permittee. The permit shall set forth the terms and conditions of the approved Storm Water Management Plan.

B. *Fees.* A fee of three hundred dollars (\$300.00) shall accompany each application for a drainage permit. (Ord. No. 50189 §§5.4-5.5, 5-1-89)

ARTICLE VI. ENFORCEMENT

SECTION 415.220: GENERAL

It shall be the duty of the City Engineer to bring to the attention of the City Attorney any violation or lack of compliance herewith. (Ord. No. 50189 §6.1, 5-1-89)

SECTION 415.230: VIOLATIONS AND PENALTIES

Any person, firm or corporation who fails to comply with or violates any of these regulations shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00), or be confined in the County

Jail for not more than ninety (90) days, or both as provided by ordinance. (Ord. No. 50189 §6.2, 5-1-89)

SECTION 415.240: INSPECTION

The City Engineer shall be responsible for determining whether the Storm Water Management Plan is in conformance with requirements specified in [Article IV](#), and whether development is proceeding in accordance with the approved drainage permit. Periodic inspection of the development site shall be made by the City Engineer. Through such periodic inspections the City Engineer shall ensure the Storm Water Management Plan is properly implemented and that the improvements are maintained. (Ord. No. 50189 §6.3, 5-1-89)

SECTION 415.250: REMEDIAL WORK

If it is determined through inspection that development is not proceeding in accordance with the approved Storm Water Management Plan and drainage permit, the City Engineer shall immediately issue written notices to the permittee and the surety of the nature and location of the alleged non-compliance, accompanied by documentary evidence demonstrating non-compliance and specifying what remedial work is necessary to bring the project into compliance. The permittee so notified shall immediately, unless weather conditions or other factors beyond the control of the permittee prevent immediate remedial action, commence the recommended remedial action and shall complete the remedial work within seventy-two (72) hours or within a reasonable time after receipt of said notice. Upon satisfactory completion of the remedial work, the City Engineer shall issue a notice of compliance and the development may proceed. (Ord. No. 50189 §6.4, 5-1-89)

SECTION 415.260: REVOCATION OF PERMITS -- STOP ORDERS

The City Engineer, after giving ten (10) days' written notice, may revoke a permit issued pursuant to these regulations for any project which is found upon inspection to be in violation of the provisions of these regulations, and for which the permittee has not agreed to undertake remedial work as provided in [Section 415.250](#). Drainage permits may also be revoked if remedial work is not completed within the time allowed. Upon revocation of a drainage permit the City Engineer shall issue a stop work order. Such stop work order shall be directed to the permittee and he shall immediately notify persons owning the land, the developer, and those persons or firms actually performing the physical work of clearing, grading and developing the land. The stop work order shall direct the parties involved to cease and desist all or any portion of the work on the development or a portion thereof which is not in compliance, except such remedial work necessary to bring the project into compliance. (Ord. No. 50189 §6.5, 5-1-89)

ARTICLE VII. GENERAL PROVISIONS

SECTION 415.270: INTERPRETATION, CONFLICT AND SEPARABILITY INTERPRETATIONS

A. *Interpretation.* In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

B. *Conflict with Public and Private Provisions.*

1. *Public provisions.* These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, Statute or other provisions of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards, shall control.

2. *Private provisions.* These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, and such private provisions are inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determination made hereunder.

C. *Separability.* If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to that part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application hereof to other persons or circumstances. The governing body hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application found to be unlawful or invalid. (Ord. No. 50189 §7.1, 5-1-89)

SECTION 415.280: SAVING PROVISIONS

These regulations shall not be construed as abating any action now under, or by virtue of, prior existing regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any Section or provision existing at the time of adoption of these

regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the City, except as shall be expressly provided for in these regulations. (Ord. No. 50189 §7.2, 5-1-89)

SECTION 415.290: AMENDMENTS

For the purpose of providing for the public health, safety and general welfare, the governing body may, from time to time, amend the provisions of these regulations. (Ord. No. 50189 §7.3, 5-1-89)

SECTION 415.300: APPEALS

Any person aggrieved by a decision of the City Engineer may appeal any order, requirement, decision or determination first to the Technical Review Committee and then to a court of competent jurisdiction in accordance with the procedures set forth below.

1. A hearing before the Technical Review Committee may be required within ten (10) days of a final order, requirement, decision or determination of the City Engineer. The Technical Review Committee shall consider any information offered by the aggrieved person bearing on the dispute and may recommend to the City Engineer an appropriate course of action: either reversal, modification, or confirmation. The City Engineer, who shall be present at the hearing, shall act on the recommendation in a manner consistent with his/her responsibilities under these regulations.

2. Any person aggrieved by any final decision of the City Engineer following review by the Technical Review Committee may seek review by a court of competent jurisdiction in the manner provided by the laws of the State of Missouri. (Ord. No. 50189 §7.4, 5-1-89)

SECTION 415.310: TECHNICAL REVIEW COMMITTEE

The Technical Review Committee on Storm water Management, which shall be appointed by the governing body, shall consist of three (3) members from the fields of hydrology, geology, environmental science, civil engineering or physical planning. The Chairman shall be elected by the members of the Committee. The Committee shall have the following responsibilities:

1. Participate in the review of appeals as provided in [Section 415.300\(1\)](#) above;
2. Mediate disputes regarding the interpretation and application capability of the technical provisions of this Chapter, particularly with respect to the design criteria and performance standards set forth in [Article IV](#); and

3. Submit recommendations and findings pertinent to any dispute to the City Engineer. (Ord. No. 50189 §7.5, 5-1-89)

ARTICLE VIII. LIABILITY

SECTION 415.320: DISCLAIMER OF LIABILITY

The performance standards and design criteria set forth herein establish minimum requirements which must be implemented with good engineering practice and workmanship. Use of the requirements contained herein shall not constitute a representation, guarantee, or warranty of any kind by the City, or its Officers and employees, of adequacy of safety of any Storm Water Management structure or use of land. Nor shall the approval of a Storm Water Management Plan and the issuance of the drainage permit imply that land uses permitted will be free from damages caused by storm water runoff. The degree of protection required by these regulations is considered reasonable for regulatory purposes and is based on historical records, engineering and scientific methods of study. Larger storms may occur or storm water runoff heights may be increased by man-made or natural causes. These regulations therefore shall not create liability on the part of the City or any Officer with respect to any legislative or administrative decision lawfully made hereunder. (Ord. No. 50189 §8.1, 5-1-89)

SECTION III: That a Chapter 420 of the Peculiar Municipal Code be added to read as follows:

CHAPTER 420: ILLICIT DISCHARGE INTO MUNICIPAL STORM DRAINAGE SYSTEM

ARTICLE I. PURPOSE, INTENT

SECTION 420.010: PURPOSE/INTENT

The purpose of this Chapter is to provide for the health, safety and general welfare of the citizens of the City of Peculiar through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by Federal and State law. This Chapter establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Chapter are:

1. To regulate the contribution of pollutants to the Municipal Separate Storm Sewer System (MS4) by stormwater discharges by any user;

2. To prohibit illicit connections and discharges to the Municipal Separate Storm Sewer System;
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Chapter.

ARTICLE II. DEFINITIONS

SECTION 420.020: DEFINITIONS

For the purposes of this Chapter, the following words or phrases shall mean:

AUTHORIZED ENFORCEMENT AGENCY: Employees or designees of the Public Works Department.

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

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY: Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one (1) acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

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

ILLEGAL DISCHARGE: Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in [Section 420.070\(A\)](#) of this Chapter.

ILLICIT CONNECTIONS: An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-

stormwater discharge including sewage, process wastewater and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by an authorized enforcement agency, or

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY: Activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b) (14).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by EPA [or by a State under authority delegated pursuant to 33 USC 1342(b)] that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

NON-STORMWATER DISCHARGE: Any discharge to the storm drain system that is not composed entirely of stormwater.

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

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

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

STORM DRAINAGE SYSTEM: Facilities by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other drainage structures.

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

STORM WATER POLLUTION PREVENTION PLAN (SWPPP): A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce

pollutant discharges to stormwater, stormwater conveyance systems and/or receiving waters to the maximum extent practicable.

WASTEWATER: Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

ARTICLE III. APPLICABILITY AND RESPONSIBILITY

SECTION 420.030: APPLICABILITY

This Chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

SECTION 420.040: RESPONSIBILITY FOR ADMINISTRATION

The Public Works Department shall administer, implement and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Public Works Department may be delegated in writing by the Director of the department to persons or entities acting in the beneficial interest of or in the employ of the Public Works Department.

SECTION 420.050: SEVERABILITY

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

SECTION 420.060: ULTIMATE RESPONSIBILITY

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

ARTICLE IV. PROVISIONS FOR DISCHARGES

SECTION 420.070: DISCHARGE PROHIBITIONS

A. *Prohibition Of Illegal Discharges.* No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this Chapter: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active ground water dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated--typically less than one (1) PPM chlorine), fire-fighting activities and any other water source not containing pollutants.

2. Discharges specified in writing by the Public Works Department as being necessary to protect public health and safety.

3. Dye testing is an allowable discharge, but requires a verbal notification to the Public Works Department prior to the time of the test.

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

B. *Prohibition Of Illicit Connections.*

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

3. A person is considered to be in violation of this Chapter if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

SECTION 420.080: SUSPENSION OF MS4 ACCESS

A. *Suspension Due To Illicit Discharges In Emergency Situations.* The Public Works Department may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment or to the health or welfare of persons or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Public Works Department may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States or to minimize danger to persons.

B. *Suspension Due To The Detection Of Illicit Discharge.* Any person discharging to the MS4 in violation of this Chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Public Works Department will notify a violator of the proposed termination of its MS4 access. The violator may petition the Public Works Department for a reconsideration and hearing.

C. *Offense Committed.* A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section without the prior approval of the Public Works Department.

SECTION 420.090: INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Public Works Department prior to the allowing of discharges to the MS4.

SECTION 420.100: MONITORING OF DISCHARGES

A. *Applicability.* This Section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

B. *Access To Facilities.*

1. The Public Works Department shall be permitted to enter and inspect facilities subject to regulation under this Chapter as often as may be necessary to determine compliance with this Chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

2. Facility operators shall allow the Public Works Department ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater and the performance of any additional duties as defined by State and Federal law.

3. The Public Works Department shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the department to conduct monitoring and/or sampling of the facility's stormwater discharge.

4. The Public Works Department has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Public Works Department and shall not be replaced. The costs of clearing such access shall be borne by the operator.

6. Unreasonable delays in allowing the Public Works Department access to a permitted facility is a violation of a stormwater discharge permit and of this Chapter. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Public Works Department reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Chapter.

7. If the Public Works Department has been refused access to any part of the premises from which stormwater is discharged and he/she is able to demonstrate probable cause to believe that there may be a violation of this Chapter or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Chapter or any order issued hereunder or to protect the overall public health, safety and welfare of the community, then the Public Works Department may seek issuance of a search warrant from the Cass County Circuit Court.

ARTICLE V. POLLUTION PREVENTION

SECTION 420.110: REQUIREMENT TO PREVENT, CONTROL AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

The Public Works Department will adopt requirements identifying Best Management Practices (BMPs) for any activity, operation or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is or may be the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the Municipal Separate Storm Sewer System. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this Section. These BMPs shall be part of a Storm Water Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

SECTION 420.120: WATERCOURSE PROTECTION

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

SECTION 420.130: NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system or water of the U.S., said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Public Works Department in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Public Works Department within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

ARTICLE VI. ENFORCEMENT AND ABATEMENT

SECTION 420.140: ENFORCEMENT

Whenever the Public Works Department finds a person has violated a prohibition or failed to meet a requirement of this Chapter, the Department may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation, any or all of the following:

1. The performance of monitoring, analyses and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices or operations shall cease and desist;
4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
5. Payment of a sum of money equivalent to the administrative and remediation costs;
6. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the violator may be prosecuted for a violation of this Section, the City may seek injunctive relief or the work may be done by the Public Works Department or a contractor and the expense thereof shall be charged to the violator; all at the discretion of the Director.

SECTION 420.150: ENFORCEMENT MEASURES

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

SECTION 420.160: COST OF ABATEMENT OF THE VIOLATION

Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid

within thirty (30) days after notification of costs, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

SECTION 420.170: INJUNCTIVE RELIEF

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. If a person has violated or continues to violate the provisions of this Chapter, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION 420.180: VIOLATIONS DEEMED A PUBLIC NUISANCE

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

SECTION 420.190: CRIMINAL PROSECUTION

A. Any person that has violated or continues to violate this Chapter shall be liable to criminal prosecution to the fullest extent of the law and shall be subject to a penalty of no more than five hundred dollars (\$500.00) per violation per day and/or imprisonment for a period of time not to exceed ninety (90) days per violation per day.

B. The City of Peculiar may recover all attorneys' fees, court costs (fines or penalties assessed against the City by the Missouri Department of Natural Resources) and other expenses associated with enforcement of this Chapter, including sampling and monitoring expenses.

SECTION 420.200: REMEDIES NOT EXCLUSIVE

The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable Federal or State law and it is within the discretion of the City to seek cumulative remedies.

SECTION IV: That a new Chapter 425 of the Peculiar Municipal Code be established to read as follows:

CHAPTER 425: RESERVED

SECTION V: That a new Chapter 430 of the Peculiar Municipal Code be established to read as follows:

CHAPTER 430: PLANNING AND PLANNING COMMISSION

ARTICLE I. PLANNING COMMISSION

SECTION 430.010: ESTABLISHED -- COMPOSITION

A Planning Commission is hereby established in the City of Peculiar, Missouri, to be composed of seven (7) members, including the Mayor or the Mayor's designate, a member of the Board of Aldermen selected by the Board of Aldermen as authorized in Section 89.320, RSMo., as amended, and five (5) citizen members of the City of Peculiar, Missouri. Each of the three (3) wards of the City will be represented by at least one (1) member. (Ord. No. 118 §1(a), 5-6-69; Ord. No. 080299B §1, 9-8-99; Ord. No. 070506B §1, 7-5-06)

SECTION 430.020: MEMBERS -- COMPENSATION, TERM, VACANCY OR REMOVAL

- A. All citizen members of the Commission shall serve without compensation.
- B. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first (1st) appointed shall be for varying periods so that succeeding terms will be staggered.
- C. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid.
- D. The Board may remove any citizen member for cause stated in writing and after public hearing.
- E. All citizen members of the Commission shall reside in the City limits for a minimum of one (1) year next preceding his appointment prior to becoming eligible to serve on the Commission. (Ord. No. 118 §1(c), 5-6-69; Ord. No. 011910A §1, 1-19-10)

SECTION 430.030: COMMISSION OFFICERS -- MEETINGS -- RULES AND RECORDS -- STAFF -- EXPENDITURES

- A. The Commission shall elect its Chairman and Secretary from among the citizen members. The term of Chairman and Secretary shall be for one (1) year with eligibility for re-election.
- B. The Commission shall hold regular meetings and special meetings as they provide by rule, and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be public records.
- C. The Commission shall appoint the employees and staff necessary for its work, and may contract with City Planners and other professional persons for the services that it requires.
- D. The expenditures of the Commission, exclusive of grants and gifts shall be within the amounts appropriated for the purpose by the Board of Aldermen. (Ord. No. 118 §2, 5-6-69)

SECTION 430.040: POWERS OF THE COMMISSION -- RECOMMENDATIONS

- A. The Commission may make reports and recommendations relating to the plan and development of the City to public Officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens.
- B. It may recommend to the executive or legislative Officials of the City programs for public improvements and the financing thereof.
- C. All public officials shall, upon request, furnish to the Commission, within a reasonable time, all available information it requires for its work.
- D. The Commission, its members and employees, in the performance of its functions, may enter upon any land to make examinations and surveys.
- E. In general, the Commission shall have the power necessary to enable it to perform its functions and promote City planning. (Ord. No. 118 §6, 5-6-69)

SECTION 430.050: FUNCTIONS OF COMMISSION -- TO ACT AS ZONING COMMISSION

The Commission shall have and perform all of the functions of the Zoning Commission provided for in Section 89.010 to 89.250, RSMo., as amended. (Ord. No. 118 §8, 5-6-69)

ARTICLE II. CITY PLAN AND ZONING PLAN

SECTION 430.060: CITY PLAN -- CONTENTS -- ZONING PLAN

A. The Commission shall make and adopt a City Plan for the physical development of the City of Peculiar. The City Plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Commission's recommendations for the physical development and uses of land, and may include, among other things, the general location, character and extent of streets and other public ways, grounds, places and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of the foregoing; the general character, extent and layout of the replanning of blighted districts and slum areas.

B. The Commission may also prepare a Zoning Plan for the regulation of the height, area, bulk, location and use of private, non-profit and public structures and premises, and of population density, but the adoption, enforcement and administration of the Zoning Plan shall conform to the provisions of Sections 89.010 to 89.250, RSMo., as amended. (Ord. No. 118 §3, 5-6-69)

SECTION 430.070: CITY PLAN -- PURPOSE -- HOW PREPARED

In the preparation of the City Plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the City. The Plan shall be made with the general purpose of guiding and accomplishing a coordinated development of City which will, in accordance with existing and future needs, best promote the general welfare, as well as efficiency and economy in the process of development. (Ord. No. 118 §4, 5-6-69)

SECTION 430.080: CITY PLAN ADOPTION -- PROCEDURE

A. The Commission may adopt the Plan as a whole by a single resolution, or, as the work of making the whole City Plan progresses may from time to time adopt a part or parts thereof, any part to correspond generally with one (1) or more of the functional subdivisions of the subject matter of the Plan.

B. Before the adoption, amendment or extension of the Plan or portion thereof the Commission shall hold at least one (1) public hearing thereon. Fifteen (15) days' notice of the time and place of such hearing shall be published in at least one (1) newspaper having general circulation within the City. The hearing may be adjourned from time to time.

C. The adoption of the Plan requires a majority vote of the full membership of the Planning Commission.

D. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Commission to form the whole or part of the Plan and the action taken shall be recorded on the adopted Plan or part thereof by the identifying signature of the Secretary of the Commission and filed in the office of the Commission, identified properly by file number, and a copy of the Plan or part thereof shall be certified to the Board of Aldermen and the City Clerk and a copy shall be recorded in the office of the County Recorder of Deeds and the office of City Clerk. (Ord. No. 118 §5, 5-6-69)

**SECTION 430.090: IMPROVEMENTS -- PLANNING COMMISSION TO APPROVE -
- DISAPPROVAL OVERRULED -- HOW**

A. Whenever the Commission adopts the Plan of the City or any part thereof, no street or other public facilities, or no public utility, whether publicly or privately owned, and, the location, extent and character thereof having been included in the recommendations and proposals of the Plan or portions thereof, shall be constructed or authorized in the City until the location, extent and character thereof has been submitted to and approved by the Planning Commission.

B. In case of disapproval, the Commission shall communicate its reasons to the Board of Aldermen, and the Board of Aldermen, by vote of not less than two-thirds (2/3) of its entire membership, may overrule the disapproval and, upon the overruling, the Board of Aldermen or the appropriate board or Officer may proceed, except that if the public facility or utility is one the authorization or financing of which does not fall within the province of the Board, then the submission to the Planning Commission shall be by the board having jurisdiction, and the Planning Commission's disapproval may be overruled by that board by a vote of not less than two-thirds (2/3) of its entire membership.

C. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, sale or lease of any street or other public facility is subject to similar submission and approval, and the failure to approve may be similarly overruled.

D. The failure of the Commission to act within sixty (60) days after the date of official submission to it shall be deemed approval. (Ord. No. 118 §7, 5-6-69)

**SECTION 430.100: COMMISSION TO MAKE RECOMMENDATIONS TO BOARD
OF ALDERMEN ON PLATS -- WHEN**

When the Planning Commission of any City adopts a City Plan which includes at least a major street plan or progresses in its City planning to the making and adoption of a major street plan, and files a certified copy of the major street plan in the office of the County Recorder of the County in which the City is located, no plat of a subdivision of land lying within the City shall be filed or recorded until it has been submitted to and a report and recommendation thereon made

by the Commission to the Board of Aldermen and the Board has approved the plat as provided by law. (Ord. No. 118 §9, 5-6-69)

SECTION 430.110: REGULATIONS GOVERNING SUBDIVISION OF LAND, CONTENTS -- PUBLIC HEARING

A. The Planning Commission shall recommend and the Board may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. The regulations, in addition to the requirements provided by law for the approval of plats, may provide requirements for the coordinated development of the municipality; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the City Plan or official map of the municipality; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic.

B. The regulation may include requirements as to the extent and the manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved as well as including requirements as to the extent and manner of the installation of all utility facilities, and compliance with all of these requirements is a condition precedent to the approval of the plat. The regulations or practice of the Board may provide for the tentative approval of the plat previous to the improvements and installations; but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations previous to the final approval of a plat, the Board may accept a bond in an amount and with surety and conditions satisfactory to it, providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the Board and expressed in the bond; and the Board may enforce the bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations previous to the final approval of a plat, for an assessment or other method whereby the Board is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on the City Plan and for appropriate means of providing for the compensation, including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest.

C. Before adoption of its subdivision regulations or any amendment thereof, a duly advertised public hearing thereon shall be held by the Board. (RSMo. §89.410)

SECTION 430.120: COMMISSION TO APPROVE PLATS -- WHEN

Within sixty (60) days after the submission of a plat to the Commission, the Commission shall approve or disapprove the Plat; otherwise the Plat is deemed approved by the Commission, except that the Commission, with the consent of the applicant for the approval, may extend the sixty (60) day period. The ground of disapproval of any Plat by the Commission shall be made a matter of record. (Ord. No. 118 §11, 5-6-69)

SECTION 430.130: APPROVAL OF PLATS -- EFFECT

The approval of a Plat by the Commission does not constitute or effect an acceptance by the City of Peculiar or public of the dedication to public use of any street or other ground shown upon the Plat. (Ord. No. 118 §12, 5-6-69)

SECTION 430.140: APPROVAL OF PLATS REQUIRED FOR RECORDING

No Cass County Recorder shall receive for filing or recording any subdivision Plat required to be approved by a Board of Aldermen or City Planning Commission unless the Plat has endorsed upon it the approval of the Board of Aldermen under the hand of the Clerk and the Seal of the City, or by the Secretary of the Planning Commission. (Ord. No. 118 §13, 5-6-69)

**SECTION 430.150: USE OF UNAPPROVED PLAT IN SALE OF LAND -- PENALTY -
- VACATION OR INJUNCTION OF TRANSFER**

No owner, or agent of the owner, of any land located within the platting jurisdiction of the City of Peculiar, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by other use of a Plat of any purported subdivision of the land before the Plat has been approved by the Board of Aldermen or Planning Commission and recorded in the office of the Cass County Recorder. Any person violating the provisions of this Section shall forfeit and pay to the City of Peculiar a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. The City of Peculiar may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action. (Ord. No. 118 §14, 5-6-69)

**SECTION 430.160: PUBLIC IMPROVEMENTS -- HOW APPROVED AFTER
ADOPTION OF MAJOR STREET PLAN**

Upon adoption of a major street plan and subdivision regulations, the City of Peculiar shall not accept, lay out, open, improve, grade, pave or light any street, lay or authorize the laying of water mains, sewers, connections or other utilities in any street within the City unless the street has received the legal status of a public street prior to the adoption of a City Plan; or unless the street corresponds in its location and lines with a street shown on a subdivision plat approved by the Board of Aldermen or Planning Commission or on a street plan made by and adopted by the Commission. The Board of Aldermen may locate and construct or may accept any other street if the ordinance or other measure for the location and construction or for the acceptance is first submitted to the Commission for its approval and approved by the Commission or, if disapproved by the Commission, is passed by the affirmative vote of not less than two-thirds (2/3) of the entire membership of the Board of Aldermen. (Ord. No. 118 §15, 5-6-69)

SECTION 430.170: MAJOR STREET PLAN -- BUILDING PERMITTED MUST BE IN COMPLIANCE

After the adoption of a major street plan, no building permit shall be issued for and no building shall be erected on any lot within the territorial jurisdiction of the Commission unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements of Section 89.460, RSMo., as amended. (Ord. No. 118 §16, 5-6-69)

SECTION 430.180: ESTABLISHMENT OF BUILDING LINES

A. Whenever a plan for major streets has been adopted, the Board of Aldermen upon recommendation of the Planning Commission, is authorized and empowered to establish, regulate and limit and amend, by ordinance, building or setback lines on major streets, and to prohibit any new building being located within building or setback lines. When a plan for proposed major streets or other public improvements has been adopted, the Board of Aldermen is authorized to prohibit any new building being located within the proposed site or right of way when the centerline of the proposed street or the limits of the proposed sites have been carefully determined and are accurately delineated on maps approved by the Planning Commission and adopted by the Board of Aldermen.

B. The Board of Aldermen shall provide for the method by which this Section shall be administered and enforced and may provide for a Board of Adjustment with powers to modify or vary the regulations, in specific cases, in order that unwarranted hardship, which constitutes an unreasonable deprivation of use as distinguished from the mere grant of a privilege, may be avoided. The regulations of this Section shall not be adopted, changed or amended until a public hearing has been held thereon as provided in Section 89.360, RSMo., as amended. (Ord. No. 118 §17, 5-6-69)

SECTION 430.190: VIOLATION AND PENALTY

Any person violating the provisions of this Chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00), or by confinement in the County Jail for not more than ninety (90) days, or by both such fine and confinement. (Ord. No. 118 §18, 5-6-69)

SECTION 430.200: COMPLIANCE WITH STATE LAWS AND REGULATIONS

The Planning Commission and each member thereof is hereby authorized and directed to comply with the relevant Missouri Statutes in order that the City of Peculiar may qualify for State or Federal assistance, or both, whether financial or otherwise. (Ord. No. 118 §19, 5-6-69)

SECTION VI: That Peculiar Municipal Code § 400.130(D) be amended to read as follows:

D. No person shall engage in construction activity without meeting all applicable requirements for stormwater management in accordance with [Chapter 415](#), erosion and sedimentation control in accordance with [Chapter 500](#) and the preservation of minimum flood corridors in accordance with [Chapter 410](#) of the Peculiar Municipal Code.

SECTION VII: That Peculiar Municipal Code § 400.640.B.8.s.(9) be amended to read as follows:

(9) Evidence that all other regulations have been complied with, including a showing that applications have been submitted for approval of a Land Disturbance Permit in accordance with [Chapter 500](#), the approval of a Drainage Permit in accordance with [Chapter 415](#), or compliance with the Floodplain Management Regulations found in [Chapter 410](#), when applicable.

SECTION VIII: That Peculiar Municipal Code § 405.260(A) be amended to read as follows:

A. The installation of all improvements shall conform to the approved construction drawings. Construction drawings shall be submitted to the City Planner for review and approval by the City Engineer. Construction drawings shall not be approved prior to the approval of a Land Disturbance Permit in accordance with [Chapter 500](#), the approval of a Drainage Permit in accordance with [Chapter 415](#), or compliance with the Floodplain Management Regulations found in [Chapter 410](#) of the Peculiar Municipal Code.

SECTION IX: That Peculiar Municipal Code § 405.290(B) be amended to read as follows:

B. Construction plans shall be prepared by a professional engineer registered in the State of Missouri and shall be submitted, along with any additional required information and applicable fees, to the City Planner for review. Construction drawings shall show all information necessary for plan review and construction, including information required for a Land Disturbance Permit in accordance with [Chapter 500](#), the approval of a Drainage Permit in accordance with [Chapter 415](#), or compliance with the Floodplain Management Regulations found in [Chapter 410](#) of the Peculiar Municipal Code, when applicable and the following information:

SECTION X: That Peculiar Municipal Code § 405.480 be amended to read as follows:

SECTION 405.480: STORM DRAINAGE

The subdivider shall provide the subdivision with an adequate stormwater system consisting of culverts, sewers and drainage structures, including required stormwater detention areas and erosion control measures necessary to serve the subdivision and to the extent necessary to prevent excess runoff, flooding and erosion in accordance with [Chapter 415](#), of the Peculiar Municipal Code. All storm drainage calculations shall be made in accordance with the minimum design specifications approved by the City Engineer. (Ord. No. 111808 §1(405-411), 11-18-08)

SECTION XI: That Peculiar Municipal Code § 405.690(A) be amended to read as follows:

A. Easements shall be provided and dedicated where necessary for wires, cables, conduits, fixtures and equipment for distribution of electric power, wastewater collectors, storm drains, overland stormwater flow routes, sidewalks, pedestrian ways, bikeways, private streets and water mains at such locations and widths as determined by the City Engineer and in conformance with the requirements of [Chapter 415](#), of the Peculiar Municipal Code. The width of easements required for public wastewater collectors, storm drains and/or water mains shall be as specified by the City Engineer for the particular improvement.

SECTION XII: That Peculiar Municipal Code § 405.740 be amended to read as follows:

Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees, streets, street lighting, recreational facilities, stormwater drainage and storage facilities or other physical facilities ("private improvements") on parcels which are necessary or desirable for the welfare of the area and which are of common use or benefit and which the City does not maintain, the subdivider shall be responsible for the proper maintenance and supervision of the parcels and private improvements on a permanent and continuous basis and shall retain ownership of or the right of entry to the parcels in order to maintain the parcels and private improvements on said permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent continuous association of property owners who would be responsible for said maintenance obligation, provided that all such maintenance agreements are incorporated in covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Cass County Recorder of Deeds. Notwithstanding the above, the subdivider shall not be relieved of this maintenance obligation for each specific private improvement until the registered professional engineer or nurseryman who supervised installation of said private improvement has certified to the City that the improvement has been installed in accordance with the approved plans and relevant standards. Stormwater management facilities shall be subject to the maintenance requirements of [Chapter 415](#), of the Peculiar Municipal Code. (Ord. No. 111808 §1(405-500.14), 11-18-08)

SECTION XIII: The effective date of this ordinance shall be _____, 2013.

First Reading: _____ **Second Reading:** _____

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS ___ DAY OF _____, 2013, BY THE FOLLOWING VOTE:

Alderman Gallagher _____
Alderman Fines _____
Alderman Ray _____

Alderman Dunsworth _____
Alderman Turner _____
Alderman Stark _____

Approved:

Attest:

Ernest Jungmeyer, Mayor

Nick Jacobs, City Clerk

EXISTING CHAPTER 400, MUNICIPAL ORDINANCE

TITLE IV. LAND USE

- CHAPTER 400: ZONING REGULATIONS
- CHAPTER 405: LAND SUBDIVISION REGULATIONS
- CHAPTER 410: FLOODPLAIN MANAGEMENT
- CHAPTER 415: PLANNING AND PLANNING COMMISSION
- CHAPTER 420: RESERVED

PROPOSED CHANGES TO CHAPTER 400

TITLE IV. LAND USE

- CHAPTER 400: ZONING REGULATIONS
- CHAPTER 405: LAND SUBDIVISION REGULATIONS
- CHAPTER 410: FLOODPLAIN MANAGEMENT
- **(Add)** CHAPTER 415: STORM WATER MANAGEMENT REGULATIONS
(Moved from Chapter 250)
- **(Add)** CHAPTER 420: ILLICIT DISCHARGE INTO MUNICIPAL STORM
DRAINAGE SYSTEM
- **(Add)** CHAPTER 425:
(Reserved for Future Use - Land Disturbance Permit)
- **(Renumber)** CHAPTER 430: PLANNING AND PLANNING COMMISSION



City Administrator
Brad Ratliff

City Clerk
Nick Jacobs

Business Office Manager
Trudy Prickett

City Attorney
Reid F. Holbrook

City Engineer
Carl Brooks

Chief of Police
Harry Gurin

City Planner
Cliff McDonald

Parks Director
Nathan Musteen

Municipal Offices – 250 S. Main, Peculiar, MO 64078
Phone: 816.779.5212 Facsimile: 816.779.1004

To: Board of Aldermen
From: Clifford L. McDonald
Date: October 21, 2013
Re: Annexation Policy

GENERAL INFORMATION

Applicant: City Staff

Requested Actions: Board of Aldermen to consider adoption of a 3, 8 and 13 Year Annexation Policy

Date of Application: October 7, 2013

Purpose: The purpose is for the City of Peculiar to establish and adopt a 3, 8 and 13 Year Annexation Policy to provide guidance, procedures and recommended priorities for future annexations.

PROPOSAL

See “Requested Actions” above.

PREVIOUS ACTIONS

The City of Peculiar 3, 8 & 13 Year Annexation Plan was presented to the Board of Aldermen at the October 7, 2013 meeting for review and discussion - no revisions were presented or recommended.

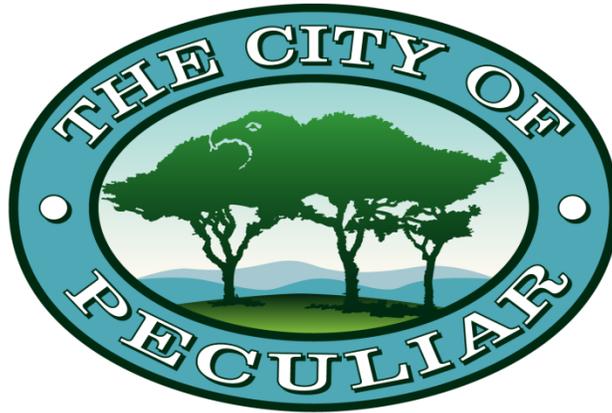
KEY ISSUES

The City needs to consider establishing an Annexation Policy to guide future annexations of property into the city. The 3, 8 and 13 Year Annexation Policy presented for the Board's consideration outlines procedures required by Missouri Statutes for Voluntary and Involuntary annexations, guidance for conducting reviews and making recommendations and presents suggested priorities of future annexations for the Board's consideration. The long-term benefit of adopting this Policy is to consolidate annexation information, suggested priorities and Agreements with neighboring cities into one document for future reference.

STAFF RECOMMENDATION

Recommend the Board of Aldermen's consider adopting the attached 3, 8 and 13 Year Annexation Policy to provide guidance & procedures for future annexations and consolidate this information into one document as incorporated into the Resolution.

STAFF CONTACT:
Clifford L. McDonald



City of Peculiar
3, 8 & 13 Year Annexation Plan
October, 2013

Table of Contents

Introduction.....	3
Why Annex? (What drives & Justifies).....	4
How do we Annex? (Annexation Process).....	5
Annexation Agreements with Neighbor Cities.....	6
3 Year North Annexation Map	11
Rationale for Annexation.....	12
3 Year South Annexation Map	13
Rationale for Annexation.....	14
8 Year North Annexation Map	15
Rationale for Annexation.....	16
8 Year South Annexation Map	17
Rationale for Annexation.....	18
13 Year North Annexation Map.....	19
Rationale for Annexation	20
13 Year South Annexation Map.....	21
Rationale for Annexation	22

Annexation Analysis Procedures.....23

Recommendation – Annexation Approval Criteria...24

Policy Statements.....25

Introduction:

This annexation plan (“Plan”) is intended as a policy framework to guide future annexation decisions by the Planning Commission and the Board of Aldermen (“Board”). It outlines a method for the City of Peculiar (“Peculiar”) to pursue annexation to expand our incorporated city limits and potentially create Future Growth Areas by inter-local annexation agreements with the Cities of Raymore, Belton and Harrisonville.

The Plan provides a general overview of the process by which Peculiar can initiate the annexation of surrounding areas and includes: the purpose for pursuing annexation, the different types of annexations (and the process required for each type) and recommendations for future annexations.

The approval of this Plan by the Board does not initiate the annexation of any property outlined in the stages of this document, nor does this document represent an existing annexation. Implementation of annexations outlined in this document will require the Board to initiate, by Resolution, the annexation of specific areas as described in this document. A detailed “Plan of Intent” outlining the costs, timing, and methods of extending Municipal Services will be necessary for the annexation of some areas.

This Plan should be used as an advisory document for annexation. Before the Board initiates any annexation in the North or South Areas described herein, the Board will be provided with a thorough fiscal analysis that examines the cost of providing services, the projected revenue that will be generated, growth projections, and impacts on current and future property owners within the proposed annexation areas.

The City’s Capital Improvement Program (“CIP”) is a five year, capital project policy document establishing project priorities, funding methods and project start dates. The CIP is reviewed each year by the Board of Aldermen and any necessary modifications to the CIP are made accordingly; it should also be reviewed by the Planning Commission. Beyond five years, it is difficult to determine either the economic & commercial growth for Peculiar or predict the availability of funding for development projects. This is where the policies and goals of the 2008 Comprehensive Plan should be used as a guide for Peculiar’s decision-makers. Peculiar must take ownership of its 2008 Comprehensive Plan and its goals and policies; this will help ensure consistency, orderly development and predictability for both the City’s residents and the development community.

Annexation decisions should balance the problem of assuming short-term service costs against the long-term benefits.

Why Annex? (What Drives & Justifies):

First and foremost, Annexation is not a land-grab, nor is it merely a means for a City to procure a revenue stream from a commercial/industrial center which happens to be nearby. Missouri State Statutes were revised in 1980 regarding the Annexation Process and require a Municipality to demonstrate that annexation is both “Reasonable and Necessary.” Reasonable and necessary embody two separate, but closely related, concepts: the annexation is reasonable and the annexation is necessary to the proper development of the municipality, meaning not only necessary to the present but also to the future needs that are reasonably foreseeable and not too remote or speculative.

Generally, reasonableness and necessity are shown where the annexation area exhibits adaptability to urban purposes and is necessary or convenient to a reasonable exercise of City Government. More specifically, factors for consideration are:

- ❖ Municipal need for residential or industrial sites within the annexation area
- ❖ Inability to meet Municipal needs without expansion
- ❖ Reasonably foreseeable needs, rather than merely visionary ones
- ❖ Past growth showing future necessity
- ❖ Extent of Municipal “spillover”
- ❖ Benefits of uniform application and enforcement of Municipal Zoning
- ❖ Benefits of uniform application and enforcement of Municipal Building Codes
- ❖ Need for extending police protection
- ❖ Benefits of Uniform application and enforcement of Municipal Services
- ❖ Enhancement of annexation area land values, and
- ❖ Resulting regularity of City boundaries (Incorporate Islands & Peninsulas).

How do we Annex? (Annexation Process)

Missouri State Statute Chapter 71 provides several different methods for property owner and City initiated annexations: *Voluntary* and *Involuntary*. This section outlines the process for each type of annexation:

Voluntary Annexation

Voluntary annexations may occur if 100% of the property owners in an area submit a notarized petition to the City for annexation. If the City consents, a public hearing must be held before the City can approve the petition. The public hearing cannot be held until at least fourteen (14) days after the petition is received. When property owners voluntarily annex, there is no requirement for the City to provide any kind of plan or timetable for providing municipal services to the annexing area.

Involuntary Annexation

Involuntary annexations can only occur if the annexation is approved in an election, where the annexation has been approved by a majority of votes cast in the area to be annexed, and by a two-thirds majority of votes cast in the City. Before an election can occur, the City must also comply with extensive legal requirements set forth in 71.015 RSMo to ensure that interests of annexed property owners are protected. Among the requirements, the City must adopt a “Plan of Intent” to provide services to the area within three (3) years after the annexation is approved, and must state how the city proposes to zone the area(s) to be annexed. As additional protection, the City cannot involuntarily annex the land unless they obtain a Declaratory Judgment from the Circuit Court that the annexation is reasonable and necessary, and a judicial determination that the City has the ability to provide normal municipal services within three (3) years. If the Declaratory Judgment and determination does not occur, the city cannot annex.

Cause of Action for Deannexation

For informational purposes, the potential for “Deannexation” should also be presented. Failure of the Municipality to provide the services in the area as prescribed in the Plan of Intent or failure to zone as promised in the Plan of Intent within five (5) years after the date of the annexation ordinance will give rise to a cause of action for deannexation that could be filed in the Circuit Court. The only persons who can bring such an action are those who were residing in the area at the time annexation became effective. Thus, anyone moving into the area after the effective date could not bring the action.

Annexation Agreements with Neighboring Cities:

City of Raymore: The City of Peculiar and City of Raymore have no “Formal” Annexation Agreement in place. Generally it is understood that the City of Peculiar has no Annexation Plan to extend its City Limits North of E. 203rd Street, nor does the City of Raymore have any Annexation Plan to extend their City Limits South of E. 203rd Street. For informational purposes, the Future Land Use Plan from the City of Raymore’s Growth Management Plan is provided (see attached Map on page 7). Though an Annexation Agreement is not critical, it would benefit the City of Peculiar to secure one with the City of Raymore as a means of outlining our two City’s Annexation Policies and Areas of Intent.

City of Belton: The City of Peculiar and City of Belton entered into an Annexation Agreement, and subsequent Amendment approximately ten (10) years ago. The City of Belton proposed an Annexation Area, which although small, was South of 203rd Street and East of “Y Highway” - close to Peculiar’s Northwest City Limit (see attached Map on page 8). This Agreement is valid for ten (10) years and expires on October 21st, 2013.

City of Harrisonville: The City of Peculiar and City of Harrisonville entered into an Annexation Agreement on December 21, 2004 (see attached Map on page 9). The City of Peculiar proposed an Addendum to the Agreement with the City of Harrisonville on August 2, 2012 to re-define our “Southern Boundary” in proximity to the Northwest Corner/Quadrant of the “Bridge with No Exits” on I-49 and South Peculiar Drive (see attached Map on page 10). However, the City of Harrisonville has not approved, nor acted upon, our proposal. It would benefit the City of Peculiar to secure this Addendum to our Agreement with the City of Harrisonville – especially considering on-going discussions of an I-49 Intersection at the “Bridge with No Exits” to provide ready access to Cass Medical Center and Northwest Harrisonville.

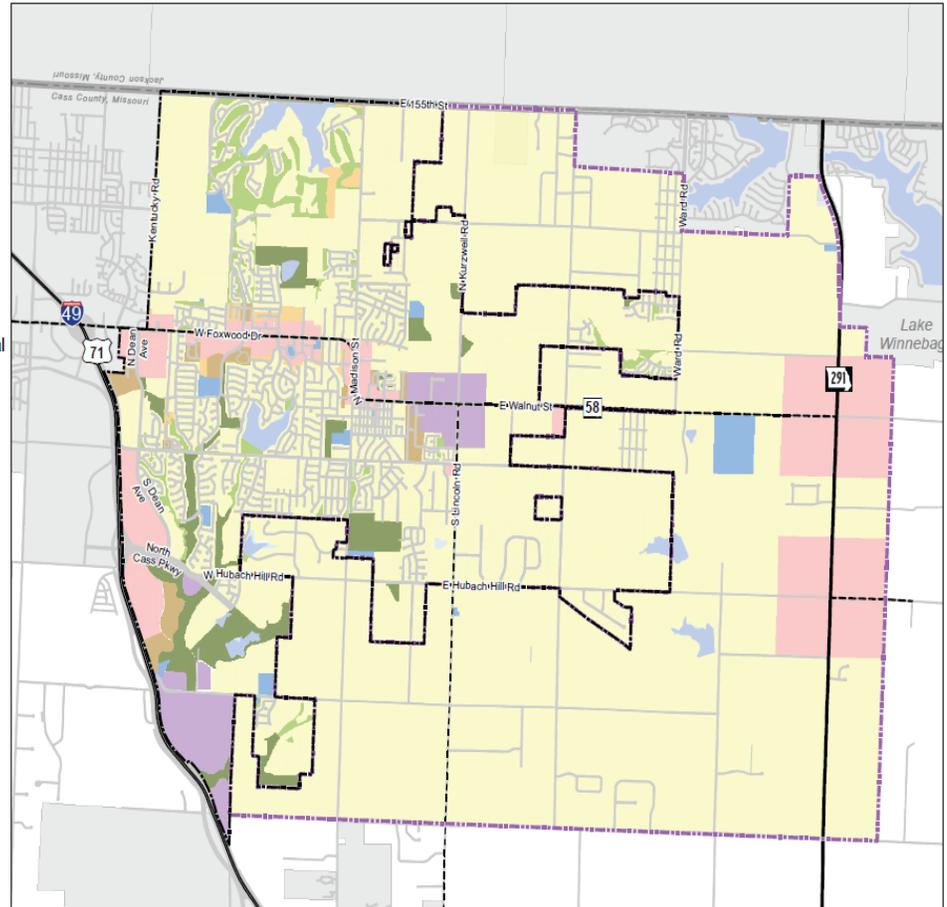
Raymore Growth Management Plan, 2013 (Note Annexation Intent)

Legend

Future Land Use

- Business Park
- Commercial
- Industrial
- Open Space
- Parks
- Water
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Public

- Annexation Intention Area
- Raymore, MO
- Other Incorporations



City of Raymore, Missouri

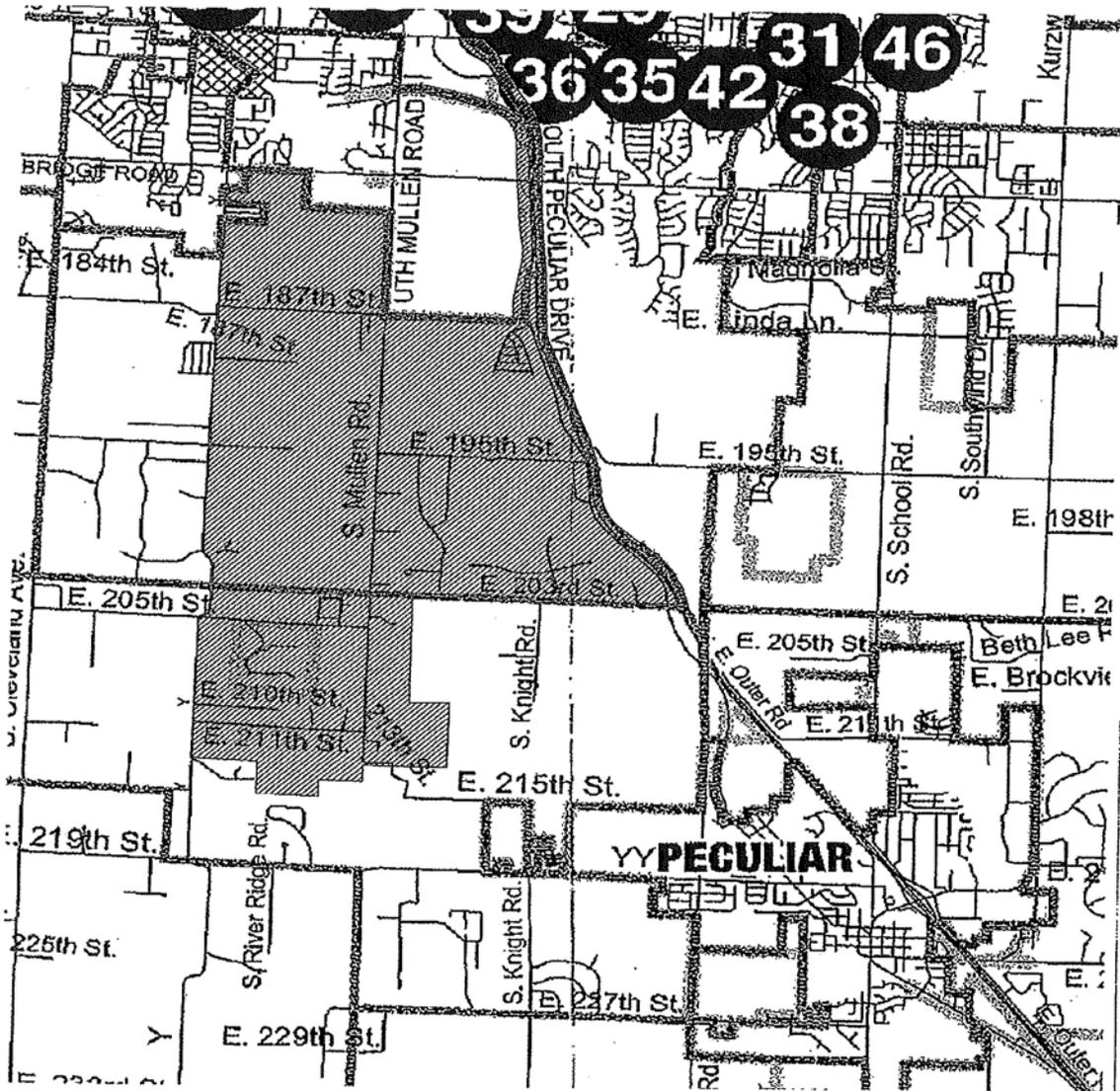
Future Land Use Plan Map

Adoption Date : March 19, 2013



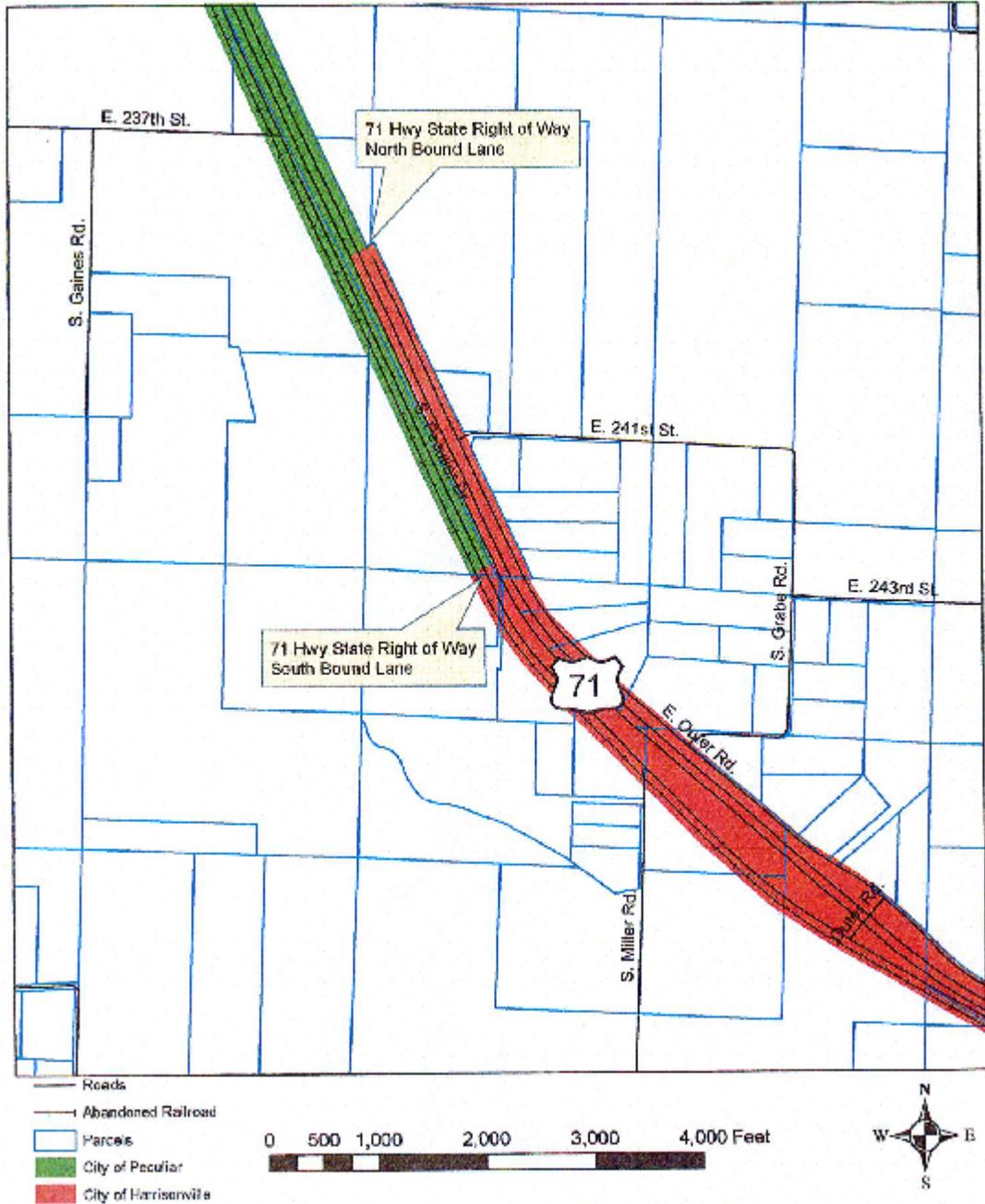
Future Land Use Map

Belton-Peculiar 2003 Annexation Agreement (Expires October 21, 2013)

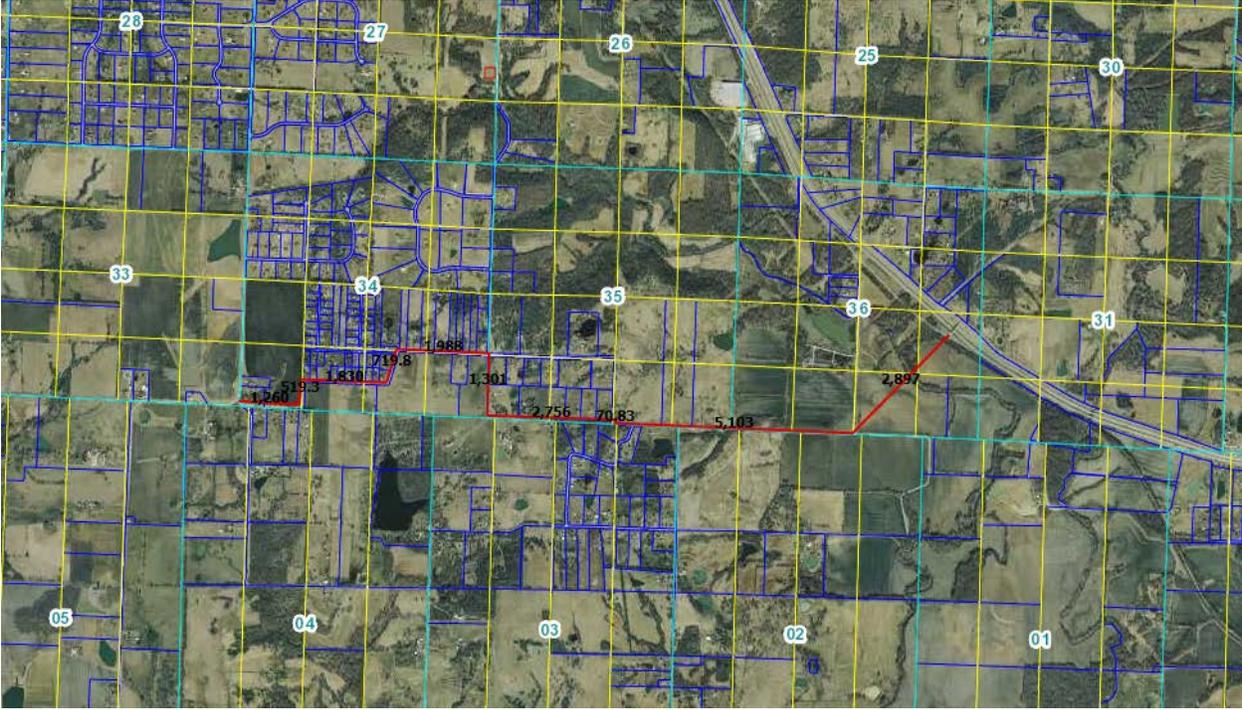


Harrisonville-Peculiar 2004 Annexation Agreement

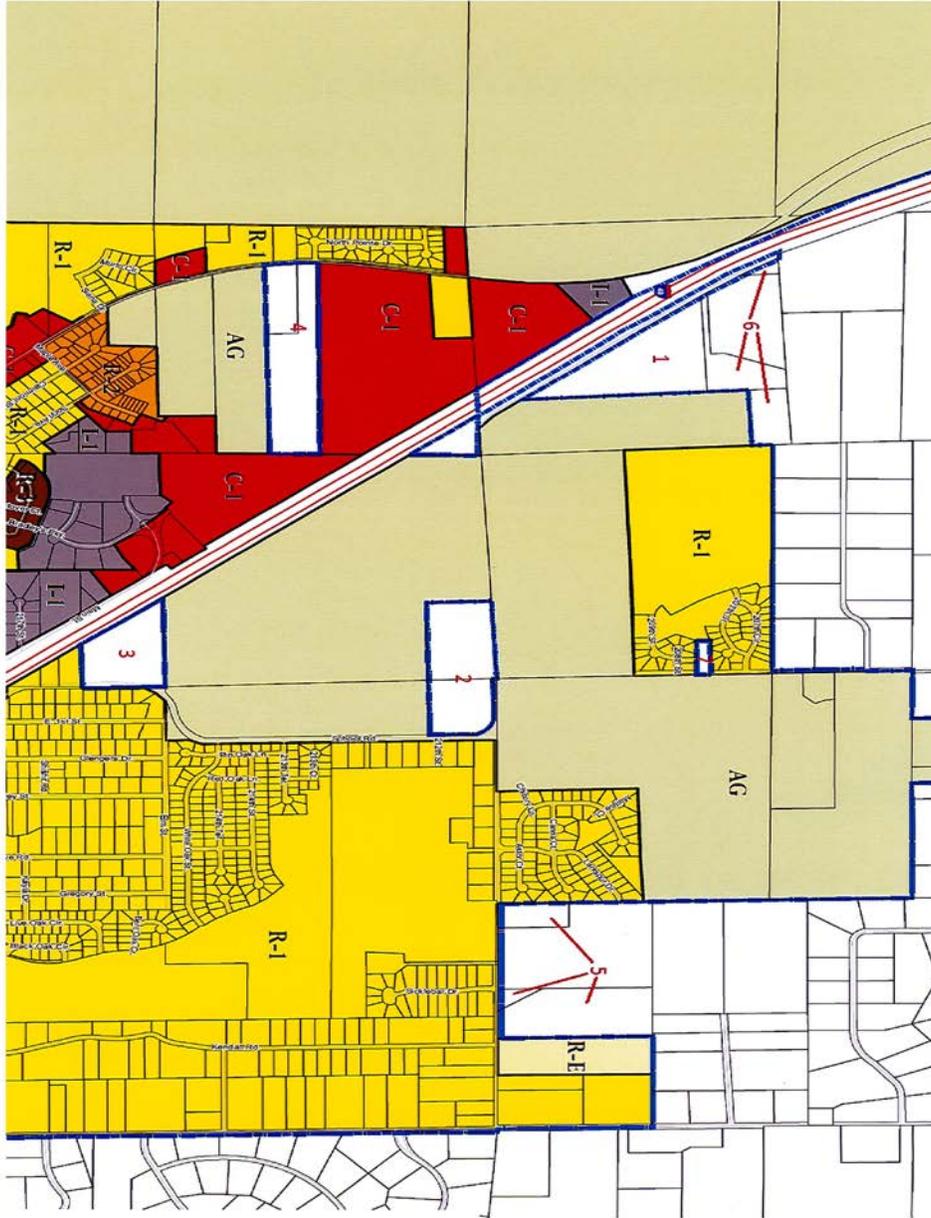
Exhibit A



Harrisonville-Peculiar Proposed Annexation Addendum, Aug 2012



3-Year North Annexation Map



3-Year North Area Annexation Plan:

Location: The North Annexation Area consists of Seven (7) areas North of the line formed by Highway YY, E. Summerskill Road and Highway J in the general vicinity of the East 211th Street Corridor (see attached Map on page 11).

Rationale: The East 211th Street – I-49 Intersection is scheduled for completion late in 2016, is a short 3 years away. It is in the City’s best interest to annex the properties in proximity to the 211th Street Corridor to ensure both future development and construction are consistent with the City’s Comprehensive Plan, Land Use (Zoning) and adopted Building Codes.

The Seven (7) areas identified for annexation in the North Area (see Map on page 11) are numbered in recommended priority order:

- Areas 1 thru 4 should be annexed immediately. This annexation is consistent with the City’s Comprehensive Plan & Future Land Use Plan and it would provide Regularity of City Limits by eliminating several “Islands.” Additionally, these areas have potential for immediate development following the Intersection’s completion.
- Area 5 (which consists of four (4) tracts of land) can only be accessed using City Streets as all properties front East 211th Street and these properties will directly benefit from the access provided by the new intersection. Additionally, this annexation would improve the Regularity of City Limits while ensuring future development of these properties would be consistent with the City’s Land Use (Zoning) and adopted Building Codes.
- Area 6 (which consists of four (4) tracts of land) is accessed by East Outer Road which is now maintained by the City of Peculiar. This annexation is consistent with the City’s Comprehensive Plan and Future Land Use Plan and it would improve the Regularity of City Limits.
- Area 7 (small island property on School Road) should be annexed to improve the Regularity of City boundaries and is fully consistent with the City’s Comprehensive Plan and Future Land Use Plan.

Process: Voluntary and Involuntary annexation actions should be reviewed and subsequently initiated either consistent with priorities recommended by this Plan or as approved by the Board of Aldermen.

3-Year South Area Annexation Plan:

Location: The South Annexation Area lies South of the line formed by Highway YY, E. Summerskill Road and Highway J (see attached Map on page 13).

Rationale: There are two (2) areas identified for annexation in this South area, numbered by priority.

- Area 1 consists of Harper Farm and two small tracts adjoining it - this area is where the City is installing a new gravity Sanitary Sewer Main. Large tracts of cleared land, with a Lake, and a Sanitary Sewer Main are extremely attractive to development. Annexing this area is consistent with the City's Comprehensive Plan and Future Land Use Plan. This area should be annexed to ensure both future development and construction is consistent with the City's Comprehensive Plan, Land Use (Zoning) and adopted Building Codes.
- Area 2 consists of Sioux Chief Properties on South Peculiar Drive. These properties have benefited from the Sanitary Sewer line which the City constructed, and they now front the City's Right-of-way on South Peculiar Drive. The properties are both within a 2-mile radius of Peculiar's nearest City Limit and the "contiguous" border along South Peculiar Drive is greater than Fifteen Percent (15%) which is a minimum annexation requirement.

Process: Voluntary and Involuntary annexation actions should be reviewed and subsequently initiated either consistent with priorities recommended by this Plan or as approved by the Board of Aldermen.

8-Year North Area Annexation Plan:

Location: The North Annexation Area lies North of the line formed by Highway YY, E. Summerskill Road and Highway J (see attached Map on page 10).

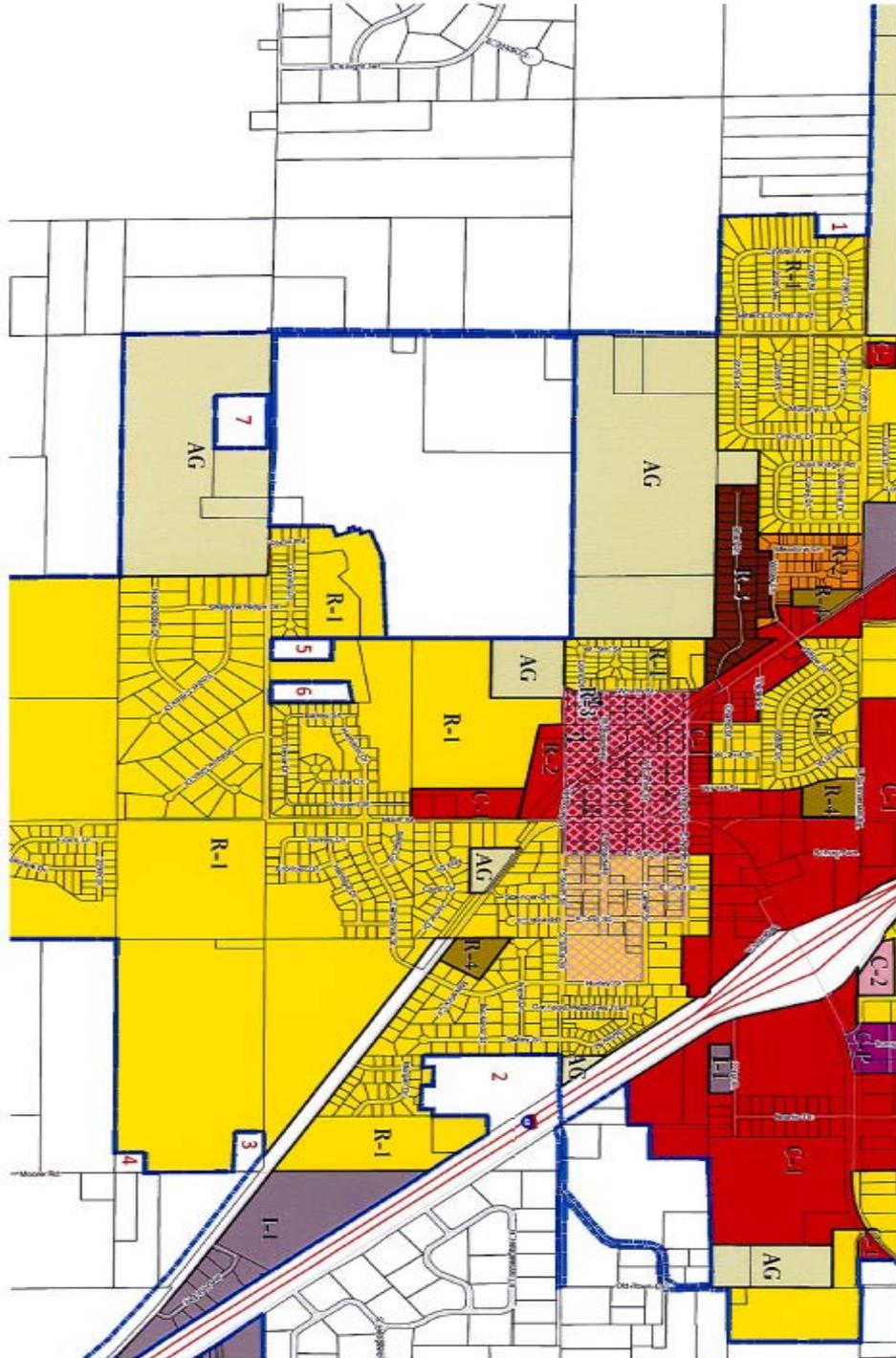
Rationale: There are no “New” areas identified for annexation in the North Area. At this time the East 211th Street – I-49 Intersection (scheduled for completion late in 2016) should have been complete for 5 years. If any of the Seven (7) areas identified in the 3-Year North Area Annexation Plan are not yet within the City, it would be in the City’s best interest to annex any remaining properties.

The Seven (7) areas previously identified for annexation in the 3-Year North Area Annexation Plan (see Map on page 11), were recommended in priority order:

- Areas 1 thru 4 should be annexed immediately. This annexation is consistent with the City’s Comprehensive Plan & Future Land Use Plan and it would provide Regularity of City Limits by eliminating several “Islands.” Additionally, these areas have potential for immediate development following the Intersection’s completion.
- Area 5 (which consists of four (4) tracts of land) can only be accessed using City Streets as all properties front East 211th Street and these properties will directly benefit from the access provided by the new intersection. Additionally, this annexation would improve the Regularity of City Limits while ensuring future development of these properties would be consistent with the City’s Land Use (Zoning) and adopted Building Codes.
- Area 6 (which consists of four (4) tracts of land) is accessed by East Outer Road which is now maintained by the City of Peculiar. This annexation is consistent with the City’s Comprehensive Plan and Future Land Use Plan and it would improve the Regularity of City Limits.
- Area 7 (small island property on School Road) should be annexed to improve the Regularity of City boundaries and is fully consistent with the City’s Comprehensive Plan and Future Land Use Plan.

Process: Voluntary and Involuntary annexation actions should be reviewed and subsequently initiated either consistent with priorities recommended by this Plan or as approved by the Board of Aldermen.

8-Year South Annexation Map



8-Year South Area Annexation Plan:

Location: The South Annexation Area lies South of the line formed by Highway YY, E. Summerskill Road and Highway J (see attached Map on page 17).

Rationale: There are Seven (7) areas identified for annexation in this South area, numbered by priority.

- Area 1 consists of the KCP&L substation on Highway YY. This area could be annexed to improve the Regularity of City boundaries however it is not identified in the City's Comprehensive Plan nor Future Land Use Plan.
- Areas 2 thru 7 consist of "Islands" and "Peninsulas" inside and on the perimeter of Peculiar's City Limits. All of these properties benefit from using City streets for access and all except #3 & #4 are identified in the City's Comprehensive Plan and Future Land Use Plan as being within City Limits. Annexation would improve the Regularity of City boundaries and provide the benefit of Uniform application and enforcement of Municipal Services.

Process: Voluntary and Involuntary annexation actions should be reviewed and subsequently initiated either consistent with priorities recommended by this Plan or as approved by the Board of Aldermen.

13-Year North Annexation Map



13-Year North Area Annexation Plan:

Location: The North Annexation Area lies North of the line formed by Highway YY, E. Summerskill Road and Highway J (see attached Map on page 19).

Rationale: There are two (2) areas identified for annexation in the North Area for this time.

The Two (2) areas identified for annexation in the 13-Year North Area Annexation Plan (see Map on page 16), are recommended in priority order:

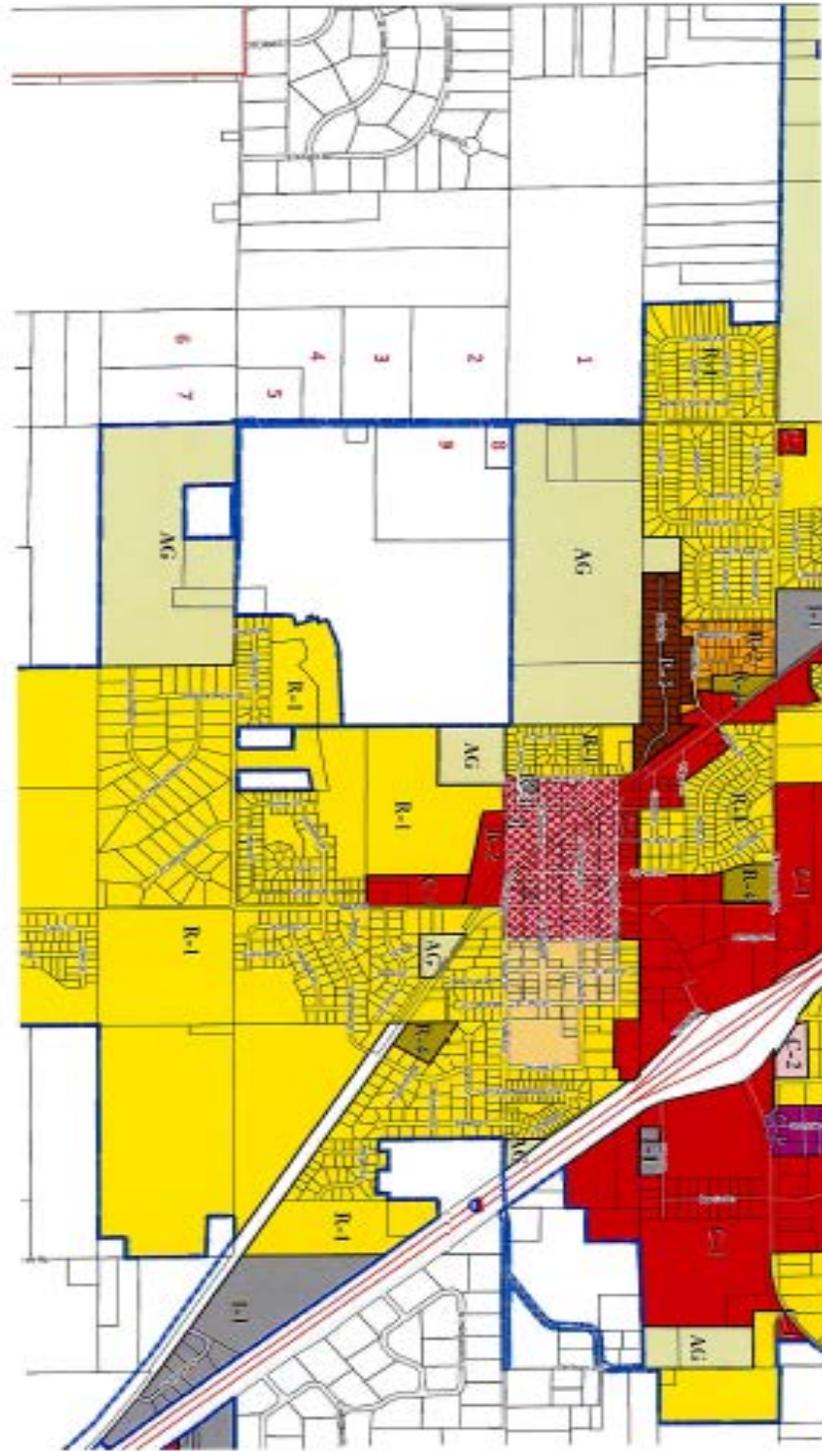
- Areas 1 and 2 are identified for annexation as they are consistent with the City's Comprehensive Plan & Future Land Use Plan and it would provide Regularity of City Limits by eliminating several "Peninsulas."

There are no "Additional" areas identified for annexation in the North Area at this time.

Property along 211th Street West from our current City Limits to YY should only be annexed if a fiscal analysis shows it to be feasible, which is unlikely given the area is in the City of Belton's watershed, but this could change in the long term future.

Process: Voluntary and Involuntary annexation actions should be reviewed and subsequently initiated either consistent with priorities recommended by this Plan or as approved by the Board of Aldermen.

13-Year South Area Annexation Map:



13-Year South Area Annexation Plan:

Location: The South Annexation Area lies South of the line formed by Highway YY, E. Summerskill Road and Highway J (see attached Map on page 21).

Rationale: There are Nine (9) areas identified for annexation in this South area, not necessarily in priority order.

- Areas 1 thru 7 represent large tracts of land which border Harper Road (which the City owns & maintains) and are properties the City will provide Water Service to for any future development (per contract agreement with PWSD No.7). These properties are not supported by the City's 2008 Comprehensive Plan nor Future Land Use Plan. Annexation would ensure future development and construction is consistent with the City's Land Use Plan (zoning) and adopted Building Codes.
- Areas 8 & 9 are identified for annexation as they are consistent with the City's Comprehensive Plan & Future Land Use Plan and it would provide Regularity of City Limits by eliminating several "Peninsulas."

Process: Voluntary and Involuntary annexation actions should be reviewed and subsequently initiated either consistent with priorities recommended by this Plan or as approved by the Board of Aldermen.

ANNEXATION ANALYSIS - PROCEDURES

During the annexation process, the Planning Commission shall evaluate the following items when applicable and before providing a recommendation for, or against, the proposed annexation to the Board of Aldermen; additional items may be required from the petitioner if deemed necessary:

1. Property Features

Map(s) and documents showing the features on and surrounding the property, including:

- 1) Present and proposed City boundaries,
- 2) Existing land use,
- 3) Proposed zoning,
- 4) Existing buildings,
- 5) Location of existing septic tanks and wells,
- 6) Existing and proposed water, pressurized irrigation, canals and sewer mains
- 7) Proposed extensions of existing streets and public utilities,
- 8) Acreage of property to be annexed, and
- 9) Existing utility service providers.

2. Service Needs Assessment

The applicant shall provide maps and documents listing and describing in detail those City Services that must be expanded to meet the needs of the proposed annexation. Future Municipal Services needed to adequately serve the proposed annexation should be estimated for the following:

- 1) Police protection (personnel, equipment, etc.)
- 2) Fire protection (personnel, equipment, hydrants and fire stations)
- 3) Public works (additional street lighting, maintenance, construction, garbage collection and street mileage)
- 4) Parks and Recreation (additional park acreage, recreational programs, new facilities and personnel)
- 5) Water and Fire Protection (water main construction, maintenance, replacement of old lines, valid water rights)
- 6) Sanitary Sewers (new interceptor lines, additional treatment plant costs, capacity constraints, costs to maintain pump station(s), etc.) and
- 7) Storm drainage (detention, connection to existing storm drain systems, flood channels, and outlets).

3. Proposed Services: City Costs and Revenue

The cost of development statement should include the additional cost incurred by the City for all services provided by the City resulting from the proposed annexation and development. The petitioner should also provide a summary statement of all anticipated building permits, growth impact fees, sales tax, property tax, and other public revenue generation resulting from the project at building out. This analysis should also include the number of proposed residential, commercial and industrial units, estimated population at build out of the proposed annexation area, current assessed valuation of the proposed annexation area and anticipated assessed valuation at build out, and a summary statement of any financial commitments bound to the property by a Special Service District.

PLAN OF SERVICES FOR PROPOSED ANNEXATION AREA

If Municipal Services to the proposed annexation area can only be provided by the future construction of onsite and offsite facilities, the City may negotiate terms and a time frame with the developer for the construction of these services through an ***Annexation Agreement*** with the developer. The annexation analysis should serve as a guide for the City in its decision as to the form, extent, and content of the annexation agreement.

Recommendation – Annexation Approval Criteria:

Future annexations should be evaluated using the following criteria:

- Will the annexation increase Peculiar’s tax base or revenue producing ability?
- Is the annexation necessary to control short-term development in an area which is important to Peculiar’s long-term growth plans? (e.g. East 211th Street Corridor)
- Do the annexation plans of adjacent communities threaten the long-term growth potential of Peculiar?
- Does the annexation add an area with short-term development potential which can be easily serviced by existing infrastructure?
- Is the property in Peculiar’s long-term growth area being inappropriately developed under County development regulations; and
- Will the annexation overburden City resources?

Policy Statements:

1. DEVELOPMENT IN THE ANNEXED AREA IS CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN
Any proposed development in an annexed area must be consistent with the Comprehensive Plan. However, the Comprehensive Plan may be amended from time to time as deemed necessary and appropriate.
2. PLANNING COMMISSION TO REVIEW PROPOSED ANNEXATION
In Order to facilitate orderly growth and development, the Planning Commission shall review all proposed annexations and make recommendations to the Board of Aldermen as set forth in Missouri State Statute.
3. ANNEXATION TO BE CONSIDERED ONLY IN AREAS OF POTENTIAL URBAN SERVICE
Peculiar's policy is to only consider annexing areas where the City has the potential to provide Municipal Services (either directly or by inter-local cooperative agreement).
4. ISLANDS AND PENINSULAS OF UNINCORPORATED AREAS TO BE ANNEXED
Peculiar encourages islands and peninsulas to become annexed. As provided by Missouri State Statute, Peculiar shall provide urban services within three (3) years.
5. TIME PERIOD TO COMPLETE VOLUNTARY ANNEXATION PETITION STUDY
After an annexation period has been certified, the protest period over, and the petition forwarded to the Planning Commission for study, a period of one year is allowed to finish the study and submit a recommendation to the Board of Aldermen. If action is not taken in that one-year period, the annexation request will be null and void. However, one 6-month extension may be allowed to complete the study and prepare a recommendation to the Board of Aldermen if approved by the Board.
6. MUNICIPAL SERVICES IN UNINCORPORATED AREAS
The plan for extension of Municipal Services is represented in the Comprehensive Plan and the Capital Improvement Plan for Public Facilities. These two adopted policy documents are developed around the Future Land Use Plan which is incorporated in the Comprehensive Plan. The critical component of this is the ability of the City to provide Municipal Services to these areas.

7. HIGH QUALITY MUNICIPAL SERVICES TO BE PROVIDED

It is the policy of Peculiar to extend high quality Municipal Services, delivered efficiently, throughout the City - including areas of annexation. Further, the City promotes the equitable distribution of community resources and obligations. Such services may be provided directly by Peculiar, through inter-local cooperative service agreements, or through creation of such special improvement districts as determined by Peculiar to be in the best public interest of its citizens.

8. COMPLIANCE WITH STANDARDS AND REGULATIONS

It is the policy of Peculiar to require the development of annexed areas to comply with City standards and regulatory laws. This includes the City's Building Code, Subdivision and Zoning Ordinances, and development standards for street width, curbs, gutters, sidewalks, street lighting, road signs, and other utilities. However, existing development may be annexed as legal nonconforming development and uses, consistent with Peculiar's Zoning Ordinances which address nonconforming uses.

9. AVOID ENVIRONMENTALLY SENSITIVE AREAS

It is the policy of Peculiar to avoid development of wetlands, critical environmental habitat areas, and other environmental conditions that jeopardize the integrity of the City's infrastructure. Consideration will be given however, should the developer define how they will mitigate these issues in conformance with City ordinances, Federal and State regulations in an Annexation Agreement.

10. MUNICIPAL SERVICES ON AS-NEEDED BASIS

In areas where Municipal Services are not available, services will be extended on an as-needed basis at the cost of the developer/petitioner. All extensions of Municipal Services must comply with City ordinances and policy criteria and will be paid for by the individual developer/petitioner.

11. ANNEXATION AGREEMENT

An Annexation Agreement, which shall be recorded, will be prepared between the City and property owners outlining specific circumstances relating to water, sewer, and streets, and other specific improvements after review by the Planning Commission, and prior to final annexation approval by the Board of Aldermen.

12. EXTENSION OF ROADS, STREETS AND OTHER VITAL PUBLIC FACILITIES

As a condition of annexation, developments may be required to extend streets, water, sanitary sewer, and other public facilities consistent with City Code. Development of improvements shall be extended to the edge of property lines.

13. ESTIMATE OF TAX CONSEQUENCES

It is anticipated that areas annexed into the City will increase in value, and the tax assessment on newly developed areas, along with impact fees, development fees, and additional revenue assessments will generate revenue to help support the new services. However, the City needs to constantly monitor and advocate for a balanced tax base through economic promotion & development and by encouraging commercial and service industry growth.

14. REVENUE AND ANNEXATION

Consistent with State Law, it is not Peculiar's intent to annex territory for the sole purpose of acquiring revenue. However, it is important for a community like Peculiar to maintain a balanced tax base.

15. COMPLY WITH CITY STANDARDS

It is the desire of Peculiar that, in the event parcels of land within the expansion area are developed and are not able to be annexed into the City, such development will be consistent with Peculiar's standards and specifications for streets and public facilities and the County will refer all developments to the City for review and recommendations.

16. FINANCING SERVICES

It is the policy of Peculiar that developments should finance their extension of municipal services. Impact fees derived from a development may fill some gaps in providing services to the area, but development within expanded areas needs to be the primary responsibility of the developer/petitioner.

RESOLUTION 2013-43

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI TO APPROVE AND ADOPT THE ATTACHED 3, 8 AND 13 YEAR ANNEXATION PLAN AS THE ANNEXATION PLAN FOR THE CITY OF PECULIAR

WHEREAS, The Board of Aldermen recognize the need to adopt an Annexation Plan which establishes policies, procedures and outlines general priorities to guide future annexations by the City of Peculiar, and;

WHEREAS, existing Annexation Agreements with the Cities of Belton, Raymore and Harrisonville are outlined in the Annexation Plan, and;

WHEREAS, the Board of Aldermen have reviewed the policies, procedures and priorities presented in the attached 3, 8 and 13 Year Annexation Plan for the City of Peculiar,

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI

Section 1. The City of Peculiar, Missouri hereby adopts by Resolution, the attached 3, 8 and 13 Year Annexation Plan dated October 7, 2013 as the Official Annexation Plan for the City of Peculiar, Missouri.

Section 3. *Effective Date.* The effective date of this Resolution shall be ____ day of October, 2013.

Upon a roll call, said Resolution was adopted by the following vote:

Alderman Gallagher	_____	Alderman Ray	_____
Alderman Turner	_____	Alderman Stark	_____
Alderman Fines	_____	Alderman Dunsworth	_____

APPROVED:

ATTEST:

Ernest Jungmeyer, Mayor

Nick Jacobs, City Clerk

INTERGOVERNMENTAL COOPERATIVE AGREEMENT

This INTERGOVERNMENTAL COOPERATIVE AGREEMENT ("Agreement") is entered into as of October __, 2013, by and between the CITY OF BELTON, MISSOURI ("Belton"), a political subdivision of the State of Missouri, and the CITY OF PECULIAR, MISSOURI ("Peculiar"), a political subdivision of the State of Missouri.

RECITALS

A. Belton is desirous of instituting an action for annexation of the Belton Annexation Area described in "Exhibit A," which is attached hereto, in accordance with the provisions of Section 71.015, RSMo., as amended.

B. Belton and Peculiar previously executed a Settlement and Release Agreement ("Settlement") regarding Belton Annexation Area as described in Exhibit A of the Settlement.

C. Both Belton and Peculiar desire to enter into an Intergovernmental Cooperative Agreement to extend the terms of the Settlement concerning the Belton Annexation Area.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Belton and Peculiar hereby agree as follows:

ARTICLE I REPRESENTATIONS

Section 1.1. Representations by Peculiar. Peculiar represents as follows:

a. Existence. Peculiar is a political subdivision, duly organized and existing under the laws of the State of Missouri.

b. Authority. Peculiar has authority to enter into this Agreement and to carry out its obligations under this Agreement. By proper action of its Board of Aldermen, Peculiar has been duly authorized to execute and deliver this Agreement, acting by and through its duly elected Board of Aldermen.

c. Agreement not a Breach. The execution and delivery of this Agreement, the consummation of the transactions contemplated by this Agreement and the performance of or compliance with the terms and conditions of this Agreement by Peculiar will not conflict with or result in a breach of any of the terms, conditions or provisions of or constitute a default under, any mortgage, deed of trust, lease or any other restriction or any agreement or instrument to which Peculiar is a party or by which it or any of its property is bound, or any order, rule or regulation of any court or governmental body applicable to Peculiar or any of its property, or result in the creation or imposition of any prohibited lien, charge or encumbrance of any nature whatsoever upon any of the property or assets of Peculiar under the terms of any instrument or agreement to which Peculiar is a party.

d. Conflicts. No official or employee of Peculiar has any significant or conflicting interest, financial or otherwise, in this Agreement.

e. Litigation. There is no litigation or proceeding pending or threatened against Peculiar affecting the right of Peculiar to execute or deliver this Agreement or the ability of Peculiar to comply with its obligations under this Agreement.

Section 1.2. Representations by Belton. Belton represents as follows:

a. Existence. Belton is a political subdivision, duly organized and existing under the laws of the State of Missouri.

b. Authority. Belton has authority to enter into this Agreement and to carry out its obligations under this Agreement. By proper action of its governing body, Belton has been duly authorized to execute and deliver this Agreement, acting by and through its duly elected City Council.

c. Agreement Not a Breach. The execution and delivery of this Agreement, the consummation of the transactions contemplated by this Agreement, and the performance of or compliance with the terms and conditions of this Agreement by Belton will not conflict with or result in a breach of any of the terms, conditions or provisions of, or constitute a default under, any indenture, mortgage, deed of trust, lease or other agreement or instrument to which Belton is a party or by which it or any of its property is bound or its bylaws or any of the constitutional or statutory rules or regulations applicable to Belton or its property.

d. Conflicts. No official member or employee of Belton has any significant or conflicting interest, financial or otherwise, in this Agreement.

e. Litigation. There is no litigation or proceeding pending or threatened against Belton affecting the right of Belton to execute or deliver this Agreement or the ability of Belton to comply with its obligations under this Agreement.

ARTICLE II DEFINITIONS

Section 2.1 For purposes of this Agreement, the following terms and definitions shall apply:

a. "Belton" shall mean CITY OF BELTON, MISSOURI, a municipal corporation of the fourth class, organized and existing in accordance with the laws of the State of Missouri, its respective aldermen, officers, employees, attorneys, agents, administrators, fiduciaries, subsidiaries, affiliates, successors, and assigns.

b. "Peculiar" shall mean CITY OF PECULIAR, MISSOURI, a municipal corporation of the fourth class, organized and existing in accordance with the laws of the State of Missouri, its respective aldermen, officers, employees, attorneys, agents, administrators, fiduciaries, subsidiaries, affiliates, successors, and assigns.

c. "Belton Annexation Area" shall mean that area of land more accurately described and incorporated herein by reference from "Exhibit A," attached hereto.

ARTICLE III AGREEMENT ON ANNEXATION AREAS

Section 3.1 Peculiar agrees that it will not annex that specific area described by the Belton Annexation Area, which is incorporated herein by reference and attached hereto as "Exhibit A."

Section 3.2 Belton agrees that it will not annex any property which lies South of 203rd and East of "Y" Highway, except for that portion specifically described in "Exhibit A" hereof.

Section 3.3 Belton and Peculiar acknowledge and agree that this Agreement represents the resolution and compromise of a previous disputed claim and represents their agreement concerning the future annexations by both cities as described herein.

Section 3.4 Belton and Peculiar agree that the retained area of annexation of each respective city may be annexed in increments, and such incremental annexation does not alter this Agreement as to each city's respective area of annexation.

Section 3.5 This Agreement does not restrict any future annexations by either city in areas not encompassed by this Agreement.

ARTICLE IV GENERAL PROVISIONS

Section 4.1 Successors and Assigns. This Agreement shall be binding on and shall inure to the benefit of the parties named herein and their respective successors and assigns, provided that this Agreement shall not be assigned without the prior written consent of all parties hereto.

Section 4.2 Remedies. Except as otherwise provided in this Agreement, in the event of any default in or breach of any term or condition of this Agreement by either party, or any successor, the defaulting or breaching party shall, upon written notice from the other party, proceed immediately to cure or remedy such default or breach, and, shall, in any event, within thirty (30) days after receipt of notice, commence to cure or remedy such default. If such cure or remedy is not taken or not diligently pursued, or the default or breach is not cured or remedied within a reasonable time, the aggrieved party may institute such proceedings as may be necessary or desirable in its opinion to cure and remedy such default or breach, including without limitation proceedings for injunctive relief or proceedings to compel performance by the defaulting or breaching party.

Section 4.3 Notices. Any notice, demand, or other communication required by this Agreement to be given to either party hereto to the other shall be in writing and shall be sufficiently given or delivered if dispatched by certified United States first class mail, postage prepaid, or delivered personally to, or sent by electronic mail and addressed as hereinafter specified:

Belton:

City Manager
City of Belton, Missouri
City Hall
506 Main Street
Belton, Missouri 64012
rtrivitt@belton.org

City Clerk
City of Belton, Missouri
City Hall
506 Main Street
Belton, Missouri 64012
pledford@belton.org

with a copy to:

Aaron G. March
White Goss Bowers March Schulte & Weisenfels
4510 Belleview, Suite 300
Kansas City, Missouri 64111
amarch@whitegoss.com

Peculiar:

City Administrator
City of Peculiar, Missouri
City Hall
250 S. Main Street
Peculiar, Missouri 64078
bratliff@cityofpeculiar.com

City Clerk
City of Peculiar, Missouri
City Hall
250 S. Main Street
Peculiar, Missouri 64078
njacobs@cityofpeculiar.com

or to such other address with respect to either party as that party may, from time to time, designate in writing and forward to the other as provided in this paragraph.

Section 4.4 Choice of Law. This Agreement shall be taken and deemed to have been fully executed, made by the parties in, and governed by the laws of the State of Missouri for all purposes and intents.

Section 4.5 Entire Agreement; Amendment. The parties agree that this Agreement constitutes the entire agreement between the parties and that no other agreements or representations other than those contained in this Agreement have been made by the parties. This Agreement shall be amended only in writing and effective when signed by the authorized representatives of both parties.

Section 4.6 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall constitute one and the same instrument.

Section 4.7 Severability. If any term or provision of this Agreement is held to be unenforceable by a court of competent jurisdiction, the remainder shall continue in full force and effect, to the extent the remainder can be given effect without the invalid provision.

Section 4.8 Mutual Assistance. The parties agree to take such actions, including the execution and delivery of such documents, instruments, petitions and certifications supplemental

hereto, and the obtaining of grants of access to and easements over public property as may be necessary or appropriate to carry out the terms, provisions and intent of this Agreement and which do not impair the rights of the affected party as such rights exist under this Agreement, and to aid and assist each other in carrying out said terms, provisions and intent.

Section 4.9 Approvals. Unless specifically provided to the contrary herein, all approvals of Belton hereunder may be given by the City Manager or his/her designee without the necessity of any action by the City Council. The Belton City Manager, at his/her discretion, may seek the advice or consent of the City Council for any requested approval. Unless specifically provided to the contrary herein, all approvals of Peculiar hereunder may be given by the City Administrator or his/her designee without the necessity of any action by the Board of Aldermen. The Peculiar City Administrator, at his/her discretion, may seek the advice or consent of the Board of Aldermen for any requested approval.

ARTICLE V MISCELLANEOUS

Section 5.1 Release. Neither Belton nor Peculiar shall be liable to the other for damages or otherwise in the event that this Agreement is declared invalid or unconstitutional in whole or in part by the final judgment of any court of competent jurisdiction, and by reason thereof either Belton or Peculiar is prevented from performing any of the covenants and agreements herein. All covenants, stipulations, promises, agreements and obligations of Belton and Peculiar shall be deemed to be the covenants, stipulations, promises, agreements and obligations of Belton and Peculiar and not of any of their governing body officers, agents, or employees in their individual capacities. No elected or appointed official, employee or representative of Belton or Peculiar shall be personally liable to the other party in the event of a default or breach by any party under this Agreement.

Section 5.2 Recitals and Exhibits. The representations, covenants, and recitations set forth in the foregoing recitals and the exhibits attached to this Agreement are material to this Agreement and are hereby incorporated into and made a part of this Agreement as though they were fully set forth in this Section, and the appropriate exhibits are incorporated into each section of this Agreement that makes reference to an exhibit.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective officers or officials.

Executed by Peculiar the _____ day of October, 2013.

CITY OF PECULIAR, MISSOURI

By: _____
Ernie Jungmeyer, Mayor

(Seal)

Attest:

Nick Jacobs, City Clerk

STATE OF MISSOURI)
)
COUNTY OF)

On this _____ day of _____, 2013, before me, a Notary Public in and for said state, personally appeared Ernie Jungmeyer, who acknowledged himself to be the Mayor of the City of Peculiar, Missouri, a political subdivision of the State of Missouri, and that he, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public

(Seal)

My commission expires:

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective officers or officials.

Executed by Belton the ____ day of _____, 2013.

THE CITY OF BELTON, MISSOURI

By: _____
Jeff Davis, Mayor

(Seal)

Attest:

City Clerk/Administrator

STATE OF MISSOURI)
) ss.
COUNTY OF _____)

On this ____ day of _____, 2013, before me, a Notary Public in and for said state, personally appeared Jeff Davis, who acknowledged himself to be the Mayor of the City of Belton, Missouri, and that he, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public

(Seal)

My commission expires:

EXHIBIT A

Date: April 18, 2003

City: Belton, Missouri

County: Cass

General Area: South of Southeast Corporate limits of the City of Belton

Specific Purpose: Annexation for the City of Belton, Missouri

All that part of those lands, both public and private, lying within Township 45 North, Range 32 & 33 West and Township 46 North, Range 32 & 33 West, of the 5th Principal Meridian, all in the County of Cass, State of Missouri as described herein to be annexed to and incorporated in the City of Belton to wit:

Beginning at the point of intersection of the Southerly line of Section 19, Township 46 N, Range 32 W, with the Easterly right-of-way line of S. Mullen Road as now established in said County and State, said point being also on the corporate limit line of said city of Belton; thence Northerly along the Easterly right-of-way line of said S. Mullen Road being also along said corporate limit line to its intersection with the Easterly prolongation of the South line of the North half of the Northeast Quarter of Section 24, Township 46N, Range 33W; thence Westerly along the Easterly prolongation of said Southerly line being also along the Southerly line of said corporate limit line to the Southwest corner of the North half of the Northeast Quarter of said Section 24; thence Northerly along the Westerly line of said North half and its Northerly prolongation to a point intersection with the Northerly right-of-way line of E. Cambridge Road as now established said point being also on the Southerly line of said corporate limit line; thence Westerly along the Northerly right-of-line of said E. Cambridge Road and along said Southerly corporate limit line to its point of intersection with the Northerly prolongation of the Easterly line of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter said Section 24; thence Southerly along said Northerly prolongation and along the Easterly line of said Quarter, Quarter, Section being also alone said corporate limit line to the Southeast corner of Northwest Quarter of the Northwest Quarter of the Northwest Quarter said Section 24; thence Westerly along the Southerly line of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter said Section 24 and its Westerly prolongation being also along said corporate limit line to its intersection with the Westerly right-of-way line of Missouri State Route "Y" (S. Cedar Street) as Route and Street are now established; thence Southerly along the Westerly right-of-way line of said Missouri State Route "Y" being also alone said corporate limit line to its intersection with the Westerly prolongation of the Northerly line of the Southwest Quarter of the Northwest Quarter of said Section 24; thence Easterly along said Westerly prolongation and along the Northerly line of said Southwest Quarter of the Northwest Quarter of said Section 24 being also alone said corporate limit line to the Northeast corner of the Southwest Quarter of the Northwest Quarter of said Section 24; thence Southerly along the Easterly line of said Southwest Quarter of the Northwest Quarter of said Section 24 being also alone said corporate limit line to the Southeast corner of the North half of said Southwest Quarter of the Northwest Quarter; thence Westerly along the Southerly line of the North half of said Southwest Quarter of the Northwest Quarter and its Westerly prolongation being also alone said corporate limit line to its intersection with the Westerly right-of-way line of said Missouri State Route "Y"; thence Southerly along said Westerly right-of-way line and its jogs and curves to its intersection with the Westerly prolongation of the Southerly line of the North half of the Northwest Quarter of Section 12, Township 45N, Range 33W; Thence Easterly along said Westerly prolongation and

along the Southerly line of said North half of the Northwest Quarter to the Northeast corner of EAST CREEK FARMS, a Subdivision in said County and State, according to the recorded plat thereof; thence Southerly along the Easterly line of said EAST CREEK FARMS, to the Southeast corner thereof being also the Northwest corner of WHISPERING OAKS, a subdivision in said County and State, according to the recorded plat thereof; thence Easterly along the Northerly line of said WHISPERING OAKS subdivision being also the Southerly line of the North half of Section 12, Township 45N, Range 33W to the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 12 being also the Northeast corner of said WHISPERING OAKS subdivision; thence Northerly along the Easterly line of the Southwest Quarter of the Northeast Quarter of said Section 12, to the Southwest corner of the North half of the Southeast Quarter of the Northeast Quarter of said Section 12; thence Easterly along the Southerly line of the North half of the Southeast Quarter of the Northeast Quarter of said Section 12 to the Southeast corner thereof; thence Northerly along the Easterly line of the North half of the Southeast Quarter of the Northeast Quarter of said Section 12, being also along the Westerly line of the South half of the Northwest Quarter of Section 7, Township 45N, Range 32W to the Northwest corner of the South half of the Northwest Quarter of said Section 7; thence Easterly along the Northerly line of the South half of the Northwest Quarter of said Section 7, to the Northeast corner of the South half of the Northwest Quarter of said Section 7; thence Northerly along the Easterly line of the Northwest Quarter of said Section 7, to the Northeast corner thereof being also the Southeast corner of the Southeast Quarter of the Southwest Quarter of Section 6, Township 45N, Range 32W; thence Northerly along the Easterly line of the Southeast Quarter of the Southwest Quarter of said Section 6, to the Northeast corner thereof; thence Westerly along the Northerly line of the Southeast Quarter of the Southwest Quarter of said Section 6, to the Northwest corner of said Quarter, Quarter Section; thence Northerly along the Easterly line of the Northwest Quarter of the Southwest Quarter and along the Easterly line of the West half of the Northwest Quarter of said Section 6, to the Northeast corner of the West half of the Northwest Quarter of said Section 6; thence Easterly along the Northerly line of Sections 6 & 5, Township 45N, Range 32W, being also the Southerly line of Sections 31 & 32, Township 46N, Range 32W to the intersection with the Easterly right-of-way line of U.S. Highway Route No. 71 as now established ; thence Northwesterly along the said Easterly right-of-way line and its jog and curves to its point of intersection with the Northerly line of Section 18, Township 46N, Range 32W, said point being also on said corporate limit line; thence Westerly along the Northerly line of said Section 18 and along the said corporate limit line to the intersection with the Westerly right-of-way line of U.S. Highway Route No. 71 as now established; thence Southeasterly along the Westerly right-of-way line of said U.S. Highway Route No. 71 and along said corporate limit line and its jogs and curves to the point of intersection with the Northerly right-of-way line of St. Louis - San Francisco Railroad also known as the Burlington Northern Railroad or the Smokey Hill Railroad as now established; thence Northwesterly, Westerly and Southwesterly along the Northerly right-of-way line of said Railroad and along said corporate limit line to its intersection with the Westerly line of said Section 18; thence Southerly along the Westerly line of said Section 18 and said corporate limit line to its intersection with the Southerly right-of-way line of said Railroad; thence Northeasterly, Easterly, Southeasterly and Southerly along the Southerly and Westerly right-of-way line of said Railroad and its jogs and curves being also along said corporate limit line to its intersection with the Southerly line of Section 19, Township 46N, Range 32W, being also the Southerly line of said corporate limit line; thence Westerly along the Southerly line of said Section 19 and along said corporate limit line to the Point of Beginning.

except for the area specifically described below:

Annexation Legal Descriptions

Date: June 28, 2012

City: Peculiar, Missouri

County: Cass

General Area: Tract 1 –Northwest, and Tract 2 - West of the Northwest Corporate limits of the City of Belton

Specific Purpose: Annexation for the City of Peculiar, Missouri

All that part of those lands, both public and private, lying within Township 45 North, Ranges 32 and 33 West, of the 5th Principal median, all in the county of Cass, State of Missouri, as described herein to be annexed to and incorporated in the City of Peculiar to wit:

Tract 1, Sections 6 and 7 Township 45N, Range 32W

Beginning at the Northwest corner of the West half of the Northwest Quarter of Section 6, Township 45N, Range 32W, said point being also on the corporate limit line of said City of Peculiar, thence, Westerly along the Northerly prolongation of the North line of the North half of the Northwest Quarter of said Section 6, Township 45N, Range 32W to the Easterly right-of-way line of S. Mullen Road as now established in said City and State; thence Southerly along the Easterly right-of-way of said S. Mullen Road to its intersection with Easterly prolongation of the South line of the North half of the Northwest Quarter of Section 7, Township 45N, Range 32W, and said corporate limit line of said City of Peculiar; thence, Easterly along the Easterly prolongation of said Southerly line of the North half of the Northwest Quarter to the East line of the Northwest Quarter of Section 7, Township 45N, Range 32W, and said corporate limit line of said City of Peculiar; thence, Northerly along the Easterly line of the Northwest Quarter of said Section 7, Township 45N, Range 32W to the Northeast corner thereof, being also the Southeast corner of the Southeast Quarter of the Southwest Quarter of Section 6, Township 45N, Range 32W; thence, Northerly along the Easterly line of the Southeast Quarter of the Southwest Quarter of Section 6, to the Northeast corner thereof, and said corporate limit line of said City of Peculiar; thence, Westerly along the Northerly line of the Southeast Quarter of the Southwest Quarter of said Section 6, Township 45N, Range 32W to the Northwest corner of said Quarter, Quarter Section; Township 45N, Range 32W, and said corporate limit line of said City of Peculiar; thence Northerly along the East line of the West half to the Northwest Quarter of Section 6, Township 45N, Range 32W to the Point of Beginning and said corporate limit line of said City of Peculiar.

Tract 2, Section 12 Township 45N, Range 33W

Beginning at the Southeast corner of WHISPERING OAKS, a subdivision in said County and State, according to the recorded plat thereof, said point being also the West line of the East half of the Southeast Quarter of Section 12, Township 45N, Range 33W, said point being also on the corporate limit line of said City of Peculiar; thence, Northerly along said West line of the East half of the Southeast Quarter of Section 12, also said line is the Easterly line of the WHISPERING OAKS subdivision, a subdivision in said County and State, to the Southerly right-of-way of E. 211th Street, as now established in said County and State of Section 12, Township 45N, Range 33 W; thence, Westerly along said Southerly right-of-way of E. 211th Street to the intersection with the Easterly right-of-way line of Missouri State Route "Y" as now established in said County and State of Section 12, Township 45N, Range 33 W; thence, Southerly along said Easterly right-of-way of Missouri State Route "Y" to the intersection with the Northerly right-of-way line of Missouri State Route "YY" as now established in said County and State of Section 12, Township 45N, Range 33 W; thence, Easterly along said Northerly right-of-way of Missouri State Route "YY" to the Point of Beginning and said corporate limit line of said City of Peculiar.

RESOLUTION 2013-44

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING THE INTERLOCAL AGREEMENT WITH THE CITY OF BELTON PERTAINING TO OUTLINING BOUDARIES FOR FUTURE ANNEXATIONS.

WHEREAS, Belton is desirous of instituting an action for annexation of the Belton Annexation Area described in "Exhibit A," which is attached hereto, in accordance with the provisions of Section 71.015, RSMo., as amended.; and

WHEREAS, Belton and Peculiar previously executed a Settlement and Release Agreement ("Settlement") regarding Belton Annexation Area as described in Exhibit A of the Settlement.; and

WHEREAS, Belton and Peculiar desire to enter into an Intergovernmental Cooperative Agreement to extend the terms of the Settlement concerning the Belton Annexation Area.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI AS FOLLOWS:

Section 1. The Board of Aldermen approve the Interlocal Agreement with the City of Belton

Section 2. This agreement will void and supersede any and all previous agreements with the City of Belton pertaining to annexations.

Section 3. *Effective Date.* This resolution shall become effective upon approval and passage by the Board of Aldermen.

THIS RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE THIS ___ DAY OF OCTOBER, 2013.

Alderman Gallagher _____
Alderman Dunsworth _____
Alderman Fines _____

Alderman Ray _____
Alderman Stark _____
Alderman Turner _____

APPROVED:

ATTEST:

Ernest Jungmeyer, Mayor

Nick Jacobs, City Clerk