

ORDINANCE NO. 18

ARTICLE I - EXCAVATIONS IN HIGHWAYS

SECTION I

Excavation without permit - misdemeanor. Except in case of public work done by authority of the Board of Aldermen, no person shall make or cause to be made any opening or excavation in any public street or alley, highway, sidewalk, tree lawn parkway, or public place or thoroughfare, without written permit from the commissioner of streets and sewers. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

SECTION II

Application for permit - fees to be paid. Any person having occasion to make any such opening or excavation shall make written application for permit therefore to the commissioner of streets and sewers who is hereby given authority to issue such permits. The application shall state the location and site of the proposed excavation and when the work is to be commenced. Permit fees shall be paid to the commissioner of streets and sewers before such permit is issued in amount as follows: For each excavation involving disturbance of the pavement of any street, curb of sidewalk, Ten (10.00) dollars, and one (\$1.00) Dollar additional for each square foot over ten in area, and for each additional square foot of excavation in parkway tree lawn or other improved area back of curb, Two (\$2.00) Dollars, and Twenty (20) Cents additional for each square foot over ten in area. The permit fees aforesaid shall compensate for the issuance of permit, inspections and the restoration of the surface, which work of restoration shall be done by the city. The commissioner of streets and sewers shall inspect the location as may be required and see that the conditions of the permit and the provisions of the Ordinance

are complied with. The person doing the excavation or excavating shall back-fill the opening. When the work is completed, the commissioner of streets and sewers shall with due diligence restore and resurface the area so excavated with a surface similar to its original state.

SECTION III

Director of Streets to keep record of permits and pay over Monies. The Commissioner of streets and sewers shall keep a full and complete account in a book provided for that purpose, of all permits issued showing the date, party to whom issued, location and fees received on account thereof, which fees, together with all deposits and moneys, shall be turned over to the City Collector when and as received to the credit of the general revenue fund.

SECTION IV

Duty of police and street department. It shall be the duty of the police and members of the street department to report any excavation or opening in or being made in any street, alley, highway sidewalk, curb, parkway, tree lawn or public place, and to ascertain whether the provisions of this article have been complied with, and arrest shall be made of person violating the provisions hereof and said work shall be stopped until compliance is made herewith.

SECTION V

Excavations safeguards to public - misdemeanor. No person shall make any opening or excavation, with or without permit, in any street, highway, alley, sidewalk, parkway, tree lawn or public place in the City of Fortage des Sioux, without providing during the progress of the work and until said excavation has been back-

filled and the surface restored, barricades around the same as a warning to the public, and between the hours of sunset and sunrise, lights or red lanterns around said excavation, lighted and sufficient in number and places in such manner as to be clearly visible in all directions.

ARTICLE II - PUBLIC AND PRIVATE SEWERS.

SECTION VI

Public and private sewers defined. A public sewer, as that term is used here in this article, means a sewer which has been laid or built by public funds, or which has been acquired by the City of Portage des Sioux, or the political subdivision by dedication or condemnation, or which is laid in the public streets, highways, alleys, easements or public places of the City of Portage Des Sioux.

A private sewer, as that term is used in this Article, means a sewer which is not a public sewer as herein defined.

SECTION VII

Building and premises to be connected with sewers - Misdemeanor. It shall be unlawful for any person owning property in the City of Portage des Sioux from which sewerage and waste water is emitted, to fail, neglect or refuse to connect said property with an available established sanitary sewer system or line so that said sewage and waste water will be properly carried away and disposed of. Said connection to be made by permit as provided in this Ordinance. It shall be unlawful for the owner of any improved property in the City of Portage des Sioux to fail, refuse or neglect to connect the roof water and fresh or rain water which falls upon the buildings and driveways on said property with an established storm or fresh water sewer system or

line if such sewer be available.

In the event there is not available to the property owner an established sanitary sewer system or line to properly carry away and dispose of sewage and waste water, said property owner shall construct and maintain a septic tank for this purpose. A sewage system so designed and constructed shall be adequate to provide sanitary disposal of the sewage thus handled, and shall be placed into operation only after inspection and approval by the city inspector, with regard to design, construction and operation capacity. Any person who violates any provision of this section shall be deemed guilty of a misdemeanor.

SECTION VIII

Sewage or fresh or roof water and deleterious substances - how not to be connected. It shall be unlawful for any person to connect or to permit the flow of any roof water or fresh or storm water to any sewer system or line designed or used exclusively for sanitary or foul water sewage, or to connect or to permit the flow of any sanitary or foul water sewage to any sewer system or line designed or used exclusively for fresh or storm drainage unless the flow of such sanitary or foul water sewage is routed through a septic tank as provided in section 7, so designed as to prevent any deleterious substances, including inflammable and explosive substances to flow into any sewers.

SECTION IX

Improper connection - notice and hearing. Whenever it shall come to the attention of the Board of Aldermen that a violation of the preceding Section exists in the City of Portage des Sioux, the Board may call a special hearing in the matter, first giving written notice of the time, place, and purpose of such hearing to

the owner or owners of any property or to the owner or owners of any private sewer or line which is connected in violation of the preceding section. Such notice shall be given at least five (5) days prior to the date of such hearing either in person, or by registered mail, or by publication in one edition of a newspaper published in the County of St. Charles, Missouri.

SECTION X

Order may be made - misdemeanor. If upon such hearing, the Board of Aldermen shall find that a violation of said section exists, it may make such order in the premises as will effectively carry out the intent of this Article and fix the time within which such order shall be carried out and complied with. When such order has been made and entered in the Journal, any person mentioned therein who shall fail or refuse to comply with the terms of such order shall be deemed guilty of a misdemeanor, and each and every day of such failure or refusal to comply therewith shall constitute a separate offense.

SECTION XI

Board to order sewer improperly connected to be cut off. When any order has been made by the Board of Aldermen for any person or persons to disconnect from any sewer line any sewage or drainage improperly connected thereto as provided in this Article and such order has not been complied with, the Board of Aldermen may order the sewer or drain line so improperly connected to be cut off or disconnected from the sewer line or system to which it is connected.

SECTION XIII

Sufficiency of plans - Issuance of permit. In passing upon such application and plans, the approving authority aforesaid shall give consideration, among other things, to whether the

contemplated pipe dimension is sufficient to provide adequate drainage of the type contemplated in the entire watershed in which said sewer or system is located, whether the easements are of a character which will permit entrance by the public authorities for future repairs and replacements, whether the grade at which said system will be built will provide for adequate flow and runoff from the properties adjacent to or to be served by said system without backup or obstruction, whether the house connection stubs are properly located with reference to the lot lines, and whether said sewer or systems, as a whole, will be adequate useful, and efficient. Upon the approval of the application and plans, a permit shall be issued therefor, one copy of said plans to remain on file with the City Clerk.

No connection of such sewer or system to any public sewer or other public disposal facility shall be made unless and until special connection permit therefor has been issued in writing and signed by the city engineer and/or the Board of Aldermen of a sewer district in which the subdivision may be located.

SECTION XIV

Inspection by city engineer - inspection fees. The city engineer shall make inspection of the part of the sewer and sewer system located in the streets or public places in the city, as the work progresses and there shall be no back fill of any such sewer line in the streets or public places in the city, after the pipes have been laid and until such inspection has been made. The inspection shall be for the purpose of ascertaining that the work is in accordance with the plans approved therefor and the city engineer, before issuing the special connection permit, shall certify to the City Clerk in writing his final approval and acceptance of the work.

SECTION XV

Provisions to apply to replacement extension, etc. The provisions of this article shall also apply to the construction reconstruction, replacements or extension of any private sewer or system of sewers in the City of Portage des Sioux, except ordinary house connections.

SECTION XVI.

Misdemeanor. Any person being the owner, agent or contractor for any subdivision or of any private sewer or system of sewers who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor, and every day said violation shall continue shall constitute a separate offense.

ARTICLE III

PENALTIES FOR VIOLATION OR ORDINANCE

SECTION XVII

Violation or ordinance - penalties for. Any person violating any of the terms of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by fine of not less than Five (\$5.00) Dollars nor more than One Hundred (\$100.00) Dollars for each offense, or imprisonment not exceeding Three (3) Months or suffer both such fine and imprisonment, as may be just.

SECTION XVIII

Effective when. The Board of Aldermen finds and declares after investigation, that an emergency exists directly affecting the safety, health and general welfare of the inhabitants of the City of Portage des Sioux, and that it is necessary to completely, effectively, and adequately regulate the conduct of persons and property within the boundaries of said city and therefor declares that this ordinance shall be in full force and effect from and

after its passage and approval by the Mayor.

Passed and approved this 1st day of April, 1957.

MAYOR

ATTEST:

CLERK

NOTICE TO PROPERTY OWNERS:

SEPTEMBER 12, 1956

Construction work on sewers is now underway. Please stake the place on your lot that you desire 'Y' opening on order for contractor to install tile at proper place.

The following rules must be observed and are provided for by ordinance:

1. All hook ups must have grease traps
2. All hook ups must be left uncovered for inspection and must have O.K. from city inspector before covering.
3. Sewers are sanitary sewers and no down spouts or surface water shall be allowed to drain into them.
4. Cellar sump pumps are permissable.
5. Swimming pools shall not be drained into sanitary sewers.
6. Sewers cannot be used until project is completed and has been tested by engineers.
7. A tap in fee of \$75.00 shall be charged until Nov. 12, after which fee will be \$100.00
8. Make all checks payable to City of Fortage Des Sioux, Missouri; checks or cash will be accepted by Mrs. Beil-smith, City Treasurer.

CITY COUNCIL

NOTICE

DECEMBER 3, 1956

Due to the fact that some property owners might not have been informed or misunderstood the time limit for payment of \$75.00 hook up fee for sewers, the Board of Aldermen have voted that this time limit be extended to January 15, 1957.

Posting of this notice will be the only means of communicating this information and constitutes final notice. After January 15th, fee will be \$100.00

BOARD OF ALDERMEN

CITY CLERK