

Unified Development Code, Belton, Missouri

Chapter 34 - STREETS AND SIDEWALKS

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ARTICLE I. - IN GENERAL

Sec. 34-1. - Obstructing public ways. [repealed]

~~No person shall place or erect upon any public way or passage way to any building an obstruction of any type; provided that this section shall not prevent the duly authorized or required placing of temporary barriers or warning signs for the purpose of safeguarding the public. **Repealed.**~~

(UDC 2010, § 9.1; Ord. No. 67-308, § 6.63, 8-31-1967)

Sec. 34-2. - Obstructing drainage facilities. [repealed]

- ~~(a) It shall be unlawful for any person to alter, change or obstruct any drainage facility, including detention or retention ponds, culverts, intakes, curbs, etc., without prior approval of the city engineer.~~
- ~~(b) It shall be unlawful for any owner or occupier of real property abutting any street or roadway to place or allow to be placed or allowed to remain within any drainage ditch adjoining said street or roadway any trash, junk, debris or any other material which would impede or restrict the flow of water through and along said drainage ditch adjoining said street or roadway.~~
- ~~(c) It shall be unlawful for any owner or occupier of real property to alter, change or obstruct or permit or allow the continued alteration, changing, or obstruction of any drainage facility, including detention or retention pond, culverts, intakes, curbs, etc., without prior approval of the city engineer.~~
- ~~(d) Any person convicted of violating the provisions of this section shall be subject to a fine not to exceed \$200.00 in addition to any court costs assessed. **Repealed.**~~

(UDC 2010, § 9.2; Ord. No. 78-984, §§ 1, 2, 3-27-1979; Ord. No. 88-1857, § 1, 12-13-1988)

Sec. 34-3. - Foliage encroaching upon right-of-way; city authorized to remedy. [repealed]

~~Any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having control of any lot, piece of land, or any part of any lot, shall at its own cost and expense be responsible for trimming, subject to the terms of this section, whatever portion of trees, hedges, shrubs and other vegetation, located on such lot or piece of land, extend over a public street, alley, street right of way or alley right of way, sidewalk or other public place. Such parties shall at their own cost and expense trim vertically all such vegetation abutting a public sidewalk to be even with the sidewalk's edge, and shall trim such tree limbs to at least 13 feet six inches above the public street, alley, street right of way or alley right of way, sidewalk, or other public place, so that the limbs will not interfere with persons using the public ways. City personnel may trim, cut, and if necessary, remove trees, hedges, shrubs and other vegetation, or portions thereof, growing upon or over any public street, alley, street right of way or alley right of way, sidewalk or other public place within the city which reduces or impairs necessary sight distance requirements at intersections or in cases of hardship. **Repealed.**~~

(UDC 2010, § 9.3; Ord. No. 83-1347, § 1, 4-26-1983; Ord. No. 2009-3520, § 4, 2-24-2009)

Sec. 34-4. - Notice of intent to trim or remove. [repealed]

~~When any such interfering or encroaching trees, hedges, shrubs or other foliage are part of a residential yard upon which the home owner lives, city personnel shall leave written notice of their intent to trim, cut or remove foliage at least five working days in advance of such trimming, cutting or removal as provided for herein. However, the failure to provide such notice shall not make the city or any of its agents or employees civilly or criminally liable for the failure to abide by the terms hereof. **Repealed.**~~

(UDC 2010, § 9.4; Ord. No. 83-1347, § 1, 4-26-1983; Ord. No. 2009-3520, § 2, 2-24-2009)

Sec. 34-5. - Requirements for private driveways along roads and streets. [repealed]

~~(a) Supervision of public works department. The public works director, city engineer, or other employee designated by the city manager shall inspect the construction of all driveways to ensure compliance with the following criteria:~~

~~(1) All storm drainage pipe shall be the size and at a grade and location as required by the public works department.~~

~~(2) The minimum size of storm drainage pipe shall be 12 inches in diameter and be either Class III reinforced concrete pipe (RCP) or 16-gauge corrugated metal pipe (CMP). The actual diameter shall be a size directed by the public works department.~~

~~(3) The pipe shall be of such a length that the side slope from the edge of the drive to the ditch line can be maintained on a 3:1 ratio. Flared end sections manufactured for such purpose and approved by the public works department shall be installed on the ends of driveway storm drainage pipe. A drive opening shall not exceed 25 feet in a residential zone and shall not exceed 35 feet in a commercial zone. The pipe shall extend at least five feet beyond the drive openings in addition to the flared end sections.~~

~~(4) There shall be maintained a minimum of six inches of fill over the top of the drainage pipe.~~

~~(b) Maintenance. The owner of the property served by a driveway is responsible for the maintenance and safekeeping of the driveway within the public right-of-way. Any such driveway or entrance conduit that collapses, clogs or otherwise fails in its purpose, shall be repaired or replaced within a reasonable time after such failure by the property owner or other responsible person.~~

~~(c) Violation; abatement. The violation of this section is declared to be a public nuisance subject to abatement as provided in chapter 14 of the Code of Ordinances. **Repealed.**~~

(UDC 2010, § 9.5; Ord. No. 85-1550, §§ 1, 2, 6-13-1985; Ord. No. 89-1952, § 1, 12-19-1989)

Editor's note— Inasmuch as Ord. No. 85-1550, §§ 1, 2, adopted June 13, 1985, did not specify manner of codification, such provisions have been designated by the editor as § 9.5.

Sec. 34-6. - Use of skateboards and other like instruments; limitation, penalty for violation. [repealed]

~~(a) Definition. For the purposes of this section the phrase "skateboard or other like instruments" shall be deemed to refer to any non-motorized instrument, used to transport person or persons by means of wheels, rollers, etc., propelled solely by the force of its rider and shall not include any wagon or other device not so propelled.~~

~~(b) Prohibited in business districts. No person shall use, operate or permit the use or operation of any skateboard or like instrument on any sidewalk, street, parking lot, or other public place in any business district in the city as determined by the city zoning map, as the same may now exist or as it may be amended to be from time to time.~~

~~(c) Permitted, where; exceptions. The use of any skateboard or other like instrument as defined in subsection (a) of this section is hereby permitted on all other sidewalks, streets, and other public ways within the city, except state or federal highways or other streets classified as arterial or collector streets on the city zoning map; provided, however, that any person who shall use, operate or permit to be used or operated, any skateboard or like instrument on any street, sidewalk, parking lot, etc., shall do so in a careful and prudent manner so as not to cause or be likely to cause danger to any person or property.~~

~~(d) Yielding right-of-way, etc. The user of any such skateboard or like instrument shall give way to any pedestrian, motor vehicle, bicycle or any other user of the said sidewalk, street, parking lot, etc., and shall not interfere with the proper use of the public way by any other person. Such user shall further obey all traffic laws and ordinances applicable to pedestrians or vehicles at all times.~~

~~(e) Penalty for violation. Every person convicted of a violation of any provision of this section shall be punished by a fine of not more than \$25.00 or by impounding of such person's skateboard or other like instrument for a period not to exceed 90 days or by any combination thereof, and the chief of police or officer designated by him or her may impound such person's skateboard or other like instrument until the violation charged is determined by the court of competent jurisdiction. **Repealed.**~~

(UDC 2010, § 9.6; Ord. No. 89-1897, §§ 1—5, 6-6-1989)

Sec. 34-7. - Dumping prohibited. [repealed]

~~(a) No person, firm or corporation shall dump or deposit or cause to be dumped or deposited any dirt, gravel, rubbish, leaves or other debris including, but not limited to, lumber, paper, trash, concrete or metal in any street, right-of-way, gutter, storm sewer, waterway or drainage way. Erosion of soil which flows onto any street, right-of-way, gutter, storm sewer, waterway or drainage way from property before or during construction shall be considered as depositing dirt, gravel or other construction debris.~~

~~(b) If upon inspection by the building inspector, director of public works or any of their designated representatives, it is determined that dirt, gravel, rubbish, leaves or other debris has been dumped or deposited in any street, right-of-way, gutter, storm sewer, waterway or drainage way in violation of the provisions of this section, he or she shall then notify the responsible permittee or permittees and give a four-hour period to make the affected area free and clear of said dirt, gravel or debris. If the city's representative cannot determine which permittee is responsible for cleaning the street's right-of-way, the developer of the land shall be given four hours' notice to make the affected area free of said dirt, gravel or debris. If within the four-hour period the said area is not clear, the director of public works or his or her designate may authorize the city to take necessary action to clean up the said area and assess all charges at an established hourly rate, but in no case will the charges be less than two hours for labor, materials and equipment.~~

~~(c) The director of public works shall provide a fee structure for charges to be assessed for cleanup required by this section. The permittee shall be given 30 days to make payment to the city for any costs incurred to make cleanup. In the event the permittee does not make payment within the 30 days, all costs, including administrative costs, will be assessed.~~

~~(d) This section does not include a comprehensive list of prohibited discharges to the city's storm sewer system. Refer to Chapter 11, Article V—Illicit Discharges of the City's Code of Ordinances for the comprehensive city code regarding illicit discharges to the city's separated storm sewer system. **Repealed.**~~

(UDC 2010, § 9.7; Ord. No. 98-2576, § 1, 10-27-1998; Ord. No. 2012-3879, § 2, 12-11-2012)

Secs. 34-8—34-32. - Reserved.

ARTICLE II. - VACATING PUBLIC WAYS

Sec. 34-33. - Petition required. [repealed]

~~Whenever any person, persons or entity's desire to have vacated any public squares, public parks, streets, avenues, alleys, or other highways, or any part thereof, such persons, persons or entity shall petition the city council, giving a distinct description of the property to be vacated, which petition shall be filed with the city clerk for delivery to the city council at their next regular meeting.~~

(UDC 2010, § 9.16; Ord. No. 66-249, § 1, 6-10-1966; Ord. No. 2013-3892, § 2, 3-26-2013)

Sec. 34-34. - Hearing on petition. [repealed]

~~Upon any request, the city council may instruct the planning commission to hold a public hearing to consider the vacation of any public easement or right-of-way. Such public hearing shall be duly advertised and all property owners abutting such easements or rights-of-way and all utility agencies or companies using such easements shall be notified of such proposed vacation at least 14 days prior to the scheduled hearing. The city council, after receiving a recommendation from the planning commission, vacate such easements or rights-of-way; however, no easement may be vacated if any official protest is received from any utility which has lines contained within such easement. **Repealed.**~~

(UDC 2010, § 9.17; Ord. No. 66-249, § 1, 6-10-1966; Ord. No. 2013-3892, § 2, 3-26-2013)

Sec. 34-35. - Action on petition. [repealed]

~~If no opposition is made to such petition at the hearing, the city council may vacate the same with such restrictions and reservations as it deems in the best interest for the public good. If opposition shall be made to the petition by any person or persons owning property abutting on such square, park, street, avenue, alley or highway, the city council may, if it deems advisable, overrule such objection and grant the prayer of the petition or deny the petition or order further hearings into the matter. **Repealed.**~~

(UDC 2010, § 9.18; Ord. No. 66-249, § 2, 6-10-1966)

Sec. 34-36. - Reverter. [repealed]

~~Whenever any public square, street, avenue, alley or other highway shall be vacated in accordance herewith, the same shall revert to the owners of the adjacent lots in proportion as it was taken from them. **Repealed.**~~

(UDC 2010, § 9.19; Ord. No. 66-249, § 3, 6-10-1966)

Secs. 34-37—34-60. - Reserved.

ARTICLE III. - EXCAVATIONS

Sec. 34-61. - Provisions declared supplemental. [repealed]

The provisions of this article shall be in addition and supplemental to all other provisions of this Code and the ordinances of the city. **Repealed.**

Sec. 34-62. - Permit required; exception. [repealed]

Any person or utility company who shall desire to make an excavation in any right-of-way within the city limits shall first obtain a permit from the engineering division of the public works department ("engineering division") for such cut (cost \$5.00). It shall be unlawful for any person, except employees of the city in the course of their employment, to open, dig into, remove the surface from, excavate, bore or tunnel under any street, sidewalk, alley, right-of-way or public place without first obtaining a permit. Any work begun without a permit shall be stopped immediately upon notice from the city inspector. Excavations which are made in emergency situations shall be reported to the public works director on the morning of the next regular workday. **Repealed.**

Sec. 34-63. - Application for permit, fee. [repealed]

The application for a permit required by this article shall contain such information as the administrative officer deems necessary, and shall be accompanied by a fee in the amount of \$5.00.

Sec. 34-64. - Application; deposit; repair fee; deposit for permits.

(a) Applications for permits shall be accompanied by a copy of the surety and cash bonds required in section 34-65.

(b) In addition to all other deposits, repairs on the final surface of asphalt streets will be billed to the contractor or utility at the rate of \$25.00 per square yard.

(c) In connection with block cuts if, in the opinion of the engineering division, such cuts substantially reduce the anticipated life of the street surface, he may require that the person or company involved resurface the entire block or some lesser portion thereof so that the entire surface shall be restored to substantially the same condition it was in prior to the time cuts were made. In making this determination, the engineering division shall take into consideration the age of the existing surface, the space between the cuts involved, and the type of paving surface involved.

(d) A ten percent penalty shall accrue when billings are not paid within 60 days of receipt of monthly statements. **Repealed.**

Sec. 34-65. - Bond required for excavation of right-of-way. [repealed]

All persons and contractors who are engaged in the business of excavating in the right-of-way more than 12 inches in depth below existing ground or hard surface shall be required to post a bond in the amount of \$5,000.00 with sufficient surety to insure compliance with the requirements of this article, and a \$200.00 cash bond. Any contractor who consistently produces faulty backfill may be refused permits at the discretion of the public works director or city manager. When in the opinion of the public works director the volume of the cuts exceeds the city's ability to properly make repairs, the bond requirements may be increased. **Repealed.**

Sec. 34-66. - Excessive repair work to be contracted out. [repealed]

When in the opinion of the public works director the volume of paving cuts requested by a contractor exceeds the city's ability to repair the same within a reasonable period of time, the city may, at its option, submit the repair work to public bid and accept the bid of the lowest responsible bidder and in such event shall charge the person or company concerned the actual costs of such repair together with the permit fees involved. **Repealed.**

Sec. 34-67. - Traffic, safety requirements. [repealed]

~~(a) Traffic lanes and sidewalks shall be left open and maintained on streets while work is in progress. Blocking or barricading of streets and intersections will not be permitted, without the approval of the public works director, who shall in turn notify other departments of the city including the fire and police departments.~~

~~(b) Persons excavating in streets will be required to provide facilities enabling the use of intersections by pedestrians and driveways by residents located on streets where work is in progress. As a protection to traffic and pedestrians, barricades or dirt excavated shall be maintained adjacent to the excavation. When the work concerned is a public hazard, signs signifying the same shall be exhibited. Amber lights or flares shall be maintained on excavations from dusk to daybreak. Such equipment shall be located at each end and along the entire length of the excavation, and unless lights can be observed from any direction, additional lights or flares shall be provided. Lights shall also be maintained on tool boxes, machinery or other equipment left on public streets or alleys. **Repealed.**~~

Sec. 34-68. - Work to be inspected. [repealed]

~~The cut and repair of any street or alley shall be under the supervision of the engineering division. If the work is not completed to the satisfaction of the engineering division, the engineering division shall so notify the contractor or applicant by which the street or alley cut is being made and shall state in writing his or her objections thereto. If the contractor does not cause the street or alley repairs to be properly completed within ten days from the receipt of the notice, he shall be deemed to be in violation of this article and the deposit shall be forfeited to the city. **Repealed.**~~

Sec. 34-69. - Backfill and pavement repairs. [repealed]

~~(a) Generally. After the work for which the cut was made has been completed, the backfill and pavement repairs shall be made in accordance with specifications which have been prepared by the engineering division.~~

~~(b) Asphalt streets. The engineering division shall be notified when the gravel backfill is completed or anticipated to be completed on any asphalt street. It will be the duty of the engineering division to supervise the inspection of the gravel backfill and approve it prior to the pouring of eight inches of unreinforced concrete by the contractor or utility. The street department will then complete the top surface asphalt paving repairs on the cut.~~

~~(c) Non-asphalt streets. The engineering division shall be notified when the gravel backfill is completed or anticipated to be completed on any non-asphalt street. It will be the duty of the engineering division to supervise the inspection of the gravel backfill and approve it prior to the pouring of the eight inch slab and top surface concrete paving which will be done by the contractor in one pour. **Repealed.**~~

Sec. 34-70. - Violations; penalty. [repealed]

~~Any person violating any provision of this article, or any condition or regulation of a permit hereunder, shall be punished as provided in section 1-18, and furthermore shall be subject to having his or her permit revoked. **Repealed.**~~

Secs. 34-71—34-98. - Reserved.

ARTICLE IV. - VEHICLES AND PROPERTY LEFT ON STREETS OR PUBLIC PROPERTY

Sec. 34-99. - Definitions. [repealed]

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

~~Street or highway means the entire width between the right-of-way lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.~~

~~Vehicle means every device in, upon, or by which any person or property is or may be transported, hauled or drawn upon a highway or street, including, but not limited to, trailers and mobile homes, excepting devices moved by human power or used exclusively upon stationary rails or tracks.~~ **Repealed.**

(UDC 2010, § 9.50; Ord. No. 79-1004, § 1, 6-26-1979)

Sec. 34-100. - Reserved.

Editor's note— Ord. No. 92-2090, § 2, adopted January 14, 1992, repealed § 34-100 (formerly § 9.51) which pertained to abandonment of motor vehicles or other personal property derived from Ord. No. 67-281, § 5.85, adopted May 1, 1967 and Ord. No. 68-388, § 1, adopted January 22, 1968.

Sec. 34-101. - Authority to remove and store generally; cost of removal and storage. [repealed]

~~The police department is hereby authorized in its discretion, in addition to any penalty that may be provided therefor, to remove any stolen, wrecked or abandoned motor vehicle or any other vehicle parked in violation of any provision of this Code or other personal property found upon any public street or other public property in the city and shall keep the same in its custody and control at such place as may be designated by said police department until redeemed by the owner thereof, as hereinafter provided; and all such stolen, wrecked or abandoned motor vehicles or other personal property which now is in the possession and custody of said police department or which may hereafter come into its possession shall be subject to the actual cost of removal or tow in from the public place, and a storage charge cost of \$1.50 per day as long as the same is in the possession and custody of said department or the city. The storage charge of \$1.50 per day referred to in this section, is limited to the charge for storage by the city and does not apply to storage by any private tow agency duly authorized by the city to provide tow services to vehicles which may be impounded by authority of the city.~~ **Repealed.**

(UDC 2010, § 9.52; Ord. No. 68-338, § 1, 1-22-1968; Ord. No. 91-2055, § 1, 6-11-1991)

Sec. 34-102. - Enumeration of circumstances authorizing removal from streets and highways. [repealed]

~~Members of the police department are authorized to have removed at the owner's or occupier's expense a vehicle [or other personal property] from a street or highway to a garage, storage yard or other place of safety under the circumstances hereinafter enumerated:~~

~~(1) When any vehicle is left unattended upon any bridge, street, viaduct or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.~~

~~(2) When a vehicle upon a highway or street is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.~~

~~(3) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.~~

~~(4) Upon the failure of the owner or operator of a vehicle left upon any street or highway to have same removed or caused to be removed from said street or highway upon the request of a police officer when said vehicle constitutes a definite hazard or obstruction to the normal movement of traffic upon said street or highway.~~

~~(5) When a vehicle is parked on the streets in the same place continuously for 48 hours and a ticket summons has been affixed to the vehicle or presented to the owner or operator.~~

~~(6) When the driver of any vehicle is taken into custody by the police department and such vehicle would thereby be left unattended upon a street.~~

~~(7) When any vehicle is found being driven on the streets that is not in proper condition to be driven.~~

~~(8) When any vehicle is found being on the street, and the driver, owner or person in charge of such vehicle, while driving or in charge of such vehicle, or while such vehicle was parked or stopped, has received a summons to answer to a charge against him or her for violation of a traffic ordinance, and such driver, owner or person in charge has failed to appear and answer to such charge within the specified time.~~

~~(9) When any vehicle or personal property is directly interfering with the maintenance and care or the emergency use of the streets by any proper department of the city.~~

~~(10) ——— When a stolen, wrecked or abandoned motor vehicle or other personal property is found on a public street or highway.~~

~~(11) ——— When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency reason. **Repealed.**~~

(UDC 2010, § 9.53; Ord. No. 67-281, § 5.85, 5-1-1967; Ord. No. 68-338, § 1, 1-22-1968; Ord. No. 79-1004, § 2, 6-26-1979)

Sec. 34-103. - Notice to owner of removed vehicle. [repealed]

~~Whenever an officer removes a vehicle from a street or highway as authorized in this article and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed unless said owner is present at the time of towing. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage. **Repealed.**~~

(UDC 2010, § 9.54; Ord. No. 68-338, § 1, 1-22-1968; Ord. No. 79-1004, § 3, 6-26-1979)

Sec. 34-104. - Notice to state when vehicle owner unknown. [repealed]

~~Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three days, then the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored. **Repealed.**~~

(UDC 2010, § 9.55; Ord. No. 67-281, § 5.85, 5-1-1967; Ord. No. 79-1004, § 4, 6-26-1979)

Sec. 34-105. - Redemption before sale authorized; owner may claim proceeds of sale. [repealed]

~~Any person claiming to be the owner of any impounded property, as in this article provided, shall make written application therefor to the police department on forms furnished by the finance department and shall furnish to said police department such additional proof as may be required to establish said ownership. If he shall present to said police department said proof of his or her ownership of said impounded property prior to the date of actual sale thereof pursuant to the provisions of this article, then the property itself shall be delivered to said owner under the conditions herein provided; but if said property has been sold, then said department shall endorse its findings of ownership with a copy of the written application addressed to the director of finance and said owner may present said application and findings to the director of finance and if presented within one year after said sale, then such balance of the proceeds of sale, after deductions as in this article provided, shall be paid to said owner.~~ **Repealed.**

(UDC 2010, § 9.56; Ord. No. 67-281, § 5.87, 5-1-1967; Ord. No. 85-1544, § 34, 5-29-1985)

Sec. 34-106. - Procedure for redemption before sale. [repealed]

~~In accepting payment for removal and storage charges as provided in this article, after proof of ownership and before sale, the police department shall give the person applying for the motor vehicle a receipt showing the amount paid. The collections of each day shall be paid to the city collector on or before the close of his or her office on the following day. For the purpose of collecting redemption payments, issuing receipts therefor and accounting for the proceeds thereof, the police department shall appoint one or more of their officers or employees as impounding officers or employees as any others shall be to receive such payments, issue receipts therefor, and account for said proceeds, to the exclusion of all other officers or employees. A bond in favor of the city and covering all of said impounding officers, in the amount as designated in the discretion of the city council shall be provided by the police department, subject to the approval of the director of finance as to its terms and its surety, and after execution said bond shall be deposited with the finance department, division of the treasury.~~ **Repealed.**

(UDC 2010, § 9.57; Ord. No. 67-281, § 5.88, 5-1-1967; Ord. No. 85-1544, § 35, 5-29-1985)

Sec. 34-107. - Sale of unredeemed property required. [repealed]

~~All motor vehicles and other personal property impounded by the police department pursuant to the provisions of this article and unredeemed by owner thereof for a period of 30 days, shall thereafter be subject to sale by the finance department, division of the treasury to the highest bidder for each or at public auction and the proceeds of said sale shall be applied first, to all removal and storage charges accumulated against each article which shall be deposited with the finance department, division of the treasury, and the balance of said sum, if any, shall be deposited with the finance director and shall be kept in a separate fund for a period of one year from the date of the receipt, and if at the end of said year the former owner of said property has not made satisfactory proof of claim as hereinafter provided, then the balance of said proceeds of sale shall be credited to the general fund of the city.~~ **Repealed.**

(UDC 2010, § 9.58; Ord. No. 67-281, § 5.86, 5-1-1967; Ord. No. 85-1544, § 36, 5-29-1985)

Sec. 34-108. - Procedure for sale. [repealed]

~~On the first day of each month the police department shall forward to the finance department, division of the treasury, a copy of its official description and all other pertinent information which may be required by the finance department concerning each motor vehicle or other personal property which has been impounded under the provisions of this article and held for a period of 30 days unredeemed by its owner, and thereafter at such intervals as the finance department may determine, public sale shall be held as hereinafter required, but immediately before the actual making of any sales, the finance director~~

~~shall submit his or her list to the police department of properties to be sold, for the elimination of any impounded articles redeemed and returned to their owners but included within the published advertisement for sale, and immediately after said sale, the finance department shall report to the police department a complete list of all the property sold, including the sale price, all charges as herein provided and the balance, if any, available to the owner. **Repealed.**~~

(UDC 2010, § 9.59; Ord. No. 67-281, § 5.85, 5-1-1967; Ord. No. 85-1544, § 37, 5-29-1985)

Sec. 34-109. - Advertisement of sale. [repealed]

~~Whenever the director of finance, under his or her direction, shall decide to offer impounded properties for sale, he shall publish said sale at least once in the city's official newspaper, at least five days before said sale. Such publication shall briefly describe the property and, where motor vehicles are to be sold, shall give the manufacturer's name, model and motor number. **Repealed.**~~

(UDC 2010, § 9.60; Ord. No. 67-281, § 5.90, 5-1-1967; Ord. No. 85-1544, § 38, 5-29-1985)

Sec. 34-110. - Appeal. [repealed]

~~Any appeal from the removal, storage and publications costs, if any have been assessed by the police department, shall be to the city council. **Repealed.**~~

(UDC 2010, § 9.61; Ord. No. 67-281, § 5.87, 5-1-1967)

Secs. 34-111—34-130. - Reserved.

ARTICLE V. - ARTERIAL STREET IMPROVEMENTS IMPACT FEE

Sec. 34-131. - Arterial street improvements impact fee—Computation.

- (a) The impact fee per vehicle trip for the citywide impact fee service area ("citywide service area") shall be computed by dividing total costs of arterial street network transportation facilities and facility expansions ("arterial street network") necessitated by and attributable to the new development in the citywide service area by the total number of vehicle trips anticipated within the citywide service area, based upon the land use assumptions for that service area.
- (b) The impact fee per vehicle trip that is to be paid by each new development within the citywide service area shall be the impact fee rate established by resolution of the city council initially upon adoption of this section, as provided for in section 34-132, and thereafter as part of the update provided for in subsection 34-140 or at such other times as deemed necessary by the city. If no action is taken by the city council to amend the impact fee rate, the rate then in effect shall remain in effect.

(Ord. No. 2011-3768, § 1, 11-22-2011)

Sec. 34-132. - Establishment of the citywide impact fee service area and adoption of the methodology for calculating the arterial street improvement impact fee.

In furtherance of the implementation of the arterial street improvements impact fee and upon adoption of this section, the boundaries of the citywide service area shall be established by adoption of a resolution by the city council showing the geographic boundaries of the service area and the methodology for calculation of the impact fee shall be established. The city council may also adopt administrative guidelines to facilitate implementation of the arterial street improvements impact fee.

(Ord. No. 2011-3768, § 1, 11-22-2011)

Sec. 34-133. - Applicability.

- (a) This section shall be applicable to all residential and nonresidential development on property within the boundaries of the city. This section is applicable to an increase in demand for arterial street network transportation facilities and the amount of the impact fee shall be based solely upon the increase in demand for arterial street network improvements generated by the new development. The impact fee is a condition of building permit approval.
 - (1) No building permit shall be issued within the city unless the applicant thereof has paid the applicable impact fee pursuant to this section, except as otherwise specifically provided in this section. The fee shall be collected prior to the issuance of a building permit for the development. If the permit is for less than the entire development, the fee shall be computed separately for the amount of development covered by the building permit.
 - (2) Any building permit issued without payment by the applicant and collection by the community planning and development department of the required impact fee shall be null and void.
- (b) This section shall not be applicable if a completed application for a building permit has been submitted to the community planning and development department prior to the effective date of this section, and if the construction proceeds according to the terms of the building permit. If said building permit expires, application for a new building permit shall be subject to this section.

(Ord. No. 2011-3768, § 1, 11-22-2011)

Sec. 34-134. - Calculation of and collection of impact fee.

- (a) Upon receipt of an application for a building permit for a new development, the director of community planning and development or his/her designee shall calculate the impact fee due by:
 - (1) Verifying the number and type of dwelling units or square footage of nonresidential structures or other applicable development unit that are proposed to be constructed as shown on the building permit application.
 - (2) Determining the impact fee that shall be applied for each dwelling unit or square footage of nonresidential structure or other applicable development unit pursuant to the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation manual applying the most applicable land use classification.
 - (3) Multiplying the number of dwelling units or square footage of nonresidential structures, stated in terms of 1,000 square feet of gross floor area, or other applicable development unit by the applicable impact fee.
 - (4) The amount of each impact fee due shall be reduced by any allowable credits, in the manner provided in section 34-135 of this article.
- (b) Impact fees shall be collected at the time a building permit is issued by the city for a development with respect to which this section is applicable.
- (c) Payment over a period of years. For nonresidential development, any person subject to an impact fee may arrange for payment of the impact fee over a period of three equal annual payments in accordance with the following:
 - (1) Application for the payment over a period of years shall be made in writing to the director of community planning and development or his/her designee on or before the time the impact fee is due and payable.
 - (2) Participation in the payment over a period of years program requires the person to enter into an impact fee payment agreement with the city.
 - (3) Upon execution of the impact fee payment agreement with the city, the person shall provide the city with financial assurances in the form of an irrevocable letter of credit from a bank with sufficient financial capacity as determined by the city administrator or his/her designee in a form approved by the city attorney in the amount of impact fee owed and with a three-year term.
 - (4) Throughout the three-year payment period the amount of the letter of credit may be reduced to reflect the remaining balance of the impact fee owed as payments are made to the city.

(Ord. No. 2011-3768, § 1, 11-22-2011)

Sec. 34-135. - Credits.

- (a) Construction credits.
 - (1) Any person subject to an impact fee pursuant to this section may apply for a credit against any impact fee for any contribution, payment or construction accepted and received by the city for any arterial street network improvement identified in the Snyder & Associates Analysis, as amended, except that no credit shall be provided for the following:
 - i. Dedication of rights-of-way, since land costs were not included in calculating the impact fee.
 - ii. Improvements to city streets other than arterial streets, with the exception that improvements to the intersections of city arterials and city non-arterials, shall be eligible if they expand the capacity of the arterial and are included in the Snyder & Associates Analysis, as amended.

- iii. Any improvement that is primarily related to serving an individual development project, such as acceleration-deceleration lanes, turn lanes or traffic signals that primarily serve traffic entering or exiting the development project.
 - iv. Improvements for which reimbursement or direct funding are being provided for under an approved city incentive financing plan.
 - v. The city will not provide a credit when no impact fees for the new development can be collected pursuant to this section or for any amount exceeding the total impact fee due for the new development, unless otherwise agreed to by the city.
- (2) Credits shall be calculated as follows:
- i. No credit shall be provided under this section for contributions, payments or construction made more than five years prior to the effective date of this section.
 - ii. Credits for contributions, payments or construction received and accepted by the city prior to the effective date of this section shall be provided if the development for which the contribution, payment or construction was made has not been completed. The current owner of the property or the individual making the contribution or improvement for which such contribution, payment or construction was made as a condition of development approval shall file an application for credit within one year of the effective date of this section. If the application is not made within one year following the effective date of this Section, no credit shall be provided. The application for credit shall be submitted and reviewed as provided in this section. The amount of the credit for a contribution, payment or construction made prior to the effective date of this section shall be the current value of the contribution, payment or construction, less the total amount of arterial street impact fees that would have been owed for the building permits already issued for the project. The value of any construction shall not include costs for improvements that are in excess of city standards, unless the city specifically required the higher standard construction. The current value shall be determined using the engineering news-record construction cost index, or an equivalent index if such index is discontinued.
 - iii. Any contribution, payment or construction received and accepted by the city on or after the effective date of this Section shall be credited in an amount equal to 100 percent of the contribution or payment or the estimated cost of the construction for the required arterial street network improvement that expands the capacity of the city's arterial street network as described in the Snyder & Associates Analysis, as amended. The estimated cost shall be based on the lowest responsive bid by a qualified bidder, which bid is approved by the director of community planning and development; or, if no bid is available, the estimated cost certified by a licensed engineer and approved by the director of community planning and development.
 - iv. A construction credit may be applied against arterial street network impact fees that would otherwise be due for building permits issued anywhere within the benefit district of the development for which the arterial street network improvement or contribution was required as a condition of development approval. The city shall maintain an accounting of the amount of the credits held by an impact fee credit holder and shall reduce the amount of the credits as authorized by the impact fee credit holder. After the credit balance is exhausted, no additional credits shall be applied to subsequent building permits.
- (b) Renovated and damaged structures credits. Any person subject to an impact fee pursuant to this Section may apply for a credit against any impact fee for the following types of renovation or restoration.
- (1) Renovation. Room additions, remodeling, rehabilitation or other improvements to an existing structure, provided that there is no increase in the number of dwelling units for residential use or in the amount of square footage for nonresidential use.

- (2) Damage. Rebuilding or replacement of a damaged, destroyed, demolished or removed structure, whether voluntary or involuntary, provided that there is no increase in the number of dwelling units for residential use or in the amount of square footage for nonresidential use.
- (c) Redevelopment credits. Any person subject to an impact fee pursuant to this Section may apply for a partial credit against any impact fee for the following types of redevelopment.
 - (1) Change of use. The change of an existing use within an existing building shall result in a full credit. Any additional new vehicle trips created by the construction of additional building square footage for the change in use will be subject to the per vehicle trip impact fee based upon the new land use category. If the change in use, including the additional square footage, results in a total number of vehicle trips equal to or less than the previous use, a full credit will apply.
 - (2) Redevelopment of property. As used in this subsection "redevelopment" means the demolition of one or more existing buildings and the subsequent construction of one or more new buildings on the property. The redevelopment of property shall result in a full credit. Any additional new vehicle trips created by the construction of additional building square footage in the redevelopment will be subject to the per vehicle trip impact fee based upon the new land use category of the redevelopment. If the redevelopment, including the additional square footage, results in a total number of vehicle trips equal to or less than the previous use, a full credit will apply.
- (d) School district and tax exempt entity credits. The following categories shall be granted a full credit in the amount of the impact fee imposed under this section.
 - (1) School districts. Development of structures for a school district of the state.
 - (2) Tax exempt entity. Development of structures for a person that is not subject to any federal, state or local taxes, including federal, state and local sales, income, personal property, real property, use, earnings or license taxes. The burden of proof shall be on the person claiming this credit to demonstrate, by clear and convincing evidence, that the development being constructed is exempt from all federal, state and local taxes as described in this subsection.
- (e) An applicant must apply for a credit against impact fees due at the time of application for a building permit unless the city agrees in writing to a different time. The applicant shall file a petition for credits with the director of community planning and development or his/her designee on a form provided by the city for this purpose.

The director of community planning and development or his/her designee shall provide the applicant, in writing, with a decision on the credit request, including the reasons for the decision. The decision shall specify the maximum value of the credit that may be applied against the impact fee.

The application for credit shall include the following information:

- (1) If the proposed application for credit involves construction:
 - i. The proposed plan of the specific construction prepared and certified by a duly qualified and licensed engineer or contractor; and
 - ii. The lowest responsive bid by a qualified bidder, or, if no bid is available, projected costs for the suggested capital improvement, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated costs shall include the cost of construction or reconstruction; the cost of plans and specifications; the costs of professional services; and all other expenses necessary or incident to such construction or reconstruction.
- (2) If the proposed application for credit involves a credit for any contribution or payment:
 - i. A copy of the document in which the contribution or payment was agreed;
 - ii. If payment has been made, proof of payment; or

- iii. If payment has not been made, the proposed method of payment.
- (3) If the proposed application for credit involves any other type of development described above, provide as applicable:
- i. Information regarding the current proposed use of the building, previous use of the building, the time period it has been vacant or demolished, and information regarding the tax exempt entity.

(Ord. No. 2011-3768, § 1, 11-22-2011)

Sec. 34-136. - Establishment of accounts.

- (a) The city's finance department shall establish an account for the arterial street improvements impact fee ("impact fee account"). All impact fees collected shall be deposited into the account.
- (b) Interest earned on the funds in the account shall be considered funds of the account and shall be used only for the purposes authorized in section 34-137 of this article.
- (c) The city's finance department shall maintain and keep adequate financial records of the account that shall show the source and disbursement of all funds placed in or expended from the account, and that ensure that the impact fees expended from the account are used only for the purposes authorized in section 34-137 of this article. Disbursement of funds shall be authorized by the city at such times as are reasonably necessary to carry out the purposes and intent of this article.
- (d) The records of the account into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours. The fee for copying services shall be as established by the city.

(Ord. No. 2011-3768, § 1, 11-22-2011)

Sec. 34-137. - Use of proceeds of impact fee account.

- (a) The impact fees collected for the citywide service area pursuant to this article shall be used to finance or to recoup arterial street network improvement costs. Impact fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the city to finance arterial street network improvements.
- (b) Impact fees collected pursuant to this section shall not be used to pay for any of the following expenses: (i) rights-of-way necessary for construction of the city's arterial street network; (ii) individual development project required traffic improvements; (iii) construction, acquisition or expansion of transportation facilities other than those identified in the Snyder & Associates Analysis, as amended; (iv) repair, operation or maintenance of existing transportation facilities; (v) upgrade, expansion or replacement of existing transportation facilities to serve existing developments at the level of service established for arterial street network transportation facilities or facility expansions necessary to serve new development; and (vi) the cost of construction, acquisition or expansion of transportation facilities or transportation facility expansion necessary to accommodate trips with an origin and destination outside the citywide service area.

(Ord. No. 2011-3768, § 1, 11-22-2011)

Sec. 34-138. - Refunds.

- (a) Any impact fees collected shall be returned to the feepayer or his successor in interest if the impact fees have not been spent within seven years from the date the building permit for the residential or nonresidential development was issued, along with interest at the average annual rate earned by funds in the impact fee account. Impact fees shall be deemed to be spent on the basis that the first

fee collected shall be the first fee spent. The refund of the impact fees shall be undertaken through the following process:

- (1) The current owner of the property must petition the city for the refund within one year following the seven-year period from the date on which the impact fee was paid. Within one month of the end of the seven-year period from the date on which the unspent impact fee was paid, the director of community planning and development shall notify the feepayer of eligibility for a refund at the address provided by the feepayer at the time of fee payment or at a new address subsequently provided by the feepayer. It shall be the responsibility of the feepayer to keep the address current.
- (2) The petition must contain the following information:
 - i. A notarized sworn statement that the petitioner is the current owner of the property;
 - ii. A copy of the dated receipt issued for payment of the impact fee;
 - iii. A certified copy of the latest recorded deed for the property; and
 - iv. A copy of the most recent ad valorem tax bill for the property.
- (3) Within one month from the date of receipt of a petition for refund, the director of community planning and development shall review the petition and determine if it is complete. If the director of community planning and development determines the petition is not complete, a written statement specifying the deficiencies shall be sent to the petitioner by certified mail. Unless the deficiencies are corrected, the director of community planning and development shall take no further action on the petition. When the director of community planning and development determines that the petition is complete, the petition shall be reviewed within one month. The director of community planning and development shall approve the refund petition if it is determined that the feepayer or his successor in interest has paid a fee which the city has not spent within the period of time permitted under this section. The refund shall include the fee paid, plus interest.

(Ord. No. 2011-3768, § 1, 11-22-2011)

Sec. 34-139. - Appeals.

- (1) To the city manager.
 - (a) The applicant for a building permit may appeal the following decisions to the city manager: (i) the applicability of the impact fee to the new development; (ii) the amount of the impact fee due (including the land use classification of the development or the number of trips generated by the new development); (iii) the applicability of a credit against an impact fee due and the amount of a credit or (iv) the decision regarding a refund.
 - (b) The burden of proof shall be on the applicant to demonstrate that the amount of the impact fee or the amount of the credit or refund was not calculated in accordance with the provisions of this section or the administrative guidelines, if any.
 - (c) The applicant shall file a notice of appeal with the city clerk within ten days following notice of the applicable impact fee calculation or refund decision. The notice of appeal shall specify the grounds for the review. If applicable, the application for development approval with respect to which the appeal is filed may be processed while the appeal is pending, provided that the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the city attorney in an amount equal to the original determination of the impact fee due.
 - (d) Within ten days of the notice of appeal, or by such date as shall be agreed upon in writing between the applicant and city, applicant may submit to the city manager traffic engineering studies containing documentation of trip generation rates for the new development, vehicle miles at p.m. peak hour to be generated by the new development, and other trip or demand data appropriate for determination of the impact fee rate for the new development and economic

documentation studies containing documentation of the cost per lane per mile for roadway construction appropriate for the new development and credits attributable to the new development that can be expected to be available to replace the portion of the traffic demand generated by the new development.

- (e) Within 30 days after filing of the notice of appeal, the city manager shall render a final decision in writing to the applicant regarding the calculation of the impact fee or refund decision.
- (2) To the city council.
- (a) An applicant may appeal the final decision of the city manager by filing a notice of appeal with the city clerk within ten days following issuance of the final written decision of the city manager as specified in section 34-139(a)(e). If an applicant fails to appeal the final decision of the city manager within ten days as set forth in this subsection, the calculation of the impact fee shall be final and no appeal shall be heard.
 - (b) An applicant may appeal the following decisions of the city manager to the city council: (i) the applicability of the impact fee to the new development; (ii) the amount of the impact fee due (including the land use classification of the new development or the number of trips generated by the new development); (iii) the applicability of a credit against an impact fee due and the amount of a credit; or (iv) the decision regarding a refund.
 - (c) Within ten days of receipt of the notice of appeal, or by such date as shall be agreed upon in writing between the applicant and the city, the applicant shall submit to the city council copies of all studies, calculations and other documentation appropriate to the determination of the impact fee.
 - (d) The notice of appeal shall specify the grounds for the appeal. The notice of appeal shall be forwarded to the city council along with a recommendation from the city staff, and the city council shall conduct a hearing. The applicant shall receive notice of the hearing by certified mail at least 15 days prior to the hearing.
 - (e) Within 30 days after the hearing before the city council, the city council shall render a final decision. The applicant that submitted the notice of appeal shall receive written notice of the decision.
- (3) Calculation of days. The number of days specified in this section shall include weekend days and holidays. The last day of the period shall be included in the computation, unless it is a Saturday, Sunday or a legal holiday, and if it is, the period runs until the end of the next day which is not a Saturday, Sunday or a legal holiday. A half-holiday shall be considered as other days and not as a holiday. "Legal holiday" includes any day designated as a holiday by the Congress of the United States, Missouri legislature or the city council.

(Ord. No. 2011-3768, § 1, 11-22-2011)

Sec. 34-140. - Updates to planning and revision of fees.

- (a) The city shall update its land use assumptions and arterial street improvements impact fee transportation facilities or facility expansion plans and shall recalculate its impact fee not less than once every three years.
- (b) From time to time it may become necessary for city staff to develop additional categories of land use for a more precise trip generation rate for calculation of an impact fee. These categories are in addition to the land use categories and related trip generation rates from the Institute of Traffic Engineers, Trip Generation Manual. In those instances, the new land use category and related trip generation rate will be incorporated into the city's transportation impact fee program and updated accordingly.

(Ord. No. 2011-3768, § 1, 11-22-2011)

Sec. 34-141. - Agreement for capital improvements.

An applicant for development approval within the citywide service area may construct or finance arterial street network transportation facilities or facility expansions if required or authorized by the city, by entering into an agreement with the city prior to the issuance of any building permit for the new development. The agreement shall be in a form approved by the city, and shall identify the estimated cost of the arterial street network improvement, the schedule for initiation and completion of the improvement, and contain a requirement that the improvement be designed and constructed to comply with city standards and all other terms and conditions as deemed necessary by the city. The agreement shall provide for the method to be used to determine the amount of the credit to be given against impact fees due for the new development.

(Ord. No. 2011-3768, § 1, 11-22-2011)

Sec. 34-142. - Use of other financing mechanisms.

- (a) The city may finance arterial street network transportation facilities or facility expansions through the issuance of bonds, through the formation of special, benefit, or improvement districts or other assessment districts or through any other authorized mechanism, in the manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.
- (b) Except as hereinafter provided, the assessment and collection of impact fees shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment that is lawfully imposed on and due against the property.
- (c) The city may pay all or part of impact fees due for a new development taking into account available credits provided for in section 34-139 of this article.

(Ord. No. 2011-3768, § 1, 11-22-2011)

Sec. 34-143. - Impact fee as additional and supplemental regulation.

Impact fees established by this section are additional and supplemental to, and not in substitution for, any other requirement proposed by the city on the development of land or the issuance of building permits. Impact fees are intended to be consistent with and implement the policies of the city's comprehensive plan, the capital improvements plan, the zoning ordinance, subdivision regulations, and other city policies, ordinances and resolutions by which the city seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

(Ord. No. 2011-3768, § 1, 11-22-2011)

Sec. 34-144. - Supplemental materials.

The following supplemental materials should be consulted for additional information related to the imposition and calculation of arterial street improvements impact fees:

- (a) Arterial Street Improvements Impact Fee Administrative Guidelines (Adopted by Resolution 2008-10).
- (b) Arterial Street Improvements Impact Fee Service Area (Adopted by Resolution 2005-50).
- (c) Methodology and Rates for Calculating the Arterial Street Improvements Impact Fee (Adopted by Resolution 2005-50).

(Ord. No. 2011-3768, § 1, 11-22-2011)

Sec. 34-145. - Definitions.

As used in this article:

Arterial street network means arterial street network transportation facilities and facility expansions as identified and discussed in the Arterial Street Improvement Impact Fee Analysis, prepared by Snyder & Associates, dated August 10, 2005, as amended.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building permit means the permit required for new construction and additions pursuant to the City Code of the City of Belton.

City manager means the city manager or his or her designee.

Developer means a person who engages in development.

Development means any man-made change to improved or unimproved land, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

Dwelling unit means one or more rooms constituting all or part of a building and that are arranged, designed, or used exclusively as a single housekeeping unit for one family, and that may include cooking, living, sanitation, and sleeping facilities.

Impact fee means arterial street improvements impact fee.

Nonresidential means created or used for any purpose other than residential uses or purposes.

Person means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.

Per trip, or vehicle trip means a single or one-direction vehicle movement with either the origin or the destination (exiting or entering) at the subject building. For trip generation purposes, the total trip ends for a building over a given period of time are the total of all trips entering plus all the trips exiting a site during a designated time period.

P.M. peak hour means the hour between 4:00 p.m. and 6:00 p.m. during the weekdays, Monday through and including Friday, at which the average traffic volume is highest.

Residential means primarily created or used for a dwelling for one or more persons.

School district means a public school district of the State of Missouri.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner for either residential or nonresidential purposes.

(Ord. No. 2011-3768, § 1, 11-22-2011)

Unified Development Code, Belton, Missouri

Chapter 36 – Subdivision Regulations

Article V. – Public Improvements

Sec. 36-110. - Improvement procedure.

(a) General.

- (1) Prior to the issuance of a building permit, all required improvements must be installed in accordance with this Code; plans approved by the appropriate utility company and all grading work completed.
 - (2) Physical improvements as mentioned in the preceding paragraph must be constructed before the issuance of a building permit, except that the city council may, at the option of the developer, accept one or a combination of the following issuance of a building permit. (The plans must be completed and approved for the water and sewer lines in either area.)
 - a. A bond or other acceptable financial guarantee (Letter of credit, personal surety bond, performance bond or other city council approved guarantee) in an amount equivalent or larger than 100 percent the projected cost of the improvement at the date of the expiration of the guarantee. The guarantee shall be in a form that can be executed by the city council in the case that the required improvements are not constructed within two years or a lesser period of time specified and approved by the city council. Such surety shall be properly executed prior to any grading or construction and shall be released in segments upon written approval of the city.
 - b. A petition presented to and approved by the city council having jurisdiction, properly executed by the property owners, neighborhood improvement district, or voters of the city, as provided by law. Said petition will be used for the construction of the improvements by the city council and the costs of which will be assessed against the subdivided property.
- (b) Land disturbance permit. After obtaining a Land Disturbance Permit, the subdivider may do the grading and any drainage work that is required, all according to plans approved by the city engineer. The minimum requirements of the permit shall include:
- (1) The final plat has been approved by the city council. (If the approval of the final plat is contingent upon any conditions requiring further board review or action, the board must provide specific approval to allow for the preliminary work to begin.)
 - (2) A preliminary grading plan, including existing contours (two foot max interval) and features; and proposed improvements and contours (two foot max interval).
 - (3) A preliminary stormwater management plan addressing both water quality and quantity is approved by the city engineer. The plans shall indicate the necessary size, approximate dimensions, and location of the detention and best management practices to be utilized.
 - (4) A preliminary engineer's estimate (including contingencies) for the stormwater management facilities shall be provided and the applicant or his or her contractor shall obtain a public works construction permit according to sections 42-139 and 42-140.
 - (5) An erosion control plan is approved by the city engineer.
 - (6) All other local, state, and federal permits applicable to grading are obtained. This may include, but is not limited to an MDNR Land Disturbance Permit, 401 permit, and 404 permit.
 - (7) The applicant will bear the entire burden of risk and agrees to indemnify the city from any expense that may occur due to beginning the project prior to final approval of all documents

including final site plans, stormwater management plans and public infrastructure plans. The applicant shall meet all ordinances, regulations and code requirements regardless of the changes that may be necessary to the preliminary plans and any construction that has already occurred.

(c) Mud deposit.

- (1) Each builder working within the city limits of Belton must provide a mud deposit in accordance with the adopted schedule of fees and charges at the time of issuing individual building permits. The deposit will be a guarantee that the permit applicant and any subcontractors or employees will keep streets and sidewalks in the area in which they are working free and clear of dirt, gravel, rubbish or other construction debris. The director of public works may waive the deposit required by this section when the applicant is an individual home owner.
- (2) No person, firm or corporation may dump or deposit or cause to be dumped or deposited any dirt, gravel, rubbish, leaves or other debris; including, but not limited to, lumber; paper; trash; concrete or metal in any street, right-of-way, gutter, storm sewer, waterway or drainage way or erosion of soil that flows onto any street, right-of-way, gutter, storm sewer, waterway or drainage way abutting property from property before or during construction.
- (3) If upon inspection by the director of public works or any of their designated representatives, it is determined that dirt, gravel, rubbish, leaves or other debris has been dumped or deposited in any street, right-of-way, gutter, storm sewer, waterway or drainage way in violation of the provisions of this section, he or she will then notify the responsible permittee and establish a 24-hour period to make the affected area free and clear of said dirt, gravel or debris. If the city's representative cannot determine which permittee is responsible for cleaning the street's right-of-way, the developer of the land will be given 24 hours' notice to make the affected area free of said dirt, gravel or debris. If within the 24-hour period the said area is not clear, the director of public works or his or her designate may authorize the city to take necessary action to clean up the said area and assess all charges at an established hourly rate, but in no case will the charges be less than two hours for labor, materials and equipment.

(d) Building permits. Unless the required improvements have been installed or guaranteed by a bond for a lot or tract, no building permits shall be issued for that lot or tract. Upon issuance of the building permit, the building inspector shall notify the applicant that no structure shall be permitted to be occupied until all required improvements are installed from existing streets and utility lines to that lot, unless that lot was platted prior to August 1, 1984. The city council may require that building construction be discontinued if construction of streets, sewers and other required improvements do not progress in an orderly manner or are left unfinished.

(e) Occupancy permits.

- (1) No occupancy permit shall be issued for any structure within a subdivision until all improvements, including sidewalks, have been installed within the platted boundaries of the lot upon which the structure is located except that landscaping may be delayed for reasons as outlined in the following:
- (2) Placement of sidewalks in the common area(s) of a platted subdivision may be delayed until all other improvements in the common area(s) have been completed. The cost of the required sidewalks shall be included in the infrastructure bond required for the subdivision.

(f) Certificate of insurance.

- (1) The contractors performing work under a valid building permit issued by the city shall indemnify the city, with certificate of insurance with the city named as co-insured. The certificate of insurance shall be on a form furnished by the city. The contractor shall secure and maintain throughout the duration of construction, insurance of types and in amounts as may be necessary to protect himself or herself and the interest of the city against all hazards or risk of loss. The form and limits of such insurance together with each underwriter, shall be acceptable

to the city, but regardless of such acceptance it shall be the responsibility of the contractor to maintain adequate insurance coverage at all times.

- (2) The contractor may satisfy the liability limits required for each type of insurance by securing and maintaining an umbrella excess liability type policy.
- (3) Satisfactory certificates of insurance shall be filed with the city before a construction permit will be issued. The liability limits shall not be less than:

Workers Compensation	Statutory
Automobile Liability—Bodily Injury	\$500,000.00 each person
Bodily Injury	\$2,000,000.00 each occurrence
Property or Combined Single Limit	\$300,000.00 each occurrence
	\$2,000,000.00 each occurrence
Comprehensive General Liability (including products and completed operations)	\$500,000.00 each occurrence
	\$2,000,000.00 aggregate

(g) Construction and maintenance of drainage facilities.

- (1) No building permits or occupancy permits shall be issued for any lots in the subdivision, unless at the time of issuance the subdivision's drainage facilities and improvements, including but not limited to culverts, detention ponds, ditching, etc., are operating as designed; or 90 percent of all lots in the subdivision have been developed as platted.
- (2) If for any reason the city expends money to repair, maintain or improve the existing drainage facilities and improvements including but not limited to detention ponds, ditching, culverts, etc., prior to 90 percent of the lots being developed as platted, no building permits shall be issued for new construction on any lot until the amount expended has been reimbursed to the city.

(h) Plans and specifications. During and upon the approval of the final plat, but prior to the issuance of the building permit, the subdivider, applicant or developer shall have prepared by a licensed professional engineer (which may be contracted for, with any governmental agency or utility), engineering drawings for proposed required improvements containing the data and information specified in subsection (i) of this section.

(i) Content of engineering drawings. Engineering drawings for required improvements shall contain the following data and information:

- (1) Plans, profiles, details, specifications and cost estimates for roadway and sidewalk construction, including plans and profiles for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown to a scale of one inch equals 50 feet horizontal, and one

inch equals five feet vertical. This information shall be shown on standard plan and profile sheets unless otherwise required.

- (2) Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.
 - (3) Plans, profiles, details, specifications and cost estimates of proposed water distribution systems and proposed water supply facilities and hydrants, if any.
 - (4) Plans, profiles, details, specifications and cost estimates of sewerage systems and of any required sewage treatment facilities.
 - (5) Grading plans for all lots and other sites in the subdivision.
 - (6) When unusual site conditions exist, the city council may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.
 - (7) All plans shall be based on city or U.S.G.S. datum for vertical control.
 - (8) Plans, details, and specifications for all street name signs and traffic regulator signs.
- (j) Soil erosion and sediment control.

(1) Introduction/purpose.

- a. The purpose of this local regulation is to safeguard persons, protect property, prevent damage to the environment and promote the public welfare by regulating land disturbance, land fill and soil storage in connection with the clearing and grading of land for construction related or other purposes and by effectively minimizing soil erosion and sedimentation during land development or any other type of land disturbance in the City of Belton. Further, it provides builders, developers and property owners with soil erosion and sedimentation control standards and regulations.
- b. Facilitation of the regulations and standards contained herein shall accomplish the following:
 1. Establish standards for soil erosion and sediment control.
 2. Minimize soil erosion and sedimentation during land development or other land disturbing activities.
 3. Minimize pollution of streams, ponds and lakes.
 4. Encourage management of natural resources.
 5. Preserve the beauty of the community and the value of land.
 6. Reduce maintenance costs of public and private improvements and services.
 7. Promote and protect the public's health, safety, comfort and welfare.

(2) Definitions.

Agricultural crop management practices means all land farming operations including plowing or tilling of land for the purpose of crop production or the harvesting of crops.

Applicant means any person requesting approval of any application pursuant to this section and the subdivision regulations.

APWA means American Public Works Association.

APWA Erosion and Sediment Control Specifications and Design Criteria means sections 2100, 2150, 3100 and 5100 of the Kansas City Metropolitan Chapter of the APWA Standards, Specifications and Design Criteria manual, adopted in 2003.

Army Corps means United States Department of the Army, Army Corps of Engineers.

Clearing means any activity which removes the vegetative surface cover including, but not limited to, root removal or top soil removal.

CPESC means Certified Professional in Erosion and Sediment Control.

Director means the director of public works of the City of Belton or his or her designee.

Drainageway means any channel that conveys surface runoff throughout the site.

Erosion means the wearing away of the land surface by the action of wind, water or gravity or a combination thereof.

Erosion and sediment control plan means a set of plans prepared by or under the direction of a licensed professional engineer or a certified professional in erosion and sediment control indicating the specific measures and sequencing to be used to control runoff, sediment and erosion on a development site before, during and after construction and after all permanent improvements have been erected or installed. This is also sometimes referred to as the "Stormwater Pollution Prevention Plan" in the APWA Standards.

Erosion control means measures that prevent erosion.

FEMA means Federal Emergency Management Administration.

Governing body means the city council of the City of Belton.

Grading means excavation or fill of earth material, or combination thereof, including the resulting conditions thereof.

MDNR means Missouri Department of Natural Resources.

Permanent vegetation means grass, sod or ground cover sufficient to prevent erosion.

Phasing means clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.

Sediment means solid material moved by erosion and deposited away from its point of origin.

Sediment control means measures that prevent eroded sediment from leaving the site.

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

Site development means altering terrain, vegetation and/or constructing improvements.

Site development permit means a permit issued by the director or his or her designee for the construction or alteration of ground, including improvements and structures for the control of erosion, runoff and grading.

Stabilization means the use of practices that prevent exposed soil from eroding.

Start of construction means the first land-disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Stream bank means the top of the natural incline bordering a stream.

Stripping means any activity by which the vegetative cover is removed or significantly disturbed, including tree removal, clearing, grubbing and storage, or removal of topsoil.

Vegetative cover means any grasses, shrubs, trees and other vegetation that protects and stabilizes soils.

Watercourse means any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water which are delineated by the director.

Waterway means a channel that directs surface runoff to a watercourse, or to the public storm drain.

- (3) Permits - Regulated activities. No person, firm or corporation may develop or disturb land, including clearing, grading, excavating, filling, storing or disposing of soil and earth materials or perform any other land disturbing activity, without first obtaining a site development permit and the approval of an erosion and sediment control plan by the director or his or her assignee except as noted in subsection (j)(4) of this section. The following permits shall be required:
 - a. All sites one acre or more shall have a Missouri Department of Natural Resources permit and a City of Belton permit.
 - b. All subdivision and commercial lots less than one acre shall have a City of Belton permit.
- (4) Exemptions. Persons performing land disturbance activities that meet any of the criteria below are not required to apply for a site development permit pursuant to this chapter:
 - a. Land disturbance activities by city departments. In those cases, the department is required to comply with the requirements of the city's general permit, if applicable, the city's adopted standards and the city's building code;
 - b. Home gardens/landscaping. Home gardening and landscaping operations on residential lots including plowing or tilling of land for the purpose of growing flowers, trees, shrubs and/or vegetables and removal of trees and/or shrubs;
 - c. Work to correct or remedy emergencies. This includes situations that pose an immediate danger to life or property, or substantial flood or fire hazards; and
 - d. Routine agricultural crop management practices;
 - e. Land disturbance activities less than or equal to 300 square feet.
- (5) Site development permit application and issuance.
 - a. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm, including the name and phone of the grading or earth moving contractor and shall be accompanied by an application fee if any fee has been established at the time of the submission of the application.. The council may establish application fees by resolution.
 - b. The issuance of a permit shall constitute authorization to do only that work described or shown on the approved plan. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the applicant's approved erosion and sediment control plan.

The permit shall be valid from the time that it is issued until a final certificate of occupancy or completion certificate has been issued for the site. A completion certificate will not be issued until the site is stabilized and erosion and sediment-control measures are no longer necessary. A site will be considered finally stabilized when all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover for the unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been employed. Prior to issuance of a completion certificate or occupancy permit the site will be inspected by the public works or community development director to determine if the site has been stabilized and all erosion control measures have been removed.
 - c. If the permittee sells the property before the expiration of the permit, the permit may be assigned to the new owner of the site if the assignment is approved in writing by the director.

- d. If the permittee sells any portion of the property before the expiration of the permit, the permittee will remain responsible for that portion of the property until the new owners of the property, with respect to property covered by a permit, make all submissions required to obtain a new site development permit or an approved assignment of the permit or any portion thereof.
 - e. Clearing and grading.
 - 1. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, unless proper permits have been obtained from MDNR, Corps of Engineer or FEMA.
 - 2. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
 - f. Areas that have been cleared and graded but will not be constructed on for more than 14 days must be stabilized with temporary vegetation or mulch. (APWA Standard 5100.7)
 - g. Review and approval.
 - 1. The director or assignee will review each application for a site development permit to determine its conformance with the provisions of this chapter. Within 30 days after receiving an application, the director shall, in writing:
 - (i) Approve the permit application;
 - (ii) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 - (iii) Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.
 - h. Application fee. The city council may establish application fees by resolution adopted by the council. This fee shall be for the application processing and administration of this chapter.
- (6) Erosion and sediment control plan.
- a. The erosion and sediment control plan must be prepared and certified by a professional engineer or a certified professional in erosion and sediment control (CPESC) on behalf of the applicant and must outline the measures he or she will take to ensure soil and sediment is contained on the development site.
 - b. The erosion and sediment control plan for areas that are one acre or greater shall include:
 - 1. The property owner's name, address and telephone number.
 - 2. A natural resources map, at a scale no smaller than one inch equals 100 feet, identifying the location; soils; forest cover; the surrounding area's watercourses, water bodies and other significant geographic and natural features; and resources protected under other chapters of this Code.
 - 3. A one inch equals 50 feet scale map of the site showing proposed excavation, grading or filling.
 - 4. Existing and proposed contours at two foot intervals on USGS datum, clearing limits, and delineation of 100-year floodplain and floodway.
 - 5. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; final grading and landscaping; and removal of temporary erosion control devices. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary

- erosion and sediment measures, installation of storm drainage, paving of streets and parking areas, and establishment of permanent vegetation.
6. All erosion and sediment-control measures necessary to meet the objectives of this chapter throughout all phases of construction and permanently, after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
 7. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
 8. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
 9. Location of proposed and existing utility lines.
 10. Details of temporary drainage system to direct stormwater runoff from graded portions of the site and details of the permanent drainage plan.
 11. Temporary access routes and construction entrance.
 12. A signed and sealed estimate from the Professional Engineer or Certified Professional in Erosion and Sediment Control of the estimated cost for the work included in the plan.
 13. Any additional items indicated in the APWA Erosion and Sediment Control Specifications and Design Criteria.
 14. The signature and seal of a Professional Engineer or a Certified Professional in Erosion and Sediment Control (CPESC).
- c. Additional information or data may be required as deemed appropriate by the director. Requirements for maps, plans, reports or drawing may be waived if the director finds that the otherwise submitted information is sufficient to show that the proposed work will conform to the erosion and sediment control requirements required by this chapter.
 - d. Additional erosion and sedimentation control measures may be imposed by the director.
 - e. All erosion and sediment control plans shall be designed and shall meet the design criteria set forth in the most recent version of the APWA Erosion and Sediment Control Specifications and Design Criteria, as adopted by resolution by the governing body, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City of Belton.
 - f. Grading and erosion control on individual lots and areas less than one acre:
 1. Applications for areas less than one acre or individual lots shall be shown on a plot plan that contains the following:
 - (i) Property lines existing and proposed, lot and block number.
 - (ii) Location of structure.
 - (iii) Elevation on the top of the foundation, proposed and existing grading contours, property corners.
 - (iv) Location of drainage swales, inlets, and arrows showing direction of runoff.
 - (v) Location of sediment and erosion controls.
 - (vi) Any additional information required by the director.
 - (vii) All sediment and erosion controls shall be removed from the lot after vegetation has been established.

- (viii) The application fee if any fee has been established at the time of the submission of the application. This fee shall be for the application processing and administration of this chapter.
 - (ix) No building inspections shall take place until erosion controls and a construction entrance are installed.
- (7) Security for performance of work. The director shall require the applicant to provide security equal to the estimated cost to install and maintain the approved erosion and sediment control measures for the duration of the site development permit as defined in subsection (j)(5) of this section if the land disturbance is within the watershed of a public or private lake or pond or if the erosion and sediment control plan is for an area of one acre or greater and the estimated cost to install and maintain the approved erosion and sediment control measures is \$2,000.00 or greater. The applicant has two options to secure the performance of work:
 - a. Option 1: Performance bond. The applicant may furnish a performance bond, approved by the director of finance; or
 - b. Option 2: Letter of credit agreement. The applicant may enter into a letter of credit agreement with the city, whereby the applicant will submit a letter of credit from a bank approved by the director of finance.
- (8) Mud, material or debris on city streets.
 - a. No activities are permitted that cause mud, soil, earth, sand, gravel, rock, stone, and concrete, building materials or other materials to be deposited on public streets. Other measures may be required in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.
 - b. If mud, material or debris is deposited on a public or private street, the responsible party shall abate the violation based on section 15-46 of the Code of Ordinances of the City of Belton, Missouri.
- (9) Inspection.
 - a. By submitting a development plan or applying for a building permit, the applicant consents to inspections of the proposed development site and all work in progress. The director or designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed.
 - b. A copy of the permit and erosion and sediment control plan must be available on the site for inspection by authorized representatives of the City of Belton.
 - c. The director or designated agent shall make inspection at its discretion and shall notify the permittee wherein the work fails to comply with the erosion and sediment control plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the City of Belton shall be maintained at the site during the progress of the work.
 - d. The permittee or his or her agent shall make weekly inspections of all control measures in accordance with the inspection schedule outlined on the approved erosion and sediment control plan. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for additional control measures. All inspections and modifications to the erosion and sediment controls shall be documented in written form and noted on the approved erosion and sediment control plan.
 - e. The permittee or his or her agent shall inspect and repair as needed all sediment and erosion controls after each rainfall event. The dates of these inspections and repairs shall be noted on the erosion and sediment control plan.

- f. Copies of the reports on the erosion and sediment control plan shall be submitted to the public works department on monthly basis. Failure to submit this document could result in a stop work order.
 - g. In the event work does not conform to the permit or conditions of approval or to the approved plan or to any instructions of the director, notice to comply shall be given to the permittee. After a notice to comply is given, the permittee or the permittee's contractor shall be required to make the corrections within the time period determined by the director. If an imminent hazard exists, the director shall require that the corrective work begin immediately.
- (10) Coordination with other permits. When a person is developing a site, and a site development permit is required in accordance with subsections (j)(3) and (5) of this section, no other construction permits shall be issued to make improvements on that site until the person has secured the site development permit for the same site. This includes all permits issues by the director or any other city department. The city may simultaneously issue a site development permit and a grading permit.
 - (11) Maintenance of control measures. The applicant shall at all times maintain all erosion and sediment control measures in good order and in compliance with the erosion and sediment control plan for the site and with the city's adopted standards, for the duration of the permit as defined in subsection (j)(5) of this section. In determining the applicant's compliance with the erosion and sediment control plan for the site, the director shall take into consideration any results the applicant has obtained through sampling.
 - (12) Sampling. The applicant shall have the option of including a system of regular sampling by individuals approved to perform such sampling by the city as a part of the applicant's erosion and sediment control plan. The director may require sampling to determine the effectiveness of the erosion control plan or to obtain information to investigate complaints regarding the site. Sampling shall not be the only item reviewed to determine compliance with the erosion and sediment control plan for the site. The director may also perform sampling.
 - (13) Removal of control measures. The applicant shall receive the director's approval before any structural erosion and sediment control measure identified on the plans is removed or made ineffective. Removal of erosion and sediment control measures must be performed in the manner described in the erosion and sediment control plan and in accordance with the city's adopted standards. When determining whether an erosion and sediment control measures may be removed or made ineffective, the director shall take into consideration testing results furnished by the applicant.
 - (14) Action against the security. The director may take action against the security if the applicant fails to install or maintain the erosion and sediment control measures in accordance with the erosion and sediment control plan for the site and the city's adopted standards for the duration of the permit as defined in subsection (j)(5) of this section. The director will provide the applicant with ten days' written notice before any action is taken against the security, and if during that ten-day period the applicant bring control measures into compliance with the plan, no action shall be taken against the security.
 - (15) Enforcement and penalties.
 - a. Stop work order; revocation of permit.
 - 1. In the event that any person holding a site development permit pursuant to this chapter violates the terms of the permit, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the director may suspend or revoke the site development permit and issue a stop work order.

2. For the purposes of this subsection, a stop work order is issued by posting a copy of the stop work order on the site of the land disturbance activity in reasonable proximity to a location where the land disturbance activity is taking place. A copy of the order, in the case of work for which there is a permit, shall be mailed by first class mail, postage prepaid, to the address listed by the permittee on the permit; faxed to the number listed on the permit; or e-mailed to the e-mail address listed on the permit. In the case of work for which there is no permit, a copy of the order shall be mailed to the person listed as the owner of the property on records filed with Cass County, Missouri.
 3. A permittee or property owner shall have the right to appeal the issuance of the stop work order within five working days of the issuance of the stop work order. The city manager shall hold a hearing on the appeal of the stop work order and render a decision on the appeal.
 4. No person is permitted to continue or permit the continuance of work in an area covered by a stop work order, except work required to correct deficiencies with respect to an erosion or sediment-control measure.
 5. Ten working days after posting a stop work order or upon issuance of a decision by the city manager if an appeal is filed, the director, if the conditions specified in the stop work order have not been satisfied, may issue a notice to the permittee, or property owner, of the City of Belton's intent to perform work necessary to comply with this chapter. The City of Belton may go on the land and commence work after 14 working days from issuing the notice of intent. The costs incurred by the City of Belton to perform this work shall be paid by the property owner or permittee.
- b. Violation and penalties. No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this section. Any violation of any provision of this section by any person, partnership, corporation, or other entity shall be punishable by a fine of not more than \$100.00 per violation per day not to exceed \$500.00 and/or 90 days in jail. Each day during which any such violation is committed, continued, or permitted, shall constitute a separate offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this section shall be required to bear the expense of such restoration. The City of Belton reserves the right to revoke the building permit for serious and/or repeated violations and/or may place a lien on the property to pay for the city's costs in completing the work to remove the violation as provided in this subsection (j)(15) and court costs.
- (16) Severability. The provisions of this section shall be deemed to be severable, and the invalidity of any portion of this section shall not affect the validity of the remainder.
- (k) Review of plans. The city engineer shall review all engineering drawings in order to determine whether or not such drawings are consistent with the approved preliminary plat and comply with the city's design standards. The city engineer shall notify the subdivider of any deficiencies and the subdivider may then correct these drawings and resubmit them to the city engineer. If the subdivider disagrees on the application of the city standards or the degree of conformity with the preliminary plat, the points of disagreement may be appealed to the city council. The city council may only reverse the interpretation of the city engineer if they determine that conformity with the preliminary plat and the city's design standards would be achieved by the subdivider's plans.
- (l) Inspection. All improvements constructed or erected shall be subject to inspection by the city Public Works Inspector and/or the city engineer or his or her designee.
- (m) Inspection procedures. After notice is received, the city public works inspector shall conduct an on-site inspection to determine that the work complies with the approved engineering plans and specifications. After such inspection has been made, the public works inspector shall notify the city clerk of his or her opinion thereof. If the city council shall determine, after consideration of the opinion

of the public works inspector that such work does not comply with the approved engineering plans and specifications, the city council shall so notify the subdivider, and may require the subdivider to terminate all further work until necessary steps are taken to correct any defect, deficiency, or deviation to the satisfaction of the city council. Upon the correction of such defect, deficiency, or deviation, the subdivider shall again notify the official.

- (n) Final inspection. Upon completion of all improvements within the area covered by the final plat, the subdivider shall notify the city public works inspector who shall thereupon conduct a final inspection of all improvements installed. After such inspection has been made, the public works inspector shall notify the city clerk of his or her opinion. If the city council shall determine, after consideration of the opinion of the official, that there are defects, deficiencies, or deviations in any such improvements as installed, or if there are any deviations in such improvements as installed from the approved engineering plans and specifications, the city council shall so notify the subdivider in writing, and the subdivider shall, at its sole expense, correct such defects, deviations, or deficiencies. When such defects, deficiencies, or deviations have been corrected, the subdivider shall notify the official that the improvements are ready for final re-inspection.
- (o) Construction plan review fee. The subdivider shall pay to the city a plan review fee of one percent of the estimated cost of the required public improvements, as defined in section 42-167, for the review and processing of the construction and site improvements plans. This fee may be adjusted from time to time by the city council.
- (p) Inspection of public improvements. Unless otherwise approved by the city engineer, all improvements shall be inspected by the City of Belton. The subdivider shall pay to the city a fee of ~~four~~ **two** percent of the estimated cost of the required public improvements, as defined in subsection (s) of this section, for construction inspection. The subdivider shall obtain a construction permit(s) from the public works department; the fees shall be paid at the time of permit issuance. This fee may be adjusted from time to time by the city council.
- (q) "As built" construction plans. The subdivider shall contract with a professional engineer or land surveyor registered in the State of Missouri to perform construction staking and preparation of "as-built" construction plans. The professional engineer or land surveyor shall field verify and sign and seal the "as-built" construction plans.
- (r) Issuance of building permits. Building permits shall not be issued until all planning, plan review, and construction inspection fees have been paid. Building permits shall not be issued until the required public improvements, as defined in section 42-167, have been accepted by the city or guaranteed by a bond in accordance with the provisions of this section.
- (s) Definition of public improvements. Required public improvement shall include those improvements intended to be accepted for future city maintenance and/or ownership, including but not limited to street facilities, sidewalks, sanitary sewer facilities, water system facilities, and storm drainage facilities, including detention systems and other stormwater management facilities. Stormwater management facilities will only be excluded from this definition when on private property and both routine and long term maintenance is ensured; which will include restrictive covenants, deed restrictions, maintenance bonds or other agreements approved by the city engineer.

(UDC 2010, § 20.27; Ord. No. 2003-2954, 1-28-2003; Ord. No. 2007-3310, 2-13-2007; Ord. No. 2008-3419, 2-12-2008; Ord. No. 2011-3751, § 1, 9-27-2011)

Code of Ordinances and Unified Development Code

Appendix A – SCHEDULE OF FEES AND CHARGES PART II. - UNIFIED DEVELOPMENT CODE

Updated May 2014 [Adopted September 9, 2014] **Updated May 2014 and July 2016**

Application Type	Filing Fees
Subdivision—Plan Reviews	
Prelim. residential	\$200.00 for first 20 lots + \$10.00/lot thereafter
Final residential	\$200.00 for first 20 lots + \$10.00/lot thereafter
Prelim. commercial	\$300.00 for first 40 acres + \$10.00/acre thereafter
Final commercial	\$300.00 for first 40 acres + \$10.00/acre thereafter
Planning/Zoning	
Rezoning—Residential	\$150.00
Rezoning—Comm., Mfg, PUD	\$200.00
Special use	\$150.00
Variance	\$150.00
Lot split	\$150.00
Vacation	\$0.00
Building	
Building permit fee (Based on valuation, calculated as per section 10-52, Unified Development Code)	Minimum fee \$42.00
Valuation \$2,001.00 to \$25,000.00	\$42.00 for first \$3,000.00 plus \$7.40 for each additional

	\$1,000.00 or fraction thereof, to and including \$25,000.00
Valuation \$25,001.00 to \$50,000.00	\$205.00 for first \$25,000.00 plus \$5.80 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.00
Valuation \$50,001.00 to \$100,000.00	\$350.00 for first \$50,000.00 plus \$5.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
Valuation \$100,001.00 to \$500,000.00	\$625.00 for first \$100,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof
Valuation \$500,001.00 to \$1,000,000.00	\$2,225.00 for first \$500,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000
Valuation \$1,000,001.00 and up	\$4,225.00 for first \$1,000,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof
Engineering	
Arterial street impact fee	\$620.00/PM peak hour traffic trip (table attached)
Water impact fee	Size displacement/turbine
	¾" = \$3,090.00
	1" = \$4,944.00
	1.5" = \$6,180.00/\$9,888.00
	2" = \$12,360.00/\$14,832.00
	3" = \$18,540.00/\$33,867.00
	4" = \$24,670.00/\$61,800.00
	6" = \$61,800.00/\$135,960.00

Sanitary sewer connection impact fee	\$500.00 – \$1,600.00 Minimum \$1,200 residential and \$2,000 commercial
	Dependent upon sewer district and meter size
Land disturbance permit	No fee - except applicable public infrastructure fees
Excavating permit	\$5.00
Excavating bond	\$200.00 cash bond + \$5,000.00 surety bond
Right-of-way permit	\$62
Street cut charge	\$24
Linear work charge	\$0.07/LF (2,000 LF per permit)
Re-inspection	\$24/re-inspection
Temporary Traffic Control Permit - Community Event	\$10/day
Temporary Traffic Control Permit – Arterial Street	\$24/lane/day
Temporary Traffic Control Permit – Collector Street	\$18/lane/day
Temporary Traffic Control Permit – Local Street	\$12/lane/day
Water tap	\$400.00 for ¾" meter
	\$482.00 for 1" meter
	\$540.00 for 1" tap w/dual ¾" meter
	\$892.00 for 1.5" meter

	\$1,120.00 for 2" meter
	Larger meters at current material costs
Water deposit	Builder = \$110.00
Public Infrastructure	
Engineering review and inspection fee	3% of the construction cost
Performance and 2-yr maintenance bond	100% of the construction cost
Fire	
Plan review fee	None
Operational permit fee	None
Construction permit fee	See building fees
Blasting permit	\$300.00

NOTES: Last updated 11/2014 **07/2016**

(Ord. No. 2014-4038, § 1, 9-9-2014)



CITY OF BELTON
 520 Main Street
 Belton, MO 64012
 (816) 331-4331
 Fax: (816) 331-6973

PERMIT FOR WORK ON CITY RIGHT-OF-WAY, CITY EASEMENT, OR CITY PROPERTY

TO BE COMPLETED BY CITY STAFF	
PERMIT NUMBER	
PERMIT ISSUE DATE	

DATE OF APPLICATION:			<input type="checkbox"/> FAX	<input type="checkbox"/> EMAIL	<input type="checkbox"/> WALKIN
PERMIT LOCATION/STREET ADDRESS:					
MISSOURI ONE CALL TICKET NUMBER: <small>THE USE OF INDUSTRY STANDARD UTILITY MARKING AND COLOR CODES IS REQUIRED.</small>					
TYPE OF WORK					
<input type="checkbox"/> WATER	<input type="checkbox"/> GAS	<input type="checkbox"/> WASTEWATER	<input type="checkbox"/> WATER/SEWER SERVICE		
<input type="checkbox"/> CATV	<input type="checkbox"/> ELECTRIC	<input type="checkbox"/> COMMUNICATIONS	<input type="checkbox"/> DRIVEWAY		
<input type="checkbox"/> SIDEWALK	<input type="checkbox"/> OTHER (please specify)				
CONTACT INFORMATION					
CONTRACTOR/APPLICANT:					
CONTACT NAME:					
ADDRESS:					
CITY:		STATE:		ZIP:	
TELEPHONE:			CELL PHONE:		
EMAIL:					
OWNER OF FACILITIES (UTILITY COMPANY):					
CONTACT NAME:					
ADDRESS:					
CITY:		STATE:		ZIP:	
TELEPHONE:			CELL PHONE:		
EMAIL:					
SUBCONTRACTOR (IF APPLICABLE):					
CONTACT NAME:					
ADDRESS:					
CITY:		STATE:		ZIP:	
TELEPHONE:			CELL PHONE:		
EMAIL:					

PERMIT FOR WORK ON CITY RIGHT-OF-WAY, CITY EASEMENT, OR CITY PROPERTY
City of Belton, Missouri

DETAILS OF WORK				
ESTIMATED START DATE		ESTIMATED COMPLETION DATE		
THE PERMIT TERM SHALL NOT EXCEED 60 DAYS.				
PURPOSE OF WORK	<input type="checkbox"/> REPAIR	<input type="checkbox"/> REPLACEMENT	<input type="checkbox"/> NEW INSTALLATION	
	<input type="checkbox"/> OTHER (please specify)			
INSTALLATION METHOD	<input type="checkbox"/> OPEN CUT	<input type="checkbox"/> TUNNELING/BORING		
	<input type="checkbox"/> OTHER (please specify)			
AFFECTED AREA	<input type="checkbox"/> PAVEMENT	<input type="checkbox"/> GRASS	<input type="checkbox"/> CURB	
	<input type="checkbox"/> SIDEWALK	<input type="checkbox"/> DRIVEWAY	<input type="checkbox"/> POTHOLES/SPOT HOLES IN PAVEMENT	
	<input type="checkbox"/> SERVICE CONNECTION ACROSS STREET	AREA OF STREET CUT (LxW): # OF STREET CUTS:		
	<input type="checkbox"/> AREIAL/POLE MOUNTED	<input type="checkbox"/> OTHER:		
LENGTH IN FT (IF LINEAR WORK):	FROM		TO	
THE MAXIMUM LENGTH OF LINEAR WORK PER PERMIT IS 2,000 FEET.				
OTHER DETAILS				
TOTAL DISTURBED AREA*:				
		SQ. FT	ACRES	
THE FOLLOWING ARE ACKNOWLEDGED AND/OR ATTACHED AND INCORPORATED INTO THIS PERMIT APPLICATION, PER CITY'S ROW ORDINANCE:				
<input type="checkbox"/> REGISTRATION				
<input type="checkbox"/> TEMPORARY TRAFFIC CONTROL PERMIT, AS APPLICABLE				
<input type="checkbox"/> LAND DISTURBANCE PERMIT, AS APPLICABLE				
<input type="checkbox"/> ENGINEERING DRAWINGS, CONSTRUCTION PLANS, ETC. SHOWING THE LOCATION AND AREA OF PROJECT AND EXISTING AND PROPOSED FACILITIES AT SUCH LOCATION				
<input type="checkbox"/> WORK PLAN AND SCHEDULE				
<input type="checkbox"/> PERFORMANCE AND MAINTENANCE BONDS, AS APPLICABLE				
<input type="checkbox"/> APPROPRIATE FEES WILL BE PAID UPON ISSUANCE OF PERMIT				

PERMIT FOR WORK ON CITY RIGHT-OF-WAY, CITY EASEMENT, OR CITY PROPERTY
City of Belton, Missouri

PERMIT FEE CALCULATION (TO BE COMPLETED BY CITY STAFF)
PERMIT FEE = BASE PERMIT FEE + ([LINEAR WORK FEE] X [FEET]) + ([STREET CUT FEE] X [# OF STREET CUTS])
TOTAL PERMIT FEE:

This application is made under the terms of Chapter 19 of the Code of Ordinances of the City of Belton, Missouri, governing work within public right-of-way, to accomplish the work herein described. Applicant hereby agrees to perform said work and restoration of right-of-way in strict accordance with the provisions of said Chapter 19 and further agrees to satisfactorily repair any failure or damage within the right-of-way resulting from the excavation or construction covered under this application within four years thereafter.

SIGNATURE REQUIRED	
PERMITTEE OR AUTHORIZED AGENT	CITY ENGINEER OR HIS OR HER DESIGNEE
_____	_____
SIGNATURE	SIGNATURE
_____	_____
PRINTED NAME	PRINTED NAME
_____	_____
DATE	DATE



CITY OF BELTON
 520 Main Street
 Belton, MO 64012
 (816) 331-4331
 Fax: (816) 331-6973

PERMIT FOR TEMPORARY TRAFFIC CONTROL

TO BE COMPLETED BY CITY STAFF	
PERMIT NUMBER	
PERMIT ISSUE DATE	

DATE OF APPLICATION:		<input type="checkbox"/> FAX	<input type="checkbox"/> EMAIL	<input type="checkbox"/> WALKIN
PERMIT LOCATION/STREET ADDRESS:				
MISSOURI ONE CALL TICKET NUMBER: THE USE OF INDUSTRY STANDARD UTILITY MARKING AND COLOR CODES IS REQUIRED.				
LOCATION OF WORK				
STREET:		FROM:		TO:
STREET:		FROM:		TO:
<input type="checkbox"/> FULL STREET CLOSURE	<input type="checkbox"/> PARTIAL STREET CLOSURE SPECIFY # OF LANES CLOSED	<input type="checkbox"/> SIDEWALK	<input type="checkbox"/> OTHER _____	
REASON FOR TEMPORARY TRAFFIC CONTROL:				
START DATE:		END DATE:		TIME CLOSED (HOURS/DAYS):
CONTACT INFORMATION				
CONTRACTOR/APPLICANT:				
CONTACT NAME:				
ADDRESS:				
CITY:		STATE:		ZIP:
TELEPHONE:		CELL PHONE:		
EMAIL:				
OWNER OF FACILITIES (UTILITY COMPANY):				
CONTACT NAME:				
ADDRESS:				
CITY:		STATE:		ZIP:
TELEPHONE:		CELL PHONE:		
EMAIL:				

PERMIT FOR WORK ON CITY RIGHT-OF-WAY, CITY EASEMENT, OR CITY PROPERTY
City of Belton, Missouri

THE FOLLOWING ARE ACKNOWLEDGED AND/OR ATTACHED AND INCORPORATED INTO THIS PERMIT APPLICATION, PER CITY'S ROW ORDINANCE:

- REGISTRATION
- TRAFFIC CONTROL PLAN
- RIGHT-OF-WAY PERMIT, AS APPLICABLE
- LAND DISTURBANCE PERMIT, AS APPLICABLE
- WORK PLAN AND SCHEDULE, AS APPLICABLE
- PERFORMANCE AND MAINTENANCE BONDS, AS APPLICABLE
- APPROPRIATE FEES WILL BE PAID UPON ISSUANCE OF PERMIT

PERMIT FEE CALCULATION (TO BE COMPLETED BY CITY STAFF)

PERMIT FEE = [PERMIT FEE] X [# OF LANES CLOSED] X [# OF DAYS CLOSED]

TOTAL PERMIT FEE:

This application is made under the terms of Chapter 19 of the Code of Ordinances of the City of Belton, Missouri, governing work within public right-of-way, to accomplish the work herein described. Applicant hereby agrees to perform said work and restoration of right-of-way in strict accordance with the provisions of said Chapter 19 and further agrees to satisfactorily repair any failure or damage within the right-of-way resulting from the excavation or construction covered under this application within four years thereafter.

SIGNATURE REQUIRED

PERMITTEE OR AUTHORIZED AGENT

SIGNATURE

PRINTED NAME

DATE

CITY ENGINEER OR HIS OR HER DESIGNEE

SIGNATURE

PRINTED NAME

DATE

All appropriate departments have been notified

Director's Report

'It's supposed to be automatic, but actually you have to push this button.'

—JOHN BRUNNER, SCIENCE FICTION NOVELIST



Digital packets are here to stay, so make sure everyone on your planning commission knows the tips and traps of using technology. A device should be a tool, not a distraction.

Using Technology— Tips and Traps

PLANNING TOOLS

THERE IS NO ESCAPING TECHNOLOGY. It infuses every part of our day, both in our personal and professional lives. Technology offers significant opportunities for planning and zoning decision makers, but it can also be filled with traps. The list of opportunities (Tips) and complications (Traps) can be long (add your own); here are a few.

Digital packets

TIPS. Many communities already require digital applications for zoning approvals. Some require both paper and digital copies.

Digital packets are significantly cheaper to deliver to decision makers. But they also require easy access to a tablet or laptop. If your community decides to provide these tools to decision makers, the cost of devices can be quickly offset by savings in copying and other related expenses.

For example, Dublin, Ohio, purchased devices for members of all zoning-related boards and commissions, and found that it recovered its costs within three months. Grand Rapids, Michigan, is completely digital and lends shared devices to each member

for the meeting. This allows the staff to prepare the device for each meeting; decision makers can view the information through an online portal prior to the meeting.

Digital applications are easy and quick to post to the community's web page. Links to applications may be included in public notices. This option offers an opportunity for a public comments section, which can be forwarded to the decision makers. Interactive maps can also provide quick and easily access to application information.

TRAPS. Some people like the feel of paper (e-books versus print) and can't function without it. This is especially true for first-time users of digital apps. Decision makers often grow used to having large copies of site plans and pages of minutes to leaf through. While it's possible to go gold turkey and only allow digital packets, another option would be to allow a transition period for those who may be reluctant to change. Even for these few, larger paper plans might be the only paper needed. Other digital information, such as minutes, project histories, staff reports, etc., may be acceptable to all.

But new members should be required to accept digital information, and this should be made clear during their orientation.

Individual property owners who have limited ability to provide digital files for their requests might need assistance to scan information. Staff can assist them at a minimal cost or as a free service.

Tablets and laptops

TIPS. The people who need the information in digital submissions also require devices to display the information. Staff members should ensure that the devices are ready for use before handing them over to the decision makers. All necessary software, such as the file-sharing site Dropbox or direct access to the community's network, should be preinstalled.

It is also useful to have a training session. Members can still use their home computers to download and view the in-



If commissioners all use computers during meetings, the barrier effect can be lessened through the use of raised lip or edge as seen here in Richfield, Minnesota (left). One way to make everyone in the room feel included and informed is to use well-placed monitors or screens that both commissioners and the audience can see easily, as in this example from Farmington, Minnesota's city council chambers (right).

formation on a larger screen.

Some devices let the user highlight areas on digital site plans, examine written materials, view photos or project renderings, and make notes and drawings. or allow members to “throw” their information to a larger presentation screen to highlight a question or comment.

TRAPS. Devices can also be a significant distraction. Members looking down at site plans or other information on a screen can create an impression that they're not paying attention. Everyone should **PAY ATTENTION** (yes, that's yelling) to staff and applicant presentations, public testimony, and discussion. Preparing for the meeting is even more important.

Decision makers often sit at the front of the meeting room, sometimes on elevated platforms. This arrangement tends to create a barrier between the members and the public.

Tablets, and especially laptops, can increase this barrier by creating a “wall of screens” between the members and the public. Putting the device off to the side can help.

There is another caution for members who wish to use their own devices or home computers. All materials sent or downloaded may be subject to discovery during legal proceedings, which means some private information may be visible.

Email and social media

TIPS. One of the powers of technology is

its ability to allow nearly instantaneous communication. Emails and posts on Facebook, Nextdoor, and Twitter can alert affected neighbors of upcoming meetings and provide other useful information. Board members can quickly ask staff questions, which can then be forwarded, along with the answers, to the other members.

Unfortunately, social media and its easy access to information may create more Traps than Tips.

TRAPS. As noted in “Using Planning Data Wisely” in the December 2015 and February 2016 issues of *The Commissioner*, there's no end to the amount of information that is available. The trick is to know its value to the decision. The same goes for discussions on social media sites. Community groups or individuals often create a social media presence in opposition to controversial developments (just do a search for “stop development of . . .”).

Board and commission members must avoid posting or responding to comments on these sites, even when they are personally attacked. Online debates are rarely useful. It is probably best to avoid these sites altogether.

Avoid email communication with other members, the public, or applicants. Staff should alert any applicant that direct communication with members is not permitted. (This is less true for elected officials for most zoning decisions.)

Any emails received from outside

sources should be forwarded to staff to send to the other members.

A basic principle is relevant here: All deliberation involving an active application must take place in the meeting.

This caution should be part of the board or commission rules of procedure or bylaws. (See “Communicating in an Electronic Age,” April 2014.) Members should use an email service provided by their municipality. Information in personal email may be subject to discovery in a court of law.

Informed decision making

Remember two basic principles about planning and zoning decisions.

1. All decision makers should have the same information on which to base their decisions. This means that all information is shared, regardless of its source.
2. While the proper use of technology can help provide useful information, applicants and the public expect impartial and unbiased decision makers. Members who participate in social media discussions about applications can present the appearance of having made up their minds prior to a full hearing.

So use the Tips, watch the Traps, and embrace technology.

—Steve Langworthy

Langworthy is the senior project manager for Grand Rapids, Michigan, planning department.