



**AGENDA
CITY OF BELTON
PLANNING COMMISSION MEETING
MONDAY, NOVEMBER 19, 2012 - 7:00 P.M.
CITY HALL ANNEX, 520 MAIN STREET**

I. CALL MEETING TO ORDER

II. ROLL CALL

III. APPROVAL OF THE MINUTES OF THE NOVEMBER 5, 2012 PLANNING COMMISSION MEETING

IV. PUBLIC HEARING

A. Consideration of a Special Use Permit for a Digital Billboard at 8009 E. 171st Street.

V. DISCUSSION

A. Text Amendment to the Unified Development Code regarding Stormwater Pollution Prevention – Illicit Discharges.

VI. DIRECTOR'S REPORT

A. Mobile Home Provisions.

VII. NEXT MEETING DATE: December 3, 2012

VIII. ADJOURNMENT

MEETING MINUTES

NOVEMBER 5, 2012

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
November 5, 2012**

CALL TO ORDER

Vice-chairman Jeff Fletcher called the meeting to order at 7:00 p.m.

ATTENDANCE

Commission: Vice-chairman Fletcher, Mayor Pro Tem Gary Lathrop, Councilman Scott Von Behren, Commissioners Sally Davila, Tim McDonough, Chris Christensen, and Larry Thompson.

Staff: Jay Leipzig, Community Development Director; Jason Webb, Fire Marshal; Robert Cooper, City Planner; and Ann Keeton, Community Development Director.

Absent: Chairman Holly Girgin and Commissioner Mike Van Eaton.

MINUTES

Commissioner Thompson moved to approve the minutes of the October 15, 2012, Planning Commission meeting. Councilman Von Behren seconded the motion. All members present voted in favor and the motion carried.

PUBLIC HEARINGS

Vice-chairman Fletcher opened the first public hearing at 7:01 p.m. This hearing which was being held to receive public input regarding a Special Use Permit (SUP) to allow a digital monument sign to be located at 100 N. Chestnut.

Josh Burnett, 309 N. Cleveland, Belton, Missouri, and Sampson Coble, 7682 Crown Park, Belton, Missouri, were present to speak in favor of the digital sign. Mr. Burnett reported the digital sign will be a full-color sign and an example was distributed to the commission members.

Mr. Cooper presented the staff report which included the location of the applicant's business and surrounding land uses. A description of the overall monument sign and the digital portion was given by Mr. Cooper. He announced the Board of Zoning Adjustment approved a variance to the sign height at a meeting on October 22, 2012, and they restricted the sign height to a maximum of 7-ft. 6-in. According to Mr. Cooper the surrounding area is zoned for commercial uses and it appears there will be no adverse effect to residential properties. He went on to report the monument sign could help reduce temporary sign code violations at the site, and the sign is consistent with other commercial signs in the area.

There was discussion and questions about the square footage of the proposed sign and the size of the digital section of the sign. Mr. Cooper reported the size of the digital part of the monument sign cannot be changed because it is a standard manufactured size. Additional questions were asked about whether

the digital portion of the sign will “stick out” a great deal on each side of the monument sign. According to Mr. Cooper the digital sign will extend beyond the sides to some extent, and the sign message will follow City Code as to the minimum duration allowed. The applicant, Mr. Burnett, confirmed they would not put tires and rims out on the corner for display anymore and the electronic monument sign would replace an existing sign. As there was no further public input, Vice-chairman Fletcher closed the public hearing at 7:15 p.m. Mayor Pro Tem Lathrop moved to approve the Special Use Permit to allow a digital sign to be located at 100 N. Chestnut, with the following condition: 1) The applicant shall comply with all the requirements as outlined in Section 30-9 of the Unified Development Code. The motion was seconded by Commissioner Christensen. When a vote was taken, the following was recorded: Ayes: 7 – Vice-chairman Fletcher, Mayor Pro Tem Lathrop, Councilman Von Behren, Commissioners Davila, McDonough, Christensen and Thompson. Noes: none. Absent: 2 - Chairman Girgin and Commissioner Van Eaton. The motion carried.

The second scheduled public hearing was consideration of a Special Use Permit for a digital billboard sign at 8009 E. 171st Street. It was reported by Mr. Leipzig the public hearing would be continued to the November 19, 2012, meeting because City staff is still collecting information from the applicant.

FINAL PLAT – 17327 S. 71 Highway

Mr. Cooper reported this final plat application is for an 11+ acre tract of land located at 17327 S. 71 Highway, formerly known as the Harmon/Durham bus barn. According to Mr. Cooper, the final plat will identify the property boundaries and all the public and private easements on the property. He provided details about Transwest, Inc., the company locating on the property, and their retail sales for trucks, trailers and recreational vehicles. Mr. Cooper disclosed that Transwest will be extensively renovating the existing building, and he pointed out property access points. In addition, he reported the front green space will be paved and used as a display area, while a landscape plan will be developed for the entire site. In discussion, a typo in the staff report was pointed out and it was clarified the final plat acreage is 11.88 acres.

Vice-chairman Fletcher invited Dave Bowe, 2805 NW 90th Terrace, Kansas City, Missouri to comment about the plat. Mr. Bowe is general manager of Summit Truck Equipment and will be general manager of the Transwest Truck, Trailer and RV facility in Belton. He reported the company is excited about the move to Belton and looks forward to improving the appearance of the site. He gave a brief description of the type of retail business Transwest operates. He expressed his wish that the company will grow in Belton and indicated they would like to be “good neighbors” to the community.

Commissioner Thompson moved to approve the final plat of GEP Investments, Lot 1, an 11.88-acre tract of land located at 17327 S. 71-Highway. Mayor Pro Tem Lathrop seconded the motion. When a vote was taken, the following was recorded: Ayes: 7 – Vice-chairman Fletcher, Mayor Pro Tem Lathrop, Councilman Von Behren, Commissioners Davila, McDonough, Christensen and Thompson. Noes: none. Absent: 2 - Chairman Girgin and Commissioner Van Eaton. The motion carried.

DISCUSSION – South 71 Highway addresses

Mr. Webb reported address changes will become necessary with the conversion of 71 Highway to Interstate 49 and he identified those business addresses that will change on an aerial photo. He gave a brief account of a section of S. 71 Highway that was sometimes known as Harmon Drive. Regarding the southeast section of S. 71 Highway that extends from Belton into Raymore, Mr. Webb remarked that Raymore indicated they would adopt the street name assigned by Belton. He went on to say there will be a two-year period where 71 Highway and Interstate 49 addresses will both be accurate. The Commission discussed categories of possible street names to replace the S. 71 Highway designation. It was determined that staff will create a list of street names to be presented and discussed at a future meeting.

MOBILE HOME PROVISIONS

Mr. Leipzig reported changes to the language of the City's mobile home provisions are being discussed with Councilman Lathrop, Savage and the Mid- America Regional Council (MARC). These suggested changes will be discussed further at a future Commission meeting.

DIRECTOR'S REPORT

No report

OTHER BUSINESS

Commissioner McDonough asked staff to research the establishment of a minimum distance between electronic message board signs. Mr. Leipzig reported the city attorney has some suggestions regarding this issue and staff will look into language amending the electronic sign ordinance.

ADJOURNMENT

Mayor Pro Tem Lathrop moved to adjourn the meeting. Councilman Von Behren seconded the motion. All members present voted in favor and the meeting adjourned at 7:40 p.m.

Ann Keeton
Community Development Secretary

SPECIAL USE PERMIT

DIGITAL BILLBOARD

8009 E. 171ST STREET



PLANNING COMMISSION REGULAR MEETING
CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET
MONDAY, NOVEMBER 19, 2012 – 7:00 P.M.

STAFF: Robert G. Cooper, City Planner

CASE #SUP12-31

Request: Ad Trend, Inc., has requested a Special Use Permit, to allow a digital billboard sign, to be located at 8009 E. 171st Street.

Location: Located at Eckhard Pruess State Farm office on East 171st Street, immediately east of Churches Chicken restaurant.

Legal Description: Un-platted

Owner / Applicant: Eckhard & Maria Pruess / Ad Trend, Inc.

Size of Site: 0.34-acres

Existing Zoning / Land Use: C-2 / Commercial/Retail Stores

Proposed Use: Commercial/Retail

Surrounding Zoning / Land Use:

North: C-2 / General Commercial
East: C-2 / General Commercial
South: C-2 / General Commercial
West: C-2 / General Commercial

Comprehensive Plan: Commercial / Retail Stores

Nature of Current Request

Originally, Jim Boeh, owner of Ad Trend, Inc. had applied for a sign permit on July 16, 2012 to construct a 36-ft by 10-6-ft. billboard sign on the property of Eckhart Pruess State Farm office at 8009 E. 171st Street. Upon staff review, in conjunction with authorization from the property owners, the sign permit was approved. The billboard sign will be 45-feet high, measuring 36-feet long by 10'-6" feet wide...utilizing a V-build design on a monopole. The pole will be setback approximately 27-feet from the front of the building. The northern most edge of the billboard will not overhang the 171st street right-of-way...it will be setback approximately 13-feet from the front property line.

On October 4, 2012, the applicant applied for a special use permit to allow the conversion of the billboard from non-digital to digital. Since August 20th, the Planning Commission had been

working with staff on re-writing a portion of the sign code, particularly, off-premise signs, and billboards. After several public hearings, on October 1, 2012, the Planning Commission accepted a recommendation to approve the text amendment to Section 30-9(e) of the Unified Development Code, regarding off-premise signage, including billboards.

Subsequently, the City Council approved and accepted the text amendment regarding off-premise signs, including billboards on October 16, 2012. As a result, this application for a special use permit falls under the former provisions of the code in regulating digital signs.



Aerial view of the surrounding area

CODE CITATION

Pursuant to Section 30-9 of the Unified Development Code, 'Electronic Message Center signs are permitted subject to review by special use permit.

1. Electronic message center signs are not allowed as part of a temporary sign;
2. Any portion of the message or image must have a minimum duration on screen of eight (8) seconds. An exception to this requirement is made for a sign that displays time and temperature;
3. The change from one message to the next shall not take more than one (1) second and shall not involve flashing or movement of text or image;
4. In case of malfunction, the sign shall be defaulted to a blank screen;
5. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 7,000 NITS during daylight hours and 2,500 NITS between dusk and dawn and that the intensity level is protected from end-user manipulation.; and
6. The sign shall not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or result in a nuisance to the driver.

HISTORY

The subject property is currently zoned C2 (General Commercial) District. The site is 0.34-acres in size, which contains one building used as general office space...approximately 2,605-sq. ft., and constructed in 1976. Currently, it is being used as a State Farm Insurance office. There are currently five (5) off-street parking stalls on site, primarily located in front of the building.

Adjoining properties are zoned commercial with a Churches Chicken fast food restaurant located on the west side and a general office building on the east side.

STAFF REPORT

Welfare and Convenience of the Public

Permitting a digital billboard sign could have a positive affect on the welfare and convenience of the general public if utilized within the limitations of the code and if used as a public service medium to make aware of public emergencies, AMBER and SILVER alerts, and community events.

Injury to Surrounding Property

The surrounding area is zoned for commercial use. The nearest residential dwelling is located approximately 1,000-feet to the north along Bel-Ray Boulevard. The projected view of the sign will be an east-west orientation...to be viewed by motorist on 171st Street. It appears, no residential properties or residences will be directly impacted by this sign. The billboard sign structure will be constructed and situated entirely on privately owned property...complying with all mandatory setbacks.

Domination of the Neighborhood

This property and has frontage on E. 171st Street, and is a commercial user, adjoins with other commercial users and commercially zoned properties, which encompass the adjoining environs. It appears, the digital billboard will dominate the local area by its sheer size and brightness. Currently, this section of E. 171st Street does not have any similar signage, in regards to digital messaging.

The applicant believes that no adjacent property owner will be negatively affected by the special use request. The applicant also believes the sign will have an opposite affect by increasing property values by beautifying the streetscape and improving the visual image along E. 171st Street.

Proposed Use will not detract or encroach upon welfare or convenience of the public

It appears the proposed digital billboard will detract or encroach upon the welfare or convenience of the public. A contributing factor is the size of the digital billboard, which at 382-square feet, the sign will be out of scale with the surrounding structures or signs in the vicinity. It appears, the sign will have an adverse affect on the public, as it will dominate the area by its size and high-intensity brightness. The proposed digital billboard is considered to be not consistent with other signs already in place along the E. 171st Street/58-Highway commercial corridor. The sign structure will be required to meet city code as it relates to design, setback, and landscaping.

The purpose of the sign code as it pertains to off-premise / billboard signs, located within city limits, are to apply appropriate limitations on these types of sign structures. The purpose of the ordinance is to encourage effective use of signs as a means of communication for businesses, organizations and individuals in the city.

In addition, the ordinance is designed to prevent signs from becoming a public nuisance; e.g. prohibit signs of excessive size and quantity, that they obscure one another to the detriment of the economic and social well-being of the community; to protect the safety and welfare of the public by minimizing hazards to pedestrians and vehicular traffic; to preserve property values by preventing unsightly and chaotic development that has a blighting influence upon the community; and to minimize the possible adverse effects of signs on near-by public and private property, and to implement the goals and objectives of the growth management plan.

STAFF RECOMMENDATION

Should the Planning Commission wish to approve Special Use Permit #12-31, to allow a digital billboard sign for Ad Trend, Inc, located at 8009 E. 171st Street, the following condition(s) shall apply:

1. The applicant shall comply with all the requirements as outlined in Section 30-9 of the Unified Development Code.
2. The billboard shall not be increased in overall size and/or height.

PLANNING COMMISSION ALTERNATIVES

The Planning Commission has the following options available in the consideration of this application:

1. Approve the application as submitted upon finding that the requirements of Chapter 40, Special Use Permits, of the Unified Development Code have been satisfied.
2. Approve the application subject to specified conditions.
3. Table the application if additional information is needed, such as time of use or other related factors.
4. Deny the application if the required findings cannot be made or if the proposed use is found to be incompatible with the neighborhood.

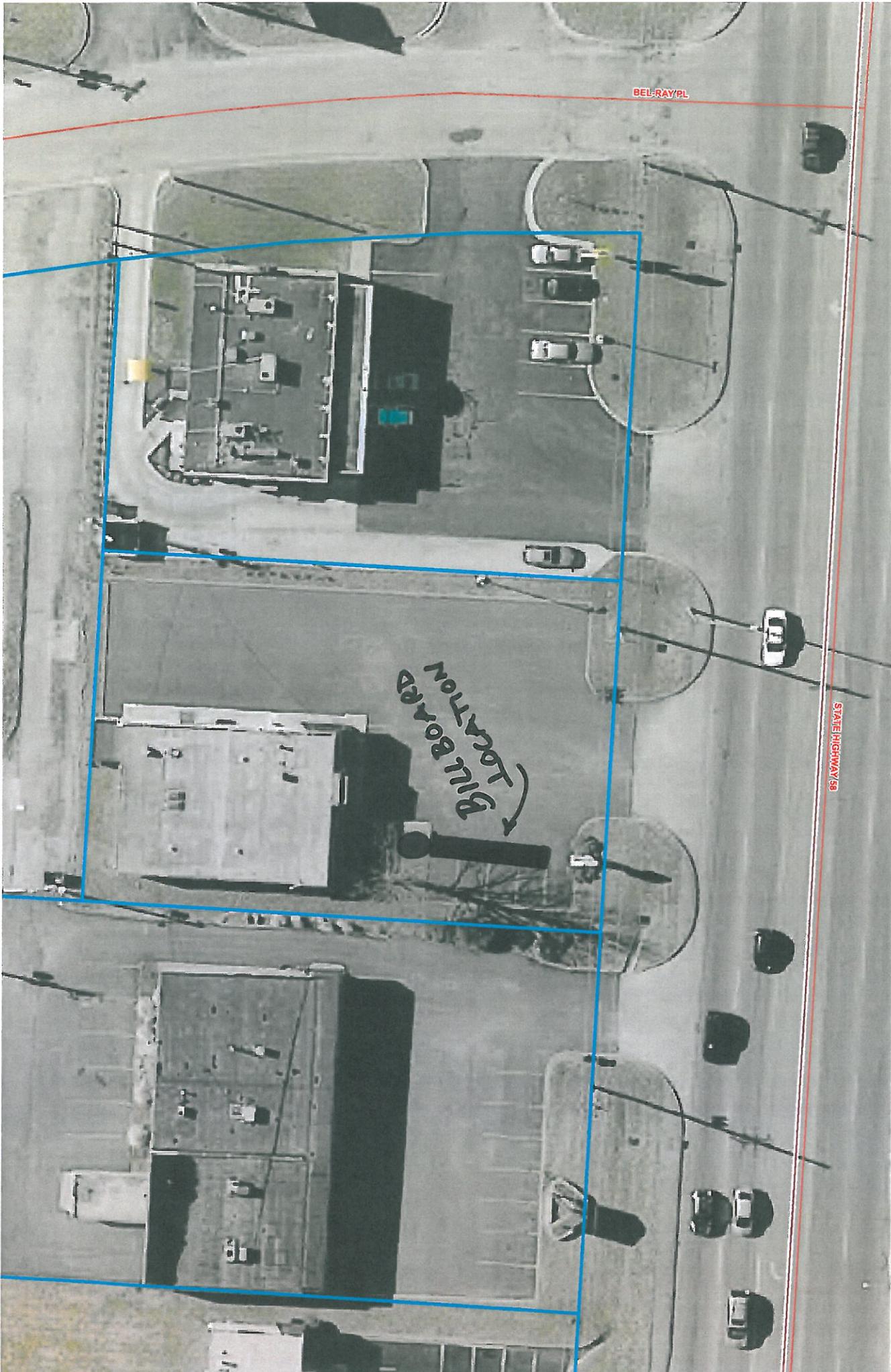
Attachments:

- 1) Aerial Photo
- 2) Sign Elevation
- 3) Site Plan
- 4) Watchfire / Fact Sheet

BEL-RAY/PL

STATE HIGHWAY 58

←
BILL BOARD
LOCATION





Church's CHICKEN

9 PCS MIXED 2 LG
SIDE & 4 BISCUITS
\$15.99
DRIVE THRU WINDOW

Go Digital
11:50 PM

BEL RAY

10-6

36'

45'

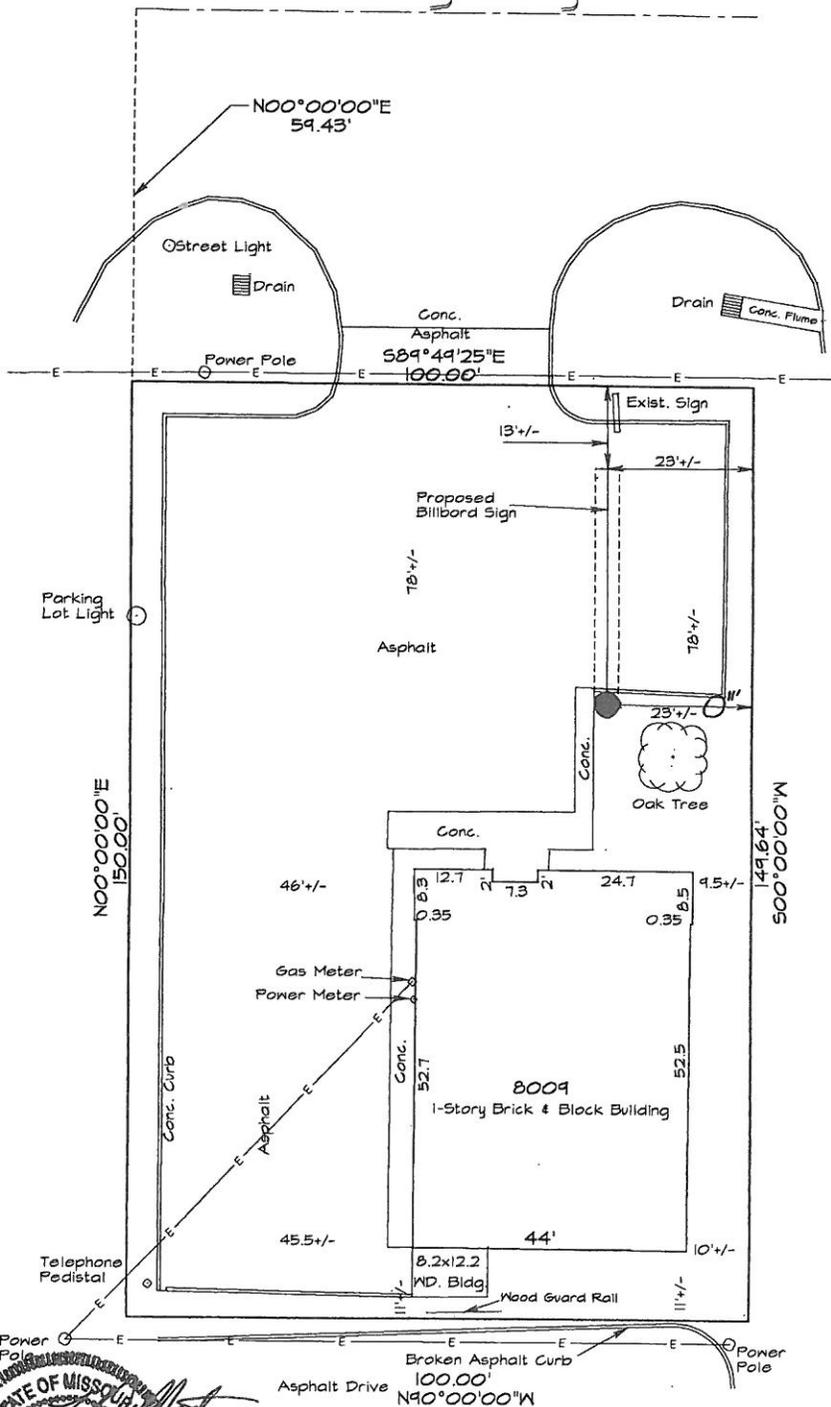
Proposed Billboard Location

Legal Description:
 Commencing at the Northeast Corner of the Northwest Quarter of the
 Northeast Quarter of Section 18, Township 46, Range 32, in the City of
 Elton, Cass County, Missouri, thence $S90^{\circ}00'00''N$ along the North
 line of said Quarter-Quarter Section, 572.81 feet; thence $S00^{\circ}00'00''W$
 1.43 feet to a point on the South right of way line of Missouri Highway
 No. 58 for a true Point of Beginning; thence $S89^{\circ}49'25''E$ along the
 South line 100 feet; thence $S00^{\circ}00'00''W$ 149.69 feet; thence
 $N00^{\circ}00'00''E$ 150 feet to the Point of
 Beginning.

For:
 Jim Boeh
 Ad-Trend, Inc.
 14450 South 71 Highway
 Kansas City, Missouri 64147

Owner:
 Richard J. Preuss
 Maria Luise Press
 P.O. Box 645
 Elton, Missouri 64012

Missouri Highway No. 58



STATE OF MISSOURI
[Signature]

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Jeff Koebrich, Vice President of Engineering • 1015 Maple St. • Danville, IL • 61832
(217) 442-0611 ext 2504

September 13, 2012

Watchfire Digital Billboard Details

The Watchfire billboards supplied will be factory preset to meet the following conditions:

1. Any portion of message or image will have a factory preset minimum duration on the screen of 8 seconds.
2. The change from one message to the next shall not take more than one second and shall not involve flashing and movement of text or images.
3. In case of malfunction, the sign display shall be defaulted to a blank screen.
4. Light intensity will be factory preset to a maximum daylight NIT level of 7,000 NITS and a maximum NIT level of 300 NITS between dusk and dawn. The sign intensity level is password protected from end user manipulation.
5. The sign shall not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or result in a nuisance to the drive. Brightness will be controlled between the maximum and minimum NIT levels with a ambient light sensing photocell designed to reduce brightness as ambient light decreases.

Thank you,

Jeff Koebrich

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- **Research says digital billboards are safe**
 - Research shows no link between digital billboards and traffic accidents.
 - A typical glance at a digital billboard is less than a second.
 - There is no research showing digital billboards in the U.S. are unsafe for drivers.
- **Exhaustive review**
 - After exhaustive review, more than 300 communities and nearly all states with billboards have taken steps to allow digital billboards.
- **Extensive regulation/self-regulation**
 - Digital billboards are heavily regulated as to location, brightness, and static message lengths.
 - The outdoor advertising industry has strict self-regulation to prohibit moving video, animation, or excessive brightness, and to safeguard against hacking.
- **Helping law enforcement**
 - Law enforcement uses digital billboards because they are quick and effective at no cost to taxpayer.
 - The FBI credits digital billboards with catching more than 35 fugitives to date. The FBI calls digital billboards "a real force multiplier" to fighting crime.
 - More than 335 AMBER Alerts to date have been sent to digital billboards.
- **Compare favorably with DOT signs**
 - Government traffic-control signs on the public right-of-way are brighter compared to digital billboards and typically the copy changes faster.
- **Helps business**
 - Digital billboards are a nimble media option enabling advertisers to change ad copy "at the click of a mouse."
- **Public opinion favors digital billboards**
 - Studies find the majority of people believe digital billboards help their communities by delivering emergency messages.
 - Consumers say digital billboards are a "cool" way to advertise.

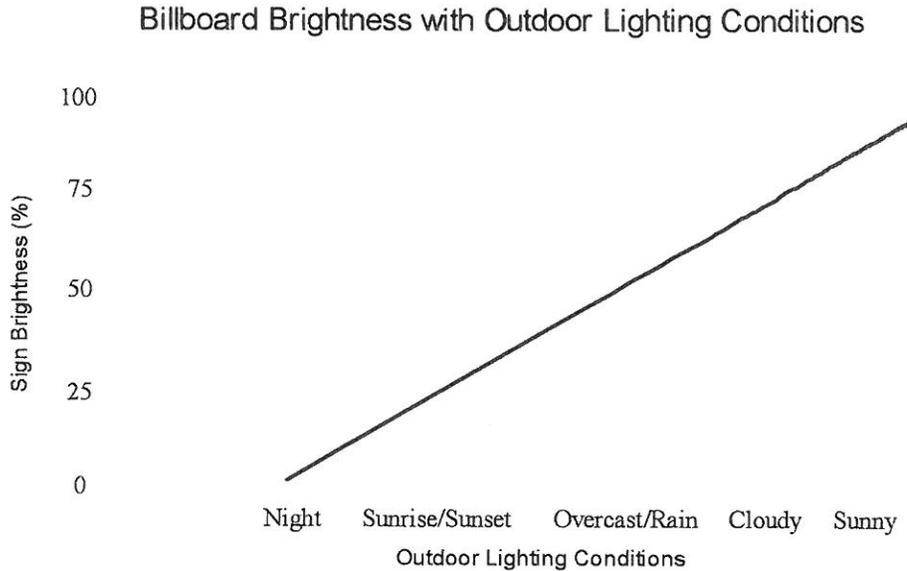
April, 2010

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PHOTOCELL FACT SHEET

Hardware photocell enables a Watchfire[®] sign to adjust sign brightness for the periodic change of outdoor ambient light: as the amount of outdoor light changes, the brightness of the sign changes. The relationship between ambient light and sign brightness is directly proportional. During periods of low ambient light, sign brightness will be low. Throughout phases of high ambient light, sign brightness will be high. Below is a chart showing the relationship between outdoor lighting conditions and sign brightness.

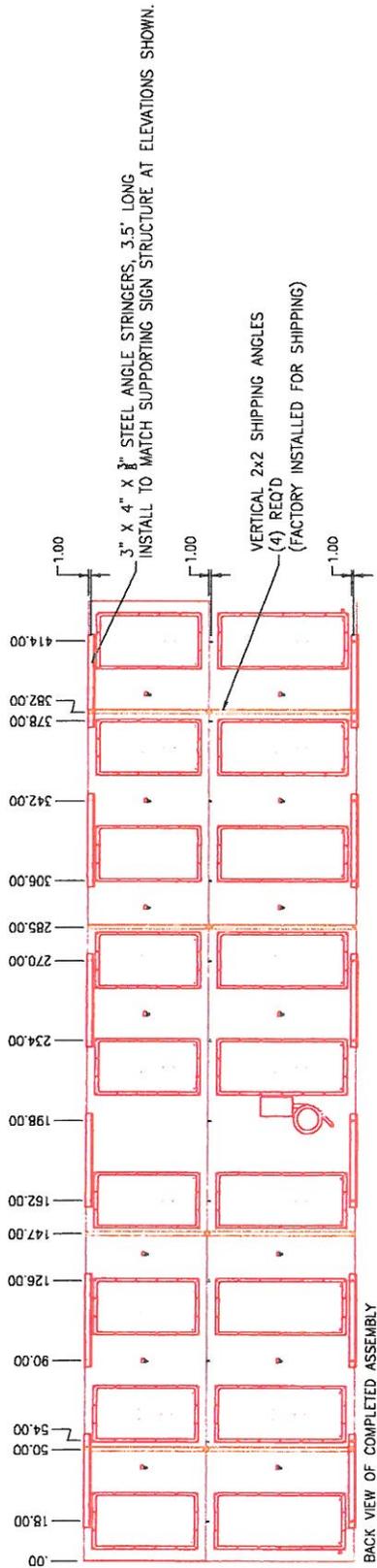


Looking at the graph above, 100% sign brightness translates to 7000-7500 NITs for Watchfire[®] Digital Outdoor signs. 100% sign brightness equates to 9000-10000 NITs for On Premise signs.

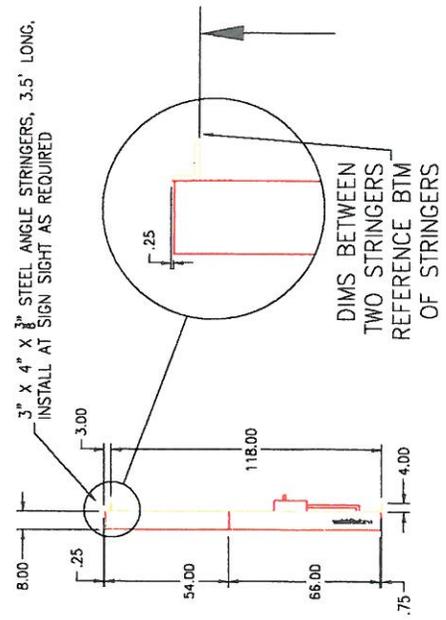
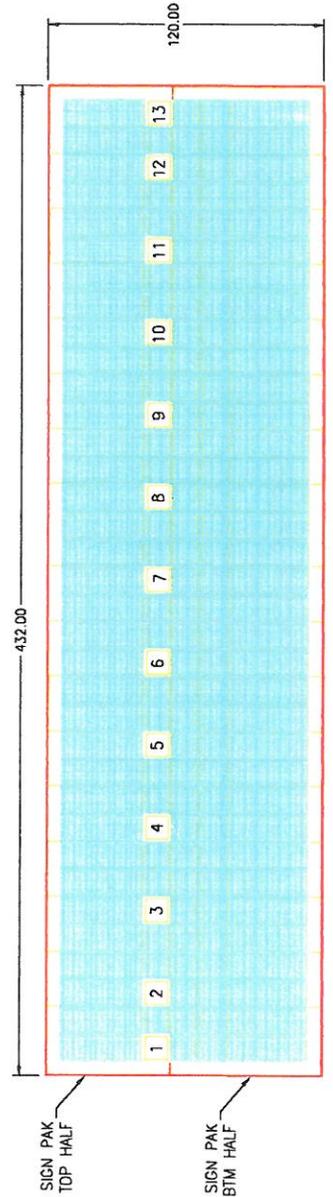
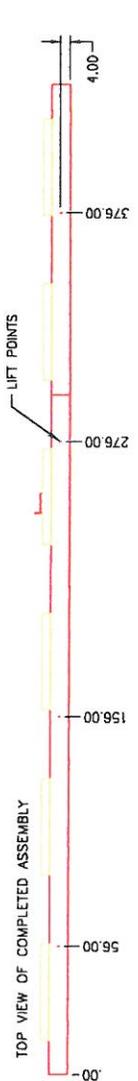
Watchfire[®] has designed its software to react gradually with the photocell; changes in sign brightness are based upon an average of photocell readings, not instantaneous values. This is extremely useful during periods of brief cloud cover. The sign will not dim as soon as a cloud passes overhead. Instead, the sign software will take an average of the overall lighting conditions outside and adjust the sign brightness against that average. In addition, there are 100 brightness levels in the photocell. This provides excellent reaction to the variation in outdoor ambient light.

PHOTO COPY

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REMOVE VERTICAL SHIPPING ANGLES TO INSTALL 3"x4" HORIZONTAL MOUNTING ANGLES

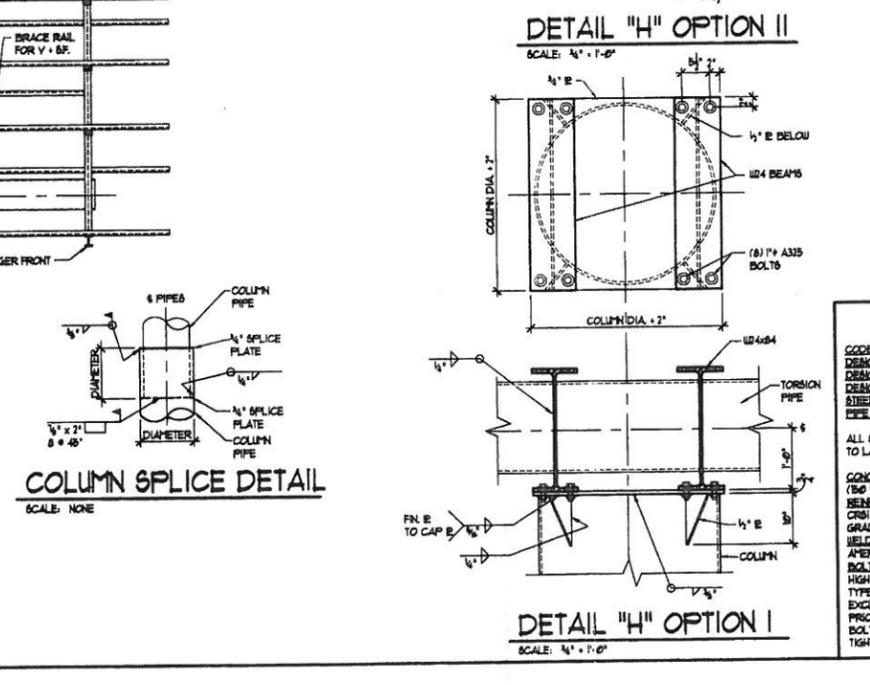
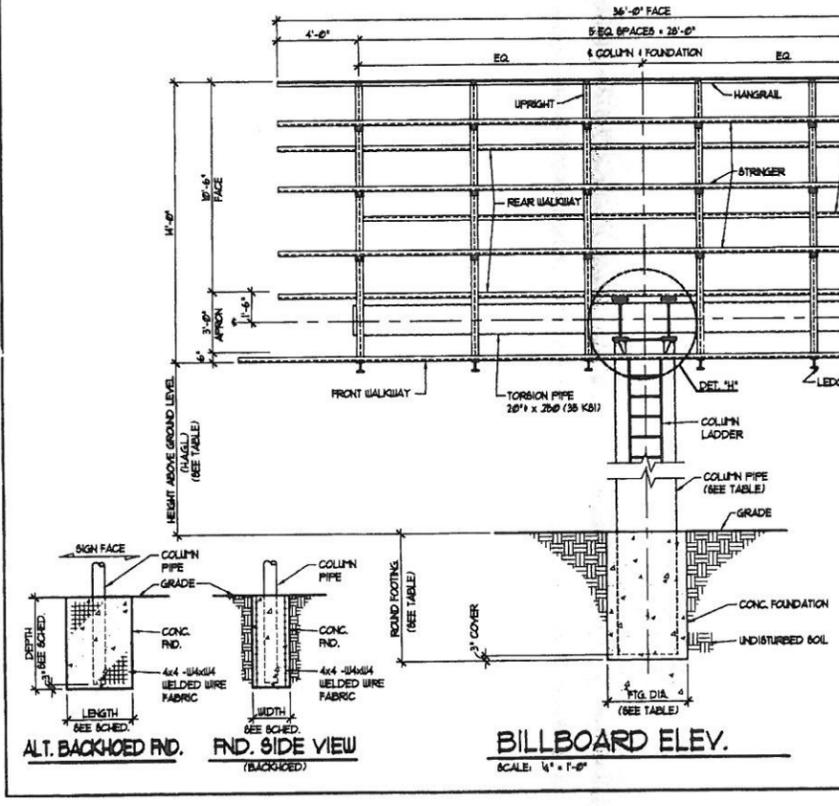
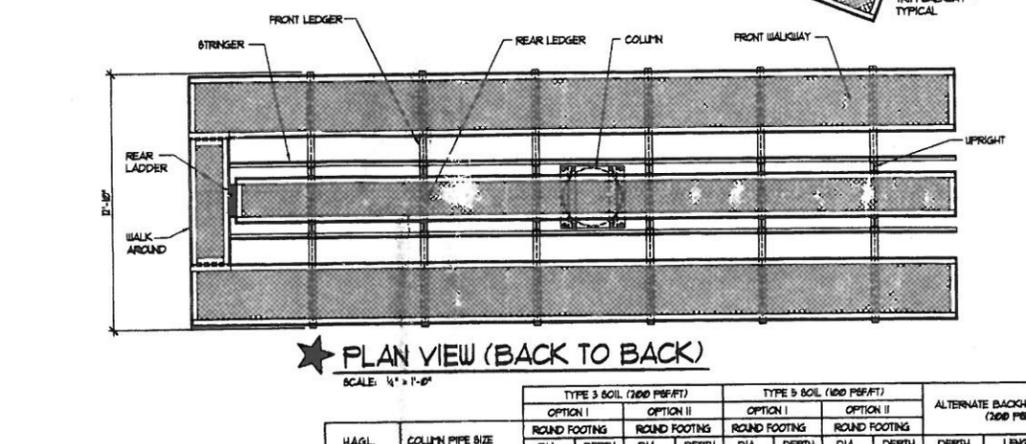
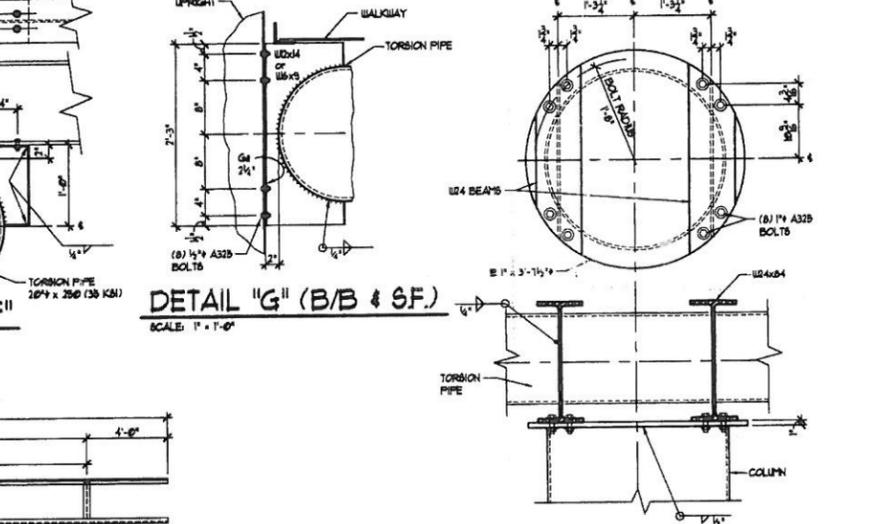
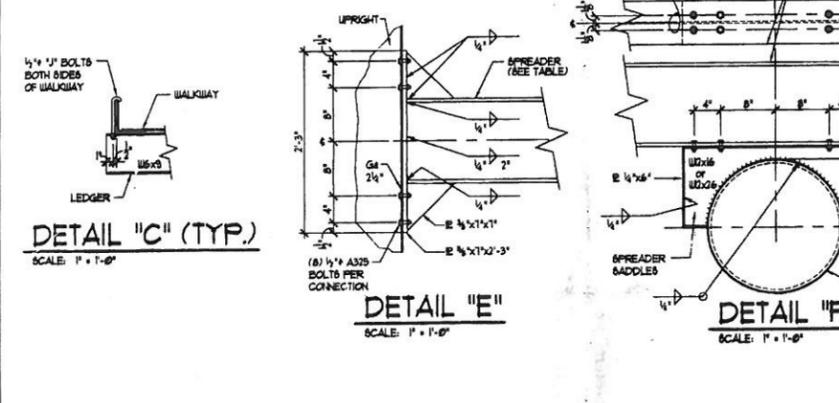
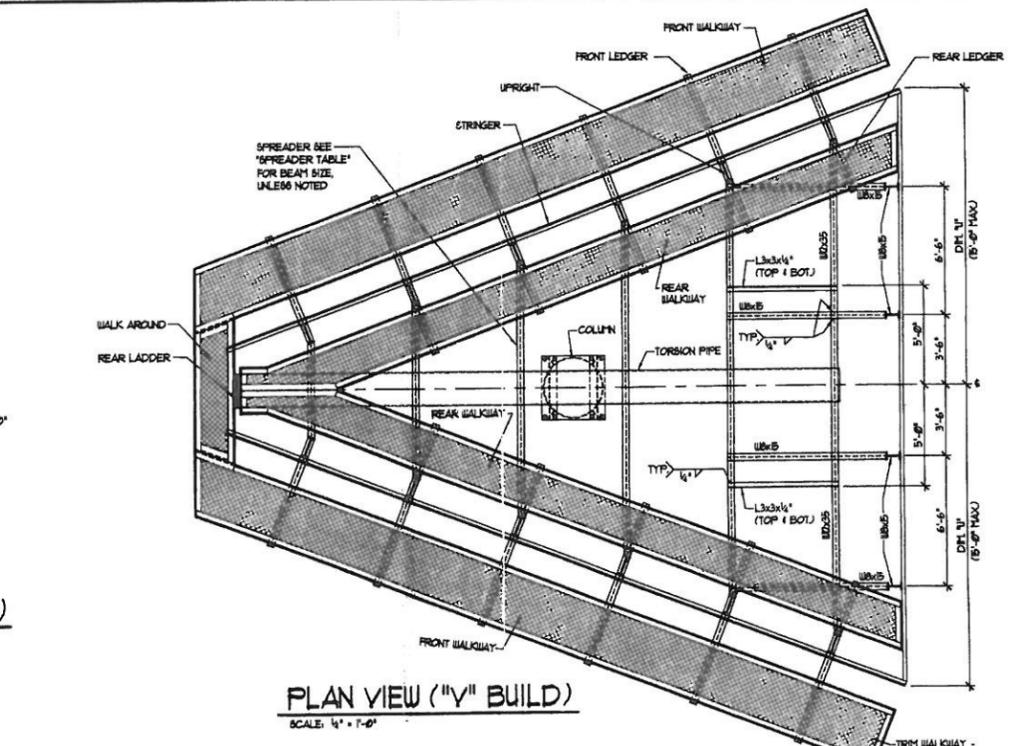
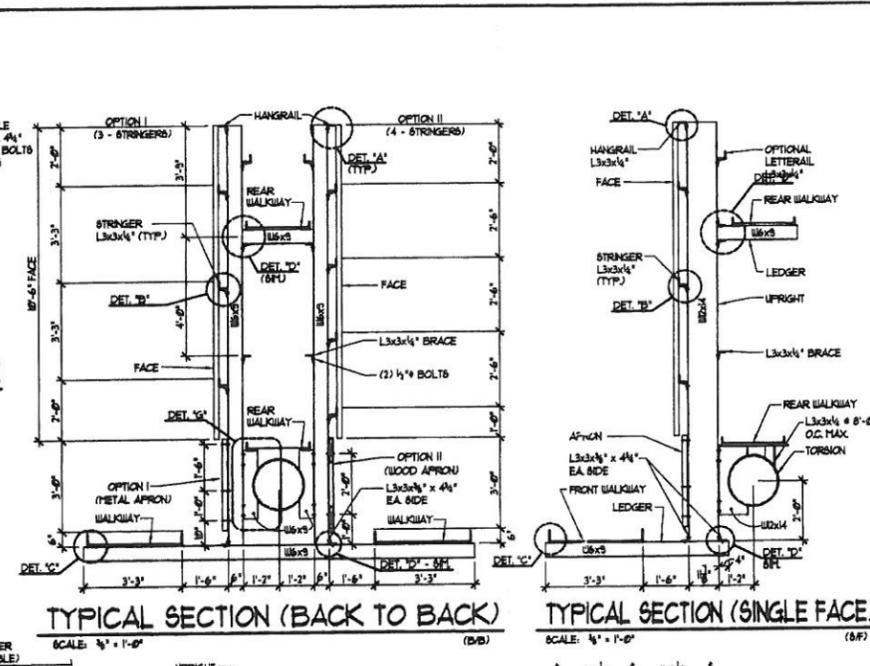
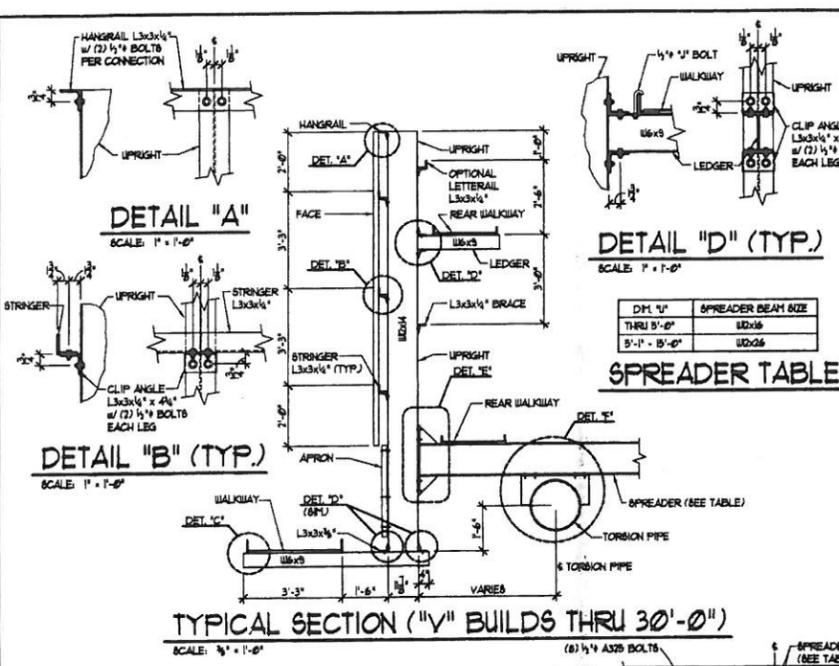


DESCRIPTION: SignPak11-144H56L10x36 C & R - rec/Acess/AB19mm
 MATERIAL: AS NOTED
 SCALE: 1/8\"/>

REVISION	WEIGHT	REV	ISSUED	REV	ISSUED	REV	ISSUED	REV	ISSUED	REV	ISSUED	REV	ISSUED	REV	ISSUED
03	WatchFireSigns	11		7		3	11/22/2011	3	11/22/2011	3	11/22/2011	3	11/22/2011	3	11/22/2011
		10		6		2	05/01/2011	2	05/01/2011	2	05/01/2011	2	05/01/2011	2	05/01/2011
		9		5		1	04/19/2011	1	04/19/2011	1	04/19/2011	1	04/19/2011	1	04/19/2011
		8		4		0	02/25/11	0	02/25/11	0	02/25/11	0	02/25/11	0	02/25/11

SCALE: 1/8" = 1'-0"
 DRAWN: B. Scott
 921005

STATE FARM



HAGL.	COLUMN PIPE SIZE	TYPE 3 SOIL (200 PBF/FT)		TYPE 5 SOIL (100 PBF/FT)		ALTERNATE BACKHOED FOUNDATION (200 PBF/FT)		
		OPTION I	OPTION II	OPTION I	OPTION II	DEPTH	LENGTH	WIDTH
10'-0"	36" x 375"	4'-0"	16'-3"	5'-0"	14'-0"	10'-3"	8'-0"	4'-0"
15'-0"	36" x 375"	4'-0"	17'-9"	5'-0"	15'-6"	11'-3"	8'-0"	4'-0"
20'-0"	36" x 375"	4'-0"	20'-0"	5'-0"	17'-9"	12'-3"	8'-0"	4'-6"
25'-0"	36" x 500"	4'-0"	20'-6"	5'-0"	17'-9"	12'-3"	8'-0"	4'-6"
30'-0"	36" x 500"	4'-0"	21'-9"	5'-0"	18'-6"	12'-3"	8'-0"	4'-6"
35'-0"	36" x 500"	4'-0"	23'-3"	5'-0"	20'-6"	12'-3"	8'-0"	4'-6"
40'-0"	42" x 500"	5'-0"	21'-0"	5'-0"	21'-0"	13'-3"	10'-0"	5'-0"
45'-0"	42" x 500"	5'-0"	22'-0"	5'-0"	22'-0"	14'-0"	10'-0"	5'-0"
50'-0"	42" x 500"	5'-0"	23'-3"	5'-0"	23'-3"	14'-0"	11'-0"	5'-6"
55'-0"	48" x 500"	5'-0"	24'-0"	5'-0"	24'-0"	15'-0"	11'-0"	5'-6"
60'-0"	54" x 500"	5'-0"	25'-3"	5'-0"	25'-3"	15'-0"	11'-0"	5'-6"
65'-0"	54" x 500"	5'-0"	26'-6"	5'-0"	26'-6"	15'-0"	11'-0"	6'-0"
70'-0"	54" x 500"	5'-0"	28'-3"	5'-0"	28'-3"	15'-0"	11'-0"	6'-0"
75'-0"	54" x 500"	5'-0"	29'-6"	5'-0"	29'-6"	15'-0"	11'-0"	6'-0"

NOTES & SPECIFICATIONS
(APPLY UNLESS OTHERWISE NOTED ON ERECTION DRAWINGS)

CODE: BOCA 1996/1999
DESIGN UNIFORM LOAD: 30 PSF
DESIGN LIVE LOAD: 13' WIDE FRONT WALK - 2' WIDE REAR WALK 20 PSF
DESIGN DEAD LOAD: (SIGN FACES) - 25 PSF
STEEL: ROLLED SECTIONS - ASTM A36
PIPE SECTIONS: ASTM A-93 B or A-291 GR 2 or API-5LX

CONCRETE: MIN. COMPRESSIVE STRENGTH OF 3" C - 3000 PSI + 28 DAYS (280 PSI) 4" SLIP MAX.
REINFORCING: PLACE REINFORCING PER ACI 308-LATEST EDITION AND CONCRETE STANDARDS. LAP SPICES: 30 BAR DIAMETERS ASTM A-63 GRADE 60 DEFORMED (AS REQUIRED).
WELDED RODS: ASTM A-233 E-30 SERIES LOW HYDROGEN COMPLY WITH AMERICAN WELDING SOCIETY STANDARDS.
BOLTS: ALL BOLTS TO BE 1/2" DIAMETER (UNO). HIGH STRENGTH BOLTS SHALL CONFORM TO ASTM A-325 IN BEARING TYPE CONNECTIONS WHEN THREADS ARE NOT REQUIRED BY DESIGN TO BE EXCLUDED FROM THE NEAR PLANE OR WORKING IN TENSION. INSPECTION PRIOR TO OR DURING INSTALLATION WILL NOT BE REQUIRED. TIGHTEN BOLTS PER ABC TURN OF THE NUT METHOD (1/2 OF A TURN PAST A SNUG TIGHT CONDITION).

SOIL: OR SQUARE COLUMNS: EMBEDMENT DEPTHS FOR FOOTING DO NOT APPLY TO LOCATIONS WHERE WALLS OF THE HOLE WILL NOT STAND WITHOUT SUPPLEMENTAL SUPPORT, OR WHERE UNCOMPACTED FILL OR ORGANIC FILL EXISTS. DESIGN LATERAL SOIL PRESSURE 200 MFT 2FT (SOIL TYPE SANDY GRAVEL) (SEE TABLE ABOVE FOR 100 PBF/FT CAPACITIES).

EXTEND COLUMN PIPE TO BOTTOM OF FOOTING
WOOD STRUCTURAL MEMBERS: ROUGH BAIN DOUGLAS FIR - LARCH 1" WITH FB (REPETITIVE) + 100 PSI

THE ERECTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD BEFORE ERECTION AND NOTIFY ENGINEER OF ANY DISCREPANCIES. ERECTORS SHALL NOTIFY ENGINEER IF STRUCTURE IS LOCATED NEAR BUILDINGS.

THE ABOVE NOTES AND SPECIFICATIONS SHALL MEET OR EXCEED ALL STATE AND LOCAL CODE REQUIREMENTS BEFORE ERECTION.

CONTRACTOR RESPONSIBLE FOR CLEARING ALL UTILITIES BOTH ABOVE & BELOW GRADE. ENGINEER WILL NOT SUPERVISE FABRICATION OR ERECTION OF THIS STRUCTURE.

REVISIONS:

ENGINEER: SJS DRAWN BY: JMS DATE: 1/3/00

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**STORMWATER POLLUTION
PREVENTION**

ILLICIT DISCHARGES



**CITY OF BELTON – PUBLIC WORKS
MEMORANDUM**

Date: November 12, 2012
To: Jay Leipzig
From: Zach Matteo
Department: Public Works
Subject: Illicit Discharges – Text Amendments to Unified Development Code

This memo details the Engineering Division's proposed revisions to language in the City's Unified Development Code (UDC). These include revisions to UDC Chapter 32 - Section 1, Ch. 34 - Sec. 7, and Ch. 42 – Sec. 258.

All of these changes are related to the proposed addition of an Illicit Discharge article to the City Code. Incorporating an Illicit Discharge article is a requirement of the City's municipal separate storm sewer system (MS4) Permit, which is administered by the Missouri Department of Natural Resources and the Environmental Protection Agency. The purpose of the Illicit Discharge article is to prevent the illicit discharge of non-stormwater pollutants from land and activities within the City into the MS4 and/or into surface waters.

The Illicit Discharge article proposed to be incorporated into the City Code is attached. The Illicit Discharge article and the changes to the UDC discussed in this memo will be presented at the City Council Work Session on December 4th and presented for final approval on December 11th.

Chapter 32 – Section 1. Stormwater Detention Requirements

The Engineering Division proposes to add language in Section 32-1.3.d.3.iii concerning the inspection of dry detention basins. This section states:

Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter, including but not limited to, random sampling and/or sampling in areas with evidence of stormwater pollution, illicit discharges, or similar factors.

The proposed addition is to add the following sentence to the end of this section:

Refer to Chapter 11, Article V of the City's Code of Ordinances for details on illicit discharges and the enforcement of the prohibition of illicit discharges.

Chapter 34 – Section 7. Dumping Prohibited

The Engineering Division proposes to add language in Section 34-7 concerning dumping regulations. This section states:

- 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.

The proposed addition is to add the following paragraph to this section:

- 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.

Chapter 42 – Section 258. Discharges to Combined Sewers, Storm Sewers, Natural Outlets

The Engineering Division proposes to revise Section 42-258 concerning discharges to combined sewers, storm sewers and natural outlets. This section is found in Chapter 42 – Water and Sewer, Article III – Sewers, Division 2 - Disposal Regulations. This section states:

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the city council or its duly authorized representative. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the city council or its duly authorized representative, to a storm sewer, combined sewer or natural outlet.

The proposed revision is to delete the existing paragraph and add the following:

Sec. 42-258. - Discharges to combined sewers, storm sewers, natural outlets.

~~Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the city council or its duly authorized representative. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the city council or its duly authorized representative, to a storm sewer, combined sewer or natural outlet.~~

Refer to Chapter 11, Article V of the City's Code of Ordinances for details on illicit discharges and the enforcement of the prohibition of illicit discharges.

cc: Jeff Fisher, Public Works Director
Ben McCabe, City Engineer

CHAPTER 11 – HEALTH AND SANITATION

ARTICLE V. - STORMWATER POLLUTION PREVENTION – ILLICIT DISCHARGES

Sections:

11-338	Title
11-339	Purpose and Findings
11-340	Abbreviations
11-341	Definitions
11-342	General Prohibition
11-343	Specific Prohibitions and Duties
11-344	Inspection and Detection Program
11-345	Release Reporting and Clean-up
11-346	Notice of Violation; Abatement by City; Enforcement; Designation of Officer; Right of Entry; Penalty
11-347	Severability

Sec. 11-338. Title. These regulations shall hereafter be known as Illicit Discharge Regulations.

Sec. 11-339. Purpose and Findings.

- (a) The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Belton, Missouri through the regulation of stormwater and non-stormwater discharges to the storm drainage system to the maximum extent possible.
- (b) The City Council of the City hereby finds that pollutants may discharge into surface waters, both through inappropriate non-stormwater discharges into the municipal separate storm sewer system (MS4) or the surface waters directly, and through the wash off and transport of pollutants found on the land and built surfaces by stormwater during rainfall events. Such discharge of pollutants may lead to increased risks of disease and harm to individuals, particularly children, who come into contact with the water; may degrade the quality of such water for human uses, such as drinking, irrigation, recreation, and industry; and may damage the natural ecosystems of rivers, streams, lakes and wetlands, leading to a decline in the diversity and abundance of plants and animals.
- (c) Further, the City Council of the City hereby finds that this ordinance will promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the storm drainage system. Such discharges are inconsistent with the provisions and goals of the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES), and other federal and state requirements for water quality and environmental preservation.
- (d) Further, the City Council of the City hereby finds that a reasonable establishment of restrictions and regulations on activities within the City is necessary to eliminate or minimize such discharges of pollutants, to protect the health and safety of citizens, to preserve economic and ecological value of existing water resources within the City and within downstream communities, and to comply with the provisions of the City's responsibilities under the Clean Water Act and the NPDES program.

Sec. 11-340. Abbreviations. The following abbreviations when used in this Act shall have the designated meanings:

BMP	Best Management Practice
CFR	Code of Federal Regulations
EPA	Environmental Protection Agency
HHW	Household Hazardous Waste

MDNR	Missouri Department of Natural Resources
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
PST	Petroleum Storage Tank

Sec. 11-341. Definitions. For the purposes of this Act, the following definitions shall apply:

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

City means the City of Belton.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Code means the Belton Municipal Code.

Director means the Director of Public Works or the Director's authorized representative.

Discharge means the addition or introduction, directly or indirectly, of any pollutant, stormwater, or any other substance into the MS4 or surface waters.

Domestic sewage means human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, retail and commercial establishments, factories, and institutions, that is free from industrial waste.

Extremely hazardous substance means any substance listed in the appendices to 40 CFR Part 355, Emergency Planning and Notification.

Fertilizer means a substance or compound that contains a plant nutrient element in a form available to plants and is used primarily for its plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers.

Hazardous household waste (HHW) means any material generated in a household (including single and multiple residences) by a consumer which, except for the exclusion provided in 40 CFR Section 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261

Hazardous substance means any substance listed in Table 302.4 of 40 CFR Part 302.

Hazardous waste means any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.

Illicit discharge means any discharge to the City's municipal separate storm sewer system (MS4) that is not composed entirely of stormwater, except discharges pursuant to a NPDES permit.

Industrial waste means any waterborne liquid or solid substance that result from any process of industry, manufacturing, mining, production, trade, or business.

Municipal separate storm sewer system (MS4) means the system of conveyances, (including roads with drainage systems, municipal streets, private streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or

used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

NPDES means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318 and 405 of the federal Clean Water Act.

NPDES permit means for the purpose of this chapter, a permit issued by United States Environmental Protection Agency (EPA) or the state of Missouri that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Oil means any kind of oil in any form, including but not limited to: petroleum, fuel oil, crude oil, synthetic oil, motor oil, bio-fuel, cooking oil, grease, sludge, oil refuse, and oil mixed with waste.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns, including all federal, state, and local governmental entities.

Pesticide means a substance or mixture of substances intended to prevent, destroy, repel, or migrate any pest, or substances intended for use as a plant regulator, defoliant, or desiccant.

Petroleum Product means a product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel or lubricant in a motor vehicle, boat or aircraft including motor oil, motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil and #1 and #2 diesel fuel.

Pollutant means any substance or material which contaminates or adversely alters the physical, chemical or biological properties of the waters including changes in temperature, taste, odor, turbidity, or color of the water. Such substance or material may include but is not limited to, dredged spoil, spoil waste, incinerator residue, sewage, pet and livestock waste, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, yard waste, hazardous household wastes, oil and petroleum products, used motor oil, anti-freeze, litter, pesticides, and industrial, municipal, and agricultural waste discharged into water.

Property Owner means the named property owner as indicated by the records of the Cass County, Missouri Records and Tax Administration.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the MS4 and/or surface waters.

Sanitary sewer means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to a sewage treatment plant and to which stormwater, surface water, and groundwater are not intentionally admitted.

Septic tank waste means any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage means the domestic sewage and/or industrial waste that is discharged into the sanitary sewer system and passes through the sanitary sewer system to a sewage treatment plant for treatment.

State means the state of Missouri.

Stormwater means stormwater runoff, snow melt runoff, and surface runoff and drainage.

Surface waters means any body of water classified as "surface waters" by the state of Missouri, including streams, rivers, creeks, brooks, sloughs, draws, arroyos, canals, springs, seeps, cavern streams, alluvial aquifers associated with these surface waters, lakes, man-made reservoirs, oxbow lakes, ponds, and wetlands, as well as any other body of water classified by the federal government as a "water of the United States".

Waste means any garbage, refuse, sludge or other discarded material which is abandoned or committed to treatment, storage or disposal, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial mining, community and agricultural activities. Waste does not include solid or dissolved materials in domestic sewage or irrigation return flows or solid or dissolved materials or industrial discharges which are point sources subject to permits under the state of Missouri. The Federal definition of solid waste is found at 40 CFR 257.2.

Water quality standard means the law or regulation that consists of the beneficial designated use or uses of a water body, the numeric and narrative water quality criteria that are necessary to protect the use or uses of that particular water body, and an anti-degradation statement.

Sec. 11-342. General Prohibition.

- a. No person shall release or cause to be released into the MS4, or into any surface water within the City, any discharge that is not composed entirely of stormwater that is free of pollutants, except as allowed in Subsection b.
- b. Unless identified by the City or MDNR as a significant source of pollutants to surface water the following non-stormwater discharges are deemed acceptable and not a violation of this section:
 1. Water line flushing;
 2. Diverted stream flow;
 3. Rising groundwater;
 4. Groundwater infiltration to the storm system;
 5. Uncontaminated pumped groundwater;
 6. Contaminated groundwater if authorized by MDNR and approved by the City;
 7. Discharges from potable water sources;
 8. Foundation drains;
 9. Discharges from crawl space pumps;
 10. Air conditioning condensate;
 11. Landscape irrigation or lawn watering;
 12. Springs;
 13. Water from crawl space pumps;
 14. Footing drains;
 15. Individual residential car washing;
 16. Flows from riparian habitats and wetlands;
 17. De-chlorinated swimming pool discharges excluding filter backwash;
 18. Street wash waters (excluding street sweepings which have been removed from the street);
 19. Discharges or flows from emergency fire fighting activities;
 20. Heat pump discharge waters (residential only);
 21. Dye testing if written notification is provided to the director prior to the time of test
 22. Treated wastewater or other discharges meeting requirements of a NPDES permit; and
 23. Other discharges determined not to be a significant source of pollutants to waters of the state, a public health hazard or a nuisance.

- c. Discharges specified in writing by the Director or authorized representative or authorized representative as being necessary to protect public health and safety.
- d. Notwithstanding the provisions of Subsection b of this section, any discharge shall be prohibited by this section if the discharge in question has been determined by the Director or authorized representative to be a source of a pollutant to the MS4 or to surface waters, written notice of such determination has been provided to the property owner or person responsible for such discharge, and the discharge has occurred more than ten (10) days beyond such notice.

Sec. 11-343. Specific Prohibitions and Duties. The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibition in Section 17.07.040, but are provided to address specific discharges that are frequently found or are known to occur:

- a. No person shall release or allow to be released any of the following substances into the MS4:
 - 1. Any new or used, motor oil, antifreeze, petroleum product or waste;
 - 2. Any industrial waste;
 - 3. Any hazardous substance or hazardous waste, including household hazardous waste;
 - 4. Any domestic sewage or septic tank waste, grease trap or grease interceptor waste, holding tank waste, or grit trap waste;
 - 5. Any garbage, rubbish or other waste;
 - 6. Any new or used paints, including latex-based paints, oil-based paints, stains, varnish, and primers, as well as cleaning solvents and other associated products;
 - 7. Any yard wastes which have been moved or gathered by a person;
 - 8. Any ready-mixed concrete, mortar, ceramic, or asphalt base material or discharge resulting from the cleaning of vehicles or equipment containing or used in transporting or applying such material;
 - 9. Any other discharge that causes or contributes to causing the City to violate a state water quality standard, the City's NPDES stormwater permit, or any state-issued discharge permit for discharges from its MS4.
- b. No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures.
- c. No person shall connect a line conveying sanitary sewage, domestic or industrial, to the MS4. No property owner shall allow such a connection to continue in use on their property.
- d. No person shall use pesticides, herbicides and fertilizers except in accordance with manufacturer recommendations. Pesticides, herbicides and fertilizers shall be stored transported and disposed of in a manner to prevent release to the MS4.
- e. No person shall tamper with, destroy, vandalize, or render inoperable any BMPs which have been installed for the purpose of eliminating or minimizing pollutant discharges, nor shall any person fail to install or fail to properly maintain any BMPs which have been required by the City or by other local, state, or federal jurisdictions.

Sec. 11-344. Inspection and Detection Program. The Director or authorized representative is authorized to develop and implement a plan to actively detect and eliminate prohibited discharges and connections to the MS4 or surface waters within the City. Such plan may include, but is not limited to, periodic and random inspections of facilities and businesses, particularly those most associated with potentially prohibited discharges; visual surveys of exterior practices; inspection, sampling and analyses of discharges from outfalls of the MS4, particularly during dry weather periods; manhole and pipe

inspections to trace discharges through the system to point of origin; education on pollution prevention; and receipt of complaints and information from the public regarding known or suspected discharges.

Sec. 11-345. Release Reporting and Clean-up.

- a. Any person responsible for the release of any prohibited material that may flow, leach, enter, or otherwise be introduced into the MS4 or surface waters shall take all necessary steps to ensure the containment and clean-up of such release.
- b. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.
- c. In the event of a release of non-hazardous materials, said person shall notify the Director or authorized representative in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director or authorized representative within three (3) business days of the phone notice.

Sec. 11-346. Enforcement; Designation of Officer Penalty

- a. Enforcement/Designation of Officer
 1. The Director or his or her appointed representative shall be designated as the public officer charged with the administration and enforcement of this Act. The public officer shall authorize the investigation of violations of the Act. If it is determined that a violation of this Act exists, then the officer shall declare such condition a nuisance and is authorized to pursue abatement and enforcement procedures as specified in Chapter 14, Article 1 of the Belton Municipal Code. (Ord. No. 2008-3454 § 1, 5-13-2008.)
- b. Penalty
 1. Penalties for the violation of this chapter shall be as specified in Section 14-2 of the Belton Municipal Code.

Sec. 11-347. Severability. If any section, subsection, paragraph, sentence, clause or phrase in this chapter or any part thereof is held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter.