ORDINANCE NO. 3

An Ordinance entitled "AN ORDINANCE PROVIDING FOR POLICE COURT FEES, THEIR DISPOSITION, AND THE COMPENSATION OF THE MARSHAL" was, upon motion, duly seconded, read for the third time. It was thereupon moved and seconded that said Ordinance shall be offered for final passage and thereupon said Ordinance was duly passed, receiving the unanimous vote of all Aldermen who voted in favor of the passage of said Ordinance, the said Ordinance being set forth in words and figures, as set forth herein, to-wit:

AN ORDINANCE PROVIDING FOR POLICE COURT FEES, THEIR DISPOSITION, AND THE COMPEN-SATION OF THE MARSHAL

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, State of Missouri, as follows:

ORDINANCE NO.3

SECTION I

Police Court Fees, Disposition. Fees, in cases of conviction, shall be allowed, taxed as costs against the defendant and designated as follows:

Marshal: For each arrest made by him, whether with or without warrant, Two Dollars; for service of each summons, rule, notice or order of the Police Judge, Sixty Cents; for summoning each jury before the Police Judge, Two Dollars; for taking each person arrested to jail after conviction, Two Dollars, for every mile traveled in taking person to jail, providing the distance be more than five miles, Ten Cents per mile; for serving each execution, One Dollar, for taking every bond required by law to be taken by him, One Dollar; for summoning each witness,

unpaid to the jurors or witnesses entitled thereto, more than six months after receiving the same, shall be paid into the City Treasury to the credit of the general revenue fund. The City of Portage Des Sioux shall in no event be held liable for the payment of any such costs or fees in any case in the Police Court.

SECTION 2.

Marshal - Compensation: The Town Marshal as and for his compensation shall be entitled to receive all such Marshal's fees taxed up as costs, and paid; said amounts shall be paid to him on a monthly basis out of the general revenue fund of said City.

SECTION 3.

All ordinances or parts of ordinances in conflict with this ordinance, insofar as they are in conflict with this ordinance are hereby repealed.

SECTION 4.

This ordinance shall take effect and be in force from and after its passage and approval.

Enacted May 23, 1955.

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MAYOR

ATTEST:

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CLERK

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ALDERMEN

ORDINANCE NO.4

An Ordinance entitled "AN ORDINANCE PROVIDING FOR THE IMPOSITION OF A LICENSE TAX UPON THE BUSINESSES OF A MERCHANT, MERCANTILE AGENT, ITINERANT MERCHANT AND PEDDLER; ESTABLISHING THE METHOD OF ISSUING SAID LICENSES AND PROVIDING FOR THE ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE," was, upon motion, duly seconded, read for the third time. It was thereupon moved and seconded that said Ordinance was duly passed, receiving the unanimous vote of all Aldermen who voted in favor of the passage of said Ordinance, the said Ordinance being set forth in words and figures, as set forth herein, to-wit:

> AN ORDINANCE PROVIDING FOR THE IMPOSITION OF A LICENSE TAX UPON THE BUSINESSES OF A MERCHANT, MERCANTILE AGENT, ITINERANT MERCHANT AND PEDDLER; ESTABLISHING THE METHOD OF ISSUING SAID LICENSES AND PROVIDING FOR THE ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE.

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, State of Missouri, as follows:

ORDINANCE NO. 4

SECTION I.

No individual firm, association, partnership, company or corporation, either as principal or agent, shall pursue, conduct or carry on the business of a merchant, mercantile agent, itinerant merchant or peddler as these said terms are defined herein without first obtaining from the City Clerk a license authorizing such person so to do. Said license is to be obtained from the City Clerk upon presentation to him by the applicant of a receipt from the City Treasurer showing that the license tax hereinafter fixed on the business that such a person applies for a license for has been paid.

SECTION II.

For the purposes of this Ordinance the word "Person" shall include individuals, firms, associations, partnerships, companies and corporations.

SECTION III.

Every person to whom a license is issued under the provisions of this Ordinance shall at all times keep the same conspiciously posted in his place of business.

SECTION IV.

It shall be the duty of the City Clerk to keep an accurate list of all licenses issued by him under the provisions of this Ordinance in such form as will clearly show what licenses are in force, to whom issued, and the occupation or business and the term for which issued.

SECTION V.

All licenses issued under the provisions of this Ordinance shall be issued for the period commencing on the first day of July and ending on the last date of June of the year next following the date of such license.

For any license issued after the first day of January, one-half of the amount of the license tax hereinafter set out as governing the business for which such license is issued shall be levied and collected.

SECTION VI.

Prosecution and proceedings in the Police Court of the City for violation of the provisions of this Ordinance may be had as in cases of violation of other Ordinances of this City but no prosecution in such Police Court shall be a bar to a suit by the City in any court of competent jurisdiction for

the collection of any such license tax due the City under the provisions of this Ordinance as a debt.

SECTION VII.

No license provided for in this Ordinance shall be issued until the amount prescribed therefor shall have been paid and no license shall be assigned or transferred except by permission of the Board of Aldermen which permission may be given only in case the licensee sells his stock of goods to a person continuing the business at the same place.

SECTION VIII.

All licenses shall be on forms provided by the City Clerk and shall be signed by the Chairman of the Board of Aldermen attested by the City Clerk and sealed with the seal of the City.

SECTION IX.

When two or more businesses are operated together at the same place or stand by the same person, such person shall be required to pay but one license tax under the provisions of this Ordinance.

SECTION X.

Where any person is prohibited from carrying on the business of a merchant, mercantile agent, itinerant merchant or peddler without paying for and obtaining a license therefor as herein provided, it shall be unlawful for any servant, agent, officer or employee of such person to conduct or carry on, or aid in conducting or carrying on such business for which the required license has not first been obtained.

SECTION XI.

It shall be the duty of the City Marshal to aid in the enforcement of this Ordinance and to promptly report any vio-

lation thereof to the City Clerk. The Marshal shall have authority to enter any place where any mercantile business or itinerant mercantile business is being conducted for the purpose of examining and ascertaining whether this Ordinance is being violated.

SECTION XII.

Every person carrying on or engaging in the business or occupation of a mercantile agent in this City shall pay a license tax of five ($5.00) Dollars per year.

Every person who shall go from place to place within this City and shall take orders for goods,wares or merchandise for future delivery, either by himself or some other person or persons shall be deemed a mercantile agent within the meaning of this Ordinance. Provided, however, that this section shall not be construed as to require a license tax on any interstate commerce business.

SECTION XIII.

Any person carrying on or engaging in the business or occupation of a peddler or hawker within the confines of this City shall pay a license tax of Five ($5.00) Dollars per year. The words "peddler" and "hawker" are deemed synonymous. And whoever shall deal in the selling of goods, wares and merchandise other than pianos, organs, sewing machines, books, charts, maps and stationery, agricultural and horticultural products, including milk, butter, eggs and cheese, raised or grown by the person selling the same on his own farm, by going about from place to place within this City to sell the same shall be deemed to be a peddler within the meaning of this section.

SECTION XIV.

Whoever shall deal in the selling of goods, wares or

Enacted _____

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MAYOR

ATTEST:

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CLERK

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ALDERMEN

ORDINANCE NO. 5

An Ordinance entitled " AN ORDINANCE DEFINING, REGULATING AND CONTROLLING THE SALE OF INTOXICATING LIQUORS, INCLUDING MALT BEVERAGES, PROVIDING FOR THE SALE OF MALT BEVERAGES, AS DEFINED, BY THE DRINK, AND FOR THE SALE OF OTHER INTOXICATING LIQUOR IN THE ORIGINAL PACKAGE, PROVIDING FOR THE OBTAINING OF LICENSES AND FEES TO BE PAID THEREFOR, SETTING UP QUALIFICATIONS NECESSARY TO THE OBTAINING OF LICENSE, PROVIDING FOR A BOND, PROHIBITING THE SALE OF INTOXICATING LIQUOR ON SUNDAY, ON ELECTION DAYS, BETWEEN CERTAIN HOURS, TO HABITUAL DRUNKARDS, TO ONE UNDER 21 YEARS OF AGE, WITHIN A CERTAIN DISTANCE OF A CHURCH OR SCHOOL, AND SETTING UP OTHER REGULATIONS" was, upon motion, duly seconded that said Ordinance was duly passed, receiving the unanimous vote of all Aldermen who voted in favor of the passage of said Ordinance, the said Ordinance being set forth:

> AN ORDINANCE DEFINING, REGULATING AND CONTROLLING THE SALE OF INTOXICATING LIQUORS, INCLUDING MALT BEVERAGES, PROVIDING FOR THE SALE OF MALT BEVERAGES, AS DEFINED, BY THE DRINK, AND FOR THE SALE OF OTHER INTOXICATING LIQUOR IN THE ORIGINAL PACKAGE, PROVIDING FOR THE OBTAINING OF LICENSES AND FEES TO BE PAID THEREFOR, SETTING UP QUALIFICATIONS NECESSARY TO THE OBTAINING OF LICENSE, PROVIDING FOR A BOND, PROHIBITING THE SALE OF INTOXICATING LIQUOR ON SUNDAY, ON ELECTION DAYS, BETWEEN CERTAIN HOURS, TO HABITUAL DRUNKARDS, TO ONE UNDER 21 YEARS OF AGE, WITHIN A CERTAIN DISTANCE OF A CHURCH OR SCHOOL, AND SETTING UP OTHER REGULATIONS.

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, State of Missouri, as follows:

ORDINANCE NO. 5

SECTION I

Intoxicating liquor is defined as any liquor or beverage containing alcohol in excess of 3.2% by weight.

SECTION II

Sale of intoxicating liquor in the original package is

defined to be the sale at retail of any liquor containing alcohol in excess of 5% by weight in the original package, whether said original package be composed of glass, tin, wood, pottery, or any other substance, said package to contain one-half pint of liquor or more by volume, The sale of liquor in the original package containing less than one-half pint by volume shall be held to be the sale of intoxicating liquor by the drink.

SECTION III

Malt liquor is defined to be any beverage containing alcohol in excess of three and two-tenths per cent (3.2%) by weight and not in excess of five per cent (5%) by weight, manufactured from pure hops and/or pure extract of hops and/or pure barley, malt and/or wholesome grains or cereals and wholesome yeast and pure water.

SECTION IV

The term person as used in this Ordinance shall be taken to mean and include any individual, form, association, partnership, corporation or other form of business organization.

SECTION V

The sale of intoxicating liquor other than malt liquor as herein defined, by the drink, shall be and is hereby prohibited.

SECTION VI

The sale of malt liquor as defined herein by the drink shall be permitted, subject to the changes herein and additions hereto that may be made from time to time, and subject to the payment of the license fees, provided herein and subject to the furnishing of a bond, as provided herein.

SECTION VII

The sale of intoxicating liquor at retail in the original

package as defined herein shall be permitted, but said intoxicating liquor so sold shall not be consumed upon the premises where sold, nor the original package opened on the premises where sold. And said sale shall be subject to the rules and regulations contained herein and to the changes herein and additions hereto that may be made from time to time, and subject to the payment of a license fee provided herein, and subject to the furnishing of a bond, as provided herein.

SECTION VIII

No person holding a license issued under the provisions of this Ordinance authorizing him to sell intoxicating liquor in the original package shall be permitted to hold or obtain a license for the sale of malt liquor by the drink for consumption on the premises where sold, nor shall such a person be permitted to hold or obtain a license for the sale of non-intoxicating beer.

SECTION IX

The various license fees required and imposed under this Ordinance for the licenses authorized to be issued by the Ordinance shall be as follows: (a) For the sale of malt liquor containing alcohol not in excess of 5% by weight, both by drink and in the original package, the sum of $20.00 per year. The holder of a license to sell malt liquor containing alcohol not in excess of 5% by weight shall also be allowed to sell non-intoxicating beer without obtaining any further license. (b) For the sale of all intoxicating liquors in the original package at retail $50.00 (c) For the sale of non-intoxicating beer by the drink and in the original package the sum of $20.00.

SECTION X

No persons shall be granted a license under this Ordinance unless such person is an American citizen, over the age of 21 years, of good reputation, free from conviction of any crime punishable by sentence of over a year in jail.

SECTION XI

Before engaging in any of the businesses authorized by this Ordinance, one must be the holder of a license authorizing him to engage in the exact business he is engaging in. The procedure in obtaining such a license shall be as set out in Section XII.

SECTION XII

All applications for licenses under the provisions of this act shall be made in writing signed and verified by the applicant to the Board of Aldermen. Said application shall state the name, age, sex and moral qualifications of the applicant, shall further state the type of business the applicant desires to enter into, the place where he will conduct such business and other things deemed pertinent by the Board of Aldermen. Application for a license to sell intoxicating liquor in the original package shall be accompanied by the sworn inventory and appraised valuation of the stock of goods, wares and merchandise, at the place of business from which applicant proposes and desires to carry on the sale of intoxicating liquor in the original package, and no such license shall be issued to any person who does not have and keep in his place of business a stock of goods having the value of at least $1,000.00. The appraisement of articles shown in the inventory shall be based on the list price at which said articles were sold to the applicant. No application shall

be granted by the Board of Aldermen at the same meeting of the Board of Aldermen at which the application is presented unless by the unanimous vote of the Board of Aldermen.

SECTION XIII

Upon approval of the application by the Board of Aldermen and payment of the license fee herein provided for, and posting of the properly approved bond herein provided for, the City Clerk shall grant applicant a license to conduct the business as applied for and approved in the City of Portage Des Sioux from the date of issuance of said license until the 30th day of June of the year following its issuance, provided further that the City Clerk shall not deliver to any person a license under the provisions of this Ordinance until such person shall produce the receipt of the City Collector showing that the taxes, real and personal, levied and due on the place covered by the license and the contents therein have been paid. All licenses issued under this Section shall be from the period commencing July 1st of the current year until the 30th day of June of the following year.

SECTION XIV

Every applicant under the provisions of this Ordinance shall, together with his application, present a bond in the sum of Two Hundred Fifty Dollars ($250.00) with sufficient surety, to be approved by the Board of Aldermen. Said bond is to be given for the faithful performance of all duties imposed upon the licensee, and for the faithful performance of all the requirements of this Ordinance, and any violation of such conditions, duties or requirements, shall be a breach of said bond and shall automatically cancel and forfeit the license granted hereunder. Said breach of said bond shall be in addition to all other penalties

imposed by this Ordinance and not to the exclusion of said additional penalties, provided further, that no person financially interested in the sale of any intoxicating liquor, including malt liquor, at wholesale shall be accepted as surety.

SECTION XV

No license shall be transferable or assignable, nor shall it be used on premises other than the premises for which it was issued, and the premises at which the liquor may be sold thereunder shall be described therein with particularity.

SECTION XVI

Each license issued in compliance with the provisions of this Ordinance shall be for a period from the date of the approval by the Board of Aldermen of the application for the license from the period commencing July 1st of the current year until the 30th day of June of the following year, thereafter renewable annually unless revoked for cause, as herein provided. The rules and regulations governing the renewal of a license shall be the same as those governing the issuance of the original license. If a license be issued for less than a year, the cost of said license shall be in the same proportion to the total license fee for a full year as the period for which it is to run bears to a full year.

SECTION XVII

No person having a license under the provisions of this Ordinance shall sell, give away or otherwise dispose of, or suffer the same to be done upon or about his premises, any intoxicating liquor in any quantity between the hours of 12:30 A.M. and 6:00 A.M.

SECTION XVIII

No person having a license under the provisions of this

Ordinance shall sell, give away or otherwise dispose of, or suffer the same to be done, upon or about his premises, any intoxicating liquor in any quantity on the first day of the week, commonly called Sunday, or upon the day of any general, special or primary election in this state, or upon any County or Town election day, provided the sale of such intoxicating liquor may be resumed on any such election day after the expiration of the 30 minutes next following the hour or time fixed by law for the closing of the polls at any such election.

SECTION XIX

No person having a license under the provisions of this Ordinance shall sell, give away or otherwise dispose of or suffer the same to be done upon or about his premises, any intoxicating liquor in any quantity to a habitual drunkard or to any person who is under, or apparently under, the influence of liquor.

SECTION XX

Intoxicating liquor shall not be given, sold or otherwise supplied to any person under the age of 21 years, but this shall not apply to the supplying of intoxicating liquor to persons of said age for medicinal purposes only. No person under the age of 21 years shall sell or assist in the sale or dispensing of intoxicating liquor.

SECTION XXI

No person having a license under this Ordinance to sell malt liquor as defined herein shall be permitted to sell non-intoxicating beer at the place of business for which he is licensed to sell malt liquor at any time or in any manner or to any person that it would be unlawful for him to sell malt liquor under the provisions of this Ordinance.

SECTION XXII

No license shall be granted for the sale of intoxicating liquor within 300 feet of any school or church, provided, however, that if an applicant for a license to sell intoxicating liquor shall have first obtained the consent in writing of the majority of the Board of Directors or managing board of such school or church, then the said applicant may, if his license be approved, sell intoxicating liquor within 300 feet but not nearer than 100 feet of any school or church.

SECTION XXIII

It shall be a penal offense to violate any of the provisions of this Ordinance, and anyone so doing shall, upon conviction thereof, be punished by a fine not exceeding $100.00, and every judgment assessing a fine shall contain a provision that defendant stand committed to jail until the judgment is complied with, or by sentence to be put to work to perform labor on the public streets, highways and alleys of the City of Portage Des Sioux, or other public works or buildings of the said City, for such purposes as the Board of Aldermen may deem necessary for a period of days not to exceed thirty, and anyone so sentenced, upon refusal to work when commanded to do so, may be punished in such manner as the Board of Aldermen may prescribe provided that such punishment shall not be cruel or excessive, or by both fine and sentence of labor.

SECTION XXIV

It is made the duty of the Marshal of the City of Portage Des Sioux, whose duty it is or shall be to make arrests, to diligently suppress any violation of this Ordinance, and to this end, the said Marshal is hereby authorized and directed to arrest

with or without a warrant any person or persons found violating any provision of this Ordinance, and if an arrest be made without a warrant, then the officer making same shall immediately report to the Board of Aldermen .

SECTION XXV

The Board of Aldermen shall have jurisdiction to try all violations of this Ordinance. Upon a written verified complaint submitted by any found by the Board of Aldermen to be a responsible and trustworthy person, competent to testify in the case, the Mayor, as Police Judge, may issue a warrant for the arrest of anyone accused of violating the provisions of this Ordinance, said warrant to be directed to the Marshal of the City of Portage Des Sioux or to any other proper person.

SECTION XXVI

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby expressly revoked.

Enacted_____.

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MAYOR

ATTEST:

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CLERK

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ALDERMEN

ORDINANCE NO. 8

An Ordinance entitled "AN ORDINANCE PROVIDING FOR THE PUNISHMENT AND ABATEMENT OF NUISANCES IN THE CITY OF PORTAGE DES SIOUX AND DEFINING NUISANCES" was, upon motion, duly seconded, read for the third time. It was thereupon moved and seconded that said Ordinance shall be offered for final passage and thereupon said Ordinance was duly passed, receiving the unanimous vote of all Aldermen who voted in favor of the passage of said Ordinance, the said Ordinance being set forth in words and figures, as set forth herein, to-wit:

AN ORDINANCE PROVIDING FOR THE PUNISHMENT AND ABATEMENT OF NUISANCES IN THE CITY OF PORTAGE DES SIOUX AND DEFINING NUISANCES.

Be it ordained by the Board of Aldermen of the City of Portage des Sioux, St. Charles County, State of Missouri, as follows:

ORDINANCE NO. 8

SECTION I

Nuisances prohibited. No person shall cause or maintain any nuisance, as defined by the laws of this State or Ordinances of the City of Portage des Sioux, or cause or maintain any such nuisance within the City of Portage des Sioux.

SECTION II

Acts, etc. Any act done or committed or suffered to be done or committed by any person, or any substance or things kept, maintained, placed or found in or upon any public or private place within this City which is injurious or dangerous to the public health, is hereby declared a nuisance.

SECTION III.

Business, etc. nuisance, when. The carrying on of a business in this City which may be dangerous or detrimental to

the public health, or the manufacturing or vending of articles obnoxious to the health of the inhabitants of said City is hereby declared a nuisance.

SECTION IV.

Buildings, etc. Any building of whatever character, kept or maintained, or which is permitted by any person owning or having control of the same to be kept or maintained in a condition unsafe, dangerous, unhealthy or injurious to the public within this City is hereby declared a nuisance.

SECTION V.

Slaughter house. Any slaughter house in this City, permitted by the person owning or having charge of the same, to be in such condition as to become offensive, annoying or injurious to the public health is hereby declared to be a nuisance.

SECTION VI.

Stock yards, nuisance, when. All stock yards, sheep and cow pens, sheds or other places used for keeping any cattle, horses, sheep or other animals within this City which shall be kept in such an unclean condition as to become injurious to the health of those residing in the vicinity thereof which shall be kept in such a manner as to be annoying or offensive to those residing in the vicinity thereof, are hereby declared a nuisance.

SECTION VII.

Privies, cesspools, etc. Every privy, privy vault, cesspool watercloset or any other receptacle whatever, of or containing human excrement within the limit of this City which is in an overflowing, full, insecure or defective condition, or which emits an offensive, noxious, unhealthful odor to the neighborhood where the same may exist, is hereby declared a nuisance.

SECTION VIII.

Animal and vegetable matter thrown on street. Any animal vegetable matter, or other substance whatever which is or may become putrid, offensive or unhealthy to the public, thrown into or upon any street, alley, sidewalk or other public place, or upon any private property within this City, is hereby declared a nuisance.

SECTION IX.

Filth and unclean water thrown on street or private premises. Any filth, garbage, foul or unclean water, from any kitchen, house, tenement or other place, within this City, conducted, cast thrown, or suffered to escape into or upon any sidewalk, street, alley or other public place, or upon private property of another, is hereby declared a nuisance.

SECTION X.

No filth, garbage, ashes, or unclean water to be thrown on streets, etc. No person shall conduct, cast, throw or permit or suffer to escape, any filth, garbage, ashes, foul, nauseous, or unclean water, liquid or substance, from any kitchen, house, tenement or other place or premises, into or upon any street, sidewalk, alley or other public place, or upon private property of another.

SECTION XI.

Cattle, cows and other animals, and fowls not to be kept in unclean pens. No person shall confine or keep within this City any cattle, sheep, cow, horse, mule or any other dumb animal or any fowl, in any unclean or filthy pen, shed or other enclosure so as to be a nuisance.

SECTION XII.

No person shall deposit any filthy substance on any ground

in this City or permit the same to exist upon his premises. No person shall deposit or cause to be deposited any dead animal or excrement or filth from privies or any nuisance whatever, upon any ground in this City, nor shall any person permit any such nuisance of any kind to be or exist upon the premises occupied by him or them.

SECTION XIII

The owner of dead animal to have the carcass removed; when where. Every owner or possessor of a dumb animal which may die within the City, whether upon his own premises or the premises of another, shall within twenty hours after the death of said animal cause the carcass of said animal to be removed beyond the limits of the City.

SECTION XIV.

Cellars, Stagnant water, etc. Any cellar, vault, private drain, pool, sewer or sink, suffered or permitted to become nauseous, foul, offensive, or injurious or detrimental to the public health, and any stagnant water, animal or vegetable matter or other substance liable to become putrid, offensive and unhealthy, suffered or permitted to exist in or upon any lot, house, building, or enclosure within this City, is hereby declared a nuisance.

SECTION XV.

City Marshal to give notice, when. It shall be the duty of the City Marshal, whenever he is notified by the Board of Aldermen, or otherwise has knowledge, or where he is informed, of the existence of any nuisance prohibited by the Ordinances of the City, forthwith to give written notice to the person or persons causing or maintaining such nuisance to abate the same within a reasonable time to be in such notice specified. A copy of such

notice shall be kept by the officer serving the same, who shall make his written return thereon, stating how, when, on whom, and where he served the same and subscribe his name thereto. Such notice may be served by delivering the same to the person or persons to be notified, or a copy thereof left at the usual place of abode of such person with a member of his family over the age of fifteen years, provided no such notice shall be required to be given in the case of any of the nuisances mentioned or referred to in Section XXII of this Ordinance.

SECTION XVI.

Penalty for causing or maintaining nuisance. Every person or every officer or agent, or employee of any corporation, who shall, within this City, cause or maintain any nuisance, as in this chapter, or any other Ordinance of this City defined, and who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice of the City Marshal to abate or remove the same, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Five Dollars ($5.00) nor more than One Hundred Dollars ($100.00), and every day such nuisance is maintained after such notice, shall constitute a separate and distinct offense, punishable by a like fine.

SECTION XVII.

Removing Nuisances. The City may through any of its officers, prevent, abate, and remove any nuisance on public or private property in a summary manner, at the cost of the occupant or owner of the premises where the nuisance or cause thereof may be, provided that the same was caused by the occupant or owner of the premises or his or their agent, and all costs and expenses

incurred by the City in removing or abating any nuisance or any private property within the City limits may be assessed against the occupant or owner, if caused by them or either of them or their agent, and the same shall be assessed as a special tax bill against such private property in same manner and with the same effect that special tax bills are for paving streets, and shall be a lien against such property; or the cost of removing or abating such nuisance may be made a part of the judgment by the Police Judge, in addition to the fine imposed, in case of conviction in the Police Judge's court of the person causing or maintaining any such nuisance in the City or within one mile thereof

SECTION XVIII.

Order of Police Judge to abate nuisance. If upon trial and conviction for causing or maintaining any nuisance defined and prohibited by the Ordinances of this City, it shall appear that the nuisance complained of continues to exist, the Police Judge may, in addition to the penalty imposed for causing or maintaining such nuisance, make an order directing the Marshal to abate the nuisance forthwith and report the expense thereof to the Police Judge, who may make the same a part of the judgment in addition to the fine imposed, the same to be collected as other fines and penalties.

SECTION XIX.

Marshal or any citizen to make complaint against anyone violating this Ordinance. It shall be the duty of the Marshal to make complaint before the Police Judge against all persons who shall refuse or neglect to remove or abate a nuisance after service of the notice as required in this chapter and any person interested in the removal or abatement of any nuisance, may also

in like manner make complaint before the Police Judge, and in either case, it shall be the duty of the Police Judge to issue his warrant for such owner or occupant or agent in charge and proceed in all respects as in other cases of the violation of any City Ordinances.

SECTION XX.

Certain nuisances, abated, how, by whom and at whose expense. Should any nuisance, as defined by the Ordinances of this City, exist, the abatement or removal of which is not prescribed or provided for in the preceding sections of this Ordinance pertaining to the abatement or removal of nuisances, the same shall be forthwith abated by the Marshal at the expense of the City.

SECTION XXI.

Penalty. Whoever shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, unless punishment is herein otherwise prescribed shall be fined not less than Five Dollars ($5.00) nor more than One Hundred Dollars ($100.00)

SECTION XXII.

Duty of Marshal and Police to make complaint; others may make complaint of violations of certain Sections. It shall be the duty of the Marshal to make complaint before the Police Judge of any violations of Sections X, XI, XII, and XIII, and any citizen may likewise make complaint and the Police Judge shall thereupon issue his warrant against the accused and the case shall be tried as other cases before the Police Judge, and it shall not be necessary in any such case for the Marshal or other person making the complaint to give notice to the person violating any

of said Sections before making the complaint.

SECTION XXIII.

All Ordinances or parts of Ordinances in conflict with this Ordinance, insofar as they are in conflict with this Ordinance, are hereby repealed.

SECTION XXIV.

This Ordinance shall take effect and be in force from and after its passage and approval.

Enacted Nov. 7, 1955.

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MAYOR

ATTEST:

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CLERK

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ALDERMEN

ORDINANCE NO.12

An Ordinance entitled :"AN ORDINANCE PROHIBITING CARELESS DRIVING IN THE CITY OF PORTAGE DES SIOUX" was, upon motion duly seconded, read for the third time. It was thereupon moved and seconded, that said Ordinance shall be offered for final passage and thereupon said Ordinance was duly passed, receiving the unanimous vote of all Aldermen who voted in favor of the passage of said Ordinance, the said Ordinance being set forth in words and figures, as set forth herein, to-wit:

AN ORDINANCE PROHIBITING CARELESS DRIVING
IN THE CITY OF PORTAGE DES SIOUX

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, State of Missouri, as follows:

ORDINANCE NO. 12

SECTION I.

Careless driving of vehicles prohibited. No person shall drive any vehicle in a careless and reckless manner within the City of Portage des Sioux, County of St. Charles, Missouri.

SECTION II.

Acts, etc. Any person who drives any vehicle, bicycle or tractor upon a street carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and at a speed or in a manner so as to endanger any person or property, shall be guilty of careless driving.

SECTION III.

Penalties: Who ever shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Five Dollars ($5.00) nor more than One Hundred Dollars ($100.00)

SECTION IV.

All Ordinances or parts of Ordinances in conflict with this Ordinance, insofar as they are in conflict with this Ordinance are hereby repealed.

SECTION V.

This Ordinance shall take effect and be in force from and after its passage and approval.

Enacted November 20, 1956.

_____ MAYOR

ATTEST:

_____ CLERK

_____

_____

_____

_____ ALDERMEN

ORDINANCE NO. 16

"AN ORDINANCE VACATING A PART OF LESIEUR STREET IN THE CITY OF PORTAGE DES SIOUX, MO."

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, Missouri, as follows:

That Whereas LeSieur Street within the City of Portage des Sioux, Missouri, between Blocks five (5) and Six (6) of Playground addition in said City is the proposed sight of a causeway for the construction of a shrine in the Mississippi River, and

Whereas LeSieur Street between said Blocks five (5) and six (6) is presently submerged, and will, in all probability, at all times in the future remain submerged and of no value or use to the City, or the public as a street, and

Whereas it would be desirable from the standpoint of the city and the public, that said area be given over to the construction of said causeway:

Said Board of Aldermen does not therefor resolve and ordain that:

SECTION I

There be and is hereby vacated and discontinued as a public street that part of the right of way of LeSieur Street which lies between Blocks five (5) and six (6) of Playground Addition to the City of Portage des Sioux, Missouri as same is platted of record.

SECTION II

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION III

This Ordinance shall take effect and be in force from and after its passage, and approval by the Mayor.

ATTEST:

_____ MAYOR

_____ CLERK

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 comissioner 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 Portage 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 deletorious 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 deletorious 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 Portage Des Sioux, Missouri; checks or cash will be accepted by Mrs. Beilsmith, 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

ORDINANCE NO. 24

An "ORDINANCE RELATING TO THE FIRING AND SHOOTING OF FIRE-WORKS IN THE CITY OF PORTAGE DES SIOUX, MISSOURI."

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, Missouri as follows:

SECTION I

Every person who shall willfully or promiscuously fire or shoot off, use, burn or explode any firecracker, fireworks, torpedos, bombs, rockets, pin wheels, fire balloons, roman candles toy cannons, toy pistols, or other fireworks of a like manner within this city at any time other than between the hours of 8 a.m. and 10 p.m. on Independence day, being the fourth day of July, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars ($100.00) or by imprisonment of not more than Three (3) Months in jail, or both. Provided however, that this section shall not apply to parks or other public places when in charge of competent persons and under a permit issued by the Board of Aldermen through its Clerk.

SECTION II

This Ordinance shall take effect and be in full force from and after its passage by the Board of Aldermen and signed approval of the Mayor.

_____
MAYOR

ATTEST:

_____
CLERK

_____

_____

_____

_____
ALDERMEN

ORDINANCE NO. 26

AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE COMMUNITY OF THE TOWN OF PORTAGE DES SIOUX, MISSOURI, BY REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES, AND SIZE OF THE BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF THE YARDS, COURTS, AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE, OR OTHER PURPOSES.

WHEREAS, The Mayor and Council of the Town of Portage Des Sioux, acting as the City plan Commission, has caused a thorough study to be made of the recent growth and existing development within the Town; and

WHEREAS, The study shows that there is need for zoning regulations restricting the erection, construction, reconstruction, alteration, or use of the buildings, structures, land and the size of the lots within the corporate limits, of the town of Portage Des Sioux, and a public hearing was had on April 29, 1959 in relation thereto.

NOW, THEREFORE, Be it ordained by the Town of Portage Des Sioux, Missouri, as follows:

ARTICLE I

Definitions

For the purposes of this Ordinance, the following phrases, words, and their derivatives shall have the meaning given herein, The word "shall" is always mandatory and not merely directory.

1. "Dwelling" A building designed or used as the permanent living quarters for one or more families.
2. "Family": One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, a lodging house, or hotel.
3. "Building": A structure having a roof supported by columns or walls.

4. "Structure": Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground.

5. "Floor Area": For the purpose of determining the floor area of a building, the gross floor area shall be the sum of the gross horizontal areas of the several floors of the building, excluding areas used for accessory garage purposes and such basement and cellar areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including walls or other enclosures of enclosed porches.

6. "Non-Conforming Use" Is a building structure or use of land existing at the time of enactment of this Ordinance and which does not conform to the regulations of the district in which it is located.

7. "Set-Back": The minimum horizontal distance between the front line of a building, excluding steps and unenclosed porches and the line of the street abutting the front lot line.

8. "Trailer Homes": A vehicle without motive power designed to be drawn by a motor vehicle and to be used for human habitation or for carrying of persons.

9. "Yard Front": An open, unoccupied space extending across the full width of the lot between the front wall of the principal building and the front lot line.

10. "Junk": Any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use; and a junk yard is the use of more than 100 square feet of the area of any lot for the storage, keeping, or abandonment of junk.

11. "Basement": A story having more than one-half of its height below the average level of the adjoining ground, and constructed of concrete or masonry.

ARTICLE II
Non-Conforming Uses

SECTION I

The lawful use of any building, structure, trailer, or land existing at the time of the enactment of this Ordinance may be continued, although such use does not conform with the provisions of this Ordinance, until abandoned or until the intent of the owner to discontinue the use is apparent.

SECTION II

Any non-conforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, act of God, or act of governmental authority may be reconstructed and used as before if it is done within 12 months of such calamity, provided that the restored building covers no greater area or has no greater cubic content.

SECTION III

Upon the effective date of this Ordinance, the Clerk of the City shall issue a "Certificate of Non-Conforming Use" to all owners of property, the use of which does not conform to the provisions of the use zone in which the property is located.

ARTICLE III
Trailer Camps and Trailer Homes

SECTION I

A trailer camp or court is defined as a parcel of land on which there is located or intended to be located, two or more trailer homes occupied for living quarters; and the location of such trailer camps within the city limits of the Town of Portage

Des Sioux, Missouri, shall not be permitted within district set forth in Section 2 following.

SECTION II

Trailer Home parking within the following district is prohibited: Beginning at the point of intersection of the center line of Payne Road with the center line of Lawrence Street; thence following the center line of Lawrence Street Northwardly across Commonfield Street until the center line of Lawrence Street intersects the center line of Fourth Street; thence along the center line of Fourth Street Westwardly to the center line of Saucier Street; thence along the center line of Saucier Street Northwardly to the center line of Main Street; thence following the center line of Main Street Westwardly to the center line of LeFaivre Street; thence along the center line of LeFaivre Street Southwardly to a point which is 160 feet North of the North line of Second Street to the West line of the City Limits of the Town of Portage Des Sioux; thence South 22 degrees West and along the West line of said City Limits to the center line of Payne Road; thence South 68 degrees East and along the center line of Payne Road to the place of beginning.

ARTICLE IV

Density District

SECTION I

There shall be two side yards with a minimum width of each side yard of 10% of the width of the front yard, except that when one of the side yards lies adjacent to a street, such side yard must be at least twenty (20) feet wide.

SECTION II

Every dwelling constructed in the Town limits shall have a

set-back of at least to the existing building line or if no existing building line, then to a minimum of 30 feet.

SECTION III

There shall be a minimum lot area of not less than 9,000 square feet for each dwelling erected and such dwelling for one floor shall contain a minimum living space of 720 square feet. Porches, verandas, basement rooms, garages, or any other form of attached accessory structure shall not be counted.

SECTION IV

Every building herafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one main building and the customary accessory buildings on one lot.

ARTICLE V

Prohibited Buildings and Uses

SECTION I

No building, structure, or portion thereof, bus, tent, or a basement shall be hereafter erected, converted or moved onto any lot for dwelling purposes, within the City Limits of the Town of Portage Des Sioux.

SECTION II

No junk or automobile wrecking yard shall be operated or maintained for more than six months after the final date of passage of this Ordinance.

ARTICLE VI

General Business District

SECTION I

The location of all buildings erected after the passage of this Ordinance, which are intended to be used for other purposes than for family occupation, must first receive the approval

of the Zoning Commissioner.

ARTICLE VII

Board of Adjustment

SECTION I

A Board of Adjustment is hereby established. The word "Board" when used in this Section, shall be construed to mean the Board of Adjustment. The Board shall consist of five (5) members, all of whom shall be freeholders appointed by the Mayor and approved by the Town Council. The term of office of the members of the Board shall be for five (5) years, excepting that the membership of the first Board appointed shall serve respectively for the terms of one for one (1) year; one for two (2) years, one for three (3) years; one for four (4) years; and one for five (5) years. Therafter, members shall be appointed for five (5) year terms each. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the Mayor and Town Council upon written charges and after public hearing

SECTION II

The Board shall elect its own chairman and vice-chairman who shall serve for one year. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance.

SECTION III

Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each

question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All testimony, objections thereto, and rulings thereon shall be taken down by a reporter employed by the Board for the purpose.

SECTION IV

Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board, or bureau of the Town of Portage Des Sioux, Missouri affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the Zoning administrator on good cause shown.

The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and do the same within a reasonable time.

Upon the hearing, any party may appear in person by agent or by attorney.

SECTION V

Jurisdiction: The Board shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Commissioner, or Inspector in the enforcement of this Ordinance.

2. To adopt from time to time such rules and regulations as may be deemed necessary to carry into effect the provisions of this Ordinance.

3. To permit a variation in the yard and lot area requirements of any district where there are practical difficulties or unnecessary hardships in carrying out these provisions due to the size, irregular shape of the lot, topography or other conditions.

4. To interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the Residential District accompanying and made a part of this Ordinance, where the street or place layout actually on the ground varies from the street or place layout as shown on to map aforesaid.

5. To permit the erection and use of a building or the use of a premises in any location for a public service corporation or for public utility purposes necessary to the public convenience or welfare.

6. To vary or modify the application of any of the regulations or provisions of this Ordinance where there are practical difficulties or unnecessary hardships in the way of carrying out the

strict letter of this Ordinance, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

In exercising the above mentioned powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement decision, or determination appealed from and may make such order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator. The concurring vote of four(4) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance.

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to the Circuit Court of St. Charles County, Missouri, a petition duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

Upon the presentation of such petition, the Court may allow a writ of certiorari directed to the Board for review of the data and records acted upon or it may appoint a referee to take additional evidence in the case. The Court may reverse or affirm or may modify the decision brought up for review.

Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted with gross negligence or in bad

faith, or with malice in making the decision appealed from.

ARTICLE VIII

Occupancy Permits

SECTION I

No land shall be occupied or used and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this Ordinance and the building and health Ordinances of the Town of Portage Des Sioux, No change of use shall be made in any building or part thereof now or hereafter erected or structurally altered without a permit being issued therefor by the Zoning Administrator. No permit shall be issued to make a change unless the changes are in conformity with the provisions of this Ordinance.

ARTICLE IX

Plats

SECTION I

Each application for a building permit shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this Ordinance. A record of applications and plats shall be kept in the office of the Zoning Administrator.

ARTICLE X

Interpretation, purpose, and Conflict.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for

the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare.

ARTICLE XI

Amendments

The Town Council may from time to time, on its own motion or on petition, amend, supplement, change, modify, or repeal by Ordinance the boundaries of districts of regulations, or restrictions herein established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the Town Planning and Zoning Commission for its recommendations and report. If the Town Planning and Zoning Commission makes no report within thirty (30) days, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change. Upon the filing of the recommendations and report by the Town Planning and Zoning Commission with respect to any proposed amendment, supplement, change, modification or repeal, the Town Council shall proceed to hold a public hearing in relation thereto, giving at least fifteen (15) days' notice of the time and place of such hearing, which notice shall first be published in a newspaper having a general circulation in the County of St. Charles Missouri.

ARTICLE XII

Enforcement, Violation and Penalty

SECTION I

It shall be the duty of the Zoning Administrator to enforce this Ordinance. Appeal from the decision of the Zoning Administrator may be made to the Board of Adjustment as provided in Article Five.

The Zoning Administrator in the town of Portage Des Sioux shall

be Ernest Green, who shall have all the powers, duties and responsibilities assigned to the Zoning Administrator in this Ordinance.

SECTION II

The Zoning Administrator, as authorized may institute any appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, repair or conversion of any building or structure, or the unlawful use of land, to restrain, correct or abate such violations, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises. Whenever such acts shall be in contradiction to the provisions of this Ordinance, penalties shall be as hereinafter set forth.

SECTION III

The Zoning Administrator shall require that the application for a building permit and the accompanying plot plan shall contain all the information necessary to enable him to ascertain whether the proposed building complies with the provisions of this Ordinance. No building permit shall be issued until the Zoning Administrator has certified that the proposed building or alteration complies with all provisions of this Ordinance.

SECTION IV

Nothing herein contained shall require any change in the plans, construction, size or designated use of a building for which a building permit has been granted or for which plans were on file with the Zoning Administrator before the effective date of this Ordinance and the construction of which from such plans shall have been started within six months of such date.

SECTION V

No land shall be occupied or used and no building hereafter

erected or altered shall be occupied or used in whole or in part for any purposes, until a certificate of occupancy shall have been issued by the Zoning Administrator stating that the premises or building complies with all the provisions of this Ordinance. A certificate of occupancy shall be applied for at the same time that the building permit is applied for and if approved by the Zoning Administrator shall be issued within ten (10) days after notification from the permittee that the premises are ready for occupancy.

SECTION VI

The owner or agent of a building or premises in or upon which a violation of any provision of this Ordinance has been committed or shall exist; or the lessees or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which violation shall exist, shall be guilty of a misdemeanor punishable by a fine of not less than Ten Dollars ($10.00) and not more than One Hundred Dollars ($100.00) for each and every day that such violation continues; but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than One Hundred Dollars ($100.00) nor more than Two Hundred Fifty Dollars ($250.00) for each and every day such violation shall continue or by imprisonment for ten days for each and every day such violation shall continue or by both such fine and imprisonment, in the discretion of the court. Any such person, having been served with an order to remove any such violation, failing to comply with said order within ten days after such notice

or continuing to violate any provision of the regulations made under authority of this Ordinance in the respect named in such order, shall also be subject to a civil penalty of Two Hundred and Fifty Dollars ($250.00)

ARTICLE XIII

Validity

If any section, sucsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE XIV

Conflicting Ordinances Repealed

Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

ARTICLE XV

When Effective

This Ordinance shall be in full force and effect from and after its passage as provided by law.

Passed and approved this 7th day of March, 1960.

_____

MAYOR

ATTEST:

_____

CLERK

ORDINANCE NO. 53

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, State of Missouri, as follows:

AN ORDINANCE PROHIBITING THE USE OF FIRE ARMS AND AIR POWERED OR SPRING OPERATED AIR GUNS OR RIFLES WITHIN THE CITY LIMITS OF PORTAGE DES SIOUX, MO.

ORDINANCE NO.53

SECTION I

Discharging: It shall be unlawful for any person to willfully or promiscuously fire or shoot off any gun, pistol, or firearm of any description, including air powered or spring operated air guns or rifles within the City; provided however, that the provisions of this Section shall not be construed so as to prohibit any United States, County, State or City officer or any service man in the service of the United States, or this State, from discharging such weapons in the proper discharge of his duties.

SECTION II

Violation. Any person who shall violate the above provision of this Ordinance shall be subject to a fine of not less than Five ($5.00) Dollars nor more than One Hundred($100.00) Dollars for each such violation

SECTION III

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed; this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

Enacted June 5, 1961 ATTEST:

MAYOR CLERK

ORDINANCE NO. 54

Be it ordained by the Board of Aldermen of the City of Portage des Sioux, St. Charles County, State of Missouri as follows:

AN ORDINANCE TO PROMOTE THE SAFETY AND GENERAL WELFARE OF THE INHABITANTS OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, BY PROHIBITING THE SALE OF FIREWORKS WITHIN THE CITY LIMITS OF PORTAGE DES SIOUX, ST. CHARLES COUNTY, MISSOURI.

ORDINANCE NO. 54

SECTION I

It shall be unlawful for any person or persons to sell, trade, or deal in, wholesale or retail, any fireworks, firecrackers torpedos, bombs, rockets, pin wheels, fire balloons, roman candles, skyrockets, toy cannons, or other fireworks of a like manner, within the city limits of Portage des Sioux, Missouri.

SECTION II

Whosoever shall violate the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less that Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00) and each violation shall constitute a separate offense.

SECTION III

This Ordinance shall take effect and be in effect from and after its passage, and approval of the Mayor.

Date June 26, 1961.

ATTEST:

MAYOR _____ CLERK

ORDINANCE NO. 55

Be it ordained by the Board of Aldermen of the City of Portage des Sioux, St. Charles County, State of Missouri, as follows:

AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY AND GENERAL WELFARE OF THE INHABITANTS OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, BY THE CONTROL OF AND PREVENTION OF THE TRANSMISSION OF RABIES, BY PROVIDING FOR LICENSING, CATCHING, COMPOUNDING, CONFINING, REDEMPTION AND ISOLATION AND DESTRUCTION OF DOGS, THE PROHIBITING OF ABANDONMENT OF ANIMALS, THE ESTABLISHMENT OF A SCHEDULE OF FEES AND METHODS FOR COLLECTION, THE ESTABLISHMENT OF THE RIGHT OF ENTRY, AND OTHER RULES ESTABLISHING THE RESPONSIBILITIES OF DOG OWNERS.

ORDINANCE NO. 55

SECTION I

Construction of "dog". The word "dog" as used in this Article, without qualification, shall be construed to mean a female as well as a male dog.

SECTION II

Tags. On the twenty-fourth day of July of each year, the owner or keeper of each dog, then over the age of six months, kept within the corporate limits of the City, and for each dog then or therafter in the City, on attaining six months of age during the year, shall secure from the City Clerk, a license tag for such dog, which license tag shall be issued for a fee of $2.25.

SECTION III

Registration requirements. It shall be the duty of the owner or keeper of every dog kept within the limits of the City subject to the license tag specified in the preceding Section, cause the same to be registered at the Office of the City Clerk, in the City Dog Register, and such Clerk shall enter into the City Dog Register the date of application for the license tag, the number of the tag issued, to who or to whom issued, the breed,

sex and color of such dog. The Clerk shall thereupon furnish to the person, a metallic plate or tag, having plainly marked, cast or stamped theron, the figures indicating the year for which the tag was issued, and a number corresponding with the number of the entry of the Dog Register. Such plate or tag shall be attached to a leather or metal collar to be worn by the dog for which the plate or tag was issued; provided, that any person within the City keeping or harboring within the City any dog subject to be registered and licensed in the aforesaid manner, not owned by such keeper may, with the owner's consent have the same registered in the name of the owner of such dog by complying with this Article relating to the keeping of dogs in the City; provided, however, that before any dog required by the preceding Section to have a City license tag shall be registered in the Office of the City Clerk as in this Section required, there shall be presented to the City Clerk a written statement briefly describing such dog sought to be registered and naming the alleged owner or keeper thereof, signed by the duly licensed veterinarian who shall certify that such dog has been immunized against rabies and the date of such immunization. Such date of immunization shall be within ninety days prior to the time of the registration of such dog.

Immunization shots - effective. All immunization shots will be temporarily removed from this Ordinance until further notice by the Board of Aldermen in order to expedite the effective date of this Ordinance.

SECTION IV

City Clerk to supply tags. The City Clerk is authorized annually to procure on behalf of the City a supply of such plates or tags sufficient for the needs of that particular year.

SECTION V

Empounding generally. On and after the 24th day of July of each year any dog subject to the annual dog license tag as provided in this article running at large in any of the streets or other public places in the City, or on any premises not in the actual possession of the owner or keeper of such dog, is hereby declared to be a nuisance, and it shall be the duty of the City dog empounder and his assistant or person thereunto authorized, to take up and empound in a suitable pound or place therefor provided by the City, all such dogs.

Exercising of dogs. All owners or keepers of dogs may exercise their dogs in a public place providing they are present with the dogs.

SECTION VI

City dog empounder - appointment; duties generally. The Mayor may annually, or soon after the 1st day of June or at any time in case of a vacancy, appoint such suitable person as City dog empounder, with such assistants as may be deemed necessary. Such person shall catch, take up and empound dogs running at large in violation of this article.

SECTION VII

Compensation for catching dogs. The city dog empounder and his assistants shall receive $2.00 as compensation for each dog caught, taken up and empounded.

SECTION VIII

Posting notice of dog empounded; notice to City Clerk. It shall be the duty of the dog empounder to post a notice in the City Hall describing every dog caught and empounded by him. He shall also notify the City Clerk day to day as to dogs so caught and empounded, giving him the same information posted in City Hall.

SECTION IX

Care of empounded dogs; fee therefor. It shall be the duty of the dog empounder to keep the dog pound in a sanitary condition and to feed and water empounded dogs daily. He shall also protect empounded dogs from cruel treatment. For these services he shall be paid at the rate of $1.00 per day for every day such services are needed.

SECTION X

Replacement of lost tag of empounded dog. Upon proof to the City Clerk by affidavit or otherwise that any dog empounded is under the provisions of the preceding section of this article, has been duly registered and collared, but that the registry tag has been lost, the City Collector shall furnish a new tag upon payment therefor, and thereupon the dog shall be released.

SECTION XI

Redemption of empounded dogs; disposition of unredeemed dogs. Every dog taken up and empounded under the provisions of the preceding Section of this article shall be redeemed by the owner or keeper of such dog after such dog has been empounded for a period of three full days, or by any resident of the City, upon payment to the City Collector of a fee of $5.00 plus $.50 a day or fraction thereof, for expenses incurred by the City in taking care of such dog, and by complying with the provisions of this article relative to the tag and registration of such dog, and thereupon, such dog shall be released. It shall be the duty of the City dog empounder to kill any dog which has been empounded for a period of 3 full days or 72 hours in the City dog pound; if at the end of 3 full days, the dog has not been redeemed by the owner or keeper of such dog, or by any other person under

authority of such owner or keeper, or by any resident of the City, If any dog has been empounded for 3 full days in the City pound and shall not have been redeemed by the owner or keeper of such dog, or by any person by authority of such owner or keeper as provided in this Section, such dog, within 2 days therafter, may be released to any other person as provided in this Section. Such person shall execute a receipt to the City stating that such person received the dog subject to the rights of the real owner thereof and agreeing to indemify the City in the event that the City sustains any loss by reason of disposal of such dog.

SECTION XII

Taking up and killing dog of unknown owner or without tag. It shall be the duty of the City Marshal to kill any dog which may be found running at large in the City without an owner or keeper, or without a tag provided by this article, if such dog cannot be safely taken up and empounded, is rabid, or injured to the extent that destruction of such dog would be merciful.

SECTION XIII

Compliance with preceding section of article. Abandonment of animals - penalty. It shall be unlawful for any person, whether as owner or keeper, to keep or harbor in his possession or control, or suffer to permit to run at large in the City, any dog subject to the regulations prescribed by the preceding sections of this article, unless such dog is duly registered and collared. It shall be unlawful for any person having ownership, control, management or possession of any animal or dog to abandon such dog or animal in any locality in the City. Any person violating any provisions of this Section shall, on conviction, be fined not less than $25.00, Twenty Five Dollars, nor more than One

Hundred Dollars ($100.00) and each such violation shall constitute a separate offense.

SECTION XIV

Unauthorized removal of tags. It shall be unlawful for any person to remove or cause to be removed the registry tag from the collar of any dog which has been registered under the provisions of this article, without proper authority.

SECTION XV

Control of dogs upon Mayor's proclamation of prevalence of rabies. Whenever, in his opinion, the Mayor deems it necessary for the public safety, owing to the prevalence of rabies, he may issue a proclamation notifying owners and keepers of dogs in the City to keep such dog securely tied or confined on the owner's or keeper's premises, and to keep such dogs on leash, when off the owner's or keeper's premises, during the time specified in such proclamation. Any dog not so tied, confined, or leashed shall be empounded by the City dog empounder or any police officer of the City. Every dog taken up and empounded under the provisions of this Section may be redeemed by the owner or keeper of such dog, or by any other person by authority of such owner or keeper, or after such dog has been empounded for a period of 11 days, and by any other person resident of the City upon payment to the City Collector of a fee of $2.00 plus $1.50 per day for any expense incurred by the City for taking care of the dog, and thereupon, such dog shall be released. It shall be the duty of the City dog empounder to kill any such dog which has been empounded for a period of 11 full days in the City dog pound, if at the end of 11 full days, such dog has not been redeemed by the owner or keeper of such dog, or by any other person by authority of such owner or

keeper, or by any resident of the City. It shall be unlawful for any person, whether owner or keeper, to fail to securely tie or confine on the owner's or keeper's premises, any dog owned or kept by such person, or to fail to keep such dog on leash when off the owner's or keeper's premises during the time specified in such proclamation. Any person violating any provision of this Section shall on conviction be fined not less than $10.00, not more than $50.00 and each violation shall constitute a separate offense.

SECTION XVI

Dangerous or vicious dog. It shall be also unlawful for any person in this City to keep or harbor, or suffer or permit to stay in or about his premises, any dog that is fierce or dangerous to the public, unless such dog is kept securely chained or fastened. Any dog that shall have attacked or bitten any person who was not at the time trespassing on the premises of the owner or keeper of such, shall be deemed dangerous to the public. Any dog notoriously vicious or dangerous, found running at large in the City, may be killed by the Marshal or any policeman of the City. Any person violating any provision of this Section shall on conviction be fined not less than $10.00 nor more than $50.00, and each such violation shall constitute a separate offense.

SECTION XVII

Bitches in heat. It shall be unlawful for any person owning, keeping or harboring within the City any bitch, knowing the same to be in heat, to suffer or permit such bitch to run at large in the City while in that state. Any bitch in heat found running at large in the City shall be taken up and empounded, and the owner or keeper thereof if known to the empounder shall be notified. If

the bitch is not redeemed within 3 days or if such bitch cannot safely be taken up and empounded, it shall be killed by the City dog empounder or the Marshal or any policeman of the City.

SECTION XVIII

Validity. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION XIX

Conflicting Ordinances repealed. Any Ordinance or part of Ordinances in conflict herewith are hereby repealed.

SECTION XX

When effective. This Ordinance shall take effect and be in full force from and after its passage by the Board of Aldermen and signed approval of the Mayor.

Enacted June 5, 1961.

_____
MAYOR

ATTEST:

_____
CLERK

ORDINANCE NO. 56

"AN ORDINANCE TO PROMOTE THE SAFETY, HEALTH AND GENERAL WELFARE OF THE INHABITANTS OF THE CITY OF PORTAGE DES SIOUX, MO. BY THE CONTROL OF WEEDS, THE PROHIBITING OF ACCUMULATION OF COMBUSTIBLE MATERIAL IN PLACES THAT MIGHT ENDANGER LIVES AND PROPERTY, AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF."

SECTION I

Combustible material. It shall be unlawful for any person to permit to remain upon any roof or in any court, yard, vacant lot, street, or open space, any accumulation of wastepaper, boxes, cartons, packing cases, packing material, hay, grass, straw, weeds, litter or combustible or flammable material, waste or rubbish of any kind. All weeds, grass, vines or other growth, when same endangers property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property it is on.

SECTION II

It shall be unlawful for any person to cause or permit any amount of combustible or flammable waste paper or material, such as boxes, packing cases, packing material, straw, paper, paper cartons, and other like material to accumulate in any building in the city.

SECTION III

Weeds prohibited. After due notice it shall be unlawful for any owner or occupant of any lot or parcel of ground in the city to allow or maintain on any such lot or parcel of ground any growth of weeds to a height of over one foot, provided however, that nothing in this and the following Sections shall be construed as applying to any portion of the City not subdivided into blocks or to any field used for farming purposes.

SECTION IV

Weeds - notice to remove. It shall be the duty of the City Marshal or other authorized City officers, upon personal observation or information, to notify, in writing, any person allowing or maintaining weed growths as referred to in the preceding Section to remove such weeds within Ten (10) days after receipt of notice.

Notice as required herein shall be served personally or by mailing to the last known address of the owner or occupant.

SECTION V

Offenses - failure to obey notice. Upon failure of any owner or occupant to remove the weeds in the time specified in the notice, the City may cause such weeds to be removed and all costs and expenses incurred by the City in such removing shall be assessed as a special tax bill against such owner or occupant in the same manner and with the same effect that special tax bills are assessed for paving streets, and shall be a lien against the property.

SECTION VI

When effective. This Ordinance shall take effect and be in full force from and after its passage by the Board of Aldermen and signed approval of the Mayor.

Enacted August 7, 1961.

_____
MAYOR

ATTEST:

_____
CLERK

ORDINANCE NO. 58

Be it ordained by the Board of Aldermen, of the City of Portage Des Sioux, State of Missouri, as follows:

" AN ORDINANCE PROVIDING FOR THE LIGHTING BY ELECTRICITY OF THE STREETS, AVENUES, ALLEYS AND OTHER PUBLIC PLACES IN THE CITY OF PORTAGE DES SIOUX, IN THE STATE OF MISSOURI, BY CONTRACT, SETTING FORTH THE TERMS OF THE PROPOSED CONTRACT THEREFOR BETWEEN SAID CITY AND UNION ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, AND PERMITTING SAID COMPANY TO ERECT, OPERATE AND MAINTAIN POLES, LINES, WIRES, CABLES, TRANSFORMERS AND OTHER APPLIANCES IN THE STREETS AND ALL OTHER PUBLIC PLACES, NECESSARY FOR AND APPROPRIATE TO THE PERFORMANCE OF SAID CONTRACT AS DESCRIBED HEREIN:"

ORDINANCE NO. 58

SECTION I

That the proposed contract, in the form as hereinafter set out, by and between the City of Portage Des Sioux, State of Missouri and Union Electric Company, a corporation, its successors and assigns, providing for all of the lighting of the streets, avenues, alleys and other public places of the said City of Portage Des Sioux by electricity, according to the terms, provisions, stipulations, and agreements therein specified, be and the same is hereby approved and confirmed, and that the Mayor and the City Clerk of said City of Portage Des Sioux be and they hereby are authorized and directed to execute in behalf of the said City of Portage Des Sioux the said contract, which is in words and figures, as follows, to-wit:

STREET LIGHTING CONTRACT

THIS CONTRACT, made and entered into this 6th day of December, 1961, by and between UNION ELECTRIC COMPANY, a Missouri

Corporation, its successors and assigns, hereinafter called "Contractor", and the CITY OF PORTAGE DES SIOUX, a municipal corporation incorporated under the laws of the State of Missouri, hereinafter called "City", WITNESSETH:

WHEREAS, the Board of Aldermen of the City has determined that lighting of the streets, alleys and public places of the City should be provided by contract, and

WHEREAS, Contractor is now, and has been for a considerable time in the past, supplying electric energy to inhabitants of the City and has occupied and used certain streets, alleys and public places of the City for such purpose, and proposes to continue to use substantially all of the facilities and equipment now installed therein for such purpose and to occupy and use such streets, alleys and public places to supply the street lighting service desired by the City,as hereinafter set forth,

NOW, THEREFORE, the parties hereto agree as follows:

The City, acting by its Board of Aldermen, does hereby award to Contractor all lighting by means of electricity of the streets, avenues, alleys and public places of the City as they may now exist or may be extended, for a term of ten years from and after the first day that lighting is supplied hereunder, and the City agrees to pay for and Contractor agrees to sell and deliver, such street lighting service in the manner and subject to the terms and conditions hereinafter set forth.

1. Character of Service. Initial service supplied hereunder shall be by the lamps of the number, character and size set forth in Appendix 1 attached hereto. Additional service to be supplied hereunder, whether by installation of additional lamps or replacement by larger lamps, shall be in accordance with and subject to

the terms and conditions set forth in Contractor's SERVICE CLASSIFICATION NO. 12 - MUNICIPAL STREET LIGHTING RATES, a copy of which is presently on file with the Public Service Commission of Missouri, is on file with the City Clerk and is to be attached hereto as Appendix 2 and made a part hereof.

2. Rate Schedule. All service delivered hereunder shall be paid for by the City under, and shall be subject to the terms and conditions of, said Service Classification and Contractor's General Rules and Regulations applicable thereto on file with the Public Service Commission of Missouri. The rates applicable to the initial service supplied hereunder are set forth in Appendix 1 hereto. This contract, including said Service Classification and General Rules and Regulations, shall be subject at all times to review, control, change and regulation by the Public Service Commission of Missouri, insofar as the same may be within the jurisdiction of said Commission, upon the application of either or both of the parties hereto.

3. Notices, etc. All notices, applications and request by the City hereunder shall be in writing signed by the City Clerk and delivered or mailed to Contractor at its office, 1801 Fair Lane, St. Charles, Missouri.

4. Term. This contract shall continue in effect for a term of ten (10) years from and after the date hereof. At the option of the City, ten-year renewal contracts may be entered into at the times and with the effect set forth in said Service Classification.

5. Termination of Prior Agreement. This contract supersedes and cancels all prior agreements between the parties hereto relating to the lighting service which is the subject hereof.

IN WITNESS WHEREOF, the parties hereto have caused this

contract to be executed in duplicate at the City of Portage Des Sioux, in the State of Missouri, as of the day and year first above written.

UNION ELECTRIC COMPANY

ATTEST:

by _____
Vice President

_____
Secretary

CITY OF PORTAGE DES SIOUX, MISSOURI

Attest:

by_____
MAYOR

_____
Clerk

APPENDIX I

Initial Street Lighting Service
City of Portage Des Sioux

Lamps Mounted on Standard Distribution Type Wood Poles

Number of Lamps	Lamp Numbers by Union Electric	Candlepower	Schedule	Rates per Lamp Per Year
12	15 thru 26	250	"B"	$28.56
14	1 thru 14	250	"C"	$24.24

Applicable Rates-
(See Appendix 2)

SECTION II

The City hereby grants to Union Electric Company, its successors and assigns, while engaged in the performance of said contract, the right and privilege to erect, maintain and operate an electric light system consisting of poles, lines, wires, cables, transformers and other apparatus and appliances necessary for and appropriate to the efficient performance of said contract, upon, under, over and across the streets, avenues, alleys and other public places in the City of Portage Des Sioux.

SECTION III

If any provision of this ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION IV

All Ordinances or parts of Ordinances in conflict with this Ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION V

This Ordinance shall take effect immediately upon its passage by the Board of Aldermen and its approval by the Mayor.

Enacted December 4, 1961.

_____
MAYOR

ATTEST:

_____
CLERK

ORDINANCE NO. 59

AN ORDINANCE PROVIDING FOR THE APPROVAL OF THE PLAT OF SOUTH SIDE ADDITION TO THE CITY OF PORTAGE DES SIOUX, MISSOURI.

WHEREAS the Aldermen of the City of Portage Des Sioux deems it advisable for the City of Portage Des Sioux that the Plat of South Side Addition to said City be approved along with the proposed street as laid out and dedicated in South Side Addition between Lot no. Two (2) and Lot No. Three (3), and as shown on said plat of said Addition which plat is recorded in Surveyor's Plat Book No. 6 at Page 85 in the Recorder's Office of St. Charles County, Missouri.

Therefore, be it ordained by the Aldermen of the City of Portage Des Sioux, Missouri as follows:

SECTION I

That South Side Addition to the City of Portage Des Sioux, Missouri as platted on Page 85 of Surveyor's Plat Book No. 6 now on file in the Recorder's Office of St. Charles County, Missouri be approved; and that the proposed street as shown on said plat between Lot No. Two (2) and Lot No. Three (3) be accepted and acquired as and for public use, and to be known as Washington Street.

Enacted April 2, 1962.

_____
MAYOR

ATTEST:

_____
CLERK

ORDINANCE NO. 60

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux as follows:

AN ORDINANCE PROVIDING FOR THE FIXING OF THE MINIMUM AMOUNT OF ROCK, AMOUNT OF TOPPING, WIDTH OF STREET TO BE COVERED, AMOUNT OF CROWN AND OTHER REQUIREMENTS FOR BUILDING A NEW STREET BEFORE ACCEPTANCE BY THE CITY OF PORTAGE DES SIOUX, FOR PUBLIC USE.

SECTION I

WHEREAS: There are a number of unimproved and plotted streets in the City of Portage Des Sioux, and

SECTION II

WHEREAS: Any property owner, owning a lot or lots, bordering said unimproved streets may desire to open up and improve said streets at his own expense, in order to improve access to his property or other properties, shall put down as base Three (3) inches of 2" rock, plus one inch of 3/4" down topping, making a total depth of Four (4) inches, said rock to be spread to a width of 18 feet, with a crown of 6 inches and all ditches to be graded to drain, and

SECTION III

WHEREAS said street to be subject to approval of Street Commissioner and Board of Aldermen one year after opening date.

SECTION IV

Any Ordinances or part of Ordinances in conflict, herewith are hereby repealed.

SECTION V

This Ordinance shall take effect and be in full force from and after its passage by the Board of Aldermen and signed approval of the Mayor.

ENACTED: June 4, 1962.

ATTEST:

MAYOR

CLERK

ORDINANCE NO. 61

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, Missouri, as follows:

AN ORDINANCE VACATING THE MOST WESTERN PORTION OF A 33-FOOT WIDE STREET RUNNING NORTH AND SOUTH BETWEEN LOTS 1 AND 2 OF SOUTH SIDE ADDITION TO THE ORIGINAL TOWN OF PORTAGE DES SIOUX, MISSOURI.

SECTION I

That the Most Western portion of a 33-foot wide street running North and South between Lots 1 and 2 of South Side Addition to the original town of Portage Des Sioux, Missouri, be vacated and the same is hereby vacated and discontinued as a public street, to-wit:

> A strip of ground in the City of Portage des Sioux, Missouri, having an even width of 13.03 feet and which strip is the Westernmost portion of a 33-foot wide street running North and South between Lots 1 and 2 of South Side Addition to the original Town of Portage Des Sioux, said strip being particularly described as follows: Beginning at the most Northeastern corner of said Lot 1; thence South 74 degrees East along the Southern line of Commonfield Street 13.11 feet to an old iron pipe; thence South 22 degrees West 466.15 feet to a point; thence North 68 degrees West 13.03 feet to the Southeast corner of said Lot 1; thence North 22 degrees East and along the Eastern line of said Lot 1, 464.76 feet to the place of beginning.

SECTION II

All Ordinances or parts of Ordinances in conflict with this Ordinance, insofar as they are in conflict, are hereby repealed.

SECTION III

This Ordinance shall take effect and be in full force and effect from and after its passage and approval.

Enacted July 2, 1962.

ATTEST:

MAYOR

CLERK

ORDINANCE NO. 63

Be it Ordained by the Board of Aldermen of the City of Portage Des Sioux, Missouri, St. Charles County, as follows:

AN ORDINANCE PROVIDING FOR THE REIMBURSEMENT TO PETER ECHELE OF HIS COSTS FOR THE LAYING OF AN 8 INCH SANITARY SEWER LINE ALONG WASHINGTON STREET BETWEEN LOT NO. TWO AND LOT NO. THREE OF SOUTH SIDE ADDITION

SECTION I

In consideration of Peter Echele laying 466 feet of 8 inch sanitary sewer pipe along the extension of Washington Street, starting from a manhole in main sewer line in Commonfield Street, and extending southwardly to a lamp hole at intersection of Washington and a proposed street running east and west on the south side of the South Side Addition to the City of Portage Des Sioux, the City of Portage Des Sioux, will exact the sum of $2.22 per foot of frontage from both sides of Washington Street, in addition to the required tap in fee required from each person desiring to connect onto said sewer, and thereafter remit said sum to Peter Echele or his heirs, and assigns until he has received the total costs of constructing said sawer, to-wit, the sum of Eleven Hundred and Ninety-Eight Dollars and Eighteen Cents. ($1198.18).

SECTION II

The amount of footage to be paid for, shall be determined by the total amount of frontage on Washington street owned by any person or persons desiring to hook on to sewer at time of issuance of permit to do so.

ENACTED December 3, 1962. ATTEST:

MAYOR CLERK

ORDINANCE NO. 65

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, Missouri, County of St. Charles, as follows:

AN ORDINANCE PROVIDING FOR THE LEVY OF AN ANNUAL MOTOR VEHICLE LICENSE TAX, PRESCRIBING THE MANNER FOR COLLECTION THEREOF AND PRESCRIBING THE PENALTY FOR THE VIOLATION THEREOF.

SECTION I

It shall be unlawful to operate any motor driven vehicle over or upon any public highway, street, alley or thoroughfare, within the city limits of the City of Portage Des Sioux, unless the owner thereof shall have first procured a license to do so from the city collector and has paid an annual motor license tax as hereinafter provided.

SECTION II

The owner of any motor driven vehicle desiring to operate the same over or upon any public highway, street, alley, avenue, or thoroughfare within the city limits of Portage Des Sioux, Mo., shall first apply to the City Collector for a license, fee as follows:

(A) That the annual license fee for each vehicle designed to be used for private passenger use shall be two dollars and fifty cents ($2.50) per annum.

(B) That the annual license fee for each vehicle designed to be used for commercial or delivery purposes or a truck, shall be two dollars and fifty cents. ($2.50)

(C) That the annual license fee for each vehicle designed as a motorcycle or motor propelled bicycle shall be one dollar and fifty cents per annum ($1.50).

SECTION III

All licenses for motor propelled vehicles as herein designated shall be issued for a full calendar year in accordance with the annual fees herein above set forth.

The term "full calendar year" shall be construed as beginning on the first day of January and ending as of the 31st day of December following.

SECTION IV

If application for a motor vehicle license is made on or after the 1st day of July in any year, such license may be issued upon payment of one half of the full annual license fee herein above prescribed.

SECTION V

The owner of any motor vehicle shall apply for license for same for any current year by March 15th, after which there shall be a penalty imposed, such penalty to be 50% of the annual fee of that type vehicle for which application is being made.

SECTION VI

In the event a license sticker issued in conformity herewith has been lost or destroyed a duplicate thereof shall be furnished upon application thereof to the city collector and the payment of the sum of fifty cents (50¢) and on proper proof of the loss or destruction of the original license sticker.

SECTION VII

At the time application is made for a motor propelled vehicle license as herein provided, the applicant shall exhibit to the city collector a receipt for personal taxes levied by the City of Portage Des Sioux for the current fiscal year; no application for a motor vehicle license will be received and no license for a motor vehicle shall be issued unless the terms of this

Section are complied with.

SECTION VIII

All license stickers issued in pursuance of the provision of this Ordinance shall at all times be displayed in a conspicuous place upon or near the front of the vehicle for which the license sticker was issued.

SECTION IX

The provisions of this Ordinance shall not apply to a motor vehicle owned by a non-resident of this City, unless such motor vehicle shall remain in the City thirty days (30) or more.

SECTION X

Every person or persons, firm, partnership, or corporation violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Five ($5.00) dollars nor more than One Hundred Dollars ($100.00).

SECTION XI

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION XII

This Ordinance shall take effect from and after its passage and approval by the Mayor.

ENACTED June 3, 1963.

ATTEST:

MAYOR

CLERK

ORDINANCE NO. 66

Be it ordained by the Board of Aldermen, of the City of Portage Des Sioux, state of Missouri, as follows:

AN ORDINANCE, PROVIDING FOR THE CONTROL OF PARKING AT SPECIAL EVENTS, SUCH AS ORGANIZED PICNICS, BALL GAMES, PARADES, OR OTHER OFFICIALLY SANCTIONED PUBLIC GATHERINGS, TO CLOSE STREETS OR DIRECT TRAFFIC IN SUCH A MANNER AS TO PROMOTE THE GENERAL WELFARE AND SAFE MOVEMENT OF PEDESTRIAN AND MOTORIZED TRAFFIC, AND PROVIDING PENALTY FOR VIOLATION THEREOF.

SECTION I

That Whereas, the streets of the City of Portage Des Sioux are too narrow to allow for parking of motor vehicles and safe passage of two way traffic at one and the same time during such events as organized picnics, ball games, parades, or other officially sanctioned public gatherings, the City police shall set up signs or barriers or both, prohibiting parking on those streets adjacent to or leading to congested areas, and whereas it may be necessary to close off streets temporarily by barrier in order to promote a more orderly and even flow of traffic, the City police shall be empowered to do so, and when any event has been concluded, it shall be the duty of the police to remove said signs and barriers.

SECTION II

Penalty for violation. Violation of any provision of this Ordinance shall be a misdemeanor punishable by a fine of no less than $5.00 nor more than $10.00.

SECTION III

This Ordinance shall take effect and be in force from and after its passage and approval of the Mayor.

ENACTED May 4, 1964.

ATTEST:

MAYOR

CLERK

ORDINANCE NO. 67

Be it Ordained by the Board of Aldermen of the City of Portage Des Sioux, Missouri, as follows:

AN ORDINANCE PROVIDING FOR INSTALLATIONS OF SEPTIC TANKS FOR ALL HOMES, DWELLINGS, MOBILE HOMES, OR TRAILERS, UNLESS SERVICED BY A PUBLIC SANITARY SEWER THE SPECIFICATIONS FOR, THE PROVISION FOR INSPECTION AND PENALTY FOR VIOLATION THEREOF.

SECTION I

WHEREAS not all living quarters in the City of Portage Des Sioux, Missouri are serviced by sanitary sewers, and whereas discharge of sewage and waste water uncontrolled from these dwellings could effect dangerous menace to water supply and public health, it is ordained henceforth all two-bedroom or less dwellings, including trailers and mobile homes shall discharge raw sewage and waste water into a septic tank of 500 gallon minimum capacity and all three bedroom dwellings shall discharge its sewage into a septic tank of 750 gallons minimum capacity, and such tanks shall have lateral drains of following footage and specifications. All 500 gallon tanks shall have lateral drains of not less than 200 feet length, of two foot wide trenches with 6 inches of rock under and 6 inches of rock over lateral, said rock to be 3/4 inch minimum size. A 750 gallon tank shall meet the same specifications except the length of the lateral shall be 250 feet.

SECTION II

All installations of septic tanks shall be done by permit, such permit shall be obtained from the City Clerk, for a fee of Two Dollars ($2.00).

SECTION III

Upon obtaining permit, installer shall notify street and sewer inspector when commencing work, inspector shall inspect for

compliance of specifications and 'OK' before and backfill of laterals. The inspector shall give a list of tanks inspected and passed to City Clerk monthly and the Clerk shall record in a permanent record book such information as lot number, size of tank, amount of lateral, and date of completion.

SECTION IV

Violation of any provision of this Ordinance shall be a misdemeanor, punishable by a fine of not less than Five Dollars ($5.00) nor more than One Hundred Dollars ($100.00).

SECTION V

This Ordinance shall take effect and be in force from and after its passage and approval of the Mayor.

ENACTED February 1, 1965.

ATTEST:

MAYOR

CLERK

ORDINANCE NO. 68

Be it ordained by the Mayor and Board of Aldermen of the City of Portage Des Sioux, Missouri as follows:

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI PROHIBITING THE DESTROYING OR INJURING OF CITY PROPERTY; PROVIDING FOR PUNISHMENT OF THOSE VIOLATING THIS ORDINACE AND REPEALING ALL ACTS, ORDINANCES AND PARTS OF ACTS OR ORDINANCES HERETOFORE PASSED INCONSISTENT WITH THIS ORDINANCE.

SECTION I

It shall be unlawful for any perons or persons to destroy or injure, tamper or deface any property of the City of Portage Des Sioux, Missouri.

SECTION II

Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined at least $1.00 but not more than $100.00 or imprisoned for a period not to exceed 30 days, or both.

SECTION III

All acts, Ordinances and parts of acts or Ordinances heretofore passed, inconsistent with this Ordinance are hereby repealed.

SECTION IV

This Ordinance shall take effect and shall be in force from and after its passage and approval by the Mayor.

ENACTED December 6, 1965.

ATTEST:

_____ MAYOR

_____ CLERK

ORDINANCE NO. 69

Be it ordained by the Mayor and the Board of Aldermen of the City of Portage Des Sioux, Missouri, as follows:

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI PROHIBITING THE STORING OR PLACING OF INOPERABLE VEHICLES UPON ANY CITY STREET, PROVIDING FOR PUNISHMENT OF THOSE VIOLATING THIS ORDINANCE AND REPEALING ALL ACTS, ORDINANCES AND PARTS OF ACTS OR ORDINANCES HERETOFORE PASSED INCONSISTENT WITH THIS ORDINANCE.

SECTION I

It shall be unlawful for any person or persons to place upon any City street, a vehicle that is not in operable condition for purpose of repairing such vehicle.

SECTION II

It shall be unlawful for any person or persons to leave upon City streets any vehicle jacked up or placed upon blocks for a period longer than 24 hours.

SECTION III

Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined at least $1.00 but not more than $100.00 or imprisoned for a period not to exceed 30 days, or both.

SECTION IV

All acts, Ordinances and parts of acts or Ordinances heretofore passed, inconsistent with this Ordinance are hereby repealed.

SECTION V

This Ordinance shall take effect and shall be in force from and after its passage this 6th day of December, 1965.

ATTEST:

MAYOR

CLERK

ORDINANCE NO. 70

AN ORDINANCE PROVIDING FOR THE HOLDING OF A SPECIAL ELECTION TO BE HELD AT THE TIME OF THE HOLDING OF THE GENERAL CITY ELECTION IN THE CITY OF PORTAGE DES SIOUX, ST. CHARLES COUNTY, MISSOURI, ON TUESDAY, THE 5TH DAY OF APRIL, 1966, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF SAID CITY A PROPOSITION TO AUTHORIZE THE ISSUANCE OF BONDS OF SAID CITY FOR THE PURPOSE OF PROVIDING FUNDS WITH WHICH TO PAY THE COST OF CONSTRUCTING A WATERWORKS SYSTEM TO BE OWNED EXCLUSIVELY BY SAID CITY; DESIGNATING THE POLLING PLACES FOR SAID ELECTION; NAMING THE JUDGES OF SAID ELECTION; PRESCRIBING THE FORM OF BALLOT TO BE USED THEREAT; PRESCRIBING THE FORM OF NOTICE OF SAID ELECTION; AND DIRECTING THE PUBLICATION OF SAID NOTICE.

WHEREAS, the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, Missouri, having made due investigation finds and determines that it is advisable and desirable to construct a waterworks system to be owned exclusively by said City; and WHEREAS, having been advised by competent engineers, said Board of Aldermen now finds and determines that the estimated cost of constructing a waterworks system for said City is One Hundred Sixty-Five Thousand Dollars ($165,000.00); and

WHEREAS, there are now no funds available for said purpose;

WHEREAS, The Board of Aldermen of said City does now find and determine that it would be advisable and in the best interest of said City to provide the cost of constructing such waterworks system by and through the issuance of bonds of said City in the amount of One Hundred Sixty-Five Thousand Dollars ($165,000) to be payable solely and only from the revenues to be derived by said City from the operation of said waterworks system; and

WHEREAS, The City of Portage Des Sioux is further authorized to issue and sell its negotiable interest-bearing revenue bonds for the purpose of constructing a waterworks system for said City, the cost of operation and maintenance of such system and the principal of and the interest on all such bonds to be payable solely from the revenues to be derived by said City from the

operation of such waterworks system, provided four-sevenths (4/7) of the qualified electors of said City voting thereon assent thereto; and

WHEREAS, this Board of Aldermen does hereby find and declare that it is for the best interest of said City to call an election for the purpose of submitting to the qualified electors of said City a proposition to authotize the issuance of such bonds: NOW, THEREFORE:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

That a special election shall be and the same is hereby called and ordered to be held at the time of the holding of the General City Election of the City of Portage des Sio ux, St. Charles County, Missouri, on Tuesday, the 5th day of April, 1966 for the purpose of submitting to the qualified electors of said City the following proposition:

PROPOSITION

> Proposition to issue negotiable waterworks system revenue bonds of the City of Portage des Sioux, St. Charles County, Missouri, to the amount of One Hundred Sixty-Five Thousand Dollars ($165,000) for the purpose of providing funds with which to pay the cost of constructing a waterworks system to be owned exclusively by said City; said bonds to be payable solely from the revenues to be derived by said City from the operation of said waterworks system.

The polls of said election will be opened at the hour of 6:00 am and shall remain open until the hour of 7:00 pm on said date.

SECTION II

That the polling places for said election shall be as follows: FIRST WARD - Residence of Russell Cissell, Main and Saucier Streets SECOND WARD - City Hall.

SECTION III

That the following-named persons be and they are hereby appointed as judges of said election:

FIRST WARD	SECOND WARD
Winona Cissell	Walter Cannon
Frankie Boschert	Bertilda Saale
Gusina Boschert	Florence Schmidt
Lucille Kemp	Alice Anderson

Said judges of election also shall perform the duties of clerks of election.

SECTION IV

That the City Clerk be and is hereby authorized and directed to prepare and cause to be published a notice of said special election. There being no newspaper published in the City of Portage Des Sioux, such notice shall be published in the Daily Banner News, a newspaper published and of general circulation in St. Charles County, Missouri, which is qualified under the Statutes of Missouri to publish legal notices. Said notice shall be in substantially the following form:

NOTICE OF SPECIAL BOND ELECTION

NOTICE is hereby given that a special election will be held at the time of the holding of the General City Election in the City of Portage Des Sioux, Missouri, on:

Tuesday, the 5th day of April, 1966,

for the purpose of submitting to the qualified electors of the City of Portage Des Sioux, Missouri, the following proposition:

PROPOSITION

Proposition to issue negotiable waterworks system revenue bonds of the City of Portage Des Sioux, St. Charles County, Missouri, to the amount of One Hundred Sixty-Five Thousand Dollars

($165,000) for the purpose of providing funds with which to pay the cost of constructing a waterworks system to be owned exclusively by said City; said bonds to be payable solely from the revenues to be derived by said City from the operation of said waterworks system.

The said election will be held on the date aforesaid at the following places in said city:

FIRST WARD - Residence of Russell Cissell, Main and Saucier Sts.

SECOND WARD - City Hall

The polls of said election will be opened at the hour of 6:00 am and will remain open until the hour of 7:00 pm on said day.

The proposition shall be deemed to have carried if it shall receive the favorable vote of four-sevenths (4/7) of the qualified electors voting thereon.

All persons who are legal voters in said City are entitled to vote at said election

Given under my hand and the corporate seal of the City of Portage Des Sioux, Missouri, this 7th day of March, 1966.

_____

City Clerk, City of Portage Des Sioux, MO.

The said notice shall be published in said newspaper once a week for at least three consecutive weeks. The first publication of said notice in said newspaper shall be made at least twenty-one (21) days before the date of said special election, and the last publication in said newspaper shall be made within two (2) weeks of the date of said election.

SECTION V

That the City Clerk be and is hereby authorized and directed to have prepared and to furnish the judges of election with all

necessary poll books, ballots, tally sheets, and other supplies for use at said election, and the ballots to be so supplied shall be in substantially the following form:

OFFICIAL BALLOT

SPECIAL BOND ELECTION

CITY OF PORTAGE DES SIOUX,

ST. CHARLES COUNTY, MISSOURI

Tuesday, the 5th day of April, 1966

Instructions to voters:

To vote in favor of the proposition submitted upon this ballot, place a cross mark (x) in the square opposite the word "YES"; and to vote against the proposition submitted upon this ballot, place a cross mark (x) in the square opposite the word "NO".

PROPOSITION

Shall the following be adopted:

Proposition to issue negotiable waterworks system revenue bonds of the City of Portage Des Sioux, St. Charles County Missouri, to the amount of One Hundred Sixty-five Thousand Dollars ($165,000) for the purpose of providing funds with which to pay the cost of constructing a waterworks system to be owned exclusively by said City; said bonds to be payable solely from the revenues to be derived by said City from the operation of said waterworks system?	YES	
	NO	

SECTION VI

That said election shall be held and conducted and the results thereof canvassed and returned in all respects in accordance with the laws of the State of Missouri and with the Ordinances of said City of Portage Des Sioux.

SECTION VII

That the proposition shall be deemed to have carried if it shall receive the favorable vote of four-sevenths (4/7) of the qualified electors voting thereon.

SECTION VIII

That all Ordinances or parts of Ordinances in conflict with this Ordinance shall be and the same are hereby repealed to the extent of such conflict.

SECTION IX

That this Ordinance shall be in force and take effect from and after its passage and approval.

ENACTED March 7, 1966.

ATTEST:

MAYOR CLERK

STATE OF MISSOURI)
) ss.
COUNTY OF ST. CHARLES)

I, Lawrence J. Jacobs, City Clerk within and forthe City of Portage Des Sioux, St. Charles County, Missouri, do hereby certify that the foregoing pages constitute a full, true and complete copy of Ordinance No. 70 of said City, as passed by the Board of Aldermen on the 7th day of March, 1966, and approved by the Mayor on the 7th day of March, 1966, as fully as the same appears of record in my office in the Book of Ordinances of said City, at pages ____ to ____ inclusive.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Portage des Sioux, Missouri, at my office in said City, this 7th day of March, 1966.

City Clerk

ORDINANCE NO. 71

AN ORDINANCE AUTHORIZING AND DIRECTING THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE MISSOURI STATE HIGHWAY COMMISSION, THE DIVISION OF HIGHWAYS OF THE ILLINOIS DEPARTMENT OF PUBLIC WORKS AND BUILDINGS, THE MISSOURI STATE DIVISION OF COMMERCE AND INDUSTRIAL DEVELOPMENT, THE BOARD OF ECONOMIC DEVELOPMENT OF THE STATE OF ILLINOIS, THE EAST-WEST GATEWAY COORDINATING COMMITTEE, AND THE VARIOUS JURISDICTIONS WITHIN THE ST. LOUIS METROPOLITAN AREA FOR DEVELOPMENT OF A CONTINUOUS COMPREHENSIVE LAND USE AND TRANSPORTATION PLANNING PROGRAM IN THE ST. LOUIS METROPOLITAN AREA.

WHEREAS, The Congress under the provisions of Chapter 1, Title 23 Section 105 USCA has authorized the Secretary of Commerce to approve programs of Federal Aid Highway Systems including the development of primary and secondary systems and the Federal Interstate System; and

WHEREAS, under the provisions of Chapter 1, Title 23, Section 133, USCA, the Secretary of Commerce cannot approve projects under Section 105 after July 1, 1965, unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by states and local communities; and

WHEREAS, the Congress under the provisions of the Federal Housing Act of 1954 has provided funds to finance the development of Comprehensive Land Use plans; and

WHEREAS, the East-West Gateway Coordinating Committee has been established to coordinate and develop a continuous comprehensive plan for Transportation and Land Use Development in the Metropolitan St. Louis Area; and

WHEREAS, the East-West Gateway Coordinating Committee has prepared a "Prospectus for Land Use Transportation Planning Program" for the St. Louis Metropolitan Area;

NOW, THEREFORE: BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

The Board of Aldermen of the City of Portage Des Sioux, Mo. is hereby authorized and directed to enter into a Memorandum of agreement with the Missouri State Highway Commission, the Division of Highways of the Illinois Department of Public Works and Buildings, the Missouri State Division of Commerce and Industrial Development, the Board of Economic Development of the State of Illinois, the East-West Gateway Coordinating Committee, and the various jurisdictions within the St. Louis Metropolitan Area for development of a continuous Comprehensive Land Use and Transportation Plan in the St. Louis Metropolitan Araa.

ENACTED March 7, 1966.

ATTEST:

MAYOR

CLERK

ORDINANCE NO. 72

AN ORDINANCE DEFINING AS MISDEMEANORS THE FOLLOWING, TO-WIT: TRESPASS ON PRIVATE PROPERTY; MALICIOUS DESTRUCTION OF PRIVATE PROPERTY; INJURING, ETC., CITY PROPERTY GENERALLY.

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, Missouri, as follows:

SECTION I

Trespass on private property. Any person who shall wilfully enter or go upon the premises of another without permission or licenses, or for any unlawful purpose, or who shall refuse to leave the premises of another upon being ordered to do so by the owner of the premises, or by any person in charge thereof, or with authority to give such order, shall be guilty of a misdemeanor.

SECTION II

Malicious destruction of private property. Every person who shall wilfully and maliciously, or wantonly and without right, destroy, obliterate, deface, burn, or wreck the private property of another, shall be guilty of a misdemeanor.

SECTION III

Injuring, etc., city property generally. It shall be unlawful for any person to wilfully break or otherwise injure, molest, disturb or interfere with any property belonging to or under the management of the City, and any person violating this section shall be guilty of a misdemeanor.

In addition to the penalty provided for misdemeanors, any person convicted under the provisions of this Section shall pay to the City the cost of repairing or replacing such property.

SECTION IV

Any person who shall upon conviction be found guilty of a misdemeanor under any of the provisions of the above sections of

of this Ordinance, shall be subject to a fine of not more than One Hundred Dollars ($100.00), or to imprisonment not exceeding three (3) months, or both such fine and imprisonment.

This Ordinance shall take effect and be in force from and after the date of its passage by the Board of Aldermen, and approval by the Mayor.

ENACTED September 12, 1966.

ATTEST:

MAYOR

CLERK

ORDINANCE NO. 74

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE OF ONE HUNDRED SIXTY-FIVE THOUSAND DOLLARS ($165,000) NEGOTIABLE INTEREST-BEARING WATERWORKS SYSTEM REVENUE BONDS OF THE CITY OF PORTAGE DES SIOUX, ST. CHARLES COUNTY, MISSOURI, AUTHORIZED AT A SPECIAL ELECTION HELD AT THE TIME OF THE HOLDING OF THE GENERAL CITY ELECTION IN SAID CITY ON THE 5TH DAY OF APRIL, 1966 TO PROVIDE FUNDS WITH WHICH TO PAY THE COST OF CONSTRUCTING A WATERWORKS SYSTEM TO BE OWNED EXCLUSIVELY BY SAID CITY; PROVIDING FOR THE COLLECTION, SEGREGATION, AND DISTRIBUTION OF THE REVENUES TO BE DERIVED FROM THE OPERATION OF SAID SYSTEM IN AMOUNTS SUFFICIENT TO PAY THE COST OF OPERATION AND MAINTENANCE THEREOF AND THE PRINCIPAL OF AND THE INTEREST OF SAID BONDS; AND ESTABLISHING A RESERVE ACCOUNT AND A DEPRECIATION ACCOUNT.

WHEREAS, the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, Missouri, finds that a waterworks system should be constructed to be owned exclusively by said City; and

WHEREAS, the said Board of Aldermen now finds and determines that the estimated cost of constructing the system will be at least One Hundred Sixty-Five Thousand Dollars ($165,000); and

WHEREAS, the said Board of Aldermen now further finds and determines that it is necessary that the aforesaid sum of One Hundred Sixty-Five Thousand Dollars ($165,000) be provided through the issuance of waterworks system revenue bonds of the City; and

WHEREAS, the Board of Aldermen of the City of Portage Des Sioux, Missouri, by Ordinance No. 70 duly and regularly passed and approved on the 7th day of March, 1966, directed that there be submitted to the qualified electors of said City at a special election to be held at the time of the holding of the General City Election therein on the 5th day of April, 1966, the following proposition, to-wit:

PROPOSITION

Proposition to issue negotiable waterworks system revenue bonds of the City of Portage Des Sioux, St.

Charles County, Missouri, to the amount of One Hundred Sixty-Five Thousand Dollars ($165,000), for the purpose of providing funds with which to pay the cost of constructing a waterworks system to be owned exclusively by said City; said bonds to be payable solely from the revenues to be derived by said City from the operation of said waterworks system.

and

WHEREAS, the said Ordinance did direct that the aforesaid election be held at the polling places in said City therein set out; and

WHEREAS, due and regular notice of said election was given as directed by said Ordinance and as required by law, by publication in the Daily Banner-News on the 11th, 18th, and 25th days of March, 1966; said Daily Banner-News being a daily newspaper published and of general circulation in St. Charles County, Missouri, there being no newspaper published in said City of Portage Des Sioux; and said newspaper having previously been admitted to the Post Office as second class matter and having been published regularly and consecutively for a period of more than three years prior to the publication of said notice; and said newspaper having a list of bona fide subscribers, voluntarily engaged as such, who have paid or agreed to pay a stated price for subscriptions thereto for a definite period of time; and

WHEREAS, said notice was published in said newspaper once a week for at least three (3) consecutive weeks prior to the date of said election, the first of said publications having occurred at least twenty-one (21) days before and the last one within two (2) weeks of the date of said election; and

WHEREAS, by the aforesaid Ordinance No. 70, the Board of Aldermen did appoint judges of said election and did make provision for the use at said election of ballots in the form provided by law; and

WHEREAS, the said ballots used at said special election were in the form as set forth in the aforesaid Ordinance; and

WHEREAS, said election was duly and regularly held in all respects as required by the Statutes of the State of Missouri; and

WHEREAS, the judges of said election, immediately upon the closing of the polls on said 5th day of April, 1966, did make out, certify, and transmit to the Board of Aldermen, through the City Clerk, the returns of said election; and

WHEREAS, the said City Clerk did subsequently transmit said returns of said election to the Board of Aldermen; and

WHEREAS, this Board of Aldermen, on the 12th day of April, 1966, did canvass the returns of said election and then did find and does now again find, determine, and declare that there were cast on the aforesaid Proposition one hundred ten (110) votes, of which seventy-one (71) votes were "YES" and thirty-nine (39) votes were "NO"; and that the aforesaid Proposition was assented to by more than four-sevenths (4/7) of the qualified electors of said City voting thereon at said election; and

WHEREAS, the result of the aforesaid election was duly and formally declared by resolution of said Board of Aldermen adopted on the 12th day of April, 1966; and

WHEREAS, no bonds or certificates of indebtedness payable from the revenues of the proposed waterworks system are outstanding; and

WHEREAS, the City of Portage Des Sioux is authorized by Article VI, Section 27, of the Constitution of Missouri, as amended, to issue its negotiable interest-bearing revenue bonds for the purpose of providing funds with which to pay the cost of constructing a waterworks system to be owned exclusively by said

City, the principal of and the interest on said revenue bonds to be payable solely from the revenues to be derived by said City from the operation of said system:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

That the negotiable interest-bearing revenue bonds of the City of Portage Des Sioux, St. Charles County, Missouri, be and the same are hereby authorized and directed to be issued in the principal sum of One Hundred Sixty-Five Thousand Dollars ($165,000) forthe purpose of providing funds with which to pay the cost of constructing a waterworks system to be owned exclusively by said City, the principal of and the interest on said revenue bonds to be payable solely from the revenues to be derived by said City from the operation of said system, in accordance with the Proposition submitted to the qualified electors of said City at the special election held thereon at the time of the holding of the General City Election held in said City on the 5th day of April, 1966, as set forth in the preamble hereto.

Said Bonds shall be dated April 1, 1967

Shall be numbered from One (1) to One Hundred Sixty-five (165) both inclusive;

Shall be in the denomination of One Thousand Dollars ($1000) each;

Shall bear interest from the date thereof at the rates per annum hereinafter set forth; payable July 1, 1967 and semi-annually thereafter on January 1, and July 1 in each year until the principal of said bonds, respectively, shall have been fully paid (Interest to accrue

on and prior to maturity shall be evidenced by appropriate coupons to be attached to each of said bonds.)

Said bonds shall be payable in lawful money of the United States of America at the American National Bank and Trust Company of Chicago, in the City of Chicago State of Illinois; and

Said Bonds shall bear interest and shall mature as follows:

BOND NUMBERS	RATE OF INTEREST	AMOUNT	MATURITY
1	5%	$1,000	January 1, 1970
2	5%	1,000	January 1, 1971
3	5%	1,000	January 1, 1972
4 and 5	5%	2,000	January 1, 1973
6 and 7	5%	2,000	January 1, 1974
8 and 9	5%	2,000	January 1, 1975
10 to 12, Inclusive	5%	3,000	January 1, 1976
13 to 15 "	5%	3,000	January 1, 1977
16 to 18 "	5%	3,000	January 1, 1978
19 to 22 "	5%	4,000	January 1, 1979
23 to 26 "	5%	4,000	January 1, 1980
27 to 30 "	5%	4,000	January 1, 1981
31 to 35 "	5¼%	5,000	January 1, 1982
36 to 40 "	5¼%	5,000	January 1, 1983
41 to 45 "	5¼%	5,000	January 1, 1984
46 to 50 "	5¼%	5,000	January 1, 1985
51 to 55 "	5¼%	5,000	January 1, 1986
56 to 60 "	5¼%	5,000	January 1, 1987
61 to 65 "	5¼%	5,000	January 1, 1988
66 to 70 "	5¼%	5,000	January 1, 1989
71 to 75 "	5¼%	5,000	January 1, 1990
76 to 80 "	5¼%	5,000	January 1, 1991
81 to 85 "	5¼%	5,000	January 1, 1992
86 to 90 "	5¼%	5,000	January 1, 1993
91 to 95 "	5¼%	5,000	January 1, 1994
96 to 100 "	5¼%	5,000	January 1, 1995
101 to 105 "	5¼%	5,000	January 1, 1996
106 to 110 "	5¼%	5,000	January 1, 1997
111 to 115 "	5¼%	5,000	January 1, 1998
116 to 120 "	5¼%	5,000	January 1, 1999
121 to 125 "	5¼%	5,000	January 1, 2000
126 to 130 "	5¼%	5,000	January 1, 2001
131 to 135 "	5¼%	5,000	January 1, 2002
136 to 145 "	5¼%	10,000	January 1, 2003
146 to 155 "	5¼%	10,000	January 1, 2004
156 to 165 "	5¼%	10,000	January 1, 2005

The right is reserved unto said City to call in, pay, and redeem bonds numbered Forty-one (41) through One Hundred Sixty-

Five (165) on January 1, 1983, or on any interest payment date thereafter prior to maturity, in the inverse order of their numbers, at par and accrued interest, plus a premium of Fifty Dollars ($50.00) for each bond so redeemed. Thirty (30) days' written notice of the call of any bond shall be given to the paying agent designated therefor. Interest shall cease to accrue on any bond so called from and after the date fixed for its payment, provided funds are available for such payment on that date.

SECTION II

That said bonds shall be executed by the signature of the Mayor and attested by the signature of the City Clerk, with the seal of said City impressed thereon, and the interest coupons to be attached thereto shall be in substantially the following forms:

UNITED STATES OF AMERICA

STATE OF MISSOURI

COUNTY OF ST. CHARLES

CITY OF PORTAGE DES SIOUX

_____%

WATERWORKS SYSTEM REVENUE BOND

NO_____ $1,000

The City of Portage Des Sioux, St. Charles County, Missouri acknowledges itself indebted and, for value received, hereby promises to pay to bearer, solely from the revenues of the water-works system of said City and not otherwise, the sum of

ONE THOUSAND DOLLARS

($1,000) on the first day of January, _____, with interest thereon from the date hereof at the rate of _____per centum (___%) per annum, payable July 1, 1967, and semi-annually thereafter on January 1 and July 1 in each year until the principal of this bond

shall have been fully paid. Interest accruing on this bond on and prior to the maturity date hereof shall be payable upon presentation and surrender of the annexed interest coupons as they severally become due.

Both principal of and interest on this bond are payable in lawful money of the United States of America at the American National Bank and Trust Company of Chicago, in the City of Chicago, State of Illinois.

The right is reserved unto said City to call in, pay, and redeem bonds numbered Forty-one (41) through One Hundred Sixty-Five (165) of the issue of which this bond is one, on January 1, 1983, or on any interest payment date thereafter prior to maturity, in the inverse order of their numbers, at par and accrued interest, plus a premium of Fifty Dollars ($50.00) for each bond so redeemed. Thirty (30) days' written notice of the call of any bond shall be given to the paying agent designated for this bond. Interest shall cease to accrue on any bond so called from and after the date fixed for its payment, provided funds are available for such payment on that date.

This bond is one of an authorized issue of one hundred sixty-five (165) bonds, numbered from One (1) to One Hundred Sixty-Five (165), both inclusive, all of like date, tenor, and effect, except as to date of maturity and provision for redemption prior to maturity, aggregating the sum of One Hundred Sixty-Five Thousand Dollars ($165,000) issued by the City of Portage Des Sioux for the purpose of providing funds with which to pay the cost of constructing a waterworks system to be owned exclusively by said City, under authority of Section 27 of Article VI of the Constitution of the State of Missouri, as amended, pursuant to an ordin-

ance of said City duly adopted, and with the approval of four-sevenths (4/7) of the qualified electors of said City who voted at a special election held at the time of the holding of the General City Election on the 5th day of April, 1966.

This bond and the bonds of the issue of which it is one are payable solely from the revenues to be derived from the waterworks system of said City and not otherwise and do not constitute an indebtedness of said City within any constitutional or statutory limit.

The City of Portage Des Sioux hereby covenants that it will perform all duties required by the Ordinance which authorized the issue of which this bond is one; that it will continuously operate said waterworks system; and that it will fix and maintain rates for the services thereof and will collect and account for revenues therefrom sufficient at all times to pay promptly the cost of maintenance and operation of said waterworks system, to provide an adequate depreciation fund, and to pay the principal of and the interest on the bonds authorized thereby.

It is hereby certified, recited, and represented that all acts, conditions, and things required to exist, to happen, and to be performed, precedent to and in the issuance of this bond and of the issue of which it is one, in order to make the same valid and binding obligations of said City, do exist, have happened, and have been performed in regular and due time, form, and manner, as required by law. For the performance in apt time and manner of every official act necessary and for the prompt payment of this bond, both as to principal and interest, the full faith of said City of Portage Des Sioux is hereby irrevocably pledged.

IN WITNESS WHEREOF, the City of Portage Des Sioux, St. Charles

County, Missouri, has caused this bond to be signed by the Mayor of said City and attested by the City Clerk, under the seal of said City, the interest coupons hereto attached to be executed by the facsimile signature of said City Clerk, and this bond to be dated the first day of April, 1967.

CITY OF PORTAGE DES SIOUX, MISSOURI

By _____
Mayor

Attest:

_____
City Clerk

FORM OF INTEREST COUPONS NUMBERED 1 to 32, INCLUSIVE, TO BE ATTACHED TO SAID BONDS.

NO_____ $_____

On the first day of July January, 19__, the City of Portage Des Sioux, St. Charles County, Missouri, hereby promises to pay to bearer, solely from the revenues of the waterworks system of said City and not otherwise, in lawful money of the United States of America the amount shown on this coupon at the American National Bank and Trust Company of Chicago, in the City of Chicago, State of Illinois, being interest then due on its Waterworks System Revenue Bond, dated April 1, 1967, and numbered_____.

_____
CITY OF PORTAGE DES SIOUX, MISSOURI

BY_____
Clerk

FORM OF INTEREST COUPONS NUMBERED 33 to 76, INCLUSIVE, TO BE ATTACHED TO SAID BONDS

NO_____ $26.25

On the first day of July January, ____, unless the bond to which this coupon pertains previously shall have been called for payment and redemption and provision therefor duly made, the City of Portage Des Sioux, St. Charles County, Missouri, hereby promises to pay to bearer, solely from the revenues of the waterworks system

of said City and not otherwise, in lawful money of the United States of America the amount shown on this coupon at the American National Bank and Trust Company of Chicago, in the City of Chicago, State of Illinois, being interest then due on its Waterworks System Revenue Bond, dated April 1, 1967, and numbered_____.

City of PORTAGE DES SIOUX, MISSOURI

By_____
Clerk

Interest coupons in the following amounts shall be attached to said bonds.

Bond Numbers	Interest Coupon No. 1	All Subsequent Interest Coupons
1 to 30, Inclusive	$12.50	$25.00
31 to 165, Inclusive	$13.13	$26.25

SECTION IV

That the Waterworks System Revenue Bonds authorized hereby and the interest thereon shall be payable solely from the revenues to be derived from the operation of the Waterworks System of said City, including any improvements and extensions thereto, and shall not constitute an indebtedness of the City of Portage Des Sioux within the meaning of any constitutional or statutory limitation.

SECTION V

That, from and after the delivery of any bonds issued under the provisions of this Ordinance, all revenues theretofore and thereafter derived from the operation of the waterworks system shall be deposited in a separate fund to be designated the "WATERWORKS SYSTEM FUND" and the amount so deposited shall be used only (1) to pay the cost of maintenance and operation of the

waterworks system (2) to provide an adequate depreciation fund, and (3) to pay the principal of and the interest on all bonds or other obligations of said City which may be payable from the revenues of said waterworks system.

SECTION VI

That sums in the Waterworks System Fund shall be set aside for, allocated to, and deposited in the following separate accounts, which are hereby created in said Fund, by the financial officer of the City of Portage Des Sioux, without further direction of or action by the Board of Aldermen or other authority of said City. Such allocations and deposits shall be made on the first business day of each month as long as any of the bonds authorized hereby or the coupons attached thereto shall remain outstanding and unpaid:

(a) Into an account designated the "WATERWORKS SYSTEM OPERATION AND MAINTENANCE ACCOUNT" there shall be deposited a sum sufficient to pay the estimated cost of operating and maintaining the system in good repair and working order during the next ensuing month.

(b) Into an account designated the "WATERWORKS SYSTEM REVENUE BOND ACCOUNT" there shall be deposited sums at least equal to one-sixth (1/6) of the amount of interest that will come due on all bonds then outstanding on the next interest payment date, plus, beginning on January 1 1969, at least one-twelfth (1/12) of the amount of principal that will come due on said bonds on the next maturity date. Sums in the Account shall be used only for the payment of the principal of and the interest on the bonds authorized hereby as the same shall come due.

(c) Into an account designated the "WATERWORKS SYSTEM DEPRECIATION ACCOUNT" the sum of Fifty Dollars ($50.00) shall be deposited. Said deposits shall be continued until the amount on deposit in this Account shall equal Thirteen Thousand Dollars ($13,000). When and as long as said amount shall be on deposit in said account, no further deposits need be made therein. If said Account should be depleted for any cause, including payments therefrom made in accordance with this Ordinance, then additional monthly deposits of Fifty Dollars ($50.00) shall be made thereafter until Thirteen Thousand Dollars ($13,000) shall be on deposit in said Account. Sums in

said account shall be expended only for unusual and extraordinary repairs and replacements of the waterworks system and for emergency expenses thereof.

(d) Into an account designated the "WATERWORKS SYSTEM REVENUE BOND RESERVE ACCOUNT" there shall be deposited the sum of One Hundred Dollars ($100.00) until the sum of Thirteen Thousand Dollars ($13,000) shall have been accumulated in said Account. If said Account should be depleted thereafter for any cause, including payments therefrom made in accordance with this Ordinance, then such monthly deposits of One Hundred Dollars ($100.00) shall be resumed until said Account shall be restored to the sum of Thirteen Thousand Dollars ($13,000). Sums in said Reserve Account shall be disbursed only for the payment of the bonds authorized hereby or the interest thereon, and then only when and to the extent that other funds are not available for the purpose.

Any surplus remaining in the Waterworks System Fund after making all deposits into the Accounts established in paragraphs (a) (b), (c), and (d), above, of this Ordinance, shall be placed to the credit of an account designated the "WATERWORKS SYSTEM SURPLUS ACCOUNT" which may be used to improve and extend the waterworks system, to accelerate the accumulations of funds required by subparagraphs (c) and (d), above; to redeem in advance of maturity any of the bonds issued hereunder.

SECTION VII

All sums in the Accounts created by Section 6 hereof shall be kept on deposit in a bank account or bank accounts separate from other bank accounts of the City, in a bank or banks which is or are a member or members of the Federal Deposit Insurance Corporation. Sums in the Waterworks System Depreciation Account, the Waterworks System Revenue Bond Reserve Account, and the Waterworks System Surplus Account may be held as cash deposits or, subject to the applicable law, may be invested in direct obligations of the United States Government or in securities unconditionally guaranteed by that Government.

SECTION VIII

That the annual amounts to be set aside for the payment of the bonds authorized hereby and deposited in the Waterworks System Revenue Bond account are declared to be as follows:

In the twelve months ending on December 31	For Principal	For Interest	Total
1967		$6,441.30	$ 6,441.30
1968		8,587.50	8,587.50
1969		8,587.50	8,587.50
1970	$ 1,000	8,587.50	9,587.50
1971	1,000	8,537.50	9,537.50
1972	1,000	8,487.50	9,487.50
1973	2,000	8,437.50	10,437.50
1974	2,000	8,337.50	10,337.50
1975	2,000	8,237.50	10,237.50
1976	3,000	8,137.50	11,137.50
1977	3,000	7,987.50	10,987.50
1978	3,000	7,837.50	10,837.50
1979	4,000	7,687.50	11,687.50
1980	4,000	7,487.50	11,487.50
1981	4,000	7,287.50	11,287.50
1982	5,000	7,987.50	12,087.50
1983	5,000	6,825	11,825
1984	5,000	6,562.50	11,562.50
1985	5,000	6,300	11,300
1986	5,000	6,037.50	11,037.50
1987	5,000	5,775	10,775
1988	5,000	5,512.50	10,512.50
1989	5,000	5,250	10,250
1990	5,000	4,987.50	9,987.50
1991	5,000	4,725	9,725
1992	5,000	4,462.50	9,462.50
1993	5,000	4,200	9,200
1994	5,000	3,937.50	8,937.50
1995	5,000	3,675	8,675
1996	5,000	3,412.50	8,412.50
1997	5,000	3,150	8,150
1998	5,000	2,887.50	7,887.50
1999	5,000	2,625	7,625
2000	5,000	2,362.50	7,362.50
2001	5,000	2,100	7,100
2002	5,000	1,837.50	6,837.50
2003	10,000	1,575	11,575
2004	10,000	1,050	11,050
2005	10,000	525	10,525

If all bonds authorized hereunder be not issued or if some of the bonds which are issued be retired before maturity, then the amounts to be deposited as above stated shall be correspondingly reduced.

No error in stating the amounts due in any year shall impair the obligation upon said City to pay promptly all bonds and the interest thereon.

SECTION IX

That, if the revenues derived from the operation of the waterworks system should be insufficient at any time to make the payments or deposits required by Section 6 of this Ordinance, the deficiency shall be made good by additional payments to be made out of the first available revenues of said system received during any succeeding month or months. Whenever and as long as sums actually on deposit in the Waterworks System Revenue Bond Account together shall equal the principal amount of all outstanding bonds, plus the amount of all interest due thereon until the respective maturity dates of all such bonds, then no further deposits need be made into said Accounts.

SECTION X

That the City of Portage Des Sioux covenants and agrees with the holder or holders of the bonds herein authorized to be issued that it will preform all duties with respect to the operation and maintenance of said system, including all improvements and extensions thereto, and with respect to the fixing, maintaining, and collecting of the rates, fees, and charges for the services and facilities thereof and the establishment of the Fund and Accounts herein authorized and created, and all other matters and things required by law and by this Ordinance, and that it will do or cause to be done, in apt time and season, each and every official act necessary for the payment of the principal of and the interest on the bonds herein authorized to be issued, as the same shall mature and accrue.

Said City further covenants with the holders of said bonds as follows:

(a) That it will construct the waterworks system contemplated by this Ordinance and that, as long as any of the bonds or interest coupons authorized by this Ordinance are outstanding and unpaid, it will operate and maintain said system in an efficient manner and at a reasonable cost and will preserve said system in good repair and condition;

(b) That, as long as any of said bonds or the interest coupons pertaining thereto remain outstanding and unpaid, the City shall fix and maintain rates and make and collect charges for the use and services of the waterworks system, without regard for the user thereof, sufficient to pay the cost of maintenance and operation thereof; to pay the principal of and the interest on the bonds herein authorized to be issued and all revenue bonds or other obligations which may be issued later by said City chargeable to the revenues of said system; to provide the sums required to maintain the Reserve Account and theDepreciation Account created by Section 6 hereof; and to provide ample funds to meet all requirements of this Ordinance (Such rates shall be revised from time to time so as fully to meet the requirements of this Ordinance, and no free use of the system shall be premitted, nor shall any discounts be allowed from the schedule of rates initially established.);

(c) That, as long as any of said bonds or interest coupons shall remain outstanding and unpaid, the said City shall carry and maintain all-risk insurance, including public liability insurance, upon all of the properties forming a part of said system which may be of an insurable nature (such insurance to be of the type and kind and for such amount or amounts as carried and maintained by other municipalities or private companies rendering services of a similar character in similar communities), and the proceeds of all such insurance, except public laibility insurance, shall be used only for the maintenance and restoration of said system or for the payment of the principal of and interest on the bonds authorized to be issued by this Ordinance;

(d) That said City shall set up and maintain a proper system of accounts and records, separate from all other accounts and records, showing the amount of revenue received from its waterworks system, the application of such revenues, and all financial transactions in connection therewith, which accounts, at least once a year, shall be audited properly by an accountant employed for the purpose, and a report of such audit shall be furnished each year upon request to the Midwest Securities Co., 134 South La Salle Street, Chicago, Illinois, 60603, and to any bondholder.

(e) That the original purchaser of said bonds or any holder or holders of or any purchaser of not less than twenty-five

per centum (25%) in principal amount of said bonds then outstanding shall be permitted, at all reasonable times, to inspect said system and all records and data relating thereto and shall be furnished all data and information relating to said system which reasonably may be requested;

(f) That, as long as any of said bonds or the coupons pertaining thereto shall remain outstanding and unpaid, the said City shall not sell, lease, loan, mortgage, pledge, or otherwise encumber, permit any lien to attach to, or in any manner dispose of any revenue-producing portion of said system, unless the bonds authorized hereby shall have been paid in full, both as to principal and interest, or unless adequate provision shall have been made which will assure the payment of said bonds and the interest thereon to maturity in full, according to their terms;

(g) That, as long as any of said bonds or the coupons pertaining thereto shall remain outstanding and unpaid, the City shall do all that it legally may do to prevent a private or public person, firm, corporation, or agency from supplying water to users within the City limits of said City of Portage Des Sioux on a competitive basis with the said City's waterworks system herein contemplated;

(h) That, as long as any of said bonds or the coupons pertaining thereto shall remain outstanding and unpaid, the City shall pay over into the Waterworks System Fund hereinabove in Section 5 created a reasonable sum per month for each City fire hydrant connected to the aforesaid waterworks system;

(i) That said City shall employ a competent, experienced, and qualified person to supervise and manage the operation of said system and such further employees as may be required for its efficient and economical operation;

(j) That the Board of Aldermen shall require that accounts be rendered to it monthly, as of the first of each month, showing the revenues, disbursements, and other transactions in connection with the system; and

(k) That financial statements will be published as required by Section 79.160, Vernon's Annotated Missouri Statutes, so that theCity Treasurer may pay out money of the City without violating Section 79.165, Vernon's Annotated Missouri Statutes, or incurring the penalty imposed thereby.

SECTION XI

That, from and after the issuance of the bonds authorized hereby, no further bonds shall be issued or obligations incurred by said City which are in whole or in part payable from or

chargeable to the revenues derived or to be derived from the operation of said waterworks system (except obligations incurred in the operation and maintenance thereof) unless the average annual revenues derived from the operation thereof for the three (3) then next-preceding fiscal years shall be equal to the sum of the following:

(a) The average annual expenses of operation and maintenance of said system (including the provisions for an adequate depreciation reserve as herein provided) incurred during said fiscal years; plus

(b) One hundred thirty-five per centum (135%) of the highest combined amount which thereafter shall become due in any one (1) fiscal year as principal of and as interest on all bonds or other obligations then to be issued (not, however, including any amounts required to be paid into or held in the Waterworks System Revenue Bond Reserve Account provided for by Section 6d).

In which case, additional bonds or other obligations may be issued on a parity with the bonds authorized hereby. If such average annual revenues are not equal to such sum, then no further bonds shall be issued or obligations incurred which are so payable unless such additional bonds or obligations are in all respects junior and subordinate bonds may be made prior to making the allocations and deposits required by paragraphs (c) and (d) of said section 6.

Restrictions upon the issuance of additional bonds or other obligations set out in this Section shall not apply in the following events:

(1) That the waterworks system of said City hereafter should be destroyed or damaged to such an extent that substantially it cannot be operated;

(2) That all funds received from insurance or otherwise available shall be insufficient to pay the cost of the restoration of said waterworks system to such a condition that it can be operated again (the cost of such restoration shall be determined by the estimate of a reputable and competent engineer or engineering firm or corporation

selected by the City, with the approval of the holders of seventy-five per centum (75%) of the outstanding bonds, and such estimate shall be based upon the plans and specifications for the restoration of the system prepared for that purpose); and

(3) That the holders of at least seventy-five per centum (75%) of the principal amount of the bonds authorized by this Ordinance then outstanding shall give written consent to the issuance of additional bonds on a parity with the bonds authorized hereby and shall file such written consents with the Clerk of the City of Portage Des Sioux, which consents shall be acknowledged before a notary public and shall state the precise amount of additional bonds which may be issued.

Upon the occurrence of all the circumstances above set out, additional bonds may be issued solely for the purpose of paying the cost of restoring the waterworks system to reasonable working order and in an amount not greater than the amount stated in the consents filed by the holders of the outstanding bonds.

SECTION XII

That the privisions of this Ordinance shall constitute a contract between the City of Portage Des Sioux and the holders of the bonds herein authorized to be issued, and, after the issuance of the bonds, no changes, additions, or alterations of any kind shall be made herein or hereto in any manner except in accordance with the provisions of this Ordinance.

SECTION XIII

That all bonds issued hereunder shall be payable equally and ratably, without regard to the date when said bonds actually shall be delivered, and shall enjoy parity of lien, one with the other, upon the revenues of said system.

SECTION IV

That, at least ten (10) days prior to January and July 1 in each year, the City Treasurer shall remit to the paying agent designated therefor the sums due as principal of and interest on

the bonds authorized hereby.

SECTION XV

That, when the bonds authorized hereby have been prepared and executed, they shall be lodged with the City Treasurer who shall deliver then to the purchasers thereof, upon payment of the agreed purchase price for each bond so delivered. From the proceeds of said bonds, the sum of Eight Thousand, Five Hundr ed Eighty-seven Dollars and Fifty Cents ($8,587.50) shall be remitted forthwith to the paying agent designated for said bonds to be held for the payment of interest thereon. The remaining amount of the proceeds of said bonds shall be held in a bank which is a member of the Federal Deposit Insurance Corporation, in a bank account which shall be designated the "WATERWORKS SYSTEM CONSTRUCTION ACCOUNT" The amount so deposited in said Account shall be expended only for the purpose of constructing the waterworks system contemplated by this Ordinance. Expenditures therefrom shall be made only upon presentation to the proper authorities of said City of a certificate executed by the person, firm, or corporation charged with the supervision of the construction. Such certificate shall state:

(a) That the purpose for which the expenditure is to be made is within the scope of the construction contemplated by this Ordinance:

(b) That the work done is or the materials furnished are in accordance with the contract therefor (if such work is done or such materials are furnished under a contract) or that such work is or materials are suitable for their purpose (if such expenditures are not covered by an express contract); and

(c) That the amount of such expenditure is in accordance with the contract or is a reasonable amount.

Provided, however, that nothing herein shall be construed as prohibiting the payment without such certificate of expenses incident

to the issuance of the bonds authorized hereby. The provisions of this Section are hereby declared to be a part of the contract evidenced by the bonds authorized hereby. Any surplus remaining after the payment of all costs of the construction proposed shall be credited to the Waterworks System Revenue Bond Reserve Account established hereby.

SECTION XVI

That, if any section, paragraph, clause, or provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the invalidity of such section, paragraph, clause, or provision shall not affect any other provision or provisions of this Ordinance.

Passed this 3rd day of April, 1967.

_____
Mayor

Attest:

_____
Clerk

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

I, LAWRENCE J. JACOBS, City Clerk within and for the City of Portage Des Sioux, St. Charles County, Missouri, do hereby certify that the foregoing pages constitute a true and correct copy of Ordinance No. 74 of said City as passed by the Board of Aldermen on the 3rd day of April, 1967, and approved by the Mayor on the 3rd day of April, 1967.

I do further certify that said Ordinance has been spread at length upon the permanent records of said City, where it now appears and remains in the Book of Ordinances of said City, at pages _____ to _____, inclusive.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said City, this 3rd day of April, 1967.

_____
City Clerk

ORDINANCE NO. 76

AN ORDINANCE TO AMEND ORDINANCE NO 55 SO AS TO PERMIT THE EMPLOYMENT OF AN INDEPENDENT CONTRACTOR AS DOG EMPOUNDER.

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, County of St. Charles, State of Missouri, as follows:

That the sections 5,6,7,9,11,12, and 15 of Ordinance 55, now in force, be repealed and the following sections 5,6,7,9, 11,12, and 15 be enacted as replacing them in the said Ordinance No. 55

SECTION V

Empounding generally. On and after the 24th day of July of each year any dog subject to the annual dog license tag as provided in this article running at large in any of the streets or other public places in the City, or on any premises not in the actual possession of the owner or keeper of such dog, is hereby declared to be a nuisance, and it shall be the duty of the City dog empounder and his assistant or person thereunto authorized, to take up and empound in a suitable pound or place therefor provided by the City, all such dogs; and should the City employ an independent contractor as dog empounder, said dogs may be empounded in a suitable place maintained by said independent contractor employed as dog empounder.

SECTION VI

The Mayor may annually or soon after the 1st day of June or at any time in the case of a vacancy, appoint such suitable person as City dog empounder, with such assistants as may be deemed necessary. Such person shall catch, take up and empound dogs running at large in violation of this article. Should it be deemed advisable to employ persons other than residents of

this City as dog empounder, the Board of Aldermen may do so by written agreement or contract, in writing.

SECTION VII

Compensation for catching dogs. The City dog empounder and his assistants shall receive $2.00 as compensation for each dog caught, taken up, and empounded; however, should it be deemed advisable to contract for the services of an independent contractor as dog empounder, the fees or salary of said independent contract empounder shall be stipulated by contract in writing.

SECTION IX

Care of empounded dogs; fee therefor. It shall be the duty of the dog empounder to keep the dog pound in a sanitary condition and to feed and water empounded dogs daily. He shall also protect empounded dogs from cruel treatment. For these services he shall be paid at the rate of $1.00 per day for every day such services are needed; however, should an independent contract empounder be employed by the City, the compensation for said independent contract empounder shall be set by contract in writing.

SECTION XI

Redemption of empounded dogs: disposition of unredeemed dogs. Every dog taken up and empounded under the provision of the preceeding section of this article shall be redeemed by the owner or keeper of such dog after such dog has been empounded for a period of three full days or by any resident of the City, upon payment to the City collector of a fee of $5.00 plus 50¢ a day or fraction thereof, for expenses incurred by the City in taking care of such dog, and by complying with the provisions of this article, relative to the tag and registration of such dog, and thereupon, such dog shall be released. It shall be the duty of the City dog empounder

to kill any dog which has been empounded for a period of 3 full days or 72 hours in the City dog pound if, at the end of 3 full days the dog has not been redeemed by the owner or keeper of such dog, or should an independent contractor be employed as dog empounder, at the end of 3 full days the dog has not been redeemed at the pound or place of empoundment used by said independent contractor. Said dogs may be redeemed by the owner or keeper of said dog, or by any other person under authority of such owner or keeper, or by any resident of the City. If any dog has been empounded for3 full days in the city dog pound, or the place of empoundment used by an independent contract empounder, and shall not have been redeemed by the owner or keeper of such dog, or by any person by authority of said owner or keeper as provided in this section, such dog, within 2 days thereafter, may be released to any other person as provided in this section. Such person shall execute a receipt to the City stating that such person received the dog subject to the rights of the real owner thereof, and agreeing to indemnify the City in the event that the City sustains any loss by reason of disposal of such dog.

SECTION XII

Taking up and killing dog of unknown owner or without tag. It shall be the duty of the City Marshal or any policeman of the City, to kill any dog which may be found running at large in the City without any owner or keeper, or without a tag provided by this article, if the dog cannot be safely taken up and empounded, is rabid, or injured to the extent that destruction of such dog would be merciful.

SECTION XV

Control of dogs upon mayor's proclamation of prevalence

of rabies. Whenever, in his opinion, the Mayor deems it necessary for the public safety, owing to the prevalence of rabies, he may issue a proclamation notifying owners and keepers of dogs in the City, to keep such dog securely tied or confined on the owner's or keeper's premises, and to keep such dogs on leash, when off the owner's or keeper's premises, during the time specified in said proclamation. Any dog not so tied, confined, or leashed shall be empounded by the City dog empounder or any police officer of the City. Every dog so taken up and empounded under the provisions of this proclamation may be redeemed by the owner or keeper of such dog, or by any other person by authority of such owner or keeper, or, after such dog has been empounded for a period of 11 days, and by any other person, resident of the City, upon payment to the City Collector of a fee of $2.00 plus $1.50 per day for any expense incurred by the City for caring for the dog, and thereupon, such dog shall be released. It shall be the duty of the City dog empounder to kill any such dog which has been empounded for a period of 11 full days in the City dog pound, or should an independent contract empounder be employed by the City, at the place of empoundment used by the contractor, if at the end of 11 full days such dog has not been redeemed by the owner or keeper of such dog, or by any other person by authority of such owner or keeper, or by any resident of the City. It shall be unlawful for any person whether owner or keeper, fo fail to securely tie or confine on the owner's or keeper's premises, any dog owned or kept by such person or to fail to keep such dog on leash when off the owner's or keeper's permises during the time of the proclamation. Any person violating any provision of this section shall be, on conviction, fined not less than $10.00, nor more than $50.00, and

each violation shall constitute a separate offense.

This ordinance shall take effect and be in full force from and after its passage by the Board of Aldermen and signed approval by the Mayor.

Passed this 5th day of June, 1967.

_____
Mayor

Attest:

_____
Clerk

ORDINANCE NO. 77

AN ORDINANCE NAMING FIRST NATIONAL BANK OF ST. CHARLES, MISSOURI, AS DEPOSITORY OF PORTAGE DES SIOUX, MO. MUNICIPAL WATER WORKS.

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, Missouri, as follows:

SECTION I

Depository. An account shall be established in the First National Bank of St. Charles, Missouri for depository of monies paid to the Portage Des Sioux Municipal Water Works.

SECTION II

Method of payments. All payments made by water users must be paid to Portage Des Sioux Municipal Water Works payable at First National Bank of St. Charles, Missouri.

SECTION III

Any Ordinance or parts of Ordinances in conflict with any provisions of this Ordinance are hereby repealed.

This Ordinance shall take effect and be in full force from and after the date of its passage by the Board of Aldermen and approval by the Mayor.

Approved this 11th day of September, 1967.

_____
Mayor

Attest:

_____
Clerk

ORDINANCE NO. 79

AN ORDINANCE ESTABLISHING CHARGES AND REGULATIONS FOR THE USE OF THE SANITARY SEWER SYSTEM OF THE CITY OF PORTAGE DES SIOUX, MISSOURI

WHEREAS, the City of Portage Des Sioux now owns and operates its sanitary sewer system and may hereafter make or construct improvements and extensions to said sanitary system; and

WHEREAS, the City of Portage Des Sioux is authorized by Section 250.010 and 250.040 of the Revised Statutes of Missouri, 1959, to acquire, construct, improve or extend and to maintain and operate a sanitary sewer system and to provide funds for the costs thereof, and

WHEREAS, it is the desire of the Board of Aldermen of the City of Portage Des Sioux that charges be established and collected, over and above the general taxes levied by the city of Portage Des Sioux, for the services of any sanitary sewer system in accordance with Section 250.150 of the Revised Statutes of Missouri, 1959; NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

Charges for the use and services of the sanitary sewer system of the City of Portage Des Sioux be and are hereby established. Such charges, as specifically set forth below shall be made and collected against each lot or parcel of land, or against each single family residence where more than one family resides on a lot or parcel of land, which may have any active sewer connection with the sanitary sewer system of the City of Portage Des Sioux or which may actively discharge sewage or industrial waste either directly or indirectly into said sewer system or any part thereof. Such charges, as are hereby established, shall be

$.75 per month per each lot or parcel of land, or shall be $.75 per each single family residence where more than one family resides on a lot or parcel of land. The charge for sanitary sewer services furnished to each user shall be $.75 per month for each user and shll be due and payable on or before December 31 of each year.

All charges hereinabove provided for shall be effective on and after the fourth day of March, 1968.

SECTION II

Whenever any lot, parcel of land or premises or single family residences shall become connected with the sanitary sewer system of the City of Portage Des Sioux or which shall begin to discharge sewage or industrial waste into said sanitary sewer system either directly or indirectly, after the charges hereby established shall become effective, the charge for the first payment period shall be based on the per diem pro rata amount of the established charge per month.

SECTION III

Bills for sewerage charge shall be prepared by the City Collector of Portage Des Sioux and shall be presented to the users of the sanitary sewer system of said City at the same time and in the same manner as the annual tax bills. All bills and charges for said sewerage services shall be payable at the same time and in the same place as are the annual general tax bills, and said charge shall be deemed delinquent if not paid on or before December 31 of each year in which the sanitary sewer services are rendered.

SECTION IV

Sewerage services shall be deemed to be furnished to both the occupant and owner of the lot, parcel of land or premises receiving such sewerage services and shall be deemed an obligation of both the occupant and owner of any lot, parcel of land or premises.

SECTION V

It shall be the mandatory duty of said City and of its public officials:

1. To segregate the revenues derived from the operation of such system from all other revenues or funds of the City; to hold such funds separate and distinct from all other funds thereof and, if such funds be deposited in the First National Bank of St. Charles, Missouri, to maintain such deposits as an account separate and distinct from all other bank accounts thereof.

2. All revenues of the system shall be devoted; first to the payment of the expenses of operating and maintaining the sewerage system of the City; second, to the payment of bonds or other obligations which may hereafter be issued.

SECTION VI

The City of Portage Des Sioux shall cause to be installed and maintained proper books of records and accounts (entirely separate from all other records and accounts of the City) in which correct entries shall be made of all dealings or transactions of or in relation to the properties, business and affairs of the sewerage system. At least once a year such accounts shall be audited properly by a public accountant employed for that purpose. The expenses of such audit shall be deemed an operating expense of said system. Such audit shall at all times, during usual business hours, be open to the examination and inspection of any taxpayer any user of the services of the system, or any holder of any bonds payable from the revenues of said system or by any one acting for or on behalf of any such taxpayer, user or bondholder.

SECTION VII

This Ordinance shall be in full force and effect from and

after the final passage and publication.

Passed March 4, 1968

_____
Mayor

Attest:

_____
Clerk

ORDINANCE NO. 80

AN ORDINANCE ESTABLISHING TEN FEET OFF STREET PARKING FACILITY

BE it ordained by the Board of Aldermen of the City of Portage Des Sioux, Missouri, as follows:

SECTION I

That a ten foot strip of ground on the western side of Clark Street between Fourth Street and Church Street, described as beginning at the intersection of the north line of Fourth Street and the west line of Clark Street thence west along Fourth Street a distance of ten feet thence north and parallel with Clark Street a distance of one hundred sixty (160) feet then east a distance of ten feet then south and along west side of Clark street a distance of one hundred sixty (160) feet to place of beginning, be deemed as off-street parking for United States Post Office.

SECTION II

The City of Portage des Sioux, Missouri, will maintain section of ground to be subject to approval of street commissioner and Board of Aldermen one year after opening date and continue to maintain same as off-street parking as long as property located at Northwestern corner of Fourth and Clark be used as United States post office.

SECTION III

If said property discontinues to be used as United States Post Office, the City of Portage des Sioux, Missouri, will discontinue the maintenance of said piece of ground and it will revert to owner of property.

SECTION IV

All Ordinances or parts of Ordinances in conflict with this Ordinance, insofar as they are in conflict, are hereby repealed.

SECTION V

This Ordinance shall take effect and be in full force and from and after its passage and approval.

Passed June 3, 1968

_____
Mayor

Attest:

_____
Clerk

ORDINANCE NO. 81

AN ORDINANCE PROVIDING FOR THE PREVENTION OF PARKING ON THE EAST SIDE OF LESIEUR STREET IN FRONT OF THE FIRE STATION, AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF.

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, State of Missouri, as follows:

SECTION I

Parking in front of fire station prohibited. No person shall park an automobile, truck, tractor, motorcycle, bicycle, or other vehicle on the East side of LeSieur Street, beginning at the Southeast corner of Church & LeSieur street, southward for a distance of ninety feet (90) said area to be kept clear for use of fire apparatus and for access to off street parking of firemen.

SECTION II

Penalties Whoever shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ($5.00) Five dollars nor more than One Hundred Dollars ($100.00) for each offense.

SECTION III

All Ordinances or parts of Ordinances in conflict with this Ordinance, insofar as they are inconflict with this Ordinance are hereby repealed.

SECTION IV

This Ordinance shall take effect and be in force from and after its passage and approval.

Passed December 2, 1968.

Attest:

_____ Mayor

_____ Clerk

ORDINANCE NO. 82

AN ORDINANCE REPEALING ORDINANCE NO. 51 AND RESTORING PARKING ON THE NORTH SIDE OF CHURCH STREET.

Be it ordained by the Board of Aldermen of the City of Portage des Sioux, St. Charles County, State of Missouri, as follows:

SECTION I

Whereas the entrance to the fire station has been changed to LeSieur Street and thereby parking on the North side of Church Street from the corner of Church & LeSieur for a distance of fifty feet (50) would not constitute a hazard to the movement of fire equipment, Ordinance No. 51 Fifty-One is hereby repealed to allow for parking.

SECTION II

All ordinances or parts of Ordinances in conflict with this Ordinance insofar as they are in conflict with this Ordinance are hereby repealed.

SECTION III

This ordinance shall take effect and be in force from and after its passage and approval.

Passed December 2, 1968.

_____
Mayor

Attest:

_____
Clerk

ORDINANCE NO. 83

AN ORDINANCE PROVIDING FOR THE REIMBURSEMENT TO RUSSELL CISSELL OF HIS COSTS FOR THE LAYING OF AN EIGHT (8) INCH SANITARY SEWER LINE ON LAWRENCE STREET BETWEEN SECOND & MAIN STREETS.

BE IT ORDAINED by the Board of Aldermen of the City of Portage Des Sioux, Missouri as follows:

SECTION I

In consideration of Russell Cissell laying three hundred fifty-nine (359) feet of eight (8) inch sanitary sewer pipe on Lawrence Street, starting at the manhole at the intersection of Second & Lawrence streets, and extending northwards to a manhole at the intersection of Lawrence & Main streets, the City of Portage Des Sioux, Missouri will exact the sum of one (1) dollar and forty-eight (48) cents per foot of frontage from both sides of Lawrence street, in addition to the required tap in fee required from each person desiring to connect onto said sewer, and thereafter remit said sum to Russell Cissell, or his heirs or assigns until he has received the total costs of constructing said sewer, to wit the sum of Nine Hundred fifty (950) dollars and sixteen (16) cents.

SECTION II

The amount of footage to be paid for shall be determined by the total amount of frontage on Lawrence street owned by any person or persons desiring to hook on to said sewer at time of issuance of permit to do so.

SECTION III

All Ordinances or parts of Ordinances in conflict with this Ordinance insofar as they are in conflict with this ordinance are hereby repealed.

SECTION IV

This ordinance shall take effect and be in force from and after its passage and approval.

Enacted January 6, 1969.

_____
Mayor

Attest:

_____
Clerk

ORDINANCE NO. 84

AN ORDINANCE PROVIDING FOR THE REIMBURSEMENT TO ST. FRANCIS CHURCH OF THEIR COSTS FOR LAYING OF AN EIGHT (8) INCH SANITARY SEWER LINE ALONG SECOND STREET BETWEEN LECLAIRE STREET AND LATOUR STREET.

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, Missouri as follows:

SECTION I

In consideration of St. Francis Church of Portage Des Sioux, Missouri laying 604 feet of 8 inch sanitary sewer pipe along second Street, beginning at manhole number one and extending westwardly a distance of 604 feet to a lamp hole, the City of Portage Des Sioux, Missouri will exact the sum of Two Dollars and Forty Cents ($2.40) per foot of frontage from both sides of Second Street, in addition to the required tap in fee from each person desiring to connect onto said sewer, and thereafter remit said sum to the St. Francis Church until they have received the total costs of constructing said sewer, to-wit, the sum of Thirty-Two Hundred and no/100 dollars ($3200.00)

SECTION II

The amount of footage available at the time of enactment of this Ordinance is 770 feet on the north side of second street and 563 feet on the south side of Second street being more particularly described as follows:

256'8" of frontage between LeClaire and Fayette on North side, 256'8" between Fayette and Washington on north side, 256'8" between Washington and LaTour on north side, 256'8" between LeClaire and Fayette on south side, and 256'8" between Fayette and Washington on south side and 50 feet from Washington west to end of line.

SECTION III

The amount of footage to be paid for shall be determined by the total amount of frontage on Second Street of the lot owned by

any person or persons desiring to hook on to sewer at time of issuance of permit to do so.

SECTION IV

This Ordinance shall take effect and be in force from and after its passage and approval.

En acted November 3, 1969.

_____
Mayor

Attest:

_____
Clerk

ORDINANCE NO. 86

AN AMENDMENT TO ORDINANCE NO. 26 ARTICLE 16
TRAILER HOME PARKING.

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, State of Missouri, as follows:

SECTION I

No trailer home can be parked in any unrestricted area of the City of Portage Des Sioux, Missouri without first obtaining a permit from the city zoning commissioner. The cost of each permit is $25.00 The fee for replacing any trailer on the same lot is $10.00 per permit.

SECTION II

The positioning of each trailer home shall be at a 90 degree angle to the street or parallel to the street providing the minimum distance in Section 4 can be maintained.

SECTION III

The minimum set-back distance for each trailer home shall be the existing building line or a minimum of 30 feet from the street abutting the front lot line.

SECTION IV

There shall be a minimum distance of 15 feet between the exterior side of each trailer home and the side lot lines. Exception: There shall be a minimum distance of 20 feet between the exterior side of any trailer home and the side lot line when the lot lines adjacent to a street.

SECTION V

The minimum front footage for each trailer home shall be 60 feet.

SECTION VI

There shall be a minimum lot area of not less than 9,000

square feet for each trailer home.

SECTION VII

All Ordinances or parts of Ordinances in conflict with this Ordinance insofar as they are in conflict with this Ordinance are hereby repealed.

SECTION VIII

This Ordinance shall take effect and be in force from and after its passage and approval.

Enacted November 2, 1970.

_____
Mayor

Attest:

_____
Clerk

ORDINANCE NO. 87

AN ORDINANCE ADOPTING CHAPTER 114, R.S.Mo. 1959 AND R.S. Mo. 1961 SUPP., RELATING TO LOCAL OPTION COUNTY VOTER REGISTRATION.

BE IT ORDAINED by the Board of Aldermen of the City of Portage Des Sioux, Missouri, as follows:

SECTION I

That this Ordinance is derived from and based upon Section 114.047, Chapter 114, R.S. Mo. 1959 and R.S. Mo. 1961 Supp. approved on June 27, 1963, whereby:

> "Any incorporated City, Town or Village wholly within any County which has adopted this Chapter may, by ordinance duly passed by its legislative body, adopt this Chapter and make provisions thereof applicable to municipal elections held within the City, Town or Village."

SECTION II

That Chapter 114, R.S. Mo. 1959 and R.S. Mo. 1961 Supp., is hereby adopted, thereby making the provision thereof applicable to municipal elections in the City of Portage Des Sioux, Missouri, the contents of Chapter 114, R.S. Mo. 1959 and R.S. Mo. 1961 Supp., are as follows:

Section 114.010 - Proposed county registration submitted when, ballot, returns-notice of adoption-effect.

Section 114.020 - Abandonment of registration submitted, when, ballot, returns, notice of result effect.

Section 114.030 - Basis for computing number of signatures required.

Section 114.040 - Registration required, when-area not affected - registration by voter permanent.

Section 114-045 - Applicability of law to elections in cities of 400,000 - precinct boundaries - penalties judges and checks - canvass of vote.

Section 114.047 - Law made applicable to municipal elections by ordinance, how - precinct boundaries.

Section 114.050- Who entitled to register and vote

Section 114.060 - Absentee or disability registration, procedure.

Section 114.070 - Notice of initial registration.

Section 114.080 - County clerk as registration officer office open, when.

Section 114.090 - Additional registration placed for initial registration.

Section 114.100 - Deputy clerks for registration, appointment, compensation, powers.

Section 114.110- Expenses, how paid - apportionment - city elections.

Section 114.120 - Closing of registration before election, time cancellation or reinstatement - correction of errors.

Section 114.130 - Information to be furnished and placed on registration records, form-signature, affidavit of registration.

Section 114.140 - Registration books, arragned how, where kept - delivered to election officials, receipt.

Section 114.150 - Name changes, reregistration - transfer of registration, procedure-voter moving after close of registration, rights.

Section 114.160 - Reports of conviction, death and incompetency required- failure to vote - notice of necessity of reinstatement, procedure-check of voters to keep record up to date.

Section 114.170 - Quadrennial check of registration lists, mail canvass, house to house canvass ordered when notice of removal of names from lists appointment of canvassers, affidavit.

Section 114.180 - Hotel and lodging house owners to report, when, failure, penalty.

Section 114.190 - Cancellation of registration, notice - review by Court.

Section 114.200 - Supervision by Circuit Court - procedure on appeal from denial or cancellation of registration.

Section 114.210 - Identification certificate to be signed by voter at election, comparison with signature on record procedure when identity questioned

Section 114.220 - Challenges to registration or to voting, procedure.

Section 114.230 - Refusal of officer to perform duties, ouster

Section 114.240 - Elections, covered by law.

Section 114.250 - Duties of County Clerk upon adoption of law (new)

SECTION III

All Ordinances or parts of Ordinances in convlict with this Ordinance, insofar as they are in conflict with this Ordinance, are hereby repealed.

SECTION IV

This Ordinance shall not become effective until after the expriation of thirty (30) days from the time of its final passage, and in accord with the other and further provisions of Chapter 114, R.S. Mo. 1959 and R.S. Mo. 1961 Supp.

Passed December 7, 1970

_____
Mayor

Attest:

_____
Clerk

ORDINANCE NO. 88

AN ORDINANCE PROVIDING FOR AMENDING ORDINANCE NO.75 AND ORDINANCE NO. 18 OF THE ORDINANCES OF THE CITY OR PORTAGE DES SIOUX, ST. CHARLES COUNTY, MISSOURI, PROVIDING FOR TAP-ON CHARGES PER SINGLE FAMILY HOUSEHOLD OR DWELLING UNIT.

BE IT ORDAINED by the Board of Aldermen of the City of Portage Des Sioux, Missouri, as follows:

SECTION I

Ordinance No. 75 be and the same is hereby amended by adding subsections which shall read as follows:

Water Tap-On Charges:

No owner, occupant, user, or plumber shall be permitted to conduct water pipes into any two or more separate and distinct premises or tenements unless separate and distinct stop-cocks shall be placed on the outside of each such premises along the sidewalk opposite such premises, nor shall any pipe be allowed to cross lots or buildings to adjoining premises. Duplex flats, double houses, and apartment houses shall not be considered as one "premises," but "premises" shall be defined as one single family dwelling or household unit. The word "premises"shall not be construed to cover all buildings and divisions under one common roof owned by one person or by co- or joint tenants who will be charged for all services to such premises, but an additional tap-on charge shall be made for each and every single family dwelling or household unit within duplex flats, double houses, and apartment houses.

Whenever any premises shall be connected with the water works system of said City, a charge of One Hundred Fifty Dollars ($150.00) shall be made for each single family dwelling or household unit connection, and such connections shall not be made unless and until payment therefor is paid in full in advance to the City Water Commissioner and a permit is issued therefor.

SECTION II

Ordinance No. 18 be and the same is hereby amended by adding subsections which shall be read as follows:

Sewer Tap-On Charges:

Whenever any premises shall be connected with the sanitary sewer system of said City, a charge of One Hundred Fifty Dollars ($150.00) shall be made for each single family dwelling or household unit connection, and such connections shall not be made unless and until payment therefor is paid in full in advance to the City Collector or City Clerk and a permit is issued therefor.

An additional tap-on charge shall be made for each and every single family dwelling or household unit within duplex flats, double houses, and apartment houses.

SECTION III

Tap-on charges for sanitary sewer connections and water connections for commercial, business, or industrial establishments within or outside the City Limits shall be determined by a negotiated agreement between the applicants and the Board of Aldermen..

SECTION IV

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION V

This Ordinance shall take effect and be in full force and effect from and after its final passage and approval.

Enacted: January 4, 1971

Attest:

_____ _____

Mayor Clerk

ORDINANCE NO. 89

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, State of Missouri as follows:

NUMBERING OF BUSINESSES AND RESIDENCES IN PORTAGE DES SIOUX, MISSOURI

SECTION I

For convenience in numbering, the city is divided into the following sections:

1. Original Town
2. Southside Addition
3. North addition
4. Playground Addition

This is per county map "Town of Portage Des Sioux Sec. S/2 TWP 48 N. Rg 6E District 5 page 106 and 107.

SECTION II

Space allotted numbers. For the purpose of proper distribution of numbers, one hundred numbers must be consumed per city block. To adhere to this, the three basic numbers on each odd side shall be 25, 55, and 75. The numbers on each even side shall be 20, 50, and 70. Variations in the use of these basic numbers to be at the discretion of the Board of Aldermen.

SECTION III

System of numbering on streets running north and south. In numbering the buildings fronting on streets running north and south, the numbering shall begin at Perpetual (Riverview) with the number 900 and continue south to Front Street. number 1000, Main Street number 1100, etc.

SECTION IV

System of numbering on streets extending east and west. In numbering the buildings fronting on streets extending east and west, the numbering shall begin at the west city limit line with the

number 1000, and continue east to Dumond number 1100, to LaTour number 1200, etc.

SECTION V

Even numbers are on the East and North side, and odd numbers are on the West and South respectively.

SECTION VI

Map to be prepared, etc. The zoning commissioner shall prepare individual maps of each city block in each section as mentioned in Section I with the numbers plainly written thereon in conformity with the provisions of this article. In preparing such map, provisions shall be made to provide numbers for irregular streets and buildings. The map, when completed, shall be placed in the custody of the city clerk, with a duplicate placed with the zoning commissioner. This map shall be open to the inspection of the inhabitants of the city. After implementation of this house numbering system, all future numbers shall be assigned by the zoning commissioner at the time of issuance of any building permits.

SECTION VII.

Duty of property owners to place, maintain and display number. It is hereby made the duty of each property owner in this City to place maintain and display on every business or residence owned by him, the street number of such building in plain legible numerals so that the same shall be legible from the street or sidewalk abutting such property.

SECTION VIII

All Ordinances or parts of ordinances in conflict with this Ordinance in so far as they are in conflict with this Ordinance are hereby repealed.

SECTION IX

This Ordinance shall take effect and be in force from and after its passage and approval.

ENACTED March 1, 1971

_____
Mayor

Attest:

_____
Clerk

ORDINANCE NO. 90

AN ORDINANCE RELATING TO THE REGULATION, CONTROL, MAINTENANCE BREWING, SALE, POSSESSION, TRANSPORTATION, AND DISTRIBUTION OF INTOXICATING LIQUOR: DEFINING INTOXICATION LIQUOR AND OTHER TERMS USED IN THIS ORDINANCE. PROVING FOR THE MANUFACTURE AND SALE, BOTH AT WHOLESALE AND RETAIL OF INTOXICATING LIQUOR; PRESCRIBED LICENSES AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, FIXING THE TIME WHEN SAID ORDINANCE SHALL BECOME EFFECTIVE.

Be it ordained by the Council of the City of Portage Des Sioux, Missouri as follows:

SECTION I

Ordinance, how cited. This ordinance may be cited as the "Liquor Control Ordinance."

SECTION II

Intoxicating liquor, defined. The term "Intoxicating Liquor" as used in this Ordinance, shall mean and include alcohol for beverage purposes, alcoholic, spirituous, ardent spirits, malt, vinous, or fermented, and all preparations or mixtures for beverage purposes, alcoholic contents in excess of three and two-tenths (3.2%) percent by weight

SECTION III

Licenses required It shall be unlawful for any person, firm partnership or corporation to manufacture, sell or expose for sale, either at wholesale or retail, in the City of Portage Des Sioux, Missouri, intoxicating liquor, as herein defined, in any quantity without first having obtained a license from the City therefor, except as otherwise herein provided.

SECTION IV

Amount of license The license required and imposed under this Ordinance shall be as follows:

(a) For manufacturing, distilling, or blending of intoxicating liquor in excess of Five (5%) percent of alcohol by weight the sum of Two Hundred Fifty Dollars ($250.00)

(b) For manufacturing, distilling or blending of intoxicating liquor not in excess of Five (5%) percent of alcohol by weight the sum of One Hundred Dollars ($100.00)

(c) For the sale of intoxicating liquor by wholesale in excess of Five (5%) percent of alcohol by weight the sum of Two Hundred Dollars $200.00

(d) For the sale of intoxicating liquor not in excess of Five Percent(5%) of alcohol by weight by wholesale the sum of One Hundred Dollars ($100.00)

(e) For the sale of intoxicating liquor not in excess of Five (5%) percent of alcohol by weight by retail the sum of Three Hundred Fifty Dollars ($350.00)

(f) For the sale of intoxicating liquor in excess of Five (5%) percent of alcohol by weight by retail or by the drink for consumption on the premises the sum of Thirty-Seven Dollars and Fifty Cents ($37.50)

SECTION V

License non-transferrable No license used under this Ordinance shall be transferrable or assignable.

SECTION VI

Duration of license Each license issued in compliance with this Ordinance shall be for one year from date of issue, unless revoked for cause herein provided.

SECTION VII

Restriction as to time of sale. No person having a license under the provisions of this Ordinance shall sell, give away or otherwise dispose of or suffer the same to bedone upon or about his premises, any intoxicating liquor in any quantity on the first day of the week commonly called Sunday, or upon the day of any

general or primary election in this State, or upon any County, City, Town or Municipal election day, or upon any date so prohibited by State Law.

SECTION VIII

Hours of sale No person having a license under the provisions of this Ordinance shall sell, give away or otherwise dispose of or suffer the same to be done, upon or about his premises, any intoxicating liquor in any quantity between the hours prohibited by State Law.

SECTION IX

Prohibitions concerning drunkards and minors. No person or his employee shall sell or supply intoxicating liquor or permit same to be sold or supplied to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor. Intoxicating liquor shall not be given, sold or otherwise supplied to any person under the age of twenty-one years but this shall not apply to supplying of intoxicating liquor to a person under said age for medicinal purposes only, or by the parent or guardian of such person or to administering of said intoxicating liquor to said person by a physician. No person under the age of twenty-one years shall sell or assist in the sale or dispensing of intoxicating liquor.

SECTION X

Application for license. All applications for licenses under the provisions of this Ordinance, shall be made in writing to the City council. All applications, except for sale of malt liquors not in excess of five percent (5%) of alcohol by weight, shall be accompanied by an inventory and appraised valuation of stock of goods, at proposed place of business in said application,

other than intoxicating liquor, which inventory and appraisal shall be under oath; according to invoice at the time of making the application for said license. No license shall be granted at the same meeting of the city council at which the application is presented except by unanimous vote of the council. Provided, however, that said application may be passed on by the city council at the first meeting of the council at which the application is presented, if said applicant has first served notice in writing, of his intention to present said application, upon each member of the council, at least five days before the meeting of the council at which said application is to be presented.

SECTION XI

Granting of license. On approval of the application by the City council and payment of the license tax herein provided, the City clerk shall grant applicant a license to conduct business in the City for one year from date of issuance of said license. A separate license shall be required for each place of business. Every license issued under the provisions of this Ordinance shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein. Provided, further, that the City clerk shall not deliver to any person a license under the provisions of this Ordinance, until such person shall produce the receipt of the Citycollector showing that the taxes levied on the same have been paid. Provided further, tha said license shall be transferable when said licensee changes place of business.

SECTION XII

Regulation of sale in original packages Intoxicating

liquor shall be sold at retail in the original package, only upon a license granted by the City council, and said intoxicating liquor so sold shall not be consumed upon the premises where sold, nor the original package opened on said premises of the vendor, except as otherwise provided in this Ordinance. Provided, further, that no intoxicating liquor purchased in the original package shall be consumed or permitted to be consumed upon any premises where intoxicating liquor is authorized legally to be sold.

SECTION XIII

License; Qualification of applicant No person shall be granted a license under this Ordinance, unless such person is of good moral character and a native born or naturalized citizen of the United States of America, and a qualified legal voter and tax paying citizen of the City of Portage Des Sioux, Missouri; and no person shall be granted a license or permit hereunder, whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor or who employs or has employed in his business as such dealer, any person whose license has been revoked or who has been convicted of violating the provisions of any such law since the date aforesaid.

SECTION XIV

Revocation of license. The City Council of Portage Des Sioux may, on hearing, revoke any license issued under the provisions of this Ordinance for good cause shown, first having given such licensee not less than ten (10) days notice in writing

of the application to revoke his license prior to the order of revocation issuing, which said notice shall contain the ground or grounds for such revocation set out therein, which notice shall command the licensee to be present at the regular or called meeting of the City council and show cause, if any, why such license should not be revoked. Provided, that said licensee shall have full right to be represented by counsel at said hearing. Provided further, that such notice of revocation hearing shall be served by the City Marshal and may be served upon the licensee, by leaving a copy thereof with the licensee, or any person or employee in charge of the place of business of said licensee.

SECTION XV

Violation, penalty. Any person violating any of the provisions of this Ordinance, except where some penalty is otherwise provided, shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by a fine not exceeding One Hundred Dollars ($100.00) and/ or imprisonment not to exceed 90 days. Provided the provisions of this Ordinance, said conviction shall automatically operate to revoke the license hereunder issued to such person. Provided, further, that the term "Conviction", as herein used shall mean conviction upon final determination of any prosecution of any violation of this ordinance. Provided, further, that no person having been convicted of the violation of any of the provisions of this Ordinance shall be issued a license or a renewal thereof for a period of one year, from the date of said conviction.

SECTION XVI

Person defined The term "Person" as used in this Ordinance shall mean and include any individual, firm, association, stock

company, syndicate, partnership or corporation.

SECTION XVII

Conviction, duty of police judge. Upon conviction of any person under the provisions of this Ordinance, it shall be the duty of the Police Judge to certify such conviction to the City council.

SECTION XVIII

Revocation shall forfeit license fee. In case of revocation or forfeiture of any license granted and issued under the provisions of this Ordinance for cause or otherwise, the City shall in no event return any part of the license fee paid for such license.

SECTION XIX

Unconstitutionality clause. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

SECTION XX

Repeal clause. All Ordinances or parts of ordinances in conflict with this ordinance shall hereby be repealed.

SECTION XXI

Enacting section This Ordinance shall be in full force and effect from and after its passage by the City Council and approval by the mayor.

Enacted_____

_____
Mayor

Attest: _____
Clerk

ORDINANCE NO. 102

AN ORDINANCE GRANTING FOR A PERIOD OF TWENTY (20) YEARS TO UNION ELECTRIC COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, MAINTAIN, OPERATE, AND USE ITS POLES, TOWERS, WIRES, CONDUITS, CONDUCTORS, MANHOLES, UNDERGROUND VAULTS, AND OTHER EQUIPMENT, AND APPLIANCES IN CONNECTION THEREWITH, IN, ALONG, ACROSS OVER AND UNDER THE STREETS, ROADS, ALLEYS, SIDEWALKS SQUARES, BRIDGES, AND OTHER PUBLIC PLACES IN THE CITY OF PORTAGE DES SIOUX AND AREAS DEDICATED TO THE CITY FOR PUBLIC UTILITY USE, FOR THE PURPOSE OF TRANSMITTING, FURNISHING AND DISTRIBUTING ELECTRICITY FOR LIGHT, HEAT, POWER AND OTHER PURPOSES WITHIN AND THROUGH SAID CITY, PRESCRIBING THE TERMS AND CONDITIONS OF SUCH GRANT, IMPOSING CERTAIN OBLIGATIONS UPON THE GRANTEE, ITS SUCCESSORS AND ASSIGNS SUCCESSIVELY, IN CONNECTION THEREWITH, AND PROVIDING THAT THIS ORDINANCE SHALL NOT BE EFFECTIVE UNLESS AND UNTIL SUCH GRANT BE APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON AT A SPECIAL ELECTION CALLED FOR THAT PURPOSE.

Be it ordained by the board of Aldermen of the City of Portage Des Sioux, Missouri, as follows:

SECTION I

The right, permission and authority is hereby granted to, and vested in Union Electric Company, a Missouri corporation, its successors and assigns, hereinafter called "Company" to construct, reconstruct, excavate for, place, maintain, operate and use all necessary or appropriate poles, towers, wires, conduits, conductors, manholes, underground vaults, and other equipment, with all necessary or appropriate appurtenances and appliances in connection therewith, in, along, across, over and under the streets, roads, alleys, sidewalks, squares, bridges and other public places within the corporate limits of the City of Portage Des Sioux, as now fixed and as hereafter extended, and areas dedicated to theCity for public utility use, for the purpose of furnishing and distributing electricity for light, heat, power and other purposes within said City and in territory adjacent to

said City, and for the purpose of transmitting electricity through said City; all such equipment, appliances and apparatus to be installed and maintained with due regard to the rightful use by other persons, with vehicles and otherwise, of the streets, roads alleys, sidewalks, squares, bridges and other public places, and areas dedicated to the City for public utility use, and Company's exercise of the rights, permission and authority hereby granted shall at all times be subject to proper regulation by the City in the exercise of its police powers.

SECTION II

All facilities of Company in said City shall be installed and maintained in accordance with the applicable rules and regulations of the Missouri Public Service Commission.

SECTION III

In order for Company to render efficient and continuous electrical service it will be necessary for Company to trim the trunks and branches of trees along or over the streets, sidewalks, alleys, avenues, squares, bridges and other public places in said City, and areas dedicated to the City for public utility use, wherever the same are likely to come in contact with its equipment; therefore, Company is hereby granted the right to trim such trees, including the trunks, branches and all parts thereof, so as to enable it to erect and maintain its equipment in a regular and consistent form and manner and to enable it to provide the most efficient and continuous service that the circumstances will permit; provided, however, that Company shall exercise proper care and discretion in cutting and trimming said trees and all parts thereof, and provided further that, except in cases of emergency, Company shall first notify the City of

intention to do such work so that the City may, if it so elects, supervise and superintend such tree trimming.

SECTION IV

The rights, privileges and authority hereby granted shall inure to and be vested in Company, its successors and assigns, successively, subject to all of the terms, provisions and conditions herein contained, and each of the obligations hereby imposed upon Company shall devolve and be binding upon its successors and assigns, successively, in the same manner.

SECTION V

This Ordinance shall not be effective unless and until the grants of rights, permission and authority herein contained be approved by a majority of the electors voting thereon at a special election to be held for that purpose, pursuant to another ordinance providing for such an election. If such grant be so approved at such election, this Ordinance, and the grant herein contained, shall be and continue in force and effect for a period of twenty (20) years from the date of such election. Provided, however, that said Company, its successors or assigns, shall, within sixty (60) days after the date of such approval at such special election, file with the City Clerk an acceptance of the provisions of this Ordinance, and provided further that if such acceptance be not so filed within said period of sixty (60) days all rights, privileges and authority herein granted shall become null and void.

SECTION VI

Neither acceptance of, nor compliance with, the provisions of this Ordinance shall in any way impair or affect, or constitute or be construed as a relinquishment or waiver of, any right, permission or authority which Company, its successors or assigns,

of public property or places in the City of Portage Des Sioux, as authorized by this Ordinance, or service rendered by said Company, its successors or assigns, in said City, be treated as use solely of the rights, permission and authority provided for by this Ordinance or as service referable solely to this Ordinance or to any obligation of service consequent upon acceptance thereof or as in any way indicating non-use of, or non-compliance with any obligation incident to, any right, permission or authority vested in said Company, its successors or assigns, independently of this Ordinance; and the acceptance provided for in Section 5 of this Ordinance, and each and every compliance with the provisions of this Ordinance or with any obligation arising from acceptance thereof, shall be subject to, and conditioned by, the provisions of this Section 6 with the same force and effect as though each of the provisions of this section were expressly incorporated in such acceptance and expressly declared by the acceptor, its successor or assign, at and prior to the time of such compliance by it, as conditions of such compliance.

SECTION VII

All ordinances and parts of Ordinances in conflict with this Ordinance or with any of its provision are, to the extent of such conflict, hereby repealed.

SECTION VIII

If any provision of this Ordinance or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

Passed and approved this 11th day of February, 1975.

_____
Mayor

Attest:

_____
Clerk

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

I, David S. Kemp, City Clerk within and for the City of Portage Des Sioux, in the State and County aforesaid, do hereby certify that the foregoing constitutes a full, true and correct copy of the Ordinance No. 102 of said City as passed by the Board of Aldermen and approved by the Mayor on the 11th day of February, 1975 as fully as the same appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Portage Des Sioux, Missouri, at my office in said City, this 11th day of February, 1975

_____
City Clerk

ORDINANCE NO. 103

AN ORDINANCE PROVIDING FOR THE HOLDING OF A SPECIAL ELECTION IN THE CITY OF PORTAGE DES SIOUX, MISSOURI ON SATURDAY, THE 22nd DAY OF MARCH, 1975, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY THE PROPOSITION OF THE RATIFICATION OR REJECTION OF A FRANCHISE GRANTED TO UNION ELECTRIC COMPANY BY THE CITY BY ORDINANCE NO. 102 APPROVED ON THE 11th DAY OF FEBRUARY, 1975, FOR THE USE BY SAID COMPANY OF THE STREETS, ROADS, ALLEYS, SIDEWALKS AND OTHER PUBLIC PLACES OF THE CITY FOR A PERIOD OF TWENTY (20)YEARS FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY:PROVIDING FOR THE FORM OF BALLOT TO BE USED AT SAID ELECTION, THE FORM OF NOTICE OF SAID ELECTION AND DIRECTING THE PUBLICATION OF SAID NOTICE.

WHEREAS, Ordinance No. 102 of the City of Portage Des, Sioux, Missouri was passed and approved on the 11th day of February, 1975 and

WHEREAS, the laws of the State of Missouri provide that no franchise or right to occupy or use the streets, highways, bridges or public places in any city shall be granted, renewed or extended except by Ordinance, and that every franchise or grant thereof shall be authorized or approved by a majority of the electors voting thereon at an election called for that purpose.

NOW THEREFORE, Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, Missouri, as follows:

SECTION I

That at a special election to be held in the City of Portage Des Sioux, St. Charles County, Missouri on Saturday, the 22nd day of March, 1975, there shall be submitted to the qualified voters of said City the proposition of the ratification or rejection of a franchise heretofore granted to Union Electric Company by the City by Ordinance No. 102 approved February 11, 1975, for the use by said Company of the streets, roads, alleys, sidewalks, and other public places of said City for a period of twenty (20) years, in the manner and to the extent set out in said Ordinance No. 102, for the transmission and distribution of electric energy,

in and through said City.

SECTION II

The judges of said special election, who are hereby authorized and directed to appoint their clerks, at which the foregoing proposition shall be submitted to the qualified voters of the City of Portage Des Sioux, Missouri, shall be:

_____ _____

_____ _____

SECTION III

The polling places at which the foregoing propos ition shall be submitted to the qualified voters of the Cityof Portage Des Sioux, Missouri, shall be: Portage Community Fire Hall. Said polling place shall be open from the hour of six o'clock in the forenoon until seven o'clock in the afternoon on March 22nd (Saturday) 1975.

SECTION IV

The City Clerk shall prepare and cause to be printed a sufficient number of ballots to be used by the qualified voters of the City of Portage Des Sioux as such special election for the purpose of voting on the foregoing proposition, and such ballots shall be substantially in the following form:

OFFICIAL BALLOT

SPECIAL ELECTION

CITY OF PORTAGE DES SIOUX

ST. CHARLES COUNTY, MISSOURI

SATURDAY, THE 22nD DAY OF MARCH

1975

PROPOSITION

Shall there be granted to Union Electric Company, its

successors and assigns, the right, permission, authority and franchise to use the streets, roads, alleys, sidewalks and other public places in the City of Portage Des Sioux, Missouri, for the transmission and distribution of electric energy, in and through said City for a period of twenty (20) years, all as more particularly provided in Ordinance No. 102 of said City approved February 11, 1975?

Instruction to Voters:

To vote in favor of the proposition submitted upon this ballot, place a cross (x) mark in the square opposite the word "YES" and to vote against any proposition submitted upon this ballot, place a cross (x) mark in the square opposite the word "NO".

YES _____

NO _____

Should voting machines be used at any of the polling places designated for the holding of the special election provided for in this ordinance, the form of OFFICIAL BALLOT provided in this SECTION 4 shall be adopted for use on such voting machines, and the form herein provided shall be maintained insofar as practicable.

SECTION V

The CityClerk is hereby authorized and directed to prepare and cause to be printed a notice of such election, said notice to read substantially as follows:

CITY OF PORTAGE DES SIOUX, MISSOURI
NOTICE OF ELECTION

Notice is hereby given that at a special election in the City of Portage Des Sioux, Missouri, to be held and conducted on Saturday the 22nd day of March, 1975, the following proposition will be submitted to the qualified voters of said city:

PROPOSITION

Shall there be granted to Union Electric Company, its successors and assigns, the right, permission, authority and

franchise to use the streets, roads, alleys, sidewalks and other public places in the City of Portage Des Sioux, Missouri, for the transmission and distribution of electric energy in and through said City for a period of twenty (20) years, all as more particularly provided in Ordinance No. 102 of said City?

Said election shall be held on the date aforesaid and the polling places shall be at Community Fire House in said City; said polling places shall be open from the hour of 6 o'clock in the forenoon until 7 o'clock in the afternoon of said day, and all qualified or legal voters in said City shall be entitled to vote at said election.

Given under my hand and the corporate seal of the City of Portage Des Sioux, Missouri, this 11th day of February, 1975.

_____ Attest _____

Mayor Clerk

SECTION VI

The City Clerk be and he is hereby authorized and directed to prepare and cause to be published in St. Charles Banner and St. Charles Journal a weekly newspaper published and of general circulation in the City of Portage Des Sioux, Missouri, a notice to be in the form of the notice set out in the preceding section, which notice shall be published once a week for three consecutive weeks, the first publication thereof to be made not more than twenty (20) days before the date of said election and the last publication to be made not less than five (5) days before the date of said election.

SECTION VII

Said election shall be held and conducted and the results thereof shall be returned in all respects in accordance with the

laws of the State of Missouri and the Ordinances in the City of Portage Des Sioux, Missouri, and the City Clerk shall certify the returns of said election and shall report the same to the Board of Aldermen and certify said results to all other interested persons upon application.

SECTION VIII

This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 11th day of February, 1975.

_____
Mayor

Attest:

_____
Clerk

ORDINANCE NO. 104

AN ORDINANCE DECLARING THE RESULTS OF AN ELECTION HELD ON THE 22nd DAY OF MARCH, 1975, TO TEST THE SENSE OF THE VOTERS UPON ORDINANCE NO. 102 WHICH, SUBJECT TO VOTER APPROVAL AND CERTAIN OTHER CONDITIONS, GRANTS TO UNION ELECTRIC COMPANY, A CORPORATION, FOR A PERIOD OF TWENTY (20) YEARS, THE RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC SYSTEM FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY IN, ON, OVER, ACROSS AND UNDER THE STREETS, ROADS, ALLEYS, SIDEWALKS AND OTHER PUBLIC PLACES IN THE CITY OF PORTAGE DES SIOUX.

BE IT ORDAINED by the Board of Aldermen of the City of Portage Des Sioux, Missouri, as follows:

SECTION I

The Board of Aldermen, having suitably informed itself, hereby declares:

(a) That a special election was duly held on March 22, 1975

(b) That at said special election Ordirance No. 102 was submitted to the voters of the City of Portage Des Sioux for their approval or disapproval pursuant to Section 5 thereof, and pursuant to Ordinance No. 102;

(c) That the results of said election are hereby declared to be as follows:

29 Ballots validly cast for approval or disapproval or Ordinance No. 102

29 Ballots cast for approval of Ordinance No. 102

0 Ballots cast for disapproval of Ordinance No. 102

Section II

It is hereby declared that Ordinance No. 102 was duly approved by a majority of the electors voting thereon at the special election held on March 22nd, 1975.

Passed and approved this 27th day of March 1975

_____ Attest _____

Mayor Clerk

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

I, David S. Kemp, City Clerk within and for the City of Portage Des Sioux in the State and County aforesaid, do hereby certify that the foregoing constitutes a full, true and correct copy of the Ordinance No. 104 of said City as passed by the Board of Aldermen and approved by the Mayor on the 27th day of March, 1975, as fully as the same appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Portage Des Sioux, Missouri, at my office in said City, this 27th day of March, 1975.

_____
City Clerk

ORDINANCE NO. 105

AN ORDINANCE TO PREVENT AND PUNISH DRUNKENNESS AND AFFRAYS IN THE PUBLIC STREETS AND PLACES, AND DISTURBANCES OF THE PEACE AND ASSAULTS AND BATTERIES

Was, upon motion, duly seconded, read for the third time. It was thereupon moved and seconded that said Ordinance shall be offered for final passage and thereupon said Ordinance was duly passed, receiving the unanimous vote of all Aldermen who voted in favor of the passage of said Ordinance, the said Ordinance being set forth in words and figures, as set forth herein, to-wit:

AN ORDINANCE TO PREVENT AND PUNISH DRUNKENNESS AND AFFRAYS IN THE PUBLIC STREETS AND PLACES, AND DISTURBANCES OF THE PEACE AND ASSAULTS AND BATTERIES.

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, State of Missouri, as follows:

SECTION I

It shall be unlawful for any person to appear or to be found in and upon any street, alley or in any public place in the City while in an intoxicated condition. Any person violating this Section shall be deemed guilty of a misdemeanor.

SECTION II

If two or more persons shall, in any street, alley, or in any other public place, voluntarily or by agreement, engage in any fight or use any blows or violence toward each other, in any angry or quarrelsome manner, or if any person shall assault another and strike him within the City limits to the terror, disturbance, or annoyance of others, the person, or persons, so offending shall be deemed guilty of a misdemeanor.

SECTION III

If any person, or persons shall wilfully disturb the peace

of any neighbor, or of any person or of any family by loud or unusual noise or by offensive or indecent language or conversation or by threatening, quarreling, challenging or fighting, every person so offending shall be guilty of a misdemeanor.

SECTION IV

Any person who shall assault another or strike, beat, or wound another, under such circumstances as not to constitute any other offense herein defined, shall be guilty of a misdemeanor.

SECTION V

Any person who shall be convicted of a misdemeanor, as provided in this Ordinance, shall be fined not more than five hundred dollars ($500.00)

SECTION VI

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby expressly revoked.

SECTION VII

This Ordinance shall take effect and be in force from and after its passage and approval.

Passed and approved this 4th day of August, 1975.

_____
Mayor

Attest:

_____
Clerk

ORDINANCE NO. 106

An Ordinance entitled "AN ORDINANCE PROHIBITING THE USE OF FIRE ARMS WITHIN THE CITY OF PORTAGE DES SIOUX" was upon motion, duly seconded, read for the third time. It was thereupon moved and seconded that said Ordinance shall be offered for final passage and thereupon said Ordinance was duly passed, receiving the unanimous vote of all Aldermen who voted in favor of the passage of said Ordinance, the said Ordinance being set forth in words and figures, as set forth herein, to-wit:

AN ORDINANCE PROHIBITING THE USE OF FIRE ARMS WITHIN THE CITY OF PORTAGE DES SIOUX.

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, State of Missouri, as follows:

SECTION I

It shall be unlawful for any person to wilfully or promiscuously fire or shoot off any gun, pistol, or fire arm of any description within the City; provided, however, that the provisions of this Section shall not be construed so as to prohibit any United States, State, County, or City Officer, or any service man in the service of the United States or this State from discharging such weapons in the proper discharge of his duties.

SECTION II

Any person who shall violate the above provision of this Ordinance shall be subject to a fine of not more than Five Hundred Dollars ($500.00) for each such violation.

SECTION III

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby expressly revoked.

SECTION IV

This Ordinance shall take effect and be in force from and after its passage and approval.

Passed and approved this 4th day of August, 1975.

_____
Mayor

Attest:

_____
Clerk

ORDINANCE NO. 107

An Ordinance entitled " AN ORDINANCE PROVIDING FOR MAJOR STOP SIGNS FOR THE PROPER CONTROL OF TRAFFIC IN THE CITY OF PORTAGE DES SIOUX, ESTABLISH TRAFFIC REGULATIONS THEREFOR, PENALTIES FOR VIOLATION, EFFECTIVE WHEN:" was duly seconded read for the third time. It was thereupon moved and seconded that said Ordinance shall be offered for final passage and thereupon said Ordinance was duly passed, receiving the unanimous vote of all Aldermen who voted in favor of the passage of said Ordinance, the said Ordinance being set forth in words and figures, as set forth herein, to-wit:

AN ORDINANCE PROVIDING FOR MAJOR STOP SIGNS FOR THE PROPER CONTROL OF TRAFFIC IN THE CITY OF PORTAGE DES SIOUX, ESTABLISH TRAFFIC REGULATIONS THEREFOR, PENALTIES FOR VIOLATION, EFFECTIVE WHEN.

Be it ordained by the Board of Aldermen of the Cityof Portage DesSioux, St. Charles County, State of Missouri, as follows:

SECTION I

A major stop sign shall be established on each of the following streets at its intersection with Commonfield. To wit: Saucier Street, Le Sieur Street, Clark Street, LeFaivre Street, Farnham Street, LeClair Street, Washington Street, LaFour Street, Dumond Street, Pooney Street, and Winfield Street. All traffic coming from the north or south shall come to a complete stop upon reaching said signs at Commonfield.

SECTION II

A major stop sign shall be established on Fourth Street at LeSieur Street. All traffic coming from the east or west on Fourth Street shall come to a complete stop upon reaching said sign at LeSieur Street.

SECTION III

A major stop sign shall be established on Second Street at LeSieur Street. All traffic coming from the east or west on Second Street shall come to a complete stop upon reaching said sign at LeSieur Street.

SECTION IV

A major stop sign shall be established on Main Street at LeSieur Street. All traffic coming from the east and west on Main street shall come to a complete stop upon reaching said sign at LeSieur Street.

SECTION V

A major stop sign shall be established on Fourth Street at Farnham Street. All traffic coming from the east or west on Fourth Street shall come to a complete stop upon reaching said sign at Farnham Street.

SECTION VI

A major stop sign shall be established on Clark Street at Church Street. All traffic coming from the north or south on Clark street shall come to a complete stop upon reaching said sign at Church Street.

SECTION VII

A major stop sign shall be established on LeClair Street at Church Street. All traffic coming from the north or south on LeClair Street shall come to a complete stop upon reaching said sign at Church Street.

SECTION VIII

A major stop sign shall be established on Washington Street at Church street All traffic coming from the north or south on Washington Street shall come to a complete stop upon reaching

said sign at Church Street.

SECTION IX

A major stop sign shall be established on LeFaivre Street at Second Street. All traffic coming from the north or south on LeFaive Street shall come to a complete stop upon reaching said sign at Second Street.

SECTION X

A major stop sign shall be established on Clark Street at Fourth Street. All traffic coming from the south on Clark Street shall come to a complete stop upon reaching said sign at Fourth Street.

SECTION XI

A major stop sign shall be established on Washington Street at Fourth Street. All traffic coming from the south on Washington Street shall come to a complete stop upon reaching said sign at Fourth Street.

SECTION XII

A major stop sign shall be established on Washington Street at Second Street. All traffic coming from the south on Washington Street shall come to a complete stop upon reaching said sign at Second Street.

SECTION XIII

A major stop sign shall be established on LaTour street at Second Street. All traffic coming from the north on LaTour Street shall come to a complete stop upon reaching said sign at Second Street.

SECTION XIV

A major stop sign shall be established on Church Street at Dumond Street. All traffic coming from the east on Church Street shall come to a complete stop upon reaching said sign at Dumond

Street.

SECTION XVI

A major stop sign shall be established at the intersection of Church and LeSieur Streets. All traffic coming from the east or west on Church Street and all traffic coming from the north or south on LeSieur Street upon reaching the intersection of Church Street and LeSieur Street shall come to a complete stop upon reaching said signs.

SECTION XVII

A major stop sign shall be established at the intersection of Church and Farnham Streets. All traffic coming from the east or west on Church Street and all traffic coming from the north or south on Farnham Street upon reaching the intersection of Church Street and Farnham Street shall come to a complete stop upon reaching said signs.

SECTION XVIII

Violation of any provisions of this Ordinance shall be a misdemeanor punishable by a fine not to exceed Twenty-five dollars ($25.00) for each offense committed.

SECTION XIX

All Ordinances or parts of Ordinances conflicting with this Ordinance are hereby revoked.

SECTION XX

This Ordinance shall be in full force and effective from and after its passage by the Board of Aldermen and signature by the Mayor.

Passed and approved this 1st day of March, 19 .

_____ Attest: _____

Mayor Clerk

ORDINANCE NO. 108

An Ordinance entitled "AN ORDINANCE ESTABLISHING A MAXIMUM SPEED LIMIT OF TWENTY-FIVE (25) MILES PER HOUR WITHIN THE CITY LIMITS OF THE CITY OF PORTAGE DES SIOUX, ST. CHARLES COUNTY, STATE OF MISSOURI" was, upon motion, duly seconded, read for the third time. It was thereupon moved and seconded that said Ordinance shall be offered for final passage and thereupon said Ordinance was duly passed, receiving the unanimous vote of all Aldermen who voted in favor of the passage of said Ordinance, the said Ordinance being set forth in words and figures, as set forth herein, to-wit:

AN ORDINANCE ESTABLISHING A MAXIMUM SPEED LIMIT OF TWENTY-FIVE (25) MILES PER HOUR WITHIN THE CITY LIMITS OF THE CITY OF PORTAGE DES SIOUX, ST. CHARLES COUNTY, STATE OF MISSOURI.

WHEREAS, in the opinion of the Board of Aldermen of the City of Portage des Sioux, St. Charles County, Missouri, the City streets are narrow enough to constitute a hazard to its citizens and a danger to its children when used to drive upon at a speed in excess of twenty-five (25) miles perhour, now therefore:

Be it Ordained by the Board of Aldermen of the City of Portage des Sioux, St. Charles County, State of Missouri, as follows:

SECTION I

It shall be unlawful for any person to drive any car, truck, motorcycle, tractor, wagon, or other vehicle upon the streets of Portage Des Sioux, St. Charles County, State of Missouri, at a speed in excess of twenty-five (25) miles per hour.

SECTION II

Who so ever shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon con--

viction thereof shall be fined not to exceed one Hundred Dollars ($100.00) for each such offense.

SECTION III

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby expressly revoked.

SECTION IV

This Ordinance shall take effect and be in force from and after its passage and approval.

Passed and approved this 7th day of June, 1976.

_____
Mayor

Attest:

_____
Clerk

ORDINANCE NO. 109

An Ordinance entitled " AN ORDINANCE PROHIBITING FISHING FROM OR PARKING UPON LESIEUR STREET, NORTH OF MAIN STREET, AND TO REGULATE PARKING ON RIVERVIEW DRIVE, PENALTIES FOR VIOLATION, EFFECTIVE WHEN" was upon motion, duly seconded, read for the third time. It was thereupon moved and seconded that said Ordinance shall be offered for final passage and thereupon said Ordinance was duly passed, receiving the unanimous vote of all Aldermen who voted in favor of the passage of said Ordinance, the said Ordinance being set forth in words and figures, as set forth herein to-wit:

AN ORDINANCE PROHIBITING FISHING FROM OR PARKING UPON LESIEUR STREET, NORTH OF MAIN STREET, AND TO REGULATE PARKING UPON RIVERVIEW DRIVE, PENALTIES FOR VIOLATION EFFECTIVE WHEN.

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, State of Missouri, as follows:

SECTION I

No person shall park an automobile, truck, tractor, motorcycle, trailer, or any other vehicle on either side of LeSieur Street beginning from a point 200 feet north of Main Street, thence north to a point 650 feet north of Main Street, the said length being 450 feet in distance.

SECTION II

No person is allowed to fish by pole, gig, net, lines, or of any other means on either side of LeSieur Street beginning from a point 200 feet north of Main Street, thence north to a point 650 feet north of Main Street, the said length being 450 feet in distance.

SECTION III

No person shall park an automobile, truck, tractor, motorcycle, trailer, or any other vehicle, between the hours of one(1)

hour after sunset until 7:00 a.m. on either side of LeSieur Street beginning at a point 650 feet north of Main Street to it's entire length, the same being the entrance to the Shrine of Our Lady of the Rivers, thence along either side of Riverview Drive beginning at the intersection of LeSieur Street, being the entrance to the Shrine of our Lady of the Rivers, west to the intersection of LeFaivre Street.

SECTION IV

Any person who shall violate the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Fifty Dollars ($50.00) for each offense.

SECTION V

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby expressly revoked.

SECTION VI

This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 12th day of July, 1976.

_____
Mayor

Attest:

_____
Clerk

ORDINANCE NO. 110

An Ordinance entitled " AN ORDINANCE PROHIBITING LITTERING OF ANY TYPE WITHIN THE CITY OF PORTAGE DES SIOUX, PENALTIES FOR VIOLATION, EFFECTIVE WHEN: was upon motion, duly seconded, read for the third time. It was thereupon moved and seconded that said Ordinance shall be offered for final passage and thereupon said Ordinance was duly passed, receiving the unanimous vote of all Aldermen who voted in favor of the passage of said Ordinance, the said Ordinance being set forth in words and figures, as set forth herein, to-wit:

AN ORDINANCE PROHIBITING LITTERING OF ANY TYPE WITHIN THE CITY OF PORTAGE DES SIOUX, PENALTIES FOR VIOLATION EFFECTIVE WHEN

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, State of Missouri, as follows:

SECTION I

No person shall throw or place, or cause to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, can garbage, trash, refuse, or rubbish of any kind, nature, or description on any public street, alley, sidewalk, tree lawn, parkway public place or any private real property with the City of Portage Des Sioux.

SECTION II

Special events, such as: Organized picnics, Ball Games, Parades, or other officially sanctioned public gatherings are hereby given 36 hours after the conclusion of the event to comply with Section I of this Ordinance.

SECTION III

The word "Person" shall mean any individual, male or female,

singular or plural, and this term shall include, and refer to any owner, grantee, lessee, licensee, permittee, firm, association, copartnership, corporation, or as the context may require.

SECTION IV

Any person violating the provisions of the Ordinance shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed One Hundred Dollars ($100.00) for each offense.

SECTION V

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby expressly revoked.

SECTION VI

This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 12th day of July, 1976.

_____
Mayor

Attest

_____
Clerk

ORDINANCE NO 111

AN ORDINANCE PROVIDING FOR AMENDING ORDINANCE NO. 79 AND ORDINANCE NO. 88 OF THE ORDINANCES OF THE CITY OF PORTAGE DES SIOUX, ST. CHARLES COUNTY, MISSOURI, PROVIDING FOR CHARGES FOR THE USE OF THE SANITARY SEWER SYSTEM, PROVIDING FOR TAP-ON CHARGES AND MONTHLY FEES.

BE IT ORDAINED by the Board of Aldermen of the City of Portage Des Sioux, Missouri, as follows:

SECTION I

Ordinance No. 79; Section 1; be and the same is hereby amended by increasing charges from $.75 to $1.25 per month per each lot or parcel of land, or shall be increased from $.75 to $1.25 per each single family residence, where more than one family resides on a lot or parcel of land. The charge for sewer services furnished to each user shall be increased from $.75 to $1.25 per month for each user and shall be due and payable on or before December 31 of each year. All charges herein above provided for shall be effective on and after the 9th day of August, 1976.

SECTION II

Ordinance No. 88; Section 2; be and the same is hereby amended by increasing Sewer Tap-on charges from One Hundred Fifty Dollars ($150.00) to Three Hundred Dollars ($300.00) for each single family dwelling or household unit connection, and such connections shall not be made unless and until payment therefore is paid in full in advance to the City Collector or City Clerk and a permit is issued therefor. An additional tap-on charge shall be made for each and every single family dwelling or household unit within duplex flats, double houses, and apartment houses. All charges hereinabove shall be effective on and after the ninth day of August, 1976.

SECTION III

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby expressly revoked.

SECTION IV

This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 13th day of September, 1976.

_____
Mayor

Attest

_____
Clerk

ORDINANCE NO. 112

AN ORDINANCE PROVIDING FOR AMENDING ORDINANCE NO. 75 AND ORDINANCE NO. 88 OF THE ORDINANCES OF THE CITY OF PORTAGE DES SIOUX, ST. CHARLES COUNTY, MISSOURI. PROVIDING FOR INCREASE RATE AND CHARGES FOR THE USE AND SERVICES OF THE WATER WORKS SYSTEM AND INCREASE WATER TAP-ON CHARGES.

BE IT ORDAINED by the Board of Aldermen of the City of Portage Des Sioux, Missouri as follows:

SECTION I

Ordinance No. 75, Section I now in force is hereby amended by increasing rates and charges for the use and service of the waterworks system of the City of Portage des Sioux, calculated on a monthly basis:

For the first 2,000 gallons per month - $6.00 (Minimum)
For the next 1,000 gallons per month - 1.50
For the next 1,000 gallons per month - 1.00
For the next 1,000 gallons per month - .90
For all over 5,000 gallons per month - .80 per 1,000 gallons or fraction thereof.

SECTION II

Ordinance No. 75, Section 3, now in force, is hereby amended by increasing a charge for connection to the water works system of said City to a charge of two-hundred dollars ($200.00). The charge shall be made for each single family dwelling or household unit connection, within the boundaries of said City.

SECTION III

Ordinance No. 88, Section 1, now in force, is hereby amended by increasing a charge for connection to the water works system of Portage Des Sioux. Whenever any premises shall be connected with the water works system of said City, a charge of Two Hundred Dollars ($200.00) shall be made for each single family dwelling or household unit connection within the boundaries of said City.

SECTION IV

All Ordinances, Sections or parts of Ordinances in conflict

with this Ordinance are hereby repealed.

SECTION V

This Ordinance shall take effect, and be in force from January 15, 1977.

Passed and approved this 3rd day of January, 1977.

_____

Attest: Mayor

_____

Clerk

ORDINANCE NO. 113

AN ORDINANCE PROVIDING FOR THE REIMBURSEMENT TO ROBERT BURCKHARDT OF HIS COST FOR THE LAYING OF AN EIGHT (8) INCH SANITARY SEWER LINE ON MOONEY STREET IN THE CITY OF PORTAGE DES SIOUX.

BE IT ORDAINED by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, Missouri, as follows;

SECTION I

In consideration of Robert Burckhardt laying two hundred (200) feet of eight (8) inch sanitary sewer pipe on Mooney Street, starting at a manhole at the intersection of Commonfield and Mooney Streets, and extending southward to a lamphole, a total of two hundred (200) feet, the City of Portage Des Sioux, Missouri will exact the sum of one (1) dollar and eighteen and four tenths (18.4) cents per foot of lot frontage from both sides of Mooney Street beginning at the intersection of Commonfield and Mooney Street and extending southward to a total of three hundred (300) feet, in addition to the required tap-on fee from each person desiring to connect onto said sewer line. Upon receipt of a valid warrant, the City will remit the said sum of one (1) dollar and eighteen and four tenths (18.4) cents to Robert Burckhardt, or his heirs or assigns. The cost of constructing said sewer line being the sum of Seven Hundred ten ($710.40) dollars and forty cents (40)

SECTION II

The amount of footage to be paid for shall be determined by the amount of frontage on Mooney Street owned by any person, or persons desiring to hook onto said sewer line at time of issuance of permit to do so.

SECTION III

All Ordinances or parts of Ordinances in conflict with this Ordinance insofar as they are in conflict with this Ordinance are hereby repealed.

SECTION IV

This Ordinance shall take effect and be in force from and after its passage and approval on this 7th day of March, 1977.

_____
Mayor

Attest:

_____
Clerk

AN ORDINANCE TO COMPLY WITH LAND MANAGEMENT CRITERIA AS SET FORTH IN PART 1910 OF THE NATIONAL FLOOD INSURANCE PROGRAM, TO BE KNOWN AS THE FLOOD PLAIN MANAGEMENT AND FLOOD DAMAGE PREVENTION ORDINANCE.

Be it ordained by the Board of Aldermen of the City of Portage des Sioux, St. Charles County, Missouri as follows:

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

SECTION A. Statutory Authorization

The Legislature of the State of Missouri has delegated the responsibility to local units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

SECTION B. Findings of Fact

(1) The City of Portage des Sioux is subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extra-ordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

SECTION C. State of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or in flood heights or velocities.

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(3) Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters.

(4) Control filling, grading, dredging and other development which may increase erosion or flood damage.

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. Objectives

The objectives of this ordinance are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains.

SECTION D - CONTINUED

(6) To help maintain a stable tax base by providing for the sound use and development of flood-prome areas in such a manner as to minimize future flood blight areas; and,

(7) To insure that potential home buyers are notified that property is in a flood area.

ARTICLE 2. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Appeal means a request for a review of the Zoning Commissioner's interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding" means a designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, minimg, dredging, filling, grading, paving, excavation or drilling operations.

"Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into tow or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

"Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilites, either final site grading or pouring of concrete pads, or the construction of streets).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map" (FHBM) means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

"Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

"Mean Sea Level" means the average height of the sea for all stages of the tide.

"Mobile home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"New mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

"Start of construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

"Structure" means a walled and roofed building that is principally above ground, as well as a mobile home.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occured. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

ARTICLE 3 GENERAL PROVISIONS

SECTION A. Lands to Which This Ordinance Applies

This ordinance shall apply to all lands within the jurisdiction of Portage des Sioux, Missouri located in Zone A20 on the Community's FIRM, which is by coincidence the entire city limits.

SECTION B. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for the City of Portage des Sioux, dated December 28, 1973, Community Number 290317 with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps and any revision thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. Establishment of Development Permit

A Development Permit shall be required in conformance with the provisions of this ordinance.

SECTION D. Compliance

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, convenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. Interpretation

In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Portage des Sioux, Missouri or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE 4. ADMINISTRATION

SECTION A. Designation of Zoning Commissioner

The Zoning Commissioner is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. Duties and Responsibilities of the Zoning Commissioner

Duties of the Zoning Commissioner shall include, but not be limited to:

(1) Review all development permits to assure that the permit requirements of this ordinance have been satisified.

(2) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.

(3) Notify adjacent communities and the Missouri Disaster Preparedness Office prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Insurance Administration.

(4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(5) Verify and record the actual elevation (in relation to mean sea level) of the lowest flood (including basement) of all new or substantially improved structures.

(6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.

(7) When floodproofing is utilized for a particular structure the owner and/or contractor shall obtain certification from a registered professional engineer or architect and file same with the Zoning Commissioner.

(8) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Zoning Commissioner and shall be open for public inspection.

SECTION C. Permit Procedures

Application for a Development Permit shall be made to the Zoning Commissioner on forms furnished by him and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill storage of materials; drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Elevation in relation to mean seal level, of the lowest floor (including basement) of all structures.

(2) Elevation in relation to mean sea level to which any non-residential structure has been floodproofed.

(3) Provide a certificate from a registered professional engineer or architect that the non-residential floodproofed structure meets the floodproofing criteria in Article 5, Section B(2).

SECTION D. Variances Procedures

(1) The Zoning Board as established by the Board of Aldermen of the City of Portage des Sioux, Mo. shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(2) The Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Commissioner in the enforcement or administration of this ordinance.

(3) Any person aggrieved by the decision of the Zoning Board or any taxpayer may appeal such decision to the Circuit Court of St. Charles County, Missouri.

(4) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(5) In passing upon such applications, the Zoning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

(a) the danger that materials may be swept onto other lands to the injury of others;

(b) the danger to life and property due to flooding or erosion damage;

(c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) the importance of the services provided by the proposed facility to the community;

(e) the necessity to the facility of a waterfront location, where applicable;

(f) the avialability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) the compatibility of the proposed use with existing and anticipated development;

(h) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(i) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(6) Upon consideration of the factors listed above and the purposes of this ordinance, the Zoning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(7) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(8) Conditions for Variances

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given a written notice that the structure will be permitted to be built with a lowest floor elevation seven (7) feet below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(d) The Zoning Commissioner shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. General Standards

In all areas of the City of Portage des Sioux where base flood elevation data has been provided as set forth in Article 3, Section B the following provisions are required:

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) All new construction and substantial improvements shall be with materials and utility equipment resistant to flood damage.

(3) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(4) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(5) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and,

(6) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(7) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.

(8) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

SECTION B. Specific Standards

(1) Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(2) Non-residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structureshall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisified. Such certification shall be provided to the official as set forth in Article 4, Section C (3).

(3) Mobile Homes

(a) No mobile home shall be placed in a floodway except in an existing mobile home park or existing mobile home subdivision.

(b) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that;

(i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;

(ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;

(iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(iv) any additions to the mobile home be similarly anchored.

(c) For new mobile home parks and subdivisions; for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 per cent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or subdivision require:

(i) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

(ii) adequate surface drainage and access for a hauler are provided; and,

(iii) in the instance of elevation on pilings: (1) lots are large enough to permit steps, (2) piling foundations are placed in stable soil no more than ten feet apart, and (3) reinforcement is provided for pilings more than six feet above the ground level.

(4) Floodways - Until a floodway can be delineated within the areas of special flood hazard, established in Article 3, Section B, no new construction, substantial improvements or other development, including fill, shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing development will not increase the water surface elevation of the base level flood more than one foot at any one point.

SECTION C. Standards for Subdivision Proposals

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of 50 lots or 5 acres.

ARTICLE 6. NON-CONFORMING USE

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

a. No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.

b. If such use is discontinued for one hundred and twenty (120) consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the Zoning Commissioner in writing of instances of non-conforming uses where utility services have been discontinued for a period of one hundred and twenty (120) months.

c. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as non-conforming uses.

2. If any non-conforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 per cent of the market value of the structure before the damage occured except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

ARTICLE 7. PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars ($100.00) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City of Portage des Sioux, Missouri or other appropriate authority from taking such other lawfulaction as is necessary to prevent or remedy any violation.

ARTICLE 8 AMENDMENTS

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen 15 days notice of the time and plac e of such hearing shall be published in a newspaper of general circulation in the City of Portage des Sioux, Missouri. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in the Federal Register, Volume 41, Number 207 dated October 26, 1976.

ARTICLE 9. All ordinances, sections or parts of ordinances, in conflict with this ordinance are hereby repealed.

ARTICLE 10.

This ordinance shall take effect, and be in force from and after April 1, 1977.

ADOPTED AND APPROVED by the Governing Body of the City of Portage des Sioux, St. Charles County, Missouri this _____ day of _____, 1977.

_____
GEORGE R. COMBS, MAYOR

_____
DAVID S. KEMP, CITY CLERK

ORDINANCE NO. 115

AN ORDINANCE PROVIDING FOR THE REIMBURSEMENT TO FERD H. RAMSPOTT OF HIS COST FOR THE LAYING OF AN EIGHT (8) INCH SANITARY SEWER LINE ON LAWRENCE STREET IN THE CITY OF PORTAGE DES SIOUX, MISSOURI.

BE IT ORDAINED by the Board of Alderman of the City of Portage des Sioux, St. Charles County, Missouri as follows:

SECTION I

In consideration of Ferd H. Ramspott laying six hundred (600) feet, more or less, of eight (8) inch sanitary sewer pipe on Lawrence Street, starting at a manhole at the intersection of Commonfield and Lawrence Streets, and extending southward to a lamphole, six hundred (600) feet, more or less, the City of Portage des Sioux, Missouri will exact the sum of sixty-three and two-tenths (63.2) cents per foot of lot frontage from both sides of Lawrence Street beginning at the intersection of Commonfield and Lawrence Streets and extending southward to a total of seven hundred twelve (712) feet, in addition to the required tap-on fee from each person desiring to connect onto said sewer line. Upon receipt of a valid warrant, the City will remit the said sum of sixty-three and two-tenths (63.2) cents to Ferd H. Ramspott, or his assigns. The cost of constructing said sewer line being the sum of eight hundred ninety-nine dollars and nine ($899.09) cents.

SECTION II

The amount of footage to be paid for shall be determined by the amount of frontage on Lawrence Street owned by any person, or persons desiring to hook onto said sewer line at the time of issuance of a permit to do so.

SECTION III

All Ordinances or parts of Ordinances in conflict with this Ordinance insofar as they are in conflict with this Ordinance are hereby repealed.

SECTION IV

This ordinance shall take effect and be in force from and after it's passage and approval on this 3 day of April 1978.

_____
(Mayor)

_____
(Clerk)

BILL NO. 116 ORDINANCE NO. 116

AN ORDINANCE PROVIDING FOR AND DIRECTING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF PORTAGE DES SIOUX, ST. CHARLES COUNTY, MISSOURI, AT A SPECIAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, THE 3RD DAY OF OCTOBER, 1978, OF A PROPOSITION FOR THE INCURRING OF INDEBTEDNESS AND THE ISSUANCE OF BONDS OF SAID CITY FOR THE PURPOSE OF IMPROVING AND EXTENDING THE SEWERAGE SYSTEM OF SAID CITY.

WHEREAS, the Board of Aldermen of the City of Portage Des Sioux does now find and determine that it has become necessary to improve and extend the sewerage system of said City; and

WHEREAS, upon due investigation, the Board of Aldermen of said City does now find and determine that the estimated cost of improving and extending the sewerage system of said City is at least Eighty-five Thousand Dollars ($85,000); and

WHEREAS, the said City of Portage Des Sioux is authorized, under the Constitution and Laws of the State of Missouri, by vote of two-thirds (2/3) of the qualified electors thereof voting thereon, to incur an indebtedness for the aforesaid purpose, provided the amount of such indebtedness, when added to all outstanding indebtedness of the said City, shall not exceed any limit prescribed by the Constitution and Laws of the State of Missouri; and

WHEREAS, the value of taxable, tangible property in said City, as shown by the assessment for state and county purposes made as of January 1, 1977, being the last completed assessment prior to the date of the election hereinafter provided for, was as follows:

Real estate	$ 766,650
Tangible personal property	$ 139,110
Merchants and manufacturers	$ 9,180
Locally-assessed utilities' properties	$ 11,110
State-assessed utilities' properties	$ 277,374
TOTAL	$1,203,424;

and

WHEREAS, the said City of Portage Des Sioux, on the date of the election hereinafter provided for, will have no outstanding indebtedness of any kind or

character, other than current bills for the payment of which funds will be on hand in the City Treasury and an issue of Waterworks System Revenue Bonds of said City, dated April 1, 1967, as to which no legal debt limit exists; and

WHEREAS, the amount of indebtedness proposed to be incurred under the proposition hereinafter set forth will not exceed any constitutional or statutory limit; and

WHEREAS, the Board of Aldermen of said City does now find and determine that it would be advisable to direct the submission of the proposition hereinafter set forth at a special election to be held on Tuesday, the 3rd day of October, 1978:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION 1. That, at a special election to be held in the City of Portage Des Sioux, Missouri, on Tuesday, the 3rd day of October, 1978, there shall be submitted to the qualified electors of said City the following proposition, to-wit:

PROPOSITION

Proposition to issue the bonds of the City of Portage Des Sioux, St. Charles County, Missouri, to the amount of Eighty-five Thousand Dollars ($85,000) for the purpose of improving and extending the sewerage system of said City.

SECTION 2. That the qualified electors of the City residing in the several election precincts located within said City shall vote at the polling places enumerated in the "NOTICE OF SPECIAL BOND ELECTION" as hereinafter set forth in Sections 6 and 9 of this Ordinance; that the polls of said election shall be opened at the hour of six o'clock in the morning, Central Daylight Saving Time, on said date and shall be kept open until the hour of 7:00 o'clock in the afternoon, Central Daylight Saving Time, on said date; that no person shall be permitted to vote in said election unless he or she is duly registered and unless his or her name thereby appears in the County record and the precinct record for the County and precinct in which he or she resides; and that no person shall be eligible to vote unless he or she shall have registered before 5:00 P.M., Central Daylight Saving Time, on Wednesday, the 6th day of September, 1978.

SECTION 3. That the County Clerk of St. Charles County, Missouri, shall conduct the election herein provided for and shall serve as the election authority for said election, and the said County Clerk shall perform the duties required of him as election authority for said election under the provisions of Senate Substitute for House Bill No. 101 of the First Regular Session of the 79th General Assembly of the State of Missouri, as amended.

SECTION 4. That the County Clerk of St. Charles County, Missouri, as election authority for the election herein provided for, shall give the notice of said election required of him by law, shall appoint the election judges for each polling place at which said election is to be held, and shall supply all ballot boxes, ballots, tally sheets, precinct registers, and other supplies necessary for the conduct of said election.

SECTION 5. That the ballots to be used at said special election shall be in substantially the following form, to-wit:

OFFICIAL BALLOT

SPECIAL BOND ELECTION

CITY OF PORTAGE DES SIOUX,
ST. CHARLES COUNTY, MISSOURI

Tuesday, the 3rd day of October, 1978

Instructions to Voters:

To vote in favor of the proposition submitted upon this ballot, place a cross (x) mark in the square opposite the word "YES"; and, to vote against the proposition submitted upon this ballot, place a cross (x) mark in the square opposite the work "NO".

PROPOSITION

Shall the following be adopted:

Proposition to issue the bonds of the City of Portage Des Sioux, St. Charles County, Missouri, to the amount of Eighty-five Thousand Dollars ($85,000) for the purpose of improving and extending the sewerage system of said City?	YES NO	....

Absentee ballots shall be in the form above set forth except that the caption shall read "OFFICIAL ABSENTEE BALLOT" in lieu of "OFFICIAL BALLOT".

SECTION 6. That the City Clerk be and is hereby authorized and directed to give notice of the submission of the aforesaid proposition at the aforesaid election by publication in the St. Peters Courier-Post, a newspaper printed and published in St. Charles County, Missouri, and of general circulation therein, there being no newspaper printed and published in the City of Portage Des Sioux. The said notice shall be published in said newspaper once a week for at least three (3) consecutive weeks. The first publication of said notice shall be made at least twenty-one (21) days before the date of said election, and the last publication shall be made within two (2) weeks of the date of said election. The said notice to be so published shall be in substantially the following form, to-wit:

NOTICE OF SPECIAL BOND ELECTION

CITY OF PORTAGE DES SIOUX,
ST. CHARLES COUNTY, MISSOURI

NOTICE is hereby given that at a special election to be held in the City of Portage Des Sioux, St. Charles County, Missouri, on

Tuesday, the 3rd day of October, 1978,

there will be submitted to the qualified electors of said City the following proposition, to-wit:

PROPOSITION

Proposition to issue the bonds of the City of Portage Des Sioux, St. Charles County, Missouri, to the amount of Eighty-five Thousand Dollars ($85,000) for the purpose of improving and extending the sewerage system of said City.

Qualified electors of the City residing in the election precinct located within the said City and within Portage Township shall vote at the following polling places, respectively, established for said precinct as follows:

Precinct	City Ward	Polling Place
Portage Des Sioux #5	One	Vacant Store Northwest Corner, Church and Lesieur Streets
Portage Des Sioux #5	Two	Fire Hall Southeast Corner, Church and Lesieur Streets

The polls of said election at the places above indicated will be opened at the hour of six o'clock in the morning, Central Daylight Saving Time, and will remain open until the hour of seven o'clock in the evening, Central Daylight Saving Time, on the aforesaid date. Except for absentee ballots cast by persons in Federal service, no person shall be allowed to vote whose name does not appear in the precinct register without the express sanction of the election authority, and, in order to vote in said election, a person must be registered no later than 5:00 P.M., Central Daylight Saving Time, on Wednesday, the 6th day of September, 1978.

Given under my hand the the corporate seal of the City of Portage Des Sioux, Missouri, this _____ day of _____, 1978.

_____
City Clerk, City of Portage Des Sioux, Missouri

(SEAL)

SECTION 7. That, in order to comply with the provisions of Section 6.010, Senate Substitute for House Bill No. 101 of the First Regular Session of the 79th General Assembly of the State of Missouri, the City Clerk be and the said Clerk is hereby directed to transmit to the County Clerk of St. Charles County, Missouri, who shall serve as the election authority for the election herein provided for, a notice in substantially the following form, to-wit:

Honorable Joseph A. Haake
County Clerk
County Administration Building
118 North Second Street
St. Charles, Missouri 63301

RE: CITY OF PORTAGE DES SIOUX,
ST. CHARLES COUNTY, MISSOURI
SPECIAL BOND ELECTION
OCTOBER 3, 1978

Dear Mr. Haake:

This is to notify you that the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, Missouri, on the 7th day of August, 1978, did call a special bond election to be held on Tuesday, the 3rd day of October, 1978. So that you may be informed as to the question to be submitted to the qualified electors in said election, I am enclosing herewith the following:

1. A certified copy of Ordinance No. 116 of said City passed and approved on August 7, 1978, which said Ordinance calls and provides for the holding of said special election;

2. A suggested form for the notice which you are required to give pursuant to the provisions of paragraph 2 of Section 6.015 of Senate Substitute for House Bill No. 101 of the First Regular Session of the 79th General Assembly of the State of Missouri, as amended; and

3. A suggested form for the notice which you are required to give pursuant to the provisions of Section 6.025 (if you do not elect to give the notice contemplated by Section 6.020) of the said Senate Substitute for House Bill No. 101.

Your attention is called to the fact that Section 5 of the ordinance calling and providing for the holding of the said election specifies the form of the ballot to be used at said election.

The notice referred to in paragraph 2, above, should be published in The Wentzville Union on the 13th, 20th, and 27th days of September, 1978, and in the St. Peters Courier-Post on the 18th and 25th days of September, 1978, and the notice referred to in paragraph 3, above, should be published in the St. Peters Courier-Post on the 2nd day of October, 1978.

Very truly yours,

_____
City Clerk, City of Portage Des Sioux,
St. Charles County, Missouri

7-116

Said notice and the enclosures mentioned therein shall be so transmitted by said City Clerk so as to be received by the County Clerk not later than 5:00 P.M., Central Daylight Saving Time, on Tuesday, the 22nd day of August, 1978.

SECTION 8, That the form of notice mentioned in paragraph 2 of the notice provided for in Section 7 hereinabove shall be in substantially the following form, to-wit:

NOTICE OF SPECIAL BOND ELECTION

CITY OF PORTAGE DES SIOUX
ST. CHARLES COUNTY, MISSOURI

Notice is hereby given to the qualified electors of the City of Portage Des Sioux, St. Charles County, Missouri, that the Board of Aldermen of said City has called a special election to be held in said City on

Tuesday, the 3rd day of October, 1978,

commencing at six o'clock in the morning and closing at seven o'clock in the afternoon on said date.

The ballots to be used at said special election shall be in substantially the following form, to-wit:

OFFICIAL BALLOT

SPECIAL BOND ELECTION

CITY OF PORTAGE DES SIOUX
ST. CHARLES COUNTY, MISSOURI

Tuesday, the 3rd day of October, 1978

Instructions to Voters:

To vote in favor of the proposition submitted upon this ballot, place a cross (x) mark in the square opposite the word "YES"; and, to vote against the propostion submitted upon this ballot, place a cross (x) mark in the square opposite the word "NO".

PROPOSITION

Shall the following be adopted:

Proposition to issue the bonds of the City of Portage Des Sioux, St. Charles County, Missouri, to the amount of Eighty-five Thousand Dollars ($85,000) for the purpose of improving and extending the sewerage system of said City?	YES	.....
	NO	.....

The qualified electors of the City residing in the election precincts located within the said City shall vote at the polling places, respectively, established for said precincts as those places shall be listed in a notice to be published by me in the St. Peters Courier-Post on the 2nd day of October, 1978.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this _____ day of _____, 1978.

_____
County Clerk and Election Authority
St. Charles County, Missouri

(SEAL)

8-116.

SECTION 9. That the form of notice mentioned in paragraph 3 of the notice provided for in Section 7 hereinabove shall be in substantially the following form, to-wit:

NOTICE OF SPECIAL BOND ELECTION

CITY OF PORTAGE DES SIOUX
ST. CHARLES COUNTY, MISSOURI

Notice is hereby given to the qualified electors of the City of Portage Des Sioux, St. Charles County, Missouri, that the Board of Aldermen of said City has called a special election to be held in said City on

Tuesday, the 3rd day of October, 1978,

commencing at six o'clock in the morning and closing at seven o'clock in the afternoon on said date.

Qualified electors of the City residing in the election precinct located within the said City and within Portage Township shall vote at the following polling places, respectively, established for said precinct as follows:

Precinct	City Ward	Polling Place
Portage Des Sioux #5	One	Vacant Store Northwest Corner, Church and Lesieur
Portage Des Sioux #5	Two	Fire Hall Southeast Corner, Church and Lesieur

The ballots to be used at said special election shall be in substantially the following form, to-wit:

OFFICIAL BALLOT

SPECIAL BOND ELECTION

CITY OF PORTAGE DES SIOUX
ST. CHARLES COUNTY, MISSOURI

Tuesday, the 3rd day of October, 1978

Instructions to Voters:

To vote in favor of the proposition submitted upon this ballot, place a cross (x) mark in the square opposite the word "YES"; and, to vote against the proposition submitted upon this ballot, place a cross (x) mark in the square opposite the word "NO".

PROPOSITION

Shall the following be adopted:

Proposition to issue the bonds of the City of Portage Des Sioux, St. Charles County, Missouri, to the amount of Eighty-five Thousand Dollars ($85,000) for the purpose of improving and extending the sewerage system of said City?	YES	.....
	NO	.....

Except for absentee ballots cast by persons in Federal service, no person shall be allowed to vote whose name does not appear in the precinct register without the express sanction of the election authority, and, in order to vote in said election, a person must have been registered no later than 5:00 P.M., Central Daylight Saving Time, on Wednesday, the 6th day of September, 1978.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this _____ day of _____, 1978.

County Clerk and Election Authority
St. Charles County, Missouri

(SEAL)

SECTION 10. That this Ordinance shall be in force and take effect from and after its passage and approval.

Read three (3) times and passed this 7th day of August, 1978.

George R Combs
Mayor and President of the
Board of Aldermen

Attest:
Patricia A Bockert
City Clerk

Approved this 7th day of August, 1978.

George R. Combs
Mayor

Attest:
Patricia A. Bockert
City Clerk

10-116

STATE OF MISSOURI)
) ss.
COUNTY OF ST. CHARLES)

I, PATRICIA A. BOSCHERT, City Clerk within and for the City of Portage Des Sioux, in the County of St. Charles, State of Missouri, do hereby certify that the foregoing pages constitute a true and correct copy of Ordinance No. 116 of said City, as passed by the Board of Aldermen on the 7th day of August, 1978, and approved by the Mayor on the 7th day of August, 1978, as fully as the same appears and remains of record in my office in the Book of Ordinances of the City of Portage Des Sioux, Missouri, ~~at pages~~ 9 thru ~~to~~ 7, 1978, inclusive.

IN TESTIMONY WHEREOF, I have hereunto set my hand and and affixed the seal of the City of Portage Des Sioux, Missouri, at my office in said City, this 17 day of August, 1978.

Patricia A. Boschert
City Clerk

(SEAL)

11-116

BILL NO. 117 ORDINANCE NO. 117

AN ORDINANCE DESIGNATING THE DEPOSITORY OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, ALL FUNDS FOR A PERIOD ENDING APRIL 1, 1981 PURSUANT TO SECTION 95.355 REVISED STATUTES OF MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION NO. 1 That the 1st State Bank of St. Charles, located in St. Charles, Missouri be and is hereby designated as the sole depository of all the funds of the City of Portage Des Sioux, Missouri until April 1, 1981.

SECTION NO. 2 That the Treasurer of the City of Portage Des Sioux deposit all funds of the City of Portage Des Sioux whether in time accounts or demand accounts in the depository bank designated in Section No. 1 of this Ordinance.

SECTION NO. 3 That the depository of the funds of the City of Portage Des Sioux comply with the provisions of Section 110.010 of the Revised Statutes of Missouri, and on its failure to do so, the Treasurer of the City of Portage Des Sioux is directed to forthwith withdraw all funds of the City held by said depository bank.

SECTION NO. 4 That the depository contract annexed to this Ordinance be and the same is hereby approved by the City of Portage Des Sioux, Missouri.

SECTION NO. 5 That the depository contract between the City of Portage Des Sioux and the depository bank named in Section No. 1 of this Ordinance be executed on behalf of the City of Portage Des Sioux by the Mayor of the City and that his signature thereto be attested to by the City Clerk of the City of Portage Des Sioux.

SECTION NO. 6 This Ordiance shall be in force and effect from and after the day of its final passage and approval and further this ordinance shall expire at midnight April 1, 1981.

Read three times and passed this _____ day of _____, 1979.

_____
Mayor

Attest:_____
City Clerk

Approved this _____ day of _____, 1979

AN ORDINANCE PROVIDING FOR AMENDING ORDINANCE NO. 86 SECTION V OF THE ORDINANCES OF THE CITY OF PORTAGE DES SIOUX, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION NO. 1 Ordinance No. 86, Section V, now in force is hereby amended by deleting Section V of Ordinance No. 86 and adding a new Section V.

SECTION NO. 2 Ordinance No. 86, Section V, shall read as follows; The minimum square living feet for each mobile home, travel trailer, or recreational vehicles, placed on lots outside the boundaries of an existing mobile home parks shall be 720 square feet.

SECTION NO. 3 All Ordinances or parts of Ordinances in conflict with this Ordinance insofar as they are in conflict with this Ordinance are hereby repealed.

SECTION NO. 4 This Ordinance shall take effect and be in force from and after its passage and approval.

George R Combs
Mayor

ATTEST: Patricia Bouchert
City Clerk

Passed and approved this 7th day of May, 1979.

ORDINANCE NO. 119

A BILL TO ENACT SEVEN SECTIONS[1] OF THE ORDINANCES OF THE CITY OF Portage des Sioux, MISSOURI, TO BE KNOWN AS SECTIONS A, B, C, D, E, F, AND G DECLARING THE POLICY AND PURPOSE OF THE CITY OF Portage des Sioux, MISSOURI, TO EXTEND TO ALL ELIGIBLE EMPLOYEES AND OFFICIALS OF SAID CITY WHO ARE NOT EXCLUDED BY LAW OR BY THIS ORDINANCE, AND WHETHER EMPLOYED IN CONNECTION WITH A GOVERNMENTAL OR PROPRIETARY FUNCTION OF SAID CITY, THE BENEFITS OF THE SYSTEM OF FEDERAL OLD-AGE, SURVIVORS, DISABILITY AND HEALTH INSURANCE AS AUTHORIZED BY SECTION 218 OF THE SOCIAL SECURITY ACT AMENDED, AND BY SECTIONS 105.300 THROUGH 105.440 RSMo. 1969, TOGETHER WITH ALL APPLICABLE RULES AND REGULATIONS RELATIVE THERETO: AUTHORIZING AND DIRECTING THE MAYOR[2] TO PREPARE, EXECUTE AND SUBMIT TO THE OFFICE OF ADMINISTRATION OF THE STATE OF MISSOURI, AS STATE AGENCY, A PLAN AND AGREEMENT FOR EXTENDING BENEFITS TO SAID EMPLOYEES AND OFFICIALS AND AUTHORIZING AND DIRECTING THE MAYOR[2] AND CITY CLERK[2] TO EXECUTE AGREEMENTS AND MODIFICATIONS AND AMENDMENTS THEREOF WITH SAID STATE AGENCY, PROVIDING FOR THE EXTENSION OF SAID BENEFITS TO SAID EMPLOYEES AND OFFICIALS AS SET FORTH IN SAID PLAN; PROVIDING FOR DEDUCTIONS FROM THE WAGES OF THE EMPLOYEES AND OFFICIALS OF SAID CITY TO WHOM SAID BENEFITS ARE EXTENDED TO BE MADE AND PAID OVER AS PROVIDED BY THE APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS: PROVIDING FOR THE APPROPRIATION AND PAYMENT BY SAID CITY OF EMPLOYER'S CONTRIBUTIONS AS PROVIDED BY THE APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS: PROVIDING THAT SAID CITY SHALL KEEP SUCH REPORTS AS MAY BE REQUIRED BY APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS; (AND DECLARING AN EMERGENCY TO EXIST SO THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF Portage des Sioux, MISSOURI, HEREBY ENACTS THE FOLLOWING SECTIONS OF ORDINANCES OF THE CITY OF Portage des Sioux, MISSOURI, TO BE KNOWN AS SECTIONS A, B, C, D, E, F, AND G OF THE ORDINANCES OF THE CITY OF Portage des Sioux, MISSOURI, AND TO READ IN WORDS AND FIGURES AS FOLLOWS:[3]

SECTION A. It is hereby declared to be the policy and purpose of the City of Portage des Sioux, Missouri, to extend to all eligible employees and officials of said City who are not excluded by law or by this ordinance, and whether employed in connection with a governmental or proprietary function of said City, the benefits of the system of Federal Old-Age, Survivors, Disability and Health Insurance as authorized by the Sections 105.300 through 105.440 RSMo. 1969, as the same may be now and hereafter in effect.

SECTION B. The Mayor[2] and the City Clerk[2] of the City of Portage des Sioux, Missouri, are hereby authorized and directed, on behalf of this City to prepare, execute and submit to the Office of Administration, OASDHI Unit of the State of Missouri, as State Agency of the State of Missouri, a plan and agreement for extending said benefits to said eligible employees and officials of the City of Portage des Sioux, Missouri, in the form prepared by the State Agency and hereby approved and adopted by the City Council[4] of this City, which plan and agreement are to become effective upon approval thereof by the State Agency, and are further authorized and directed to execute agreements and modifications and amendments thereof with said State Agency providing for the extension of said benefits to said

employees and officials as set forth in said plan and agreement, as provided for in Section A hereof, said plan and agreement to provide that said extension of benefits is to be effective on January 1, 19 79.

SECTION C. Commencing on the first day of the month following the date of the approval of the plan and agreement of this City by the State Agency, there shall be duducted from the wages of all employees and officials of the City of Portage des Sioux, Missouri, to whom the benefits of said system of Federal Old-Age, Survivors, Disability and Health Insurance are extended, by virtue of the plan and agreement hereinbefore provided for, the amount of each of said employees' and officials' contributions, as determined by the applicable State and Federal laws and by said plan and agreement, the aggregate amount of said deductions to be paid into the OASDHI Trust Fund created pursuant to Section 105.390 RSMo. 1969: provided, however, that from the first payment of wages made to each of said employees and officials after the benefits of said system have been extended to such employees and officials, there shall be deducted a sum equal to the amount which would have been due and payable from each said employee and official had said extension of benefits been provided and effective on January First, 1979.

SECTION D. Commencing on the first day of the month following the date of the approval of the plan and agreement of this City by the State Agency, there is hereby authorized to be appropriated from the General and Water Fund of the City of Portage des Sioux, Missouri, and there is, and shall be, appropriated, the sum or sums of money necessary to pay the contributions of the City of Portage des Sioux, Missouri, which shall be due and payable by virtue of the extension of the benefits of the Federal Old-Age, Survivors, Disability and Health Insurance System to the eligible employees and officials of said City, said sum or sums of money to be paid into the OASDHI Trust Fund created pursuant to Section 105.390 RSMo. 1969: provided, however, that in making the first payment to said OASDHI Trust fund, after the benefits of said system have been extended to such employees and officials, said first payment shall include a sum equal to the amount which would have been due and payable had said extension of benefits been provided and effective on January First, 1979. The fund from which said appropriation is made will, at all times, be sufficient to pay the contributions of the City by this Section directed to be paid to said OASDHI Trust Fund.

SECTION E. The City of Portage des Sioux, Missouri, from and after the approval of the plan and agreement of this City by the State Agency, shall fully comply with, and shall keep such records, make such reports and provide such methods of administration of said plan and agreement as may be required by all applicable State and Federal laws, rules and regulations, now and hereafter in effect with respect to the extension of the benefits of the Federal Old-Age, Survivors, Disability and Health Insurance System to the employees and officials of this City. For the purpose of administering said plan and agreement the City Clerk of this City shall be the official who shall make all required reports, keep all records, and be responsible for the administration of said plan and agreement on behalf of this City, and any and all notices and communications from the State Agency to this City with respect to said plan and agreement shall be addressed to: City Clerk, P. O. Box 155, Portage des Sioux, Mo., 63373 Missouri 63373.
zip code

SECTION F. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION G. It being necessary for the immediate preservation of the public peace, health and safety of the employees, officials and citizens of the City of Portage des Sioux, Missouri, that the provisions of this ordinance shall take effect at once, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

1 Sections of this ordinance are designated by letter which should be changed to the desired numbers by which the ordinance sections are to be finally designated.

2 If some official other than the Mayor and the City Clerk is to take the actions referred to, the title of the official who is to take such actions should be substituted.

3 If the City's charter requires that the style of its ordinance shall be in a form different from that here set forth, the style should be changed to set forth the proper style.

4 Insert title of governing body if governing body is not City Council.

Passed this Fifth day of February, 1979.

Approved this Fifth day of February, 1979.

ATTEST:

_____

MAYOR

_____

CITY CLERK

I, the undersigned, being City Clerk of the City of Portage des Sioux, Missouri, and, as such, having the official records of said City in my possession, do hereby certify that the above and foregoing is a true and correct copy of the certain Ordinance which was enacted by the City Council of said City on the Fifth day of February, 1979, and was approved on the Fifth day of February, 1979, as the same appears in City Record Book No. Minutes of February 5, 1979, at page _____.

In witness whereof, I have hereunto set my hand and affixed the official seal of said City, all on the _____ day of _____, 19____.

_____

CITY CLERK

(SEAL)

ORDINANCE NO. 120

AN ORDINANCE PROVIDING FOR AMENDING ORDIANCE NO. 112 OF THE ORDINANCES OF THE CITY OF PORTAGE DES SIOUX, ST. CHARLES COUNTY, MISSOURI. PROVIDING FOR INCREASE RATE AND CHARGES FOR THE USE AND SERVICES OF THE WATER WORKS SYSTEM.

BE IT ORDAINED by the Board of Alderman of the City of Portage des Sioux, Missouri as follows:

SECTION I

ORDINANCE NO. 112, Section I now in force is hereby amended by increasing rates and charges for the use and service of the waterworks system of the City of Portage des Sioux, calculated on a monthly basis:

For the first	2,000 gallons per month	$6.60	(Minimum)
For the next	1,000 gallons per month	1.65	
For the next	1,000 gallons per month	1.10	
For the next	1,000 gallons per month	1.00	
For all over	5,000 gallons per month	.90	per 1,000 gallons or fraction thereof.

SECTION II

All Ordinances, Sections or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION III

This Ordinance shall take effect, and be in force from May 15, 1979.

Passed and approved this 2 day of April, 1979.

George R. Combs
Mayor

Attest:
Patricia A. Boeckert
Clerk

AN ORDINANCE PROVIDING FOR THE REIMBURSEMENT TO MR. FRED SONTHEIMEIER AND MR. STEVEN BATTIGER OF THEIR COST FOR LAYING OF AN EIGHT (8) INCH SANITARY SEWER LINE ON NOONEY STREET IN THE CITY OF PORTAGE DES SIOUX.

BE IT ORDAINED by the Board of Aldermen of the City of Portage des Sioux, St. Charles County, Missouri as follows:

SECTION I

In consideration of Fred Sontheimeier and Steven Battiger laying approximately three hundred seventy-five (375) feet of eight (8) inch sanitary sewer pipe on Nooney Street, starting approximately two hundred (200) feet south on Nooney Street from it's intersection with Commonfield Street and extending southward to a lamphole, the City of Portage des Sioux, Missouri will exact the sum of one dollar fifty-three ($1.53) and nine-tenths (9) cents per foot of frontage from both sides of Nooney Street beginning three hundred (300) feet south from the intersection of Nooney and Commonfield Streets and extending southward to a total of three hundred forty-seven (347) feet in addition to the required tap-on fee from each person desiring to connect onto said sewer line. Upon receipt of a valid warrant, the City will remit the said sum of one dollar fifty-three (#1.53) and nine-tenths (9) cents per front footage to Fred Sontheimeier and Steven Battiger, or their heirs or assigns. Their cost of constructing said sewer line being the sum of one thousand sixty-eight ($1,068) dollars and six (6) cents.

SECTION II

The amount of footage to be paid for shall be determined by the amount of frontage on Nooney Street owned by any person, or persons desiring to hook onto said sewer line at the time of issuance of permit to do so.

SECTION III

All Ordinances or parts of Ordinances in conflict with this Ordinance insofar as they are in conflict with this Ordinance are hereby repealed.

SECTION IV

This Ordinance shall take effect and be in force from and after it's passage and approval on this 5 day of May 1980.

George R. Combs
Mayor

Attest:
Patricia A. Boeckert
City Clerk

ORDINANCE NO. 122

AN ORDINANCE PROVIDING FOR AMENDING ORDINANCES NO. 75 AND ORDINANCE NO. 120 OF THE ORDINANCES OF THE CITY OF PORTAGE DES SIOUX, ST. CHARLES COUNTY, MISSOURI. PROVIDING FOR RATE AND CHARGES FOR THE USE AND SERVICES OF THE WATER WORKS SYSTEM ON A TWO (2) MONTH METER READING AND BILLING BASIS.

BE IT ORDAINED by the Board of Aldermen of the City of Portage des Sioux, Missouri as follows:

SECTION I

Ordinance No. 120, Section I now in force is hereby amended by changing the rates and charges for the use and service of the waterworks system of the City of Portage des Sioux to a two (2) month basis;

For the first 4,000 gallons used $13.20 (Minimum)
For the next 2,000 gallons used $3.30
For the next 2,000 gallons used $2.20
For the next 2,000 gallons used $2.00
For all over 10,000 gallons used $1.80 per 2,000 gallons or fraction thereof

SECTION II

Ordinance No. 75 Sections III and IV shall be amended to provide for bills for the rates and charges herein established shall be made out by the meter reader of said City and shall be sent out every two (2) months. The bills shall be payable on the first day of the month following the reading of the water meters, and all bills shall be payable at the office of the collection agency of said City. All charges for the services of the system not paid by the 15th day of the month following the due date, a delayed payment charge of ten per centum (10%) of the amount of the bill shall be added thereto and collected therewith.

SECTION III

All Ordinances, Sections or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION IV

This Ordinance shall take effect, and be in force from the 15th day of May 1980.

Passed and approved this ____ day of _____, 1980.

_____
Mayor

Attest:

_____
City Clerk

BILL NO. 123 ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A MUNICIPAL COURT FOR THE PROSECUTION OF VIOLATIONS OF CITY ORDINANCES; PROCEDURE FOR TRIAL THEREIN; CREATION OF A TRAFFIC VIOLATIONS BUREAU; REPEALING PRIOR ORDINANCES PERTAINING THERETO.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

Section 1: MUNICIPAL COURT, JURISDICTION--The Municipal Court of the City of Portage des Sioux, Missouri, shall have original jurisdiction to hear and determine all offenses against the ordinance of the City of Portage des Sioux. Court shall be held by the Judge of the Municipal Judge on the _____, of each and every month unless such date falls on a legal holiday. Court shall convene at 7:30 p.m. and thereafter until adjourned by the Court. Additional court dates may be designated by the Court when necessary.

Section 2: JUDGE OF THE MUNICIPAL COURT--The Judge of the Municipal Court shall be appointed by the Mayor, with approval of the Board of Aldermen, and said appointment shall be for an at will appointment, terminated only a three-fourth (3/4) vote of the elected members of the Board of Aldermen.

Section 3: MUNICIPAL JUDGE, QUALIFICATIONS--The Municipal Judge must be a person at least twenty-one (21) years of age and an attorney licensed to practice in the State of Missouri. The Municipal Judge need not be a resident of the City of Portage des Sioux.

Section 4: PROSECUTIONS FOR VIOLATIONS OF ORDINANCES--All prosecutions for the violations of the municipal ordinances of the City of Portage des Sioux shall be entitled "City of Portage des Sioux vs. _____" (naming the person or persons charged), and the Municipal Judge shall state in the docket the name of the complainant, the nature and character of the offense, the date of the trial, the names of all witnesses sworn and examined, the finding of the Court or jury, the judgment of fine and costs, the date of payment, every other fact necessary to show full proceedings in each case. The complaint shall be reduced to writing and sworn to by the person or officer making the complaint. The complaints and charges filed before the Municipal Judge in the Municipal Court may be amended without prejudice during the proceedings in accordance with the laws of Missouri pertinent thereto.

Section 5: UNIFORM TRAFFIC TICKETS--The City of Portage des Sioux recognizes and approves the use of uniform traffic tickets for traffic violations which contain summons, complaint and informations.

Section 6: WARRANTS, NOW SERVED--All warrants issued by the Municipal Judge shall be directed to the City Police Chief, the Sheriff of any County where the defendant might reside, and such warrant shall be executed by such police officer at any place within the limits of the jurisdiction of that officer.

Section 7: ATTENDANCE OF WITNESSES--The Municipal Judge shall have the power to summons all persons whose testimony may be deemed essential as witnesses at a trial, and to enforce their attendance by attachment, if necessary. The fees of witnesses and the jurors, if any, shall be the same as are allowed in a criminal trial in the Associate Circuit Court of St. Charles

County.

Section 8: PUNISHMENT ASSESSED--If the defendant pleads guilty, or is found guilty of a violation of any ordinance of the City of Portage des Sioux, the Municipal Judge shall assess the punishments prescribed by ordinance according to his finding or the verdict of the jury, and render judgment accordingly, and also for court costs; and it shall be part of said judgment that the defendant and his bond, if any, stand committed until judgment is fully complied with.

Section 9: APPEALS, HOW TAKEN--Appeals from a verdict or judgment in the Municipal Court in the City of Portage des Sioux shall be as provided by Chapter 479 and other pertinent statutes of the State of Missouri.

Section 10: COSTS ALLOWED--It shall be the duty of the Municipal Judge of the Municipal Court of the City of Portage des Sioux to assess the authorized statutory costs against each defendant who is found guilty or pleads guilty in said Court.

Section 11: The Traffic Violations Bureau for the City of Portage des Sioux shall be authorized to accept fines for certain violations of city ordinances. The _____ shall be charged with the responsibility of operating the Traffic Violations Bureau, and shall have the title Violations Clerk. It shall be the function of the Violations Clerk to accept appearance, waiver of trial, plea of guilty, and payment of fine and costs in traffic offenses set forth in Section 12 below. The fines and costs for such violations can be paid to the Violations Clerk within seven (7) days of receipt of summons, notice of ticket or within the time designated by the Municipal Court Judge.

Section 12: The following schedule shall be the only violations which may be satisfied at the traffic violation bureau, together with the fines and penalties for first and second offenses:

SCHEDULE OF VIOLATIONS AND PENALTIES
FOR TRAFFIC VIOLATIONS

	1st Offense	2nd Offense
Blocking traffic	$ 5.00	$10.00
Disregarding Officer's signal	5.00	10.00
Defective brakes	5.00	10.00
Driving over closed streets	5.00	10.00
Failure to stop at stop signal or stop sign	10.00	20.00
Failure to signal before turning	5.00	10.00
Failure to stop, school, playgrounds	10.00	20.00
Making prohibited turn	5.00	10.00
Defective muffler	5.00	10.00
Obstructed, dirty or swinging license plate	5.00	10.00
Driving or parking on sidewalk	5.00	10.00
Unnecessary vehicle noise	5.00	10.00
Wrong direction, one-way street	5.00	10.00
Failure to dim lights	5.00	10.00
Driving, no headlights or taillights	5.00	10.00
Driving, one headlight or taillight	5.00	10.00
Speeding, per mile over posted limit	1.00	2.00

Section 13: That the Violations Clerk shall keep an easily accessible record of all violations of which each person has been guilty, whether such guilt was established in Court or in the

traffic violations bureau. The bureau shall keep records and submit summarized annual reports to the Municipal Court, and the Board of Aldermen of all notices issued and arrests made for violations of this Ordinance and of all the fines collected by the traffic violations bureau. These reports shall be public records. All fines and forfeitures of bail of any person charged with a violation of any of the provisions of this Ordinance shall be paid into the City of Portage des Sioux and deposited in the General Fund and be expendable for municipal purposes.

Section 14: That the Municipal Judge may suspend the imposition or stay the execution of all or part of the fine, costs or jail sentence imposed for ordinance violations, for a period of up to one year; and that the terms of suspension may include driving or alcohol school; and that the sentence may be imposed for any violation of the terms of probation or for any subsequent ordinance violation.

Section 15: If any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Board of Aldermen hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, even if it had known that any one or more sections, subsections, sentences, clauses or phrases would be declared unconstitutional.

Section 16: Court costs shall be assessed on each charge at the rate of $12.00 for each non-moving violation, and $14.00 for each moving violation; said costs shall be paid into the general fund of the City of Portage des Sioux on a timely basis by the Police Chief and the Traffic Violations Bureau Clerk.

Section 17: If for any reason the Municipal Judge is disqualified from hearing a case, the Mayor, with approval of the Board of Aldermen, shall appoint an alternate Judge for the case.

Section 18: REPEAL OF INCONSISTENT ORDINANCES-- Any other ordinance or parts of ordinances inconsistent with or contrary to the provisions of this ordinance, are hereby repealed.

Section 19: Due to the emergency nature of the situation, requiring enforcement of police and traffic regulations, this ordinance shall be in full force and effect from and after its passage and approval.

READ FIRST, SECOND AND THIRD TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS ____ DAY OF _____, 1985.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE DES SIOUX THIS ____ DAY OF _____, 1985.

_____
MAYOR

ATTEST:

_____
CITY CLERK

ORDINANCE NO. 124

AN ORDINANCE REPEALING ORDINANCE NO. 81 FOR PREVENTION OF PARKING ON THE EAST SIDE OF LESIEUR STREET IN THE CITY OF PORTAGE DES SIOUX TO ESTABLISH AN ORDINANCE FOR A NO PARKING ZONE ON THE EAST AND WEST SIDE OF LESIEUR STREET IN FRONT OF THE FIRE STATION, AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF:

BE IT ORDAINED by the Board of Aldermen of the City of Portage des Sioux, St. Charles County, State of Missouri as follows;

SECTION I

Parking in front of Fire Station prohibited. No person shall park an automobile, truck, tractor, motorcycle, bicyle, or other vehicle on the East side of LeSieur Street, beginning at the Southeastern corner of Church and LeSieur Street, Southward for a distance of Ninety (90) feet, and on the West side of LeSieur Street, beginning at the Southwestern corner of Church and LeSieur Street, Southward for a distance of One Hundred Fourty-Two (142) feet. Said area to be kept clear for use of Fire Apparatus and for access to Off-Street parking of Firemen.

SECTION II

Penalties. Whoever shall violate any of the provisions of this Ordinance shall be deemed gulity of a misdemeanor and upon conviction thereof shall be fined not to exceed more than One Hundred ($100) Dollars for each offense.

SECTION III

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby expressly revoked.

SECTION IV

This Ordinance shall be in full force and take effect from and after it's passage and approval.

PASSED and Approved this 13 day of Sept. 1982.

_____ (Mayor)

Attest:

_____ (Clerk)

Ordinance #124
Page 1

File copy

ORDINANCE NO. 124

THIS ORDINANCE ACCEPTING THE DUCKETT CREEK SEWER DISTRICT AS THE LOCAL GOVERNMENTAL AGENCY EMPOWERED TO RETAIN THE LEAD CONSULTING FIRM IN THE FORMULATION OF THE 201 FACILITY PLAN AS REQUIRED BY EPA

WHEREAS, The Missouri Clean Water Commission has requested the Step One Study area be expanded to include at a minimum the entire lower Dardenne, Spencer and Duckett Creek Watersheds, and

WHEREAS, It is the desire of the City of Portage Des Sioux to participate with the Duckett Creek Sewer District, City of St. Peters, and City of St. Charles by including the watersheds affecting said City of Portage in the 201 Facility Plan, and

WHEREAS, The Duckett Creek Sewer District, City of St. Peters, City of St. Charles, and the City of Portage Des Sioux enter into an agreement for the Duckett Creek Sewer District to obtain the services of a consulting firm to prepare the necessary documentation for upgrading the proposed study application originally submitted by the Duckett Creek Sewer District, and

WHEREAS, The parties do agree to cooperate and participate in the expanded 201 Study, and further agree that a consultant may be selected by the Duckett Creek Sewer District to serve as the lead consultant in making the study, with cooperation and participation from the consultants as selected by the City of St. Charles, the City of St. Peters and the City of Portage Des Sioux.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

1. The City of Portage Des Sioux concurs in the selection of Sverdrup and Parcel Corporation to serve as lead agency in the above 201 Study.

3-2-81
PASSED

3-2-81
APPROVED

George R. Combs
MAYOR

Patricia A. Boeckert
ATTEST: CITY CLERK

Approved as to form: _____
CITY COUNSELOR

BILL #125 ORDINANCE #125

AN ORDINANCE REPEALING ORDINANCE #8, SECTIONS 6 & 11 AND PROVIDING FOR RESTRICTIONS ON THE KEEPING & HOUSING OF ANIMALS, UNLESS OTHERWISE PROVIDED FOR BY ORDINANCE #117, WITHIN THE CORPORATE LIMITS OF THE CITY OF PORTAGE DES SIOUX, MISSOURI.

BE IT ORDAINED BY THE CITY OF PORTAGE DES SIOUX, COUNTY OF ST. CHARLES AND STATE OF MISSOURI AS FOLLOWS:

SECTION I

The keeping & housing of any animal within the corporate limits, with the exception of dogs, cats etc. that have otherwise been provided for. No-one within the corporate limits of the City of Portage des Sioux may keep, house or shelter any animal such as horses, cows, sheep, hogs or any other wild animal.

SECTION II

Moving of animal or animals from one location to another within the corporate limits of Portage des Sioux. No-one who presently owns, keeps or houses said animal will be allowed to move said animal from one location to another within the corporate limits of said City.

SECTION III

Exception to above Section #1. The only exception to the above section #1 shall be dogs & domestic cats which are controlled by Ordinance #117.

SECTION IV

Penalties. Whoever shall violate any provision of said ordinance will be notified, in writing by the Town Board, and shall have 10 day to remove said animal or animals from their property. If said animal or animals are not removed in 10 days he shall be fined 25 Dollars a day for each day the animal or animals remain within the limits of said City.

SECTION V

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby expressly revoked.

SECTION VI

This ordinance shall be in full force and take effect from and after it's passage and approval.

Approved this _____ day of _____, 1983

_____
Mayor

_____
City Clerk

BILL NO 126 ORDINANCE NO. 85-11-4-1

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI PROHIBITING THE PARKING OF COMMERCIAL VEHICLES, TRUCK TRACTORS, AND TRUCK TRAILERS ON CITY STREETS, AND PROHIBITING THE REPAIR OF ANY MOTOR VEHICLE ON CITY STREETS, AND PROVIDING PENALTY FOR VIOLATION THEREOF.

Be it ordained by the Mayor and the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, State of Missouri, as follows:

SECTION I No person shall repair any motor vehicle upon any city street, except for emergency repairs.

SECTION II No person shall park any commercial vehicle, truck tractor, or truck trailer upon a city street, for any period of time exceeding 4 hours.

SECTION III Any person who shall violate this Ordinance specified herein, of the City of Portage Des Sioux, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $ 100.00 or by confinement to jail, not to exceed 10 days in jail, or by both a fine or jail sentence.

SECTION IV This Ordinance shall take effect on December 1st, 1985.

Enacted Nov. 4, 1985

Clarence J. Eckelt Jr
Mayor

Attest:

Tatum A. Brecht
Clerk

Robert E. Burns
Geo. C. Fore
Ewald C. Stantz
Aldermen

BILL NO 127 ORDINANCE NO127

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A TRAFFIC VIOLATIONS BUREAU AND PROVIDING FOR THE RULES AND PROCEDURES TO BE EMPLOYED BY SAID BUREAU.

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, State of Missouri, as follows:

SECTION I There is hereby established a traffic violations bureau, as provided for in the state rules of practice and procedure in municipal and traffic courts.

SECTION II The clerk of the municipal court, and any assistant clerk serving under him, are hereby designated as violations clerks of the traffic violation bureau.

SECTION III The following duties are hereby imposed upon the traffic violations bureau in reference to the traffic offenses:
(a) It shall accept designated fines, issue receipts, and represent in court such violators as are permitted and desire to plead guilty, waive court appearance and give power of attorney.
(b) It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket, and notify the arresting officer and witnesses if any, to be present.

SECTION IV The traffic violations bureau shall keep records and submit summarized monthly reports to the municipal court of all notices issued and arrests made for violations of the traffic laws and ordinances in the city and of all the fines collected by the traffic violations bureau or the court, and of the final disposition or present status of every case of violation of the provisions of said laws and ordinances. Such reports shall be so maintained as to show all types of violations and the totals of each. Said records shall be public records.

SECTION V The traffic violations bureau shall follow such procedure as may be prescribed by the traffic ordinances or the city or as may be required by any laws of this state.

SECTION VI This ordinance shall take effect and be in force from and after its passage and approval.

Enacted_____, 198_

_____
Mayor

Attest:

_____
Clerk

_____

_____

_____

_____
Aldermen

BILL NO 128 ORDINANCE NO 128

AN ORDINANCE TO AMEND AND REPEAL ORDINANCE 123 AND REENACT A NEW ORDINANCE NO.3 REESTABLISHING A MUNICIPAL POLICE COURT, AND AN ORDINANCE PROVIDING FOR POLICE COURT FEES, THEIR DISPOSITION, AND THE COMPENSATION OF THE ~~MARSHAL~~. Chief of Police

Be it ordained by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, State of Missouri, as follows:

ORDINANCE NO. 3

SECTION I Ordinance No. 123 is hereby repealed so that prosecution for municipal ordinance violations shall be returned to and henceforth be prosecuted in the Municipal Court of the City of Portage Des Sioux, Missouri, and shall no longer be turned over to the St. Charles County, Missouri Circuit Court for prosecution.

SECTION II Police Court Fees, Disposition. Fees, in cases of conviction, shall be allowed, taxed as costs against the defendant and designated as follows:

Chief of Police
~~Marshal~~: For each arrest made by him, whether with or without warrant, Two Dollars; for service of each summons, rule notice or order of the Police Judge, Sixty (60) Cents; for summoning each jury before the Police Judge, Two (2) Dollars, for every mile traveled in taking person to jail, providing the distance be more than five miles, Ten (10) Cents per mile; for serving each execution, One (1) Dollar; for taking every bond required by law to be taken by him, One (1) Dollar; for summoning each witness, Fifty (50) Cents; for each mile actually traveled (outside the City of Portage Des Sioux) in serving process, Ten (10) Cents.

Police Judge: For adminsitering each oath, Fifty (50) Cents; for issuing every subpoena, One (1) Dollar; for issuing every summons, One (1) Dollar; for issuing every attachment for witness, One (1) Dollar; for entering judgment in every case, One (1) Dollar; for issuing each execution, One (1) Dollar; for making certified copies on appeals or certiorari, for each one hundred words, Twenty(20) Cents; for swearing a jury, One (1) Dollar; for docketing and filing every case, Two (2) Dollars; for indexing each case, direct and inverted index, Fifty(50) Cents; for writing and taking affidavit for appeal, One (1) Dollar; for certifying to affidavit, Fifty (50) Cents; for any order or rule in relation to personal property, Fifty (50) Cents; for each renewal of an execution , Fifty (50) Cents; for certifying all papers and recognizances, One (1) Dollar.

Jurors: For each juror serving as such in any case, Three Dollars and Fifty Cents ($3.50) per day.

Witnesses: For each witness for attending any trial in said court, One (1) Dollar per day; for each mile actually traveled (outside the City of Portage Des Sioux) , one way, to attend such trial, Ten (10) Cents.

Chief of Police

All such fees for the ~~Marshal~~ and Police Judge taxed as costs in any such case, when collected, shall be paid into the City Treasury to the credit of the general revenue fund, and all such fees for jurors and witnesses in any such case, when and as collected, shall forthwith be paid over to the person or persons entitled thereto by the Chief of Police, who shall take receipts therefor and account for all such payments in his monthly reports to the Board of Aldermen, provided, that all such juror or witness fees received or collected by the Chief of Police remaining in his custody, unpaid to the jurors or witnesses entitled thereto, more than six months after receiving the same, shall be paid into the City treasury to the credit of the general revenue fund. The City of Portage des Sioux shall in no event be held liable for the payment of any such costs or fees in any case in the Police Court.

SECTION III Chief of Police ~~Marshal~~ Compensation: The Town Chief of Police ~~Marshal~~ as and for his compensation shall be entitled to receive all such Chief of Police ~~Marshal~~'s fees taxed up as costs, and paid; said amounts shall be paid to him on a monthly basis out of the general revenue fund of said City.

SECTION IV All ordinances or parts of ordinances in conflict with this ordinance, insofar as they are in conflict with this ordinance are hereby repealed.

SECTION V This ordinance shall take effect and be in force from and after its passage and approval.

Enacted_____ 198_

_____
Mayor

Attest:

_____
Clerk

_____

_____

_____

_____
Aldermen

BILL NO. 129 ORDINANCE NO. 129

AN ORDINANCE PROVIDING FOR SUBMITTING TO THE VOTERS OF THE CITY OF PORTAGE DES SIOUX A PROPOSITION TO INCREASE THE PERSONAL PROPERTY TAX AND REAL PROPERTY TAX FROM 75 CENTS PER HUNDRED DOLLAR VALUATION TO $1.00 PER HUNDRED DOLLARS VALUATION

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION 1. That the City of Portage des Sioux increase its personal property and real property taxes from the amount of 75 cents on each one hundred dollars assessed valuation to $1.00 per hundred dollars assessed valuation.

SECTION 2. That the City Clerk of the City of Portage des Sioux is hereby directed to give notice of an election to be held on August 7, 1984, for the purpose of voting on the question of increasing the personal property tax and real property tax from 75 cents to $1.00 per hundred dollar valuation, said notice to be published as a notice for special election on said issue.

SECTION 3. The ballots for such election shall be in the following form:

"Shall the City Board of Aldermen increase the personal property tax and real property tax from 75 cents per one hundred dollars assessed valuation to $1.00 per one hundred dollars assessed valuation?"

Yes ☐

No ☐

SECTION 4. That the described tax increase shall be allowed and permitted upon approval of the required majority of the qualified voters of the City.

SECTION 5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. This ordinance shall take effect and be in full force and effect from and after its final passage and approval.

PASSED _____ MAYOR _____

APPROVED _____ PRESIDING OFFICER _____

Approved as to form and substance:

ATTEST: CITY CLERK _____ CITY COUNSELOR _____ DATE

BILL NO. 130 ORDINANCE NO. 130

AN ORDINANCE PROVIDING FOR SUBMITTING TO THE VOTERS OF THE CITY OF PORTAGE DES SIOUX A PROPOSITION TO INCREASE THE PERSONAL PROPERTY AND REAL PROPERTY TAX FROM 75 CENTS PER HUNDRED DOLLARS VALUATION TO $1.00 PER HUNDRED DOLLARS VALUATION

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION 1. That the City of Portage des Sioux increase its personal property and real property taxes from the amount of 75 cents on each one hundred dollars assessed valuation to $1.00 per hundred dollars assessed valuation.

SECTION 2. That the City Clerk of the City of Portage des Sioux is hereby directed to give notice of an election to be held on April 2, 1985, for the purpose of voting on the question of increasing the personal property tax and real property tax from 75 cents to $1.00 per hundred dollars valuation, said notice to be published as a notice for special election on said issue.

SECTION 3. The ballots for such election shall be in the following form:

"Shall the City Board of Aldermen increase the personal property tax and real property tax from 75 cents per one hundred dollars assessed valuation to $1.00 per one hundred dollars assessed valuation?"

YES [ ]

NO [ ]

SECTION 4. That the described tax increase shall be allowed and permitted upon approval of the requisite majority of the qualified voters of the City.

SECTION 5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. This ordinance shall take effect and be in full force and effect from and after its final passage and approval.

1-7-85
PASSED

Lawrence J. Eckle Jr
MAYOR

ATTEST: CITY CLERK

BILL NO. 131 ORDINANCE NO. 131 SECTION NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTION THE HOLDING OF A SPECIAL ELECTION IN THE CITY OF PORTAGE DES SIOUX, MISSOURI ON TUESDAY AUGUST 6 ,1985 (STATE PRIMARY), FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY A PROPOSITION TO APPOINT A CHIEF OF POLICE WHO SHALL PERFORM ALL THE DUTIES OF THE CITY MARSHALL: PRESCRIBING THE FORM OF BALLOT TO BE USED: AND AUTHORIZING THE CITY CLERK TO GIVE NOTICE OF SAID ELECTION.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

1] That a special election be and the same is hereby ordered to be held in the City of Portage Des Sioux, Missouri, on Tuesday, August 6, 1985. (primary election day), for the purpose of submitting to the qualified voters of said City the following proposition:

PROPOSITION NO. I.

1. Proposition to appoint a Chief of Police who shall perform all the duties of the City Marshall, as authorized by Section 79.050 of the Revised Statues of Missouri.

2. That the City Clerk of the City of Portage Des Sioux, Missouri, be, and she is hereby authorized and directed to give notice of said election by causing to be published in a newspaper published in the County of St. Charles, Missouri, and of genera; circulation in said City of Portage Des Sioux, a notice of the time, places of holding and and purpose of holding ~~and purpose~~ of said election, said notice to be published once a week for three (3) consecutive weeks, the first publication of said notice to be made at least twenty-one (21) days before, and the last publication to be within two (2) weeks of said election. Said election shall be held and conducted and the results thereof shall be canvassed in all aspects in conformity with the Constitution and the Laws of the State of Missouri, and in accordiances adopted by the Board of Aldermen of the City of Portage Des Sioux, Missou

3. That the ballot labeled to be used at said election shall be in substantially the following form:

OFFICIAL BALLOT FOR
SPECIAL ELECTION
CITY OF PORTAGE DES SIOUX
Tuesday, August 6, 1985

PROPOSITION NO. I

Shall the following be adopted?

Proposition to appoint a Chief of Police who shall perform all of the duties of the City Marshall, as authorized by Section 79.050 of the Revised Statutes of Missouri.	( )	YES
	( )	NO

INSTRUCTION TO VOTERS:

To vote Yes (For the Appointment) punch through the ballot card by inserting the stylus into the hole to the right of YES.
To vote No punch through the ballot card by inserting the stylus into the hole to the right of NO.

4. That the St. Charles County Election Officials be and they are hereby requested to give notice of said election; to appoint judges of said election; and to conduct said election at such polling placesas they may designate, all as provided by law, and that a certifie copy of this Ordinance be submitted to said St. Charles County Election Officials by the City Clerk as authority to hold said election, at least six weeks prior to said election.

5. That this Ordinance shall take effect and be of full force from and after its final passage.

PASSED, APPROVED and ADOPTED this 10 day of June, 1985

Clemens J. Eckels Jr
MAYOR

ATTEST
Patricia A. Bischert
CITY CLERK

6-10-85
2nd & 3rd Reading

BILL NO. 132 ORDINANCE NO. 132

AN ORDINANCE PROVIDING FOR SUBMITTING TO THE VOTERS OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, A PROPOSITION TO INCREASE THE MONTHLY FEES FOR THE USE OF THE SANITARY SEWER SYSTEM FROM ONE DOLLAR ($1.25) TWENTY-FIVE CENTS PER MONTH TO FIVE ($5.00) DOLLARS PER MONTH.

BE IT ORDAINED BY THE BOARD OF ALDER OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION 1.

That the City of Portage Des Sioux, Missouri, increase it's monthly fees for the use of the Sanitary Sewer System from One dollar ($1.25) twenty-five cents per month to Five ($5.00) dollars per month.

SECTION 2.

That the City Clerk of the City of Portage Des Sioux, Missouri is hereby directed to give notice of an election to be held on August 6, 1985, for the purpose of voting on the question of increasing the monthly fees for the use of the Sanitary Sewer System from One dollar ($1.25) twenty-five cents per month to Five ($5.00) dollars per month. Said notice to be published as a notice for a special election on said issue.

Section 3.

The ballots for such election shall be in the following form:

" Shall the City Board of Aldermen increase the monthly fees for the use of the Sanitary Sewer System from $1.25 per month to $5.00 per month?."

Yes ☐

No ☐

Section 4.

That the described tax increase shall be allowed and permitted and Ordinance No. 111 be amended to set collection of the fees upon apprival of the required majority of the qualified voters of the City of Portage Des Sioux, Missouri.

Section 5.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6.

This ordinance shall take effect and be in full force and effect from and after it's passage and approval.

Approved this 10 day of June, 1985.

Clarence J. Eddie Jr.
MAYOR

Patricia A. Bockert
ATTEST: CITY CLERK

BILL No. 133 ORDINANCE No. 133

AN ORDINANCE AUTHORIZING AND DIRECTING THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE ST. CHARLES COUNTY HEALTH DEPARTMENT FOR PROVIDING RABIES CONTROL SERVICES BETWEEN THE CITY OF PORTAGE DES SIOUX, MISSOURI AND ST. CHARLES COUNTY, MISSOURI.

WHEREAS, St. Charles County, Missouri has adopted a Rabies Control Code, and;

WHEREAS, The City of Portage Des Sioux, Missouri desires the services of St. St. Charles County to provide Rabies Control Services based on the County Rabies Control Code, and;

WHEREAS, The County Commission has authority under Section 70.220 RSMo. 1986, as amended, to enter into a contract with the City of Portage Des Sioux, Missouri;

NOW THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of Portage Des Sioux, Missouri as follows:

SECTION I

St. Charles County will provide Rabies Control Services as provided in the Contract for Rabies Control Services between the City of Portage Des Sioux, Missouri and St. Charles County, Missouri attached hereto and incorporated by reference herein as Exhibit "A".

SECTION II

Whenever there is a conflict between this Ordinance and any existing Ordinance, the provisions set forth herein shall govern.

SECTION III

Each seperate provisions of this Ordinance shall be deemed independent of all other provisions herein and that if any provisions of this Ordinance shall be declared invalid, all other provisions hereof shall remain valid and inforceable.

SECTION IV

This Ordinance shall take effect and be in full force and effect from and after its passage and approval.

Passed this 9 day of Sept. 1985.

Clarence J. Echele J
Mayor

Attest:
Patricia A. Bockert
City Clerk

Attachment; Exhibit "A"

EXHIBIT A

CONTRACT FOR RABIES CONTROL SERVICES
BETWEEN THE MUNICIPALITY OF _____, MISSOURI
AND ST. CHARLES COUNTY, MISSOURI

This agreement, dated _____, 1985, is between the County of St. Charles, State of Missouri, herein referred to as County, and the Municipality of _____, Missouri herein referred to as Municipality.

In consideration of the mutual covenants herein contained, and other good and valuable consideration, the parties hereto agree as follows:

SECTION ONE

TERM

This agreement shall become effective _____, 1985, and shall continue until _____, _____. Notwithstanding the foregoing, either party may cancel this agreement for any reason with or without cause, by giving thirty (30) days written notice therof to the other party.

SECTION TWO

RELATIONSHIP OF THE PARTIES

The parties to this contract agree that the relation created by this contract is that of employer-independent contractor. County is not an employee of Municipality, and is not entitled to the benefits provided by Municipality to its employees, including, but not limited to, group insurance and pension plan. County may conduct services for others during the term of this Contract. Municipality may, during the term of this contract, engage other independent contractors to perform the similar work that County performs hereunder.

SECTION THREE

SERVICES

County will provide professional Rabies Control services which include but are not limited to:

1. A centralized information system that will give information on rabies vaccination statistics that will aid in

enforcing existing Rabies Ordinances and that will enhance the public health and prevent the spreading of the infectious, contagious and communicable and dangerous disease of Rabies;

2. Providing one rabies tag for all dogs and cats in the County and Municipality, which tag will state the fact that it is from St. Charles County, Missouri, the rabies vaccine used, the number of the tag and the County Health Department telephone numbers of 272-5599, 327-5161, 441-0405;

3. County will sell said rabies tag to veterinarians of the Municipality for $1.00 each along with a Rabies Vaccination Registration Certificate;

4. County to furnish a computer printout once a month to Municipality and to answer for needed information during regular working hours;

5. County to keep all information in central computer updated as to status of rabies immunizations, name of animal owner, reissuance of lost tags, notification to owner when rabies shots are due.

SECTION FOUR

SCHEDULE

Services will generally be performed during the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, although both parties may from time to time agree to have services performed at other than these hours and/or days. Municipality understands that all work and services to be performed by County will be done in the order received, as with any other projects submitted to the County for services, but will not receive any priority. Time is not of the essence of this Contract. Neither party, however, shall be responsible for any delays that are due to such party's fault or negligence and that could not have reasonably been foreseen or provided against.

SECTION FIVE

TERMINATION

In the event of a breach of this agreement by either party hereto that is not remedied within five (5) days after delivery of written notice of such breach, the aggrieved party may terminate this agreement by written notice to the other. On expiration or termination of this agreement, for any cause, County shall without additional cost to Municipality, provide all reasonable assistance and devote its best efforts to returning to

Municipality, or its designees, in an orderly and expenditious manner, all data, records, and documentation belonging to Municipality.

SECTION SIX

PAYMENT

There is no cost to Municipality for the performance of this service by County.

SECTION SEVEN

NOTICE

Any notice required or permitted to be given hereunder shall be deemed properly given forty-eight (48) hours from postmark if mailed certified or registered, postage prepaid. Notice to shall then be sent to its then existing Attorney at Law. Notice to County shall be sent to it's then existing County Counselor.

SECTION EIGHT

COUNTY AS SUPERVISOR OF WORK

In the performance of the work herein contemplated, County is an independent contractor with the authority to control and direct the performance of the details of the work, Municipality being interested only in the results obtained. County agrees to comply with all federal, state, and municipal laws, rules and regulations that are now or may in the future become applicable to County.

SECTION NINE

LIABILITY/INDEMNIFICATION

County shall not be responsible or be held liable for any injury or damage to person or property resulting from the use, misuse, or failure of any equipment used by County or any of its employees, even if such equipment is furnished, rented, or loaned to County by Municipality. The acceptance or use of any such equipment by County or any of its employees shall be contrued to mean that Municipality accepts full responsibility for, and agrees to indemnify County against any and all loss, liability, and claims for any injury or damage whatsoever resulting from the use, misuse, or failure of such equipment, whether such injury or damage is to an employee or the property of County, other

contractors, Municipality, or other persons.

Municipality agrees to indemnify County from any and all liability, loss or damage Municipality may suffer as a result of claims, demands, costs, or judgments against it arising out of County's performance of this contract in any way.

SECTION TEN

CONDITIONS

Municipality agrees to give County not less than sixty (60) days notice of any proposed amendments or revisions to Ordinance No. _____.

IN WITNESS WHEREOF, the party's hereto have executed this agreement the day and year first above written.

_____
Honorable Richard M. Green
Presiding Commissioner,
St. Charles County, Missouri

_____
Honorable Jane C. Schmidt,
Western District Commissioner,
St. Charles County, Missouri

_____
Honorable Rodger W. Parker,
Eastern District Commissioner,
St. Charles County, Missouri

_____
Agent and designee on behalf of
the Municipality of _____,
Missouri

Attest:

_____
Clerk of St. Charles County, Missouri

Attest:

_____
Clerk of the Municipality of _____, Missouri

Ordinance read 3 times and approved 9-11-85

BILL NO. 134 ORDINANCE NO. 134

AN ORDINANCE CREATING A POLICE DEPARTMENT FOR THE CITY OF PORTAGE DES SIOUX PROVIDING FOR A POLICE CHIEF AND PATROLMEN.

WHEREAS, Section 79.050 RSM. 1969 Supplement authorizes a city of the fourth class to conduct an election as to the method of employing a Chief of Police, and

WHEREAS, on the _____ day of _____, 1985 an election was held, and

WHEREAS, the results of that election was _____ votes for the appointment of the Chief of Police by the Board of Aldermen and _____ votes against the appointment of Police Chief by the Board of Aldermen, and

WHEREAS, a majority of the voters casting their ballots were in favor of the Board of Aldermen appointing the Chief of Police.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI.

Section 1. There is hereby created a Department of Police within the City of Portage Des Sioux, Missouri.

Section 2. The Department of Police shall consist of a Chief of Police any number of Patrolmen as may be subsequently appointed by the Mayor and approved by a majority of the elected Aldermen.

Section 3. The work week of each officer and patrolman of the Police Department shall be set by the Police Chief within budgetary limits set by the the Board of Aldermen. The Chief of Police shall prepare a work shcedule for each man subject to the approval of the Mayor and Board of Aldermen.

Section 4. The compensation of the Chief of Police shall be $_____.

Section 5. The compensation of the patrolmen shall be $_____.

Section 6. The Police Chief shall, subject to approval of the Mayor and Board of Aldermen, promulgate such rules and regulations for the proper operation of the Department as shall be deemed necessary and not inconsistant with law.

Section 7. This ordinance shall be effective immediately upon its passage, adoption and approval of the Mayor and this ordinance has received all of the required readings at the same meeting at which the Bill is introduced. So that it can be passed at one meeting. This ordinance is prima facia deemed an emergency ordinance because it allows the

Board of Aldermen to take immediate steps to prevent or to remedy a condition or situation which is of such a nature that it demands attention, and to postpone action would result in serious injury or damage to the people, the government, or the municipality. The public peace, health, safety, and welfare.

Section 8. This ordinance shall take effect and be in force from and after it passage and approval.

PASSED this _____ day of _____, 1985

_____
Presiding Officer

Approved this _____ day of _____, 1985

ATTEST:

_____
Mayor

_____, City Clerk

BILL NO 135 ORDINANCE NO 135

WHEREAS: The Law Enforcement and Board of Aldermen of the City of Portage Des Sioux, Missouri do hereby find and declare that it is in the best interest to repeal Ordinance No. 108, and re-enact a new Ordinance providing to reduce the maximum Speed Limit of the City of Portage Des Sioux, Missouri from Twenty-Five (25) miles per hour to Twenty (20) miles per hour, and,

WHEREAS: The Law Enforcement and Board of Aldermen of the City of Portage Des Sioux, Missouri do hereby find and declare that a speed limit be set on Farnham Street, between Fourth Street and Church Street to Ten (10) Miles per hour during all declared school days with the presence of children along said area of Farnham Street.

NOW THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of Portage Des Sioux, Missouri, that Ordinance No. 135 being set in words and figures, as set forth herein to wit:

AN ORDINANCE ESTABLISHING A MAXIMUM SPEED LIMIT OF TWENTY (20) MILES PER HOUR WITHIN THE CITY LIMITS OF THE CITY OF PORTAGE DES SIOUX, MISSOURI

SECTION I It shall be unlawful for any person to drive any car, truck, motorcycle, tractor, or other motorized vehicle upon the streets of Portage Des Sioux, Missouri at a speed in excess of Twenty (20) Miles per hour.

SECTION II It shall be unlawful for any person to drive any car, truck, motorcycle, tractor, or other motorized vehicde upon the street of Farnham, between Fourth Street and Church Street in Portage Des Sioux, Missouri at a speed in excess of Ten (10) Miles per hour during declared school days with the presence of children along the said area of Farnham Street.

SECTION III Whosoever shall violate any of the provisiens of this Ordinance shall be deemed guildy of a misdemeanor and upon conviction shall be fined not to exceed One Hundred ($100.00) Dollars for each such offense.

SECTION IV All Ordinances or parts of Ordinances in conflict with the Provisions of this Ordinance are hereby expressly revoked.

SECTION V This Ordinance shall take effect and be in force from and after its passage and approval.

Passed and approved on this_____day of_____, 1985.

_____ _____

Mayor

Attest:

_____

_____ _____

Clerk ALDERMEN

Second Reading 11-4-85 EK.

BILL NO. 136 ORDINANCE NO. 111485-1

AN ORDINANCE ADOPTING CHAPTER 300, REVISED STATUTES OF MISSOURI, KNOWN AS THE "MODEL TRAFFIC ORDINANCE" AS AND FOR THE BASIC TRAFFIC ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

Section 1: Chapter 300, consisting of Sections 300.010 through 300.600, Revised Statutes of Missouri, commonly known as the "Model Traffic Ordinance", is hereby adopted as and for the basic traffic ordinance of this city with like effect as if recited at length herein.

Section 2: Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than One Hundred Dollars ($100.00), or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

Section 3: All existing ordinances or parts of ordinances in conflict with the provisions of this "Model Traffic Ordinance" are hereby repealed on the effective date hereof.

Section 4: Due to the emergency nature of the situation, requiring enforcement of police and traffic regulations, this ordinance shall be in full force and effect from and after its passage and approval.

READ FIRST, SECOND AND THIRD TIMES AND PASSED BY THE BOARD OF ALDERMEN, OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS ____ DAY OF _____, 1985.

Clarence J Echelbarger
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE DES SIOUX THIS ____ DAY OF _____, 1985.

Clarence J Echelbarger
MAYOR

ATTEST:

_____
CITY CLERK

BILL NO. 137 ORDINANCE NO. 85-11-4-2

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A MUNICIPAL COURT FOR THE PROSECUTION OF VIOLATIONS OF CITY ORDINANCES; PROCEDURE FOR TRIAL THEREIN; CREATION OF A TRAFFIC VIOLATIONS BUREAU; REPEALING PRIOR ORDINANCES PERTAINING THERETO.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

Section 1: MUNICIPAL COURT, JURISDICTION--The Municipal Court of the City of Portage des Sioux, Missouri, shall have original jurisdiction to hear and determine all offenses against the ordinance of the City of Portage des Sioux. Court shall be held by the Judge of the Municipal Court on the Second Tuesday, of each and every month unless such date falls on a legal holiday. Court shall convene at 7:30 p.m. and thereafter until adjourned by the Court. Additional courts dates may be designated by the Court when necessary.

Section 2: JUDGE OF THE MUNICIPAL COURT--The Judge of the Municipal Court shall be appointed by the Mayor, with approval of the Board of Aldermen, and said appointment shall be for an at will appointment, terminated only a three-fourth (3/4) vote of the elected members of the Board of Aldermen.

Section 3: MUNICIPAL JUDGE, QUALIFICATIONS--The Municipal Judge must be a person at least twenty-one (21) years of age and an attorney licensed to practice in the State of Missouri. The Municipal Judge need not be a resident of the City of Portage des Sioux.

Section 4: PROSECUTIONS FOR VIOLATIONS OF ORDINANCES--All prosecutions for the violations of the municipal ordinances of the City of Portage des Sioux shall be entitled "City of Portage des Sioux vs. _____" (naming the person or persons charged), and the Municipal Judge shall state in the docket the name of the complainant, the nature and character of the offense, the date of the trial, the names of all witnesses sworn and examined, the finding of the Court or jury, the judgment of fine and costs, the date of payment, every other fact necessary to show full proceedings in each case. The complaint shall be reduced to writing and sworn to by the person or officer making the complaint. The complaints and charges filed before the Municipal Judge in the Municipal Court may be amended without prejudice during the proceedings in accordance with the laws of the State of Missouri pertinent thereto.

Section 5: UNIFORM TRAFFIC TICKETS--The City of Portage des Sioux recognizes and approves the use of uniform traffic tickets for traffic violations which contain summons, complaint and informations.

Section 6: WARRANTS, HOW SERVED--All warrants issued by the Municipal Judge shall be directed to the City Police Chief or the Sheriff of any County where the defendant might reside, and such warrant shall be executed by such police officer at any place within the limits of the jurisdiction of that officer.

Section 7: ATTENDANCE OF WITNESSES--The Municipal Judge shall have the power to summons all persons whose testimony may be deemed essential as witnesses at a trial, and to enforce their attendance by attachment, if necessary. The fees of witnesses and the jurors, if any, shall be the same as are allowed in a criminal trial in the Associate Circuit Court of St. Charles

County.

Section 8: PUNISHMENT ASSESSED--If the defendant pleads guilty, or is found guilty of a violation of any ordinance of the City of Portage des Sioux, the Municipal Judge shall assess the punishments prescribed by ordinance according to his finding or the verdict of the jury, and render judgment accordingly, and also for court costs; and it shall be part of said judgment that the defendant and his bond, if any, stand committed until judgment is fully complied with.

Section 9: APPEALS, HOW TAKEN--Appeals from a verdict or judgment in the Municipal Court in the City of Portage des Sioux shall be as provided by Chapter 479 and other pertinent statutes of the State of Missouri.

Section 10: COSTS ALLOWED--It shall be the duty of the Municipal Judge of the Municipal Court of the City of Portage des Sioux to assess the authorized statutory costs against each defendant who is found guilty or pleads guilty in said Court.

Section 11: The Municipal Judge shall appoint a Clerk of the Municipal Court who shall serve at the will of the Municipal Judge and perform all the duties of the Clerk of the Municipal Court as provided herein. The Clerk of the Municipal Court shall receive such salary as may be determined from time to time by the Board of Aldermen.

Section 12: The Traffic Violations Bureau for the City of Portage des Sioux shall be authorized to accept fines for certain violations of city ordinances. The Clerk of the Municipal Court shall be charged with the responsibility of operating the Traffic Violations Bureau, and shall have the title Violations Clerk. It shall be the function of the Violations Clerk to accept appearance, waiver of trial, plea of guilty, and payment of fine and costs in traffic offenses set forth in Section 13 below. The fines and costs for such violations can be paid to the Violations Clerk within seven (7) days of receipt of summons, notice of ticket or within the time designated by the Municipal Court Judge.

Section 13: The following schedule shall be the only violations which may be satisfied at the traffic violation bureau, together with the fines and penalties for first and second offenses:

SCHEDULE OF VIOLATIONS AND PENALTIES
FOR TRAFFIC VIOLATIONS

	1st Offense	2nd Offense
Blocking traffic	$ 5.00	$10.00
Disregarding Officer's signal	5.00	10.00
Driving over closed streets	5.00	10.00
Failure to stop at stop signal or stop sign	10.00	20.00
Failure to signal before turning	5.00	10.00
Failure to stop, school, playgrounds	10.00	20.00
Making prohibited turn	5.00	10.00
Driving or parking on sidewalk	5.00	10.00
Wrong direction, one-way street	5.00	10.00
Speeding, per mile over posted limit	1.00	2.00
All Parking Violations	5.00	10.00

Section 14: That the Violations Clerk shall keep an easily accessible record of all violations of which each person has been guilty, whether such guilt was established in Court or in the

traffic violations bureau. The bureau shall keep records and submit summarized annual reports to the Municipal Court, and the Board of Aldermen of all notices issued and arrests made for violations of this Ordinance and of all the fines collected by the traffic violations bureau. These reports shall be public records. All fines and forfeitures of bail of any person charged with a violation of any of the provisions of this Ordinance shall be paid into the City of Portage des Sioux and deposited in the General Fund and be expendable for municipal purposes.

Section 15: That the Municipal Judge may suspend the imposition or stay the execution of all or part of the fine, costs or jail sentence imposed for ordinance violations, for a period of up to one year; and that the terms of suspension may include driving or alcohol school; and that the sentence may be imposed for any violation of the terms of probation or for any subsequent ordinance violation.

Section 16: If any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Board of Aldermen hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, even if it had known that any one or more sections, subsections, sentences, clauses or phrases would be declared unconstitutional.

Section 17: Court costs shall be assessed on each charge at the rate of $12.00 for each non-moving violation, and $12.00 for each moving violation; said costs shall be paid into the general fund of the City of Portage des Sioux on a timely basis by the Police Chief and the Traffic Violations Bureau Clerk.

Section 18: If for any reason the Municipal Judge is disqualified from hearing a case, the Mayor, with approval of the Board of Aldermen, shall appoint an alternate Judge for the case.

Section 19: REPEAL OF INCONSISTENT ORDINANCES-- Any other ordinance or parts of ordinances inconsistent with or contrary to the provisions of this ordinance, are hereby repealed.

Section 20: Due to the emergency nature of the situation, requiring enforcement of police and traffic regulations, this ordinance shall be in full force and effect from and after its passage and approval.

READ FIRST, SECOND AND THIRD TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 4th DAY OF Nov., 1985.

Clarence J. Eckle
MAYOR

ATTEST:
Patricia A. Goodwin
CITY CLERK

APPROVED BY THE MAYOR OF THE CITY PORTAGE DES SIOUX THIS 4th DAY OF Nov., 1985.

Clarence J. Eckle
MAYOR

ATTEST:
Patricia A. Goodwin

BILL NO. 138 ORDINANCE NO. 2326-1

AN ORDINANCE PROVIDING TO AMEND ORDINANCE NO. 114; KNOWN AS THE FLOOD PLAIN MANAGEMENT AND FLOOD DAMAGE PREVENTION ORDINANCE, BE AND IS THE SAME BY ADDING A NEW SUB-SECTION (9) TO ARTICLE 4;

BE IT ORDAINED by the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, Missouri, to addmend Ordinance No. 114 by adding new Sub-Section (9) to Article 4 as Follows:

SECTION 1:

(9) Accessory and Structure Variance Procedure

a. The Structure must not be more than 720 square feet in size.

b. The Structure must not be for Human Habitation.

c. The Structure must be incident to and located upon the same Property as a Residence.

d. All Utilities in the Structure must be elevated to the required Elevation.

e. The Structure must be securely anchored or tied down in accordance with all applicable State and Local requirements.

f. The Variance Issuance must not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or vitimization of the public, or conflict with existing Local or State laws or Zoning Order Section Regulations.

g. Applicants must acknowledge in writing that they are aware the Structure will be in the Flood Plain and that Flood Insurance rates are significantly higher for Structures built in the Flood Plain below the 100 Year Flood Plain.

SECTION 2:

All Ordinances, Sections or parts of Ordinances, in conflict with this Ordinance are hereby repealed.

Section 3.

This Ordinance shall take effect and be in force from and after it's passage and approval.

Enacted 3 Feb, 1986

Clarence J. Eckelkamp
Mayor

Robert E. Burns
Edward C. Rose
Edw. C. Haenty
Aldermen

Attest:

Debra A. Bredehorst
Clerk

BILL #139 ORDINANCE # 6-9-86

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A SPECIAL ACCOUNT TO BE KNOWN AS "PORTAGE DES SIOUX WATERWORKS BOND, INTEREST & MAINTENANCE ACCOUNT."

WE, the Board of Aldermen for the City of Portage des Sioux, Missouri do hereby agree that Ordinance #139 become a part of the existing Ordinance #74.

SECTION 1 This Ordinance shall establish a fund to be set aside and to be added to on a monthly basis out of water fund or any funds available, so as to establish a fund to retire principle and interest Bonds which will be due on the City's Water Plant as of January 1st, 2003, January 1st, 2004 and January 1st, 2005.

SECTION 11 Said fund shall be part of Ordinance #74, Section 6, Parts A, B, C and D, and shall be called "Portage des Sioux Waterworks Bond, Interest and Maintenance Account." It shall be established and maintained as of _____ _____, 1986, after the third and final reading of said bill.

SECTION 111 This Ordinance is to establish a fund so as in the last years of bond and interest payments, said City will have sufficient monies to retire same bonds. This money is set aside expressly for this purpose and is not to be used as a general fund for the Waterworks.

SECTION IV To establish this fund, $1,000.00 (one thousand dollars) shall be written on the water fund and go into said account, as of _____, 1986, $150.00 (one hundred and fifty dollars) per month shall be deposited into said account. When the account reaches $3,000.00 (three thousand dollars) $2,000.00 shall be withdrawn and placed into Certificates of Deposit or other high interest bearing accounts. This procedure shall be repeated each time the account reaches $3,000.00, and continue until the years stated in Section 1, of this Ordinance, or until sufficient funds have been accumulated.

SECTION V This Ordinance shall take effect and be in force from and after its passage and approval.

Enacted June 9th, 1986

_____
Mayor

ATTEST

_____
City Clerk

BILL NO. 140

ORDINANCE NO. ___

AN ORDINANCE PROVIDING FOR THE BUILDING, PLUMBING, MECHANICAL, ELECTRICAL, AND FIRE PREVENTION CODES OF THE CITY OF PORTAGE DES SIOUX AND FOR THE ISSUANCE OF BUILDING PERMITS FOR THE CITY OF PORTAGE DES SIOUX BY THE ST. CHARLES COUNTY BUILDING COMMISSION.

BE IT ORDAINED by the Board of Aldermen of the City of Portage des Sioux as follows:

SECTION 1. The St. Charles County Building Commissioner is hereby designated as the sole authority to issue Building Permits for and within the Corporate limits of the City of Portage des Sioux.

SECTION 2. The Building Inspection Agreement annexed to this Ordinance be and the same is hereby approved by the City of Portage des Sioux.

SECTION 3. The Building Inspection Agreement between the City of Portage des Sioux and St. Charles County, Missouri shall be executed on behalf of the City of Portage des Sioux by the Mayor of the City of Portage des Sioux and his signature thereto shall be attested by the City Clerk.

SECTION 4. No person shall erect, construct, reconstruct, alter, move, demolish, or convert any new or existing building or structure within the Corporate Limits of the City of Portage des Sioux without first obtaining a building permit authorizing such activity, from the St. Charles County Building Commissioner in accordance with this Ordinance.

SECTION 5. No building permit shall be issued by the St. Charles County Building Commissioner unless the applicant shall have paid the fees required by this Ordinance.

SECTION 6. The BOCA Baxic/National Building Code/1984 issued by the Building Officials and Code Administrators International, Inc.; the BOCA Basic/National Plumbing Code/1984 issued by the Building Officials and Code Administrators International, Inc.; the BOCA Basic/National Mechanical Code/1984 issued by the Building Officials and Code Administrators International, Inc.; the BOCA/National Fire Prevention Code/1984 issued by the Building Officials and Code Administrators International, Inc.; and the 1984 Edition of the National Electrical Code (NFPA 70-1984) issued by the National Fire Protection Association, Inc.; annexed to this Ordinance are hereby adopted by reference and approved by the City of Portage des Sioux.

SECTION 7. The BOCA Basic/National Building Code/1984 as adopted herein is hereby amended as follows:

a) Article I, Section 100.1 shall read: "These regulations shall be known as the Building Code of the City of Portage des Sioux, hereinafter referred to as "this code."

b) Article I, Section 114.3.1 shall read: "A fee for each plan examination, building permit and inspection shall be paid in accordance with the following schedule:

SQUARE FEET	BUILDING PERMIT FEE
Up to 400	$ 25.00
401-466	27.00
467-533	31.00
534-600	34.00
601-666	37.00
667-733	41.00
734-800	44.00
801-866	48.00
867-933	51.00
934-1000	54.00
1001-1077	58.00
1078-1154	61.00
1155-1231	65.00

SQUARE FEET	BUILDING PERMIT FEE
1232-1308	68.00
1309-1386	72.00
1387-1462	75.00
1463-1500	77.00
1501-1542	79.00
1543-1625	82.00
1626-1708	86.00
1709-1791	89.00
1792-1874	92.00
1875-1958	96.00
1959-2042	100.00
2043-2125	103.00
2126-2200	106.00
2201-2500	116.00
2501-3000	127.00
3000-5000	145.00
5001-10,000	173.00

Residential electric and plumbing permits $3.00 each

Commercial and Industrial Electric and Plumbing permits $30.00 each base fee plus $12.00 for each seperate service.

Apartments or Multi-Family electric and plumbing permits $5.00 per unit for each electric and plumbing.

Mobile Homes: Single Wide - $35.00 Double Wide - $70.00

Septic tank permits - $25.00

Residential Electrical and Plumbing permits - $3.00 each

Commercial and industrial construction fees shall be based on .2 of 1% of the estimated construction cost or contract amount (cost X .002), and shall include electrical and plumbing inspections.

Any permit fees not included above shall be charged as follows: Apartments and multi-family electrical and plumbing permits: Per unit $5.00 each separate service.

Mobil homes on acreage (includes footing, tie down and electrical service inspections) - Single wide $35.00, Double Wide $70.00

Modular Homes - must have building permits. Fees are based on square footage similar to residences, including electrical permits.

Electrical service inspections - $12.00 each.

c) Article 1, Section 117.4 shall read as follows: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class A Misdemeanor, punishable b y fine of not more than $1,000 in case of an individual and not more than $5,000 in case of a corporation, or by imprisonment. Each day that a violation continues shall be deemed a separate offense."

d) Article 1, Section 118.2 shall read: "Any person who shall continue any work or in or about the structure after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than $1,000."

e) Article 1, Section 123.3 shall read: "The third member of the Board shall receive for services a fee of $250.00 to be paid by the appellant."

f) Article 18, Section 1807.2.1 shall read: "Whenever an excavation is made to a depth of more than three (3) feet below the established curb, the person who causes such excavation to be made, if afforded the necessary license to enter the adjoining premises, shall preserve and protect from injury at all times and at his own expense such adjoining structure or premises which may be affected by the excavation. If the necessary license is not afforded, it shall then be the duty of the owner of the adjoining premises to make his building or structure safe by installing proper underpinning or foundations or otherwise. Such owner, if it be necessary license to enter the premises where the excavation or demolition is contemplated."

g) Article 18, Section 1807.2.2 shall read: "Wherever an excavation is made to a depth of more than three (3) feet below the curb the owner of a neighboring building or structure, the safety of which may be effected by the proposed excavation, shall preserve and protect from injury and shall support his building or structure by the necessary underpinning or foundations. If necessary for that purpose, such owner shall be afforded a license to enter the premises where the excavation is contemplated.

h) Article 19, Section 1906.1 shall read: "A person ~~hall~~ Shall not erect, install, remove, rehang or maintain over public property any sign for which a permit is required under the provisions of this code until an approved bond shall have been filed in the sum of $100,000 as herein required or until an insurance policy shall have been filed for public liability in the amount of $100,000 per accident and for property damage in the amount of $50,000 as herein required."

SECTION 8. The BOCA Basic/National Plumbing Code/1984 as herein is hereby amended as follows:

a) Article 1, Section P-100.1 shall read: "These regulations shall be known as the Plumbing Code of the City of Portage des Sioux hereinafter referred to as "this code"

b) Article 1, Section P-104.1 shall read: "The legal use and occupancy of any structure existing on _____ or for which it had been heretofore approved, may be continued without change except as may be specifically covered in this code or deemed necessary by the plumbing official for the general safety and welfare of the occupants and the public."

c) Article 1, Section P-114.2 shall read: "The permit fees for all plumbing work shall be as indicated under the fee schedule set out in Article 1, Section 114.3.1 of the BOCA Basic/National Building Code/1984 as adopted in Ordinance #_____."

d) Article 1, Section P-117-4 shall read: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall install plumbing work in violation of an approved plan or directive of the plumbing official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class A Misdemeanor, punishable by a fine of not more than $1,000 in the case of an individual and not more than $5,000 in the case of a corporation, or by imprisonment not exceeding one year, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense."

e) Article 1, Section P-118-2 shall read: "Any person who shall continue any plumbing work in or about the structure after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than $1,000."

f) Article 3, Section P-303.2 shall read: "A public water main or public [illegible] system shall be considered available to a building when the [illegible] building is located within two hundred (200') feet, of the public water main or sewer."

g) Article 3, Section P-308.3 shall read: "Water service piping and sewers shall be installed below recorded frost penetration but not less than thirty six (36")inches below grade for sewers. In climates with freezing temperatures, plumbing piping in exterior building walls or areas subject to freezing temperatures shall be adequately protected against freezing by insulation or heat or both."

SECTION 8. The BOCA Basic/National Mechanical Code/1984 as adopted herein is hereby amended as follows:

a) Article 1, Section M-100.1 shall read: "This code shall be known as the Mechanical Code of the City of Portage des Sioux hereinafter referred to as the Mechanical Code or "this code"

b) Article 1, Section M-114.2 shall read: "The fees for all periodic inspections shall be as indicated in the BOCA Basic/National Code/1984 as adopted by Ordinance # 140."

c) Article 1, Section M-114.4 shall read: "Boiler inspection fees shall be as set by the St. Charles County Building Commissioner."

d) Article 1, Section M-117.4 shall read: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair mechanical equipment or systems in violation of an approved plan or directive of the mechanical official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class A Misdemeanor, punishable by a fine of not more than $1,000 in the case of an individual and not more than $5,000. in the case of a corporation, or by imprisonment not exceeding one (1) year or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense."

e) Article 1, Section P-118.2 shall read: "Any person who shall continue any plumbing work in or about the structure after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than $1,000."

SECTION 10. The BOCA Basic/National Fire Prevention Code/1984 as adopted herein, is hereby amended as follows:

a) Article 1, Section F-100.1 shall read: "These regulations as set forth herein shall be known as the Fire Prevention Code of the City of Portage des Sioux and are herein referred to as such or as "this code"

b) Appendix B of the BOCA Basic/National Fire Prevention Code 1984 is hereby adopted by the City of Portage des Sioux for the purpose of establishing fire control measures and regulations as set forth in said Appendix B, and for the purpose of controlling conditions which could impede or interfere with fire suppression forces.

c) Section 6 of Appendix B of the BOCA Basic/National Fire Prevention Code/1984 adopted herein as the fire control measures and regulations governing conditions which could impede or itnerfere with fire suppression forces, shall read: "Authorized emergency vehicles shall be restricted to those which are defined are authorized in the laws of the State of Missouri."

d) The date of adoption of Appendix B of the BOCA Basic/ National Fire Prevention Code/1984 as amended herein shall take effect and be in force from and after the day this Ordinance is read for final passage and approved.

SECTION 11. This Ordinance shall be in force and effect from and after the day of its final passage and approval.

SECTION 12. "The vote upon the aforesaid Bill, being deemed an emergency by the Board of Aldermen, the Board does hereby waive and dispense with the tabling procedure and does hereby authorize the reading of the above Bill at a regular meeting, and a vote thereon immediately following said reading."

READ THREE TIMES AND ADOPTED THIS _____DAY OF _____,

1986.

_____
Clem Echele, Jr. Mayor

ATTESTED TO BY:_____
Patricia A. Boschert, City Clerk

Bill No. 140 Ordinance No. 93-162

AN ORDINANCE REGULATING ANIMALS AND THE FACILITIES WHICH HOUSE THEM.

WHEREAS, the St. Charles County Charter, Art. II, Section 2.529 (1992) grants legislative power pertaining to public health and welfare; and

WHEREAS, the St. Charles County Charter, Art. II, Section 2.514 (1992) states the County Council may, within the unincorporated areas of the County, license, tax and regulate all businesses, occupations and activities; and

WHEREAS, the County Council finds it necessary and prudent to regulate animals and the facilities which house them and for the public health and welfare of the citizens of the County;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The Rabies Control Code presently in effect in St. Charles County and any agreements enacted thereunder are hereby abolished and enacted in lieu thereof is Animal Control Ordinance attached hereto as Exhibit "A".

Section 2. The County Clerk is hereby authorized and directed to arrange publication and public posting of this ordinance pursuant to the St. Charles County Charter, Art. II, Section 2.603.1 (1992).

Section 3. This ordinance shall be in full force and effect thirty days after publication and public posting pursuant to the St . Charles County Charter, Art. II, Section 2.603.1 (1992).

September 28, 1993
DATE PASSED

October 4, 1993
DATE APPROVED BY COUNTY EXECUTIVE

ORDINANCE NO._____ BILL NO. 141

AN ORDINANCE PERTAINING TO PUBLIC NUISANCES CAUSED BY WEEDS, RUBBISH AND JUNK, AND THE RECOVERY OF COSTS SUSTAINED BY THEIR ABATEMENT.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF PORTAGE des SIOUX, MISSOURI, AS FOLLOWS:

Section 1: That Missouri cities of the fourth class, Portage des Sioux being such, have the authority under sections 71.285 RSMo. and 71.780 RSMo., as amended, for the prevention of weed, rubbish and junk nuisances and their abatement.

Section 2: That the following conditions and practices are hereby declared to be nuisances because of their capability to harbor and promote the growth of rats, insects, reptiles, vermin, pollen, diseases and other problems which adversely affect and are injurious to the health, welfare, and safety of the residents of the City of Portage des Sioux.

(a) Weeds - meaning vegetation, excluding shrubs or trees, but specifically including grass, that exceeds twelve (12) inches in height. However, in residential lots where dwelling units are already constructed, grass or vegetation in excess of nine (9) inches in height shall constitute weeds subject to the nuisance enforcement provisions of this ordinance.

(b) Rubbish - meaning the inclusion but not restriction to: Human, animal, bird or other fowl droppings of feces, garbage, waste paper, rags, cartons, boxes, excelsior, shrub or yard trimmings, cans, glass, ashes, crockery, tree limbs, concrete, dirt or gravel poles, mortor, stoves, bricks, scrap metal, wood or other similar construction materials resulting from the erection or destruction of buildings.

(c) Junk - meaning abandoned, discharged or unused objects or equipment, appliances, furniture.

Section 3: Whenever weeds, in violation of this ordinance, are allowed to grow on any part of any lot or ground within the City of Portage des Sioux, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable.

Section 4: Upon observing violations of this ordinance, the code enforcement officer shall give a hearing after ten days' notice thereof, either personally or by United States mail to the owner or owners, or his or her agents, and by posting such notice on the premises.

Section 5: Subsequent to a lawful hearing, the code enforcement officer may declare the weeds to be a nuisance and order the same to be abated within five days; and in case the weeds are not cut down and removed within the five days, the code enforcement officer shall have the weeds cut down and removed.

Section 6: If the code enforcement officer has caused the weeds to be removed, the code enforcement officer shall sertify the costs of abatement to the city clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by the collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be a prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the city clerk and delivered to the collector on or before the first day of January of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per annum.

Section 7: That a Portage des Sioux police officer or code enforcement officer who observes rubbish or junk in open view on public or private property within the City, shall cause a Notice to Abate Nuisance within a maximum of ten (10) days to be given either personally or by United States Mail to the real property owner or his agent, or by posting such a notice on the premises.

Section 8: That after the expiration of the notice period, a Portage des Sioux police officer or code enforcement officer is hereby authorized to cause the abatement of any junk or rubbish, as defined herein, including the removal and disposal thereof. The code enforcement officer shall certify the costs of abatement to the city clerk, who cause a special tax bill therefore against the property to be prepared and to be collected by the collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be a prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the city clerk and delivered to the collector on or before the first day of January of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per annum. The attorney for the city shall be responsible for perfecting the lien.

Section 9: If any section of this ordinance is held to be invalid by any court of competent jurisdiction, that invalidity shall not affect other sections of this ordinance which shall be construed and enforced as if such invalid provision had not been contained therein.

Section 10: That this ordinance shall be in full force and effect immediately upon its enactment and approval, and prior conflicting ordianaces are hereby repealed.

READ THREE TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE des SIOUX, MISSOURI, THIS_____ DAY OF _____,1986

Lawrence J. Echele Jr
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE des SIOUX THIS _____ DAY OF _____, 1986

Lawrence J. Echele Jr
MAYOR

ATTEST:

_____
CITY CLERK

BILL NO. 150 ORDINANCE NO. 150

AN ORDINANCE AMENDING ORDINANCE NO. 90, PROVIDING FOR LICENSING, SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE CITY OF PORTAGE DES SIOUX, MO.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 1, Sunday Sales by Restaurant/Bars, be added to Ordinance No. 90 of the City of Portage des Sioux as follows:

"Notwithstanding any other provisions of this ordinance to the contrary any person who posesses the qualifications required by this ordinance, and the requirements of Section 311.097 RSMo 1986, and who now or hereafter meets the requirements of and complies with the provisions of this ordinance, may apply for, and the Board of Aldermen may grant a license to sell intoxicating liquor, as in this ordinance defined, by the drink at retail for consumption on the premises of any restaurant/bar between the hours of 12:00 noon on Sunday and midnight on Sunday.

SECTION 2. This ordinance shall be in full force and take effect from and after the date of its passage and approval.

Read three times and passed this 21 day of May, 1987.

ATTEST: Patricia A Bachert
City Clerk

George R. Combs
Mayor

BILL NO. 151 ORDINANCE NO. 151

AN ORDINANCE PROVIDING FOR THE HOLDING OF A SPECIAL ELECTION IN THE CITY OF PORTAGE DES SIOUX, ST. CHARLES COUNTY, MISSOURI, TO BE HELD ON TUESDAY, THE 4TH DAY OF AUGUST, 1987; PROVIDING FOR THE PROPOSITION TO BE VOTED UPON AT SAID ELECTION; SETTING OUT THE FORM OF BALLOT TO BE USED AT SAID ELECTION AND THE FORM OF NOTICE OF SAID ELECTION; AND DIRECTING PUBLICATION OF SAID NOTICE.

WHEREAS, in the opinion of the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, Missouri, it has become necessary and is in the public interest to improve and extend the sewerage system of said City; and

WHEREAS, the Board of Aldermen of said City finds that the estimated cost of the proposed improvements and extensions will be in excess of Three Hundred Thousand Dollars ($300,000), which said sum exceeds the current income and revenues of said City for the year 1987 and is not available in the treasury of said City; and

WHEREAS, it is advisable that a portion of the cost of the proposed improvements and extensions should be met through the issuance of sewerage system revenue bonds pursuant to Chapter 250, Vernon's Annotated Missouri Statutes; and

WHEREAS, the said City is authorized under the Constitution and Laws of the State of Missouri to issue sewerage system revenue bonds of the City for that purpose by a vote of four-sevenths (4/7) of the qualified electors voting on the proposal to issue the same at an election held for the purpose of voting upon such a proposal; and

WHEREAS, the amount of indebtedness proposed to be incurred will not exceed any constitutional or statutory limit; and

WHEREAS, the Board of Aldermen of said City does now find and determine that it would be advisable to direct the submission of the proposition hereinafter set forth at a special election to be held on Tuesday, the 4th day of August, 1987:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. That a special election be and the same is hereby called and ordered to be held in the City of Portage Des Sioux, St. Charles County, Missouri, on Tuesday, the 4th day of August, 1987, at which there shall be submitted to the qualified electors of said City the following proposition, to-wit:

PROPOSITION

Proposition to issue and sell negotiable sewerage system revenue bonds of the City of Portage Des Sioux, St. Charles County, Missouri, to the amount of Three Hundred Thousand Dollars ($300,000) for the purpose of paying part of the cost of improving and extending the sewerage system owned exclusively by said City; the principal of and the interest on said revenue bonds to be payable solely from the revenues to be derived by said City from the operation of said sewerage system.

SECTION 2. That the qualified electors of the City residing in the election precinct located within said City shall vote at the polling place stated in the "NOTICE OF SPECIAL BOND ELECTION" as hereinafter set forth in Sections 6 and 9 of this Ordinance; that the polls of said election shall be opened at the hour of six o'clock in the morning, Central Daylight Saving Time, on said date and shall be kept open until the hour of seven o'clock in the evening, Central Daylight Saving Time, on said date; that, except for absentee ballots cast by persons in Federal service, the election judges shall allow no person to vote whose name does not appear in the precinct register without the express sanction of the election authority; and that, in order to vote in said election, a person must be registered no later than 5:00 P.M., Central Daylight Saving Time, or the normal closing time of any public building where the registration is being held if such time is later than 5:00 P.M. on Wednesday, the 8th day of July, 1987.

SECTION 3. That the County Clerk of St. Charles County, Missouri, shall conduct the election herein provided for and shall serve as the election authority for said election, and the said County Clerk shall perform the duties required of him as election

authority for said election under the provisions of Chapter 115, Vernon's Annotated Missouri Statutes.

SECTION 4. That the County Clerk of St. Charles County, Missouri, as election authority for the election herein provided for, shall give the notice of said election required of him by law, shall appoint the election judges for the polling place at which said election is to be held, and shall supply all ballot boxes, ballots, tally sheets, precinct registers, and other supplies necessary for the conduct of said election.

SECTION 5. That the ballots to be used at said special election shall be in substantially the following form, subject to such revisions therein as may be required by the use of an electronic voting system:

OFFICIAL BALLOT

SPECIAL BOND ELECTION

CITY OF PORTAGE DES SIOUX
ST. CHARLES COUNTY, MISSOURI

Tuesday, the 4th day of August, 1987

Instructions to voters:

To vote in favor of the proposition submitted upon this ballot, place a cross (x) mark in the square opposite the word "YES"; and, to vote against the proposition submitted upon this ballot, place a cross (x) mark in the square opposite the word "NO".

PROPOSITION

Shall the following be adopted:

Proposition to issue and sell negotiable sewerage system revenue bonds of the City of Portage Des Sioux, St. Charles County, Missouri, to the amount of Three Hundred Thousand Dollars ($300,000) for the purpose of paying part of the cost of improving and extending the sewerage system owned exclusively by said City; the principal of and the interest on said revenue bonds to be payable solely from the revenues to be derived by said City from the operation of said sewerage system?	YES NO	....

Absentee ballots shall be in the form above set forth except that the caption shall read "OFFICIAL ABSENTEE BALLOT" in lieu of "OFFICIAL BALLOT".

SECTION 6. That the City Clerk be and is hereby authorized and directed to give notice of the submission of the aforesaid Proposition at the aforesaid election by publication in The St. Peters Courier-Post, a newspaper printed and published in St. Charles County, Missouri, and of general circulation therein. The said notice shall be published in said newspaper once a week for at least three (3) consecutive weeks. The first publication of said notice shall be made at least twenty-one (21) days before the date of said election, and the last publication shall be made within two (2) weeks of the date of said election. The said notice to be so published shall be in substantially the following form, to-wit:

NOTICE OF SPECIAL BOND ELECTION

CITY OF PORTAGE DES SIOUX
ST. CHARLES COUNTY, MISSOURI

NOTICE is hereby given that at a special election to be held in the City of Portage Des Sioux, St. Charles County, Missouri, on

Tuesday, the 4th day of August, 1987,

there will be submitted to the qualified electors of said City the following proposition, to-wit:

PROPOSITION

Proposition to issue and sell negotiable sewerage system revenue bonds of the City of Portage Des Sioux, St. Charles County, Missouri, to the amount of Three Hundred Thousand Dollars ($300,000) for the purpose of paying part of the cost of improving and extending the sewerage system owned exclusively by said City; the principal of and the interest on said revenue bonds to be payable solely from the revenues to be derived by said City from the operation of said sewerage system.

Qualified electors of the City residing in the election precinct located within the said City and within Rivers Township shall vote at the following polling place established for said precinct:

Precinct	City Wards	Polling Place
5-Portage	One and Two	Fire Hall Southeast Corner, Church and Lesieur Streets

The polls of said election will be opened at the hour of six o'clock in the morning, Central Daylight Saving Time, and will remain open until the hour of seven o'clock in the evening, Central Daylight Saving Time, on the aforesaid date. Except for absentee ballots cast by persons in Federal service, no person shall be allowed to vote whose name does not appear in the precinct register without the express sanction of the election authority, and, in order to vote in said election, a person must have been registered no later than 5:00 P.M., Central Daylight Saving Time, or the normal closing time of any public building where the registration is being held if such time is later than 5:00 P.M. on Wednesday, the 8th day of July, 1987.

Given under my hand and the corporate seal of the City of Portage Des Sioux, Missouri, this ____ day of _____, 1987.

_____
City Clerk, City of Portage
Des Sioux, Missouri

(SEAL)

SECTION 7. That, in order to comply with the provisions of Section 115.125, Vernon's Annotated Missouri Statutes, the City Clerk be and the said Clerk is hereby directed to transmit to the County Clerk of St. Charles County, Missouri, who shall serve as the election authority for the election herein provided for, a notice in substantially the following form, to-wit:

Honorable Jim Primm
County Clerk
County Administration Building
118 North Second Street
St. Charles, Missouri 63301

RE: CITY OF PORTAGE DES SIOUX,
ST. CHARLES COUNTY, MISSOURI
SPECIAL BOND ELECTION
August 4, 1987

Dear Mr. Primm:

This is to notify you that the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, Missouri, on the 4th day of June, 1987, did call a special bond election to be held on Tuesday, the 4th day of August, 1987. So that you may be informed as to the question to be submitted to the qualified electors in said election, I am enclosing herewith the following:

1. A certified copy of Ordinance No. _____ of said City, passed on June 4, 1987, and approved on June ___, 1987, which said Ordinance calls and provides for the holding of said special bond election;

2. A suggested form for the first notice which you are required to give pursuant to the provisions of paragraph 2 of Section 115.127, Vernon's Annotated Missouri Statutes; and

3. A suggested form for the second notice which you are required to give pursuant to the provisions of paragraph 2 of Section 115.127, Vernon's Annotated Missouri Statutes (if you do not elect to give the notice contemplated by Section 115.129, Vernon's Annotated Missouri Statutes).

Your attention is called to the fact that Section 5 of the Ordinance calling and providing for the holding of the said election specifies the form of the ballot to be used at said election.

The notices referred to in paragraphs 2 and 3, above, should be published in The Wentzville Union on the 24th and 31st days of July, 1987, and in The St. Peters Courier-Post on the 27th day of July and the 3rd day of August, 1987.

Very truly yours,

_____

City Clerk, City of Portage Des Sioux, St. Charles County, Missouri

Said notice and the enclosures mentioned therein shall be transmitted by said City Clerk so as to be received by said County Clerk not later than 5:00 P.M., Central Daylight Saving Time, on Tuesday, the 9th day of June, 1987.

SECTION 8. That the form of notice mentioned in paragraph 2 of the notice provided for in Section 7 hereinabove shall be in substantially the following form, to-wit:

NOTICE OF SPECIAL BOND ELECTION

CITY OF PORTAGE DES SIOUX
ST. CHARLES COUNTY, MISSOURI

Notice is hereby given to the qualified electors of the City of Portage Des Sioux, St. Charles County, Missouri, that the Board of Aldermen of said City has called a special election to be held in said City on

Tuesday, the 4th day of August, 1987,

commencing at six o'clock in the morning, Central Daylight Saving Time, and closing at seven o'clock in the evening, Central Daylight Saving Time, on said date.

The ballots to be used at said special election shall be in substantially the following form, to-wit:

OFFICIAL BALLOT

SPECIAL BOND ELECTION

CITY OF PORTAGE DES SIOUX
ST. CHARLES COUNTY, MISSOURI

Tuesday, the 4th day of August, 1987

Instructions to voters:

To vote in favor of the proposition submitted upon this ballot, place a cross (x) mark in the square opposite the word "YES"; and, to vote against the proposition submitted upon this ballot, place a cross (x) mark in the square opposite the word "NO".

PROPOSITION

Shall the following be adopted:

Proposition to issue and sell negotiable sewerage system revenue bonds of the City of Portage Des Sioux, St. Charles County, Missouri, to the amount of Three Hundred Thousand Dollars ($300,000) for the purpose of paying part of the cost of improving and extending the sewerage system owned exclusively by said City; the principal of and the interest on said revenue bonds to be payable solely from the revenues to be derived by said City from the operation of said sewerage system?	YES	. . . . .
	NO	. . . . .

The qualified electors of the City residing in the election precinct located within the said City shall vote at the polling place established for said precinct, as that place shall be listed in a notice to be published by me in The Wentzville Union on the 31st day of July, 1987, and in The St. Peters Courier-Post on the 3rd day of August, 1987.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this _____ day of _____, 1987.

_____
County Clerk and Election Authority
St. Charles County, Missouri

(SEAL)

SECTION 9. That the form of notice mentioned in paragraph 3 of the notice provided for in Section 7 hereinabove shall be in substantially the following form, to-wit:

NOTICE OF SPECIAL BOND ELECTION

CITY OF PORTAGE DES SIOUX
ST. CHARLES COUNTY, MISSOURI

Notice is hereby given to the qualified electors of the City of Portage Des Sioux, St. Charles County, Missouri, that the Board of Aldermen of said City has called a special election to be held in said City on

Tuesday, the 4th day of August, 1987,

commencing at six o'clock in the morning, Central Daylight Saving Time, and closing at seven o'clock in the evening, Central Daylight Saving Time, on said date.

Qualified electors of the City residing in the election precinct located within the said City and within Rivers Township shall vote at the following polling place established for said precinct:

Precinct	City Wards	Polling Place
5-Portage	One and Two	Fire Hall Southeast Corner, Church and Lesieur Streets

The ballots to be used at said special election shall be in substantially the following form, to-wit:

OFFICIAL BALLOT

SPECIAL BOND ELECTION

CITY OF PORTAGE DES SIOUX
ST. CHARLES COUNTY, MISSOURI

Tuesday, the 4th day of August, 1987

Instructions to voters:

To vote in favor of the proposition submitted upon this ballot, place a cross (x) mark in the square opposite the word "YES"; and, to vote against the proposition submitted upon this ballot, place a cross (x) mark in the square opposite the word "NO".

PROPOSITION

Shall the following be adopted:

Proposition to issue and sell negotiable sewerage system revenue bonds of the City of Portage Des Sioux, St. Charles County, Missouri, to the amount of Three Hundred Thousand Dollars ($300,000) for the purpose of paying part of the cost of improving and extending the sewerage system owned exclusively by said City; the principal of and the interest on said revenue bonds to be payable solely from the revenues to be derived by said City from the operation of said sewerage system?

YES . . . . . .

NO . . . . . .

Except for absentee ballots cast by persons in Federal service, no person shall be allowed to vote whose name does not appear in the precinct register without the express sanction of the election authority, and, in order to vote in said election, a person must have been registered no later than 5:00 P.M., Central Daylight Saving Time, or the normal closing time of any public building where the registration is being held if such time is later than 5:00 P.M. on Wednesday, the 8th day of July, 1987.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this _____ day of _____, 1987.

_____
County Clerk and Election Authority
St. Charles County, Missouri

(SEAL)

SECTION 10. That all ordinances or parts of ordinances in conflict with this Ordinance shall be and the same are hereby repealed insofar as they may so conflict.

SECTION 11. That this Ordinance shall be in force and take effect from and after its passage and approval.

Read three (3) times and passed this 4th day of June, 1987.

_____
Mayor and Ex-Officio President
of the Board of Aldermen

Attest:

_____
City Clerk

Approved this 5th day of June, 1987.

George R. Combs
Mayor

Attest:
Patricia A. Burkett
City Clerk

STATE OF MISSOURI)
) ss.
COUNTY OF ST. CHARLES)

I, PATRICIA A. BOSCHERT, City Clerk within and for the City of Portage Des Sioux, St. Charles County, Missouri, do hereby certify that the foregoing pages constitute a full, true, and complete copy of Ordinance No. 151, as passed by the Board of Aldermen on the 4th day of June, 1987, and approved by the Mayor on the 4th day of June, 1987, as fully as the same appears of record in my office in the Book of Ordinances of said City, at pages _____ to _____, inclusive.

Minutes for 6-4-87

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Portage Des Sioux, St. Charles County, Missouri, at my office in said City this 5th day of June, 1987.

Patricia A. Boschert
City Clerk

(SEAL)

BILL NO: 152 ORDINANCE NO. 152

"AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH BOMMARITO CONSTRUCTION CO. FOR THE PURPOSE OF CONSTRUCTING A WASTEWATER TREATMENT PLANT."

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION 1. The Mayor and the City Clerk are hereby authorized to execute a contract with Bommarito Construction Co. for construction of a wastewater treatment plant for said City and not to exceed $231,014.00.

SECTION 2. Due to the emergency nature of the situation, requiring signing of a contract for construction of a wastewater treatment plant, this ordinance shall be in full force and effect from and after the date of its passage.

Read the first, second and third times and passed, by the Board of Aldermen, of the City of Portage des Sioux, Missouri, this fourth day of January, 1988.

George R. Combs

George R. Combs, Mayor
City of Portage des Sioux, Missouri

ATTEST: Patricia A. Boschert

Patricia A. Boschert, City Clerk
Portage des Sioux, Missouri

BILL NO. 153 ORDINANCE NO. 153

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE 1. STATUTORY AUTHORIZATION, FINDS OF FACT, PURPOSE AND OBJECTIVES

SECTION A. Statutory Authorization

The legislature of the State of Missouri has in the Missouri Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Aldermen of the City of Portage des Sioux, Missouri does ordain as follows:

SECTION B. Finds of Fact

(1) The flood hazard areas of the City of Portage des Sioux are subject to periodic inundation which, results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vunerable to floods or hazards to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

SECTION C. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;

(6) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas;

(7) To insure that potential home buyers are notified that property is in a flood area; and

(8) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION D. Methods of Reducing Flood Losses

In order to accomplish its purposes, this ordinance includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion or to flood heights or velocities.

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters.

(4) Controlling filling, grading, dredging, and other development which may increase erosion or flood damage.

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodway waters or which may increase flood hazards in other areas.

ARTICLE 2. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Actuarial or Risk Premium Rates" mean those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

"Administrator" means directof of Federal Insurance Administration.

"Appeal" means a request for a review of the local administrator's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one per cent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the flood plain within a community subject to one per cent or greater chance of flooding in any given year.

"Base flood" means the flood having one per cent chance of being equalled or exceeded in any given year.

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

"Existing construction" means (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary/Floodway Map and the water surface elevation of the base flood.

"Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floodway Fringe" is that area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years)i.e., that has a one percent chance of flood occurrence in any one year).

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" or substantial improvement is commenced on or after the effective date of the FIRM.

"Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either. (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing, state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

ARTICLE 3. GENERAL PROVISIONS

SECTION A. Lands to which this ordinance applies

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Portage des Sioux.

SECTION B. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency through a scientific and engineering report entitled "The Flood Insurance Study for the City of Portage des Sioux, Missouri", dated OCTOBER 1976 with accompanying Flood Insurance Rate Maps (and Flood Boundary and Floodway Maps) with any revision thereto are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file with the other records for the City.

SECTION C. Penalties for Non-Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $ 100.00 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City of Portage des Sioux or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION D. Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION E. Interpretation

In the interpretation and application of this ordinance, all provisions shall be (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION F. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Portage des Sioux or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE 4. ADMINISTRATION

SECTION A. Establishment of a Development Permit

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Article 3, Section B. No person, firm, or corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for each development as defined in Article 2. Application for a Development Permit shall be made on forms furnished by the Zoning Commission and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(1) Elevation in relation to mean seal level, of the lowest floor (including basement) of all structures.

(2) Elevation in relation to mean sea level to which any non-residential structure is to be floodproofed.

(3) Certification from a registered professional engineer or architect that the non-residential flood proofed structure will meet the floodproofing criteria in Article 5, Section C(2).

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

SECTION B. Designation of the Local Administrator

The Zoning Commission is hereby appointed to administer and implement the provisions of this ordinance, by granting or denying development permit applications in accordance with its provisions.

SECTION C. Duties and Responsibilities of Zoning Commission

Duties of the Zoning Commission shall include, but not be limited to:

(1) Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.

(2) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.

(3) When base flood elevation data has not been provided in accordance with Article 3, Section B, then the Zoning Commission shall obtain, review, and reasonably utilize any base flood elevation or floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

(4) Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

(5) Verify, record and maintain record of the actual elevation (in relation to mean seal level) to which the new or substantially improved structures have been floodproofed.

(6) When floodproofing is utilized for a particular structure the Zoning Commission shall obtain certification from a registered professional engineer or architect.

(7) Notify adjacent communities and the Mo. Dept. of Natural Resources prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency.

(8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(9) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning Commission shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

SECTION D. Variance Procedures

(1) The appeal board as established by the City of Portage des Sioux shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(2) The appeal board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Commission in the enforcement or administration of this ordinance.

(3) Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the Circuit Court as provided in the Missouri statutes.

(4) In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

(a) the danger that materials may be swept onto other lands to the injury of others;

(b) the danger to life and property due to flooding or erosion damage;

(c) the susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) the importance of the services provided by the proposed facility to the community;

(e) the necessity to the facility to a waterfront location, where applicable;

(f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) the compatibility of the proposed use with existing and anticipated development;

(h) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(i) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets & bridges.

(5) Conditions for Variances

(a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with exisitng structures constructed below the base flood level, providing items (b-f) below, have been fully considered. As the lot size increases beyond the one half acre, the technical justification required for issuing the variance increases.

(b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(e) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(f) Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. General Standards

In all areas of special flood hazards (Zones A, AE, A1-30, AO, AH) the following provisions are required:

(1) All new construction including manufactured homes and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

(3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(4) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(7) On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(8) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.

(9) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

(10) That until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 and AE on the city's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other exisitng and reasonably anticipated uses, will not increase the water surface elevation of the 100 year flood more than (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference; Article 3, Section B of this ordinance.

SECTION B. Standards for Subdivision Proposals

(1) All subdivision proposals and other proposed new developments, including manufactured home parks or subdivisions, shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions), which is greater than either 50 lots or 5 acres.

SECTION C. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Article 3, Section B or Article 4, Section C(3), (Zones A1-30, AE and AH) the following provisions are required:

(1) Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above 441 FT the base flood elevation.

(2) Non-Residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to 441 feet above the level of the base flood elevation, or together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section C (6).

(3) Require for all New Construction and Substantial Improvements - That fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes

(a) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with state and local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

(i) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring only one additional tie per side;

(ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring only four additional ties per side;

(iii) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(iv) any additions to the manufactured home be similarly anchored.

(b) Require that all manufactured homes to be placed within Zones A1-30, AH, and AE on the community's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevations; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section C. (4) (a).

SECTION D. Floodways

Located within areas of special flood hazard established in Article 3, Section B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

(2) If Article 5, Section D (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

(3) In Zone A unnumbered, obtain review and reasonably utilize any floodway data available through Federal, State or other sources or Article 5, Section B (4) of this Ordinance in meeting the standards of this section.

SECTION E. Areas of Shallow Flooding (AO and AH Zones)

Located within the areas of special flood hazard established in Article 3, Section B are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(1) Within AO Zones

(a) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as 441 FT, the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

(b) All new construction and substantial improvements of non-residential structures shall:

(i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as 441 FT the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified, or

(ii) together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

(d) The anchoring requirements for manufactured homes as established in Article 5, Section C(3)(a) shall be required.

(2) Within AH Zones

(a) The specific standards for all areas of special flood hazard where base flood elevation data has been provided shall be required as set forth in Article 5, Section C.

(b) Adequate drainage paths around structures on slopes shall be required in order to guide flood waters around and away from proposed structures.

ARTICLE 6. NON-CONFORMING USE

(1) A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

(a) If such use is discontinued for 36 consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the Zoning Commission in writing of instances of non-conforming uses where utility services have been discontinued for a period of 36 months.

(b) Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as non-conforming uses.

(2) If any non-conforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 per cent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

ARTICLE 7. AMENDMENTS

The regulations, restrictions, boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Portage des Sioux.

At least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations.

ADOPTED AND APPROVED by the Governing Body of the City of Portage des Sioux, Missouri, this _____ day of _____, 1988.

_____
George R. Combs, Mayor

ATTEST:

_____
Patricia A. Boschert, City Clerk

BILL NO. _____ ORDINANCE NO. 154

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE OF NEGOTIABLE, INTEREST-BEARING SEWERAGE SYSTEM REVENUE BONDS OF THE CITY OF PORTAGE DES SIOUX, ST. CHARLES COUNTY, MISSOURI, IN THE PRINCIPAL AMOUNT OF THREE HUNDRED THOUSAND DOLLARS ($300,000); PRESCRIBING THE FORM AND INCIDENTS OF SAID BONDS; PROVIDING FOR THE COLLECTION, SEGREGATION, AND DISTRIBUTION OF THE REVENUE TO BE DERIVED FROM THE OPERATION OF THE SEWERAGE SYSTEM OF SAID CITY IN AMOUNTS SUFFICIENT TO PAY THE COST OF OPERATION AND MAINTENANCE THEREOF AND THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND MAKING PROVISION FOR OTHER FUNDS IN CONNECTION THEREWITH.

WHEREAS, the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, Missouri, having made and having caused to be made extensive studies concerning improvements and extensions to be made to the sewerage system of said City, does now find and determine, upon the advice of competent engineers, that the said improvements and extensions ought to be made, said system and all improvements and extensions to said system to be owned exclusively by said City; and

WHEREAS, the said Board of Aldermen does now find and determine, upon the advice of competent engineers, that the estimated cost of constructing such improvements and extensions to said sewerage system is at least Three Hundred Thousand Dollars ($300,000) over and above funds otherwise available for the purpose; and

WHEREAS, the aforesaid sum is not now available in the treasury of said City of Portage Des Sioux; and

WHEREAS, the said City is authorized, under the provisions of the Constitution of the State of Missouri and of Chapter 250, Vernon's Annotated Missouri Statutes, to borrow money for the aforesaid purpose and to evidence such loan by the issuance of bonds payable solely from the revenues to be derived from the operation of the sewerage system of said City, provided that the issuance of such revenue bonds be authorized at an election held for that purpose; and

WHEREAS, the Board of Aldermen of said City, by Ordinance No. 151 of said City, duly passed and approved on the 4th day of June, 1987, did find and determine it to be desirable and in the public interest to improve and extend the aforesaid system and to submit a proposal to issue revenue bonds of said City to provide a portion of the funds necessary therefor to the qualified electors of the City of Portage Des Sioux at a special election to be called for that purpose; and

WHEREAS, it was ordered and directed by the aforesaid Ordinance No. 151 that a special bond election be held in the City of Portage Des Sioux, St. Charles County, Missouri, on Tuesday, the 4th day of August, 1987, for the purpose of submitting to the qualified electors of said City the following proposition, to-wit:

"PROPOSITION

"Proposition to issue and sell negotiable sewerage system revenue bonds of the City of Portage Des Sioux, St. Charles County, Missouri, to the amount of Three Hundred Thousand Dollars ($300,000) for the purpose of paying part of the cost of improving and extending the sewerage system owned exclusively by said City; the principal of and the interest on said revenue bonds to be payable solely from the revenues to be derived by said City from the operation of said sewerage system."

and

WHEREAS, as directed by the aforesaid Ordinance, the City Clerk of said City did prepare and cause to be published in The St. Peters Courier-Post, said newspaper being of general circulation in the County of St. Charles, a notice of said special bond election in substantially the form as set forth in the aforesaid Ordinance; said notice having been published in said newspaper on the 13th, 20th, and 27th days of July, 1987, said notice having been published in said newspaper once a week for at least three (3) consecutive weeks and on the same day in each week, the first publication of said notice in said newspaper having been made at least twenty-one (21) days before the date of said special election and the last publication

in said newspaper having been made within two (2) weeks of the date of said special bond election; and

WHEREAS, the said Ordinance did direct that the aforesaid special bond election be held at the polling place in said City therein set out; and

WHEREAS, the City Clerk, on the 9th day of June, 1987, duly filed a copy of the aforesaid Ordinance No. 151 with the County Clerk of St. Charles County, Missouri; and

WHEREAS, the County Clerk of St. Charles County, Missouri, as Election Authority for the aforesaid special bond election, did cause to be published the notices of said election required of him by statute and by the aforesaid Ordinance; and

WHEREAS, the said County Clerk, as Election Authority for the said special bond election, duly performed all of the duties required of him by law in the course of conducting said election; and

WHEREAS, the said special bond election was duly and regularly held on the 4th day of August, 1987; and

WHEREAS, the ballots furnished to and used by the electorate at the said special bond election were in the form required by law and as set forth in the aforesaid Ordinance No. 151 passed and and approved on the 4th day of June, 1987; and

WHEREAS, this Board of Aldermen has canvassed the returns of said special bond election, whereupon this Board of Aldermen now does find, determine, and declare that there were cast on the aforesaid Proposition a total of one hundred forty-one (141) votes, of which one hundred twenty-nine (129) votes were "YES" and twelve (12) votes were "NO"; and

WHEREAS, this Board of Aldermen now does find and declare further that the aforesaid Proposition was assented to at the aforesaid special bond election by more than four-sevenths (4/7) of the qualified electors of said City voting on said Proposition; and

WHEREAS, the said City of Portage Des Sioux now is authorized fully by Section 250.010 et seq., Vernon's Annotated Missouri Statutes, as aforesaid, to issue its negotiable, interest-bearing,

revenue bonds in the amount of Three Hundred Thousand Dollars ($300,000) to provide funds for the purpose of paying part of the cost of improving and extending the sewerage system within and for said City; and

WHEREAS, the Board of Aldermen of the said City of Portage Des Sioux now does find and determine that it is necessary and advisable and in the public interest that the Sewerage System Revenue Bonds of said City in the principal amount of Three Hundred Thousand Dollars ($300,000) be issued forthwith as authorized at the aforesaid special bond election:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. That the findings contained in the preamble hereto regarding the result of the special bond election held on the 4th day of August, 1987, are found and declared hereby to be true and correct and that, in order to provide the sum of Three Hundred Thousand Dollars ($300,000) for the purpose of paying part of the cost of improving and extending the sewerage system within and for the City of Portage Des Sioux, St. Charles County, Missouri, there shall be and there are authorized and directed hereby to be issued the Sewerage System Revenue Bonds of the City of Portage Des Sioux in the principal amount of Three Hundred Thousand Dollars ($300,000), which said bonds shall be payable, both as to principal and interest, solely from the revenues to be derived by said City of Portage Des Sioux from the operation of the sewerage system owned exclusively by said City, all in accordance with and as authorized by the Constitution and Statutes of the State of Missouri, including Section 250.010 et seq., Vernon's Annotated Missouri Statutes, pursuant to and in accordance with the authority of a special bond election held in said City on Tuesday, the 4th day of August, 1987, as set forth in the preamble to this Ordinance.

SECTION 2. That the aforesaid bonds shall be of the denomination of Five Thousand Dollars ($5,000) each or any whole multiple thereof, shall bear date of February 1, 1988, and shall bear interest

from the date thereof at the rates per annum hereinafter set forth, payable August 1, 1988, and semi-annually thereafter on February 1 and August 1 in each year until the principal thereof, respectively, shall have been fully paid. Interest to accrue on said bonds on and prior to the respective maturity dates thereof shall be payable by check or draft drawn by the Paying Agent hereinafter designated and made payable to each registered owner of bonds of this issue listed as an owner of record on the fifteenth (15th) day prior to each of the aforesaid dates upon which interest will be due and payable. Both principal of and interest on said bonds shall be payable in lawful money of the United States of America at the Mark Twain Bank, in the City of Ladue, St. Louis County, State of Missouri (the "Paying Agent" for this issue), and said bonds shall bear interest at the rates per annum and shall mature in the amounts and at the times following, to-wit:

RATE OF INTEREST	AMOUNT	MATURITY
6%	$ 5,000	February 1, 1989
6-1/4%	10,000	February 1, 1990
6.35%	10,000	February 1, 1991
6-1/2%	10,000	February 1, 1992
6.65%	10,000	February 1, 1993
6-3/4%	10,000	February 1, 1994
7%	10,000	February 1, 1995
7.20%	10,000	February 1, 1996
7.40%	10,000	February 1, 1997
7-1/2%	15,000	February 1, 1998
7.60%	15,000	February 1, 1999
7.70%	15,000	February 1, 2000
7.80%	15,000	February 1, 2001
7.90%	15,000	February 1, 2002
8%	20,000	February 1, 2003
8.10%	20,000	February 1, 2004
8.20%	20,000	February 1, 2005
8.30%	25,000	February 1, 2006
8.40%	25,000	February 1, 2007
8-1/2%	30,000	February 1, 2008

Bonds maturing on February 1, 1999, and thereafter may be called in, paid, and redeemed on February 1, 1998, or on any interest payment date thereafter, in the inverse order of their maturities and by lot within each maturity in multiples of Five Thousand Dollars ($5,000) in principal amount if less than all of the bonds of a maturity are being called, at par and accrued interest, plus a premium of One Hundred Dollars ($100) for each Five Thousand Dollars ($5,000)

in principal amount of bonds or parts of bonds so called, with said premium declining by Twenty-five Dollars ($25) for each Five Thousand Dollars ($5,000) in principal amount on February 1, 1989, 1990, 1991, and 1992, so that said bonds may be called in, paid, and redeemed without premium on and after February 1, 1992. If any of the said bonds or parts thereof be so called for redemption prior to maturity as herein provided, the City of Portage Des Sioux, Missouri, shall cause written notice of its intention to call in, pay, and redeem any such bond or part thereof to be given to each Registered Owner of each bond being so called in whole or in part, and such written notice shall be mailed by prepaid United States Mail to each Registered Owner of each bond being so called not less than thirty (30) days in advance of the date set for the redemption of any such bond, but neither the failure to mail such notice nor any defect in any notice so mailed shall affect the sufficiency of the proceedings for the redemption of any such bond or part thereof. Interest shall cease on any bond or part thereof so called for redemption from and after the date fixed for the payment thereof; provided that funds shall be available for such payment on such date.

If less than the entire principal amount of any bond be called for redemption as hereinabove provided, upon surrender of the bond to the Bond Registrar hereinafter designated, the Bond Registrar shall issue to the Registered Owner of the bond, without charge, a new bond or bonds in the appropriate remaining aggregate principal amount.

SECTION 3. That the said bonds shall be executed for and on behalf of said City by the facsimile signature of the Mayor of said City, attested by the facsimile signature of the City Clerk under the seal of said City imprinted thereon in facsimile; that each of said bonds shall be authenticated by the manual signature of a duly authorized officer or employee of the Paying Agent acting as the Bond Registrar of said bonds (the "Bond Registrar"); and that the said bonds shall be in substantially the following form, to-wit:

UNITED STATES OF AMERICA

STATE OF MISSOURI

COUNTY OF ST. CHARLES

CITY OF PORTAGE DES SIOUX

SEWERAGE SYSTEM REVENUE BOND

INTEREST RATE	MATURITY DATE	ORIGINAL ISSUE DATE
_____	_____	February 1, 1988

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____ DOLLARS

The City of Portage Des Sioux, St. Charles County, Missouri, acknowledges itself to owe and, for value received, promises to pay to the Registered Owner hereof, identified hereinabove, or registered assigns, as hereinafter provided, the Principal Amount set forth hereinabove on the Maturity Date likewise set forth hereinabove and to pay to said Registered Owner interest on the aforesaid Principal Amount from the date hereof or from the then latest interest payment date to which interest shall have been paid at the Interest Rate set forth hereinabove, payable August 1, 1988, and semi-annually thereafter on February 1 and August 1 in each year until the Principal Amount of this bond shall have been fully paid. No interest shall accrue on this bond after the aforesaid Maturity Date unless this bond shall have been presented for payment at maturity and shall not have been paid.

Both the Principal Amount of and the interest on this bond are payable in lawful money of the United States of America by check of or draft upon the Mark Twain Bank, in the City of Ladue, St. Louis County, State of Missouri (the Paying Agent for this Bond), mailed by prepaid United States Mail to the aforesaid Registered Owner if listed of record at least fifteen (15) days prior to each interest payment date at the address of such Registered Owner as the same appears on the books and records of the aforesaid Paying Agent kept in its capacity as Bond Registrar; provided, however, that the principal amount hereof shall be payable only upon presentation and

surrender of this bond at the principal office of said Paying Agent.

The right is reserved unto said City to call in, pay, and redeem bonds maturing on February 1, 1999, and thereafter, of the issue of which this bond is one, on February 1, 1998, or on any interest payment date thereafter, in the inverse order of their maturities and by lot within each maturity in multiples of Five Thousand Dollars ($5,000) in principal amount if less than all of the bonds of a maturity are being called, at par and accrued interest, plus a premium of One Hundred Dollars ($100) for each Five Thousand Dollars ($5,000) in principal amount of said bonds or parts of bonds so called, with said premium declining by Twenty-five Dollars ($25) for each Five Thousand Dollars ($5,000) in principal amount on February 1, 1989, 1990, 1991, and 1992, so that said bonds may be called in, paid, and redeemed without premium on and after February 1, 1992. If any of the said bonds or parts thereof be so called for redemption prior to maturity as herein provided, the City of Portage Des Sioux, Missouri, shall cause written notice of its intention to call in, pay, and redeem any such bond or part thereof to be given to each Registered Owner of each bond being so called in whole or in part, and such written notice shall be mailed by prepaid United States Mail to each Registered Owner of each bond being so called not less than thirty (30) days in advance of the date set for the redemption of any such bond, but neither the failure to mail such notice nor any defect in any notice so mailed shall affect the sufficiency of the proceedings for the redemption of any such bond or part thereof. Interest shall cease on any bond or part thereof so called for redemption from and after the date fixed for the payment thereof; provided that funds shall be available for such payment on such date.

If less than the entire principal amount of this bond be called for redemption as hereinabove provided, upon surrender of this bond to the Bond Registrar, the Bond Registrar shall issue to the Registered Owner hereof, without charge, a new bond or bonds in the appropriate remaining aggregate principal amount.

This bond is one of a duly authorized issue of Sewerage System Revenue Bonds of the aforesaid City, all of like date, tenor, and effect, except as to number, rate of interest, date of maturity, and provision for redemption prior to maturity, as hereinabove set forth, of the denomination of Five Thousand Dollars ($5,000) or some whole multiple thereof, aggregating the principal sum of Three Hundred Thousand Dollars ($300,000), issued by said City to provide funds for the purpose of paying part of the cost of improving and extending the sewerage system owned exclusively by said City, and is issued pursuant to the Constitution and Laws of the State of Missouri, including, among others, Section 250.010 et seq., Vernon's Annotated Missouri Statutes, and pursuant to Ordinance No. _____ of said City authorizing and directing the issuance of the bonds of the issue of which this bond is one duly adopted on the 20th day of February, 1988 (the "Bond Ordinance"), by the Board of Aldermen of said City and with the approval of four-sevenths (4/7) of the qualified electors of said City voting at a special election held on Tuesday, the 4th day of August, 1987. This bond does not constitute an indebtedness of said City within the meaning of any constitutional or statutory limitation or provision, and the taxing power of said City is not pledged to the payment hereof, either as to principal or interest.

This bond is and shall be a negotiable instrument in accordance with the laws of the State of Missouri and shall be transferable only by delivery to the aforesaid Bond Registrar, serving in its capacity as Bond Transfer Agent for this bond and the issue of which it is one, of a written instrument of transfer executed by the Registered Owner or by that Owner's attorney thereunto duly authorized and upon surrender of this bond to said Bond Registrar for cancellation. Upon such transfer, a new registered bond or bonds of the issue of which this bond is one and of the same maturity and of the denomination of Five Thousand Dollars ($5,000) or any whole multiple thereof aggregating the same principal amount will be issued by said Bond Transfer Agent to the transferee in exchange therefor; provided, that

no such transfer shall take place of record within fifteen (15) days next preceding any interest payment date. The Board of Aldermen of said City of Portage Des Sioux, St. Charles County, Missouri, and the said Paying Agent may deem and treat the Registered Owner hereof as the absolute owner hereof for the purpose of receiving payment of the Principal Amount of this bond and the interest due hereon and for all other purposes, and neither the Board of Aldermen nor the Paying Agent shall be affected by any notice to the contrary.

The City of Portage Des Sioux covenants and agrees that it will apply the proceeds of the issue of which this bond is one to the purpose above set forth and that, as long as this bond or any bond of the issue of which it is one or any of the interest thereon is unpaid, it will operate and maintain its sewerage system; that, as long as any of said bonds or the interest thereon is unpaid, it will fix and maintain rates and make and collect charges for the service and facilities of said system, sufficient to provide for the payment of the principal of and the interest on said bonds as the same shall mature and accrue and for the operation and maintenance of said sewerage system in good repair and working order and to provide other funds in connection therewith, all as set forth in the Ordinance pursuant to which the said bonds are issued; and that such an amount of the revenues of said system as will maintain an interest and sinking fund sufficient to pay the principal of and the interest on this bond and the issue of which it is one, as the same shall mature and accrue, is hereby irrevocably pledged to said purpose.

This bond and the issue of which it forms a part are payable, both as to principal and interest, solely from the revenues to be derived by said City from the operation of its sewerage system.

It is hereby certified, recited, and declared that all acts, conditions, and things required to exist, to happen, and to be performed precedent to and in the issuance of this bond and of the series of which it is one, in order to make the same legal and binding obligations of said City according to the terms thereof, do

exist, have happened, and have been performed in due and regular time, form, and manner, as required by law; that this bond and the issue of which it is one, together with all indebtedness of said City of Portage Des Sioux, Missouri, do not exceed any limit of indebtedness prescribed by law; and that, for the performance in due time and manner of all covenants herein, for the prompt payment of the principal of and the interest on this bond, and for the performance in due time and manner of each and every official act necessary therefor, the full faith of the City of Portage Des Sioux is hereby irrevocably pledged.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security, source of payment, or benefit under the Bond Ordinance until the certificate of authentication hereon shall have been signed manually by a duly authorized officer or employee of the Paying Agent acting as the Bond Registrar.

IN TESTIMONY WHEREOF, the City of Portage Des Sioux, St. Charles County, Missouri, has executed this bond by causing it to be signed with the facsimile signature of the Mayor of said City, under the corporate seal of said City imprinted hereon in facsimile, attested by the facsimile signature of the City Clerk, and this bond to be dated the first day of February, 1988.

CITY OF PORTAGE DES SIOUX, MISSOURI

By_____(facsimile)_____
Mayor

Attest:

_____(facsimile)_____
City Clerk

(Facsimile of Seal)

(Not less than the first two paragraphs and the last two paragraphs of the text of the bond shall be printed on the face of each bond. If any portion of the text of the bonds shall be printed on the reverse of the bonds, the following statement shall appear set out in contrasting print in the

text on the face of each bond: REFERENCE IS MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE HEREOF WHICH, FOR ALL PURPOSES, SHALL HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH AT THIS PLACE ON THE FACE OF THIS BOND.)

AUTHENTICATION DATE: _____

BOND REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This bond is one of the issue of Sewerage System Revenue Bonds of the City of Portage Des Sioux, St. Charles County, Missouri, authorized by the within-mentioned Ordinance passed by the Board of Aldermen and approved by the Mayor of the said City.

MARK TWAIN BANK
as Bond Registrar

By _____
Authorized Signature

(The following shall appear on the reverse of each bond.)

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns, and transfers unto _____

_____

_____
(Name and Address of Assignee)

the within Sewerage System Revenue Bond and does hereby irrevocably constitute and appoint _____

_____

to transfer the said Sewerage System Revenue Bond on the books kept for the registration thereof with full power of substitution in the premises.

Dated: _____ _____

Signature Guaranteed

_____

_____

Notice: The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration, enlargement, or any change whatever.

SECTION 4. That interest on each Five Thousand Dollars ($5,000) in principal amount of bonds shall be payable, according to maturity, in the following amounts:

Maturity	Interest due on each interest payment date
1989	$150
1990	156.25
1991	158.75
1992	162.50
1993	166.25
1994	168.75
1995	175
1996	180
1997	185
1998	187.50
1999	190
2000	192.50
2001	195
2002	197.50
2003	200
2004	202.50
2005	205
2006	207.50
2007	210
2008	212.50

SECTION 5. That the bonds herein authorized and directed to be issued shall be payable, both as to principal and interest, solely from the revenues derived by the aforesaid City of Portage Des Sioux from the operation of the aforesaid sewerage system; that no bond issued hereunder shall constitute an indebtedness of said City within the meaning of any constitutional or statutory restriction, limitation, or provision; and that the taxing power of said City is not pledged to the payment of any of the bonds authorized hereby, either as to principal or interest.

SECTION 6. That the said sewerage system shall continue to be operated on a fiscal year basis, beginning on the first day of January and ending on the last day of December in each year. All revenues derived from the operation of the sewerage system of the City of Portage Des Sioux shall be set aside as collected and shall be deposited in a fund hereby created and designated the "SEWERAGE SYSTEM REVENUE FUND" of the aforesaid City of Portage Des Sioux.

SECTION 7. That sums in the Sewerage System Revenue Fund shall be set aside for, allocated to, and deposited in the following

accounts, which are created hereby, by the City Treasurer of the aforesaid City of Portage Des Sioux, without further direction of or action by the Board of Aldermen or other authority of said City, which allocations and deposits shall be made on the first business day of each and every month in each year as long as any of the bonds authorized hereby or interest thereon shall remain outstanding and unpaid:

(1) Into an account designated the "SEWERAGE SYSTEM OPERATION AND MAINTENANCE ACCOUNT" there shall be deposited a sum sufficient to pay the estimated cost of operating and maintaining the sewerage system in good repair and working order during such ensuing month.

(2) Beginning March 1, 1988, into an account designated the "SEWERAGE SYSTEM REVENUE BOND ACCOUNT" there shall be deposited a sum at least equal to one-sixth (1/6) of the amount of interest that will become due on all bonds then outstanding on the then next interest payment date; also, beginning March 1, 1988, a sum at least equal to one-twelfth (1/12) of the amount of principal that will become due on the bonds issued hereunder on the then next maturity date shall be deposited into the said Revenue Bond Account. Sums in said Account shall be used only for the payment of the principal of and the interest on the bonds authorized hereby as the same shall become due.

(3) Into an account designated the "SEWERAGE SYSTEM DEPRECIATION ACCOUNT" there shall be deposited the sum of Fifty Dollars ($50). Sums in said Account shall be expended for any repairs or replacements to the sewerage system which may be necessary from time to time for the continued effective and efficient operation of the said system.

(4) Into an account designated the "SEWERAGE SYSTEM REVENUE BOND RESERVE ACCOUNT" the sum of Eleven Thousand, Five Hundred Dollars ($11,500) shall be deposited out of the proceeds of the bonds issued hereunder. Thereafter, the sum of Three Hundred Fifty Dollars ($350) shall be deposited into said Account until the sum of Thirty-three Thousand Dollars ($33,000) shall have accumulated in said Account. When and as long as said amount shall be on deposit in said Account, no further deposits need be made therein. If said Account shall be depleted to any extent for any cause, including payments therefrom made in accordance with this Ordinance, then such monthly deposits shall be resumed until said Account shall be restored. Sums in said Account shall be expended only to pay bonds at maturity or interest thereon as it accrues when and to the extent that other funds are not available for that purpose.

(5) Into an account designated the "SEWERAGE SYSTEM CONTINGENT ACCOUNT" there shall be deposited the sum of Twenty-five Dollars ($25.00). Sums in said Account shall be expended only for unforeseen contingencies and to meet emergencies arising from the operation and maintenance of the aforesaid sewerage system.

(6) Any surplus remaining in the Sewerage System Revenue Fund on the first business day of each month after making the deposits required under paragraphs (1), (2), (3), (4), and (5) above shall be deposited into an account designated the "SEWERAGE SYSTEM SURPLUS ACCOUNT" and may be allocated by order of the Board of Aldermen, from time to time, either for the construction of improvements and extensions to the aforesaid sewerage system or for the redemption of Sewerage System Revenue Bonds prior to their respective maturities, according to the terms thereof.

Provided that, if at any time the balances standing to the credit of the Accounts created in paragraphs (2) and (4) above should be insufficient to pay maturing principal or accruing interest, or both, then and in that event any balances then standing to the credit of the Accounts created in paragraphs (3), (5), or (6) above shall be used to pay such principal or interest, or both, and the said Accounts shall be restored subsequently out of future revenues of said sewerage system.

SECTION 8. That, if the revenues derived from the operation of the sewerage system should be insufficient at any time to make the payments or deposits required by Section 7 of this Ordinance, the deficiency shall be made good by additional payments to be made out of the first available revenues of said system received during any succeeding month or months. Whenever and as long as sums actually on deposit in the Sewerage System Revenue Bond Account, the Sewerage System Revenue Bond Reserve Account, and the Sewerage System Surplus Account, together, shall equal the principal amount of all outstanding bonds, plus the amount of all interest due thereon until the respective maturity dates of all such bonds, then no further deposits need be made into said Accounts. Except as herein otherwise expressly provided, all sums in the Fund and Accounts mentioned in Sections 6 and 7 hereof shall be kept on deposit in a bank which is a member or in banks which are members of the Federal Deposit Insurance Corporation and at all times shall be secured as provided by the Laws of the State of Missouri for other funds of the aforesaid City; or, in the discretion of the Board of Aldermen, may be invested in bonds or other obligations of the United States of America maturing or being

redeemable at or prior to the time when such sums may be required for use under the terms of this Ordinance.

SECTION 9. That the aforesaid City of Portage Des Sioux covenants and agrees with the holder or holders of the bonds herein authorized to be issued that it will perform all duties with respect to the operation and maintenance of said sewerage system; with respect to the fixing, maintaining, and collecting of the rates, fees, and charges for the service and facilities thereof; with respect to the establishment of the Fund and Accounts herein created; and with respect to all other matters and things required by law and by this Ordinance and that it will do or cause to be done, in apt time and season, each and every official act necessary for the payment of the principal of and the interest on the bonds herein authorized to be issued, as the same shall mature and accrue.

Said City further covenants with the holders of said bonds as follows:

(a) That the improvements and extensions of the sewerage system of said City of Portage Des Sioux shall be constructed in accordance with plans and specifications therefor heretofore adopted by the Board of Aldermen of said City and now on file in the office of the City Clerk.

(b) That, as long as any of the bonds authorized by this Ordinance are or any interest due thereon is outstanding and unpaid, it will operate and maintain the said sewerage system.

(c) That, as long as any of said bonds or any interest due thereon remain outstanding and unpaid, the said City will fix and maintain rates and make and collect charges for the use and service of the said sewerage system, sufficient to pay the cost of maintenance and operation of the said system, to pay the principal of and the interest on all revenue bonds or other obligations issued by said City chargeable to the revenues of said system, and to provide ample funds to meet all requirements of this Ordinance.

(d) That, as long as any of said bonds or any interest due thereon shall remain outstanding and unpaid, the said City shall carry and maintain insurance upon all the properties forming a part of said sewerage system which may be of an insurable nature; such insurance to be of the type and kind and for such amount or amounts as carried and maintained by utility companies privately owned and operated rendering services of a similar character in similar communities. The proceeds of all such insurance shall be used only for the maintenance and restoration of said system, for the payment of the principal of and the interest on the bonds authorized to be issued by this Ordinance, or as herein permitted.

(e) That said City shall maintain a proper system of accounts showing the amount of revenue received from the sewerage system and the application of such revenue. Such accounts shall be separate and distinct from the other accounts of said City and, at least once a year, shall be audited properly by certified public accountants. The report of such audit shall be open to the public and to all bondholders. Each such report shall include:

(1) A classified statement of gross revenues received, of the operating expenditures, of the net operating revenue, and of the amount of any capital expenditures in connection with the said system for the fiscal year;

(2) A balance sheet as of the end of each fiscal year, including a statement of the amount on hand at the end of the fiscal year in each of the Accounts created in Section 7 of this Ordinance;

(3) A statement of the number of customers served by the said system at the beginning and the ending of the fiscal year;

(4) A statement of the amount and character of insurance carried on the properties of the said system and of the names of the insurers and of the expiration dates of the several policies; and

(5) Such comments regarding the method of operation and accounting practices as the auditor may deem desirable.

(f) That any holder or holders or any purchaser of not less than twenty-five per centum (25%) in principal amount of said bonds then outstanding shall be permitted, at all reasonable times, to inspect said sewerage system and all records, accounts, and data relating thereto.

(g) That any holder or holders or any purchaser of not less than twenty-five per centum (25%) in principal amount of said bonds then outstanding shall be furnished all data and information relating to said sewerage system which reasonably may be requested.

(h) That, as long as any of the said bonds or any interest thereon shall remain outstanding and unpaid, the said City shall not sell, lease, loan, mortgage, pledge, or otherwise encumber or in any manner dispose of said sewerage system or any revenue-producing part thereof, unless the bonds authorized hereby shall have been paid in full, both as to principal and interest, or unless adequate provision shall have been made which shall assure the full payment of said bonds and the interest thereon to maturity in full, according to their terms.

SECTION 10. That, from and after the issuance of the bonds authorized hereby, no additional bonds shall be issued or obligations incurred by said City which, in whole or in part, are payable from or

chargeable to the revenues derived or to be derived from the operation of said sewerage system (except obligations incurred in the operation and maintenance thereof), unless such additional bonds or obligations, in all respects, are junior and subordinate to the bonds authorized hereby; provided, however, in the event that the sum at the time required to be on deposit in the Bond Reserve Account hereinabove in Section 7 created be then on deposit and that the average annual revenue derived from the operation of said system for the then next-preceding fiscal year shall be equal to or exceed the sum of the following:

(a) An amount equal to the expenses of operation and maintenance of said system incurred during the said then next-preceding fiscal year;

(b) The amount, if any, required during the then next-preceding fiscal year to maintain the Account created in Section 7, paragraph (4) of this Ordinance; and

(c) One hundred twenty-five per centum (125%) of the highest amount which thereafter shall become due in any fiscal year as principal of and interest on all bonds issued under this Ordinance then outstanding and unpaid and on all bonds or other obligations then to be issued,

then, and in that event, additional bonds or other obligations may be issued on a parity with the bonds authorized by and issued under this Ordinance.

The restrictions upon the issuance of additional bonds or other obligations set out in this Section shall not apply in the following circumstances and in such circumstances only:

(1) That the sewerage system of said City of Portage Des Sioux hereafter should be destroyed or damaged by disaster to such an extent that it cannot be operated;

(2) That all funds received from insurance or otherwise available shall be insufficient to pay the cost of the restoration of said system to such a condition that it again can be operated, such cost of such restoration to be determined by the estimate of a reputable and competent, disinterested engineer or engineering firm or corporation selected by the City, with the approval of the holders of seventy-five per centum (75%) of the outstanding bonds, who shall not in any way be interested in the reconstruction of said system, which estimate shall be based upon plans and specifications for the restoration of the system prepared for that purpose; and

(3) That the holders of at least seventy-five per centum (75%) of the principal amount of the bonds authorized by this Ordinance then outstanding shall give written consent to the issuance of additional bonds on a parity with the bonds authorized hereby and shall file such written consents with the City Clerk of said City of Portage Des Sioux such consents being acknowledged before a notary public and stating the precise amount of additional bonds which may be issued.

Upon the occurrence of all the circumstances above set out, additional bonds may be issued solely for the purpose of paying the cost of restoring the sewerage system to reasonable working order in an amount not greater than the amount stated in the consents filed by the holders of the outstanding bonds.

SECTION 11. That, prior to the commencement of each fiscal year, the City Clerk shall cause to be prepared a budget, setting out the estimated receipts and expenditures of the sewerage system of said City for the then-ensuing fiscal year, which budget shall contain:

(a) An estimate of the receipts expected to be derived from the operation of the system during the next-ensuing fiscal year;

(b) A statement of the estimated cost of operating such system during the next-ensuing fiscal year;

(c) A statement of any unusual and extraordinary expenses of operation or maintenance which reasonably might be anticipated during such year and an estimate of the cost thereof;

(d) A statement of what replacements to the system may be anticipated during such year and the estimated cost thereof;

(e) A statement of the amount of interest to become due during the ensuing fiscal year on the bonds authorized hereby then outstanding;

(f) A statement of the principal of such bonds which will become due absolutely by their terms during the next-ensuing fiscal year;

(g) A statement of the total amount anticipated to be payable from the revenue of the system during the next-ensuing fiscal year; and

(h) A statement of the amount on deposit in each of the Accounts created in Section 7 of this Ordinance.

SECTION 12. That the provisions of this Ordinance shall constitute a contract between the City of Portage Des Sioux and the

holders from time to time of the bonds herein authorized to be issued, and, after the issuance of any of said bonds, no changes, additions, or alterations of any kind shall be made hereto in any manner except upon consent of the holder or holders of seventy-five per centum (75%) in principal amount of all of said bonds then outstanding. Such consent shall be evidenced by an instrument or instruments of such holder or holders and duly acknowledged in the manner of a deed for the conveyance of real estate in the State of Missouri, and such instrument or instruments shall contain or be accompanied by proof of ownership of the bond or bonds concerning which such consent is given, shall be filed in the office of the City Clerk of said City of Portage Des Sioux, and shall be a public record; provided, however, that no such modification or alteration shall extend the maturity of, reduce the interest rate on, or otherwise alter or impair the obligation to pay the principal of or the interest on any bond at the time and place, at the rate, and in the currency as provided therein, without the express consent of the holder of such bond; nor reduce the percentage of bonds required for the affirmative vote or written consent to a modification or alteration; nor alter or impair the covenants set forth in Section 9 of this Ordinance. Any and all modifications or alterations made in the manner hereinabove provided shall not become effective until there shall have been filed with the said City Clerk proof of the consent to such modification or alteration by the holder or holders of seventy-five per centum (75%) in principal amount of all bonds then outstanding.

SECTION 13. That the holder of any bond authorized hereby, by a civil action either at law or in equity, by mandamus, injunction, or otherwise, may compel the City of Portage Des Sioux or the officials thereof or any successors thereto to perform all duties imposed upon said City by the provisions of this Ordinance or otherwise imposed by law, including the continued operation of the sewerage system, the fixing and collecting of sufficient rates and charges for the service thereof, the segregation, allocation, and disposition

of the revenue derived from said system, the payment of any bonds chargeable to the revenue of said system or the interest thereon, and the performance of any covenant set out in this Ordinance.

Such suit or action at law or in equity shall lie, regardless of whether or not any bond or the interest thereon shall be in default at the time of the filing of such suit, in the event that said City of Portage Des Sioux or any official thereof shall have neglected or failed to perform any material duty imposed by law or any covenant set out in this Ordinance.

SECTION 14. That all bonds issued hereunder shall be payable equally and ratably, without regard to the date when said bonds actually shall be delivered, and shall enjoy parity of lien, one with the other.

SECTION 15. That the principal proceeds derived from the sale of said bonds hereby authorized shall be applied solely and only to the making of the deposit hereinbefore required to be made into the Sewerage System Revenue Bond Reserve Account created in Section 7 hereof and to the payment of the cost of making improvements and extensions to the sewerage system within and for the City of Portage Des Sioux, Missouri, in accordance with the plans and specifications hereinbefore referred to. The said proceeds shall be disbursed only upon proper warrant issued pursuant to certification by the consulting engineer or consulting engineers for the City of Portage Des Sioux, stating: (a) that the purpose for which the payment is to be made is within the scope of the improvements contemplated by this Ordinance; (b) that the work done is or the materials furnished are in accordance with the contract therefor (if such work is done or such materials are furnished under a contract) or that such work is or that such materials are suitable for the purpose (if such payments are not covered by an express contract); and (c) that the amount of such payment is in accordance with the contract therefor or is reasonable. Nothing herein shall be construed to prohibit the payment without such a certificate of the expenses necessarily incident to

the issuance and sale of the bonds herein authorized. The words "principal proceeds derived from the sale of said bonds" as used in this Section shall not include any sum representing accrued interest received upon delivery of said bonds. Any sum so received as accrued interest shall be deposited in the "Sewerage System Revenue Bond Account" created in paragraph (2) of Section 7 of this Ordinance.

SECTION 16. That, when the bonds herein authorized shall have been prepared as aforesaid, they shall be delivered to the Mark Twain Bank, in the City of Ladue, St. Louis County, State of Missouri, as Bond Registrar, so that said bonds may be registered, transferred, and authenticated on behalf of the City, and it shall be the responsibility of said Bond Registrar to maintain the registration records for the bonds of this issue, to transfer ownership of any of the bonds of this issue on such registration records upon receipt of proper authorization from the Registered Owner of each such bond, to authenticate initially the bonds of the issue, and to authenticate for issuance and again register bonds of the issue as ownership thereof subsequently may be transferred from time to time in the manner herein stated. The said Bond Registrar, upon receipt of the bonds, shall authenticate the bonds of the issue by causing to be affixed to each such bond the manual signature of its authorized officer or employee, and, acting as Bond Registrar, thereupon shall register each such bond in the name of the Registered Owner for whose account such bond is purchased and then shall deliver each bond to the purchaser thereof upon payment of the purchase price in accordance with the contract for the sale of said bonds. The Bond Registrar shall be paid its customary charges for its services as aforesaid when performed according to the schedule in effect at the time the services are performed, and said charges shall be deemed to be expenses of operation and shall be charged to and payable from the Operation and Maintenance Account created in paragraph (1) of Section 7 of this Ordinance. No bond shall be authenticated as in this Section provided which represents a Principal Amount due in more than one (1) maturity.

SECTION 17. That, at least five (5) days prior to February 1 and August 1 of each year, the City Treasurer shall remit to the Bond Registrar designated herein the sums then due as principal or interest or both principal of and interest on the bonds herein authorized to be issued.

SECTION 18. That, when the bonds authorized hereby shall have been prepared and executed, the City Treasurer shall deliver them to the purchaser thereof upon payment of the purchase price in accordance with the contract of sale of said bonds to the Centerre Bank National Association, St. Louis, Missouri, which said contract of sale hereby is ratified and confirmed.

SECTION 19. That the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, Missouri, in view of the provisions of the Internal Revenue Code of 1986, hereby covenants specially with the holders of the bonds herein authorized that, within the lawful powers of said Board of Aldermen and said City, said Board, on behalf of said City, will not do and will not refrain from doing anything in the course of issuing said bonds or in the use or expenditure of the proceeds thereof which would result in the interest income derived or to be derived from said bonds becoming taxable for Federal income tax purposes.

SECTION 20. That it is hereby found and declared as follows:

(a) The bonds issued hereunder are not "private activity bonds";

(b) The bonds issued hereunder are designated by this Board, acting for and on behalf of the aforesaid City, as "qualified tax-exempt obligations";

(c) This Board anticipates that the amount of qualified tax-exempt obligations which have been and will be issued by the aforesaid City during the calendar year 1988 will not exceed Ten Million Dollars ($10,000,000);

(d) No other obligations issued by the aforesaid City have been designated during the calendar year 1988 by the aforesaid Board on behalf of said City as "qualified tax-exempt obligations"; and

(e) No subordinate entities to the aforesaid City have issued any obligations during the calendar year 1988, and no such entities anticipate issuing any obligations during the calendar year 1988.

The foregoing findings and declarations have been made herein pursuant to the requirements of Section 265(b)(3) of the Internal Revenue Code of 1986.

SECTION 21. That, if any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any other provision of this Ordinance.

SECTION 22. That all ordinances or resolutions, or parts thereof, in conflict with this Ordinance, to the extent of such conflict only, are hereby repealed.

SECTION 23. That this Ordinance shall be in force and take effect from and after its passage and approval.

Read three (3) times and passed this 20th day of February, 1988.

George R. Combs
Mayor and Ex-Officio President
of the Board of Aldermen

Attest:
Patricia A. Beckett
City Clerk

Approved this 20th day of February, 1988.

George R. Combs
Mayor

Attest:
Patricia A. Beckett
City Clerk

STATE OF MISSOURI)
) ss.
COUNTY OF ST. CHARLES)

I, PATRICIA A. BOSCHERT, City Clerk within and for the City of Portage Des Sioux, St. Charles County, Missouri, do hereby certify that the foregoing pages constitute a full, true, and complete copy of Ordinance No. _____ of said City, as passed by the Board of Aldermen on the 18th day of February, 1988, and approved by the Mayor on the _____ day of February, 1988, as fully as the same appears in Book of Ordinances No. _____ of said City, at pages _____ to _____, inclusive.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Portage Des Sioux, Missouri, this _____ day of February, 1988.

_____
City Clerk

(SEAL)

BILL NO. 155 ORDINANCE NO. 155

"AN ORDINANCE PROVIDING FOR CHARGES AND REGULATIONS FOR THE USE OF THE SANITARY SEWER SYSTEM OF THE CITY OF PORTAGE DES SIOUX, MO."

WHEREAS, the City of Portage des Sioux, Missouri by Ordinance #154, passed on February 20th, 1988, has directed the construction of a sanitary sewer system for said City and has provided for the issuance of $300,000.00 in sewer system revenue bonds of the City for the purpose of paying the cost of such construction and;

WHEREAS, it is now necessary, in order to provide funds with which to meet the requirements of said Ordinance and the bonds issued thereunder, that rates be established for the services to be rendered by said system.

NOW therefore, be it ordained by the Board of Aldermen of the City of Portage des Sioux, Missouri as follows:

SECTION 1. Charges for the use and services of the Sanitary Sewer System of the City of Portage des Sioux, as specifically set forth below shall be made and collected against each separate premises which may have active sewer connection with the sanitary system of said City or which may actively discharge sewerage or industrial waste either directly or indirectly into said sewer system or any part thereof. "Premises" as used in this ordinance shall be defined as any single lot or parcel of land, or any single family residence where more than one family resides on a lot or parcel of land. The word "premises" shall not be construed to cover all building and divisions under one common roof owned by one or more persons who would be charged for all services to such premises, but would be defined and charged as separate premises for each and every single family dwelling or household unit within duplexflat, double houses and apartment houses. All mobile homes on a single lot or parcel of land shall be defined and charged as separate premises.

SECTION 2. Such charges, as herein established, shall be $24.00 per month per premises as defined in Section 1, or a payment of $273.00 annually if prepaid by January 10th of each year. This is a reduction of $15.00 per year. This pre-payment shall not become effective until January 1st, 1989.

SECTION 3. Whenever any premises shall be connected with the Sanitary Sewer System of said City, a charge of three hundred dollars ($300.00) shall be made and collected against said premises. Such connections shall not be made unless and until payment therefor is paid in full to the City Clerk and a permit is issued therefor, an additional tap-on charge will be made and collected for each premises. Tap-on charges for sanitary sewer connections for commercial, business or industrial establishments within or outside the City limits shall be determined by a negotiated agreement between the applicant or applicants and the Board of Aldermen.

SECTION 4. Bills for the sewer usage charge herein established shall be prepared and sent out monthly by the account officer of the Sanitary Sewer System. Bills shall be sent out on or about the 26th of the month of usage and are due by the 10th of the following month.

SECTION 4 - continued
All sewer service charges not paid by the 10th of said month shall be deemed delinquent and a delayed payment charge of ten per centum (10%) of the amount of the bill shall be added thereto and collected therewith. If the delinquent bill is not paid by the end of said month, the sewer account officer shall contact the Board of Aldermen, who in turn will contact, in person or by registered letter, the holder of said delinquent bill and issue a shut-off notice. Upon receipt of said notice, all current and delinquent and delayed payment charges due must be paid in full within five (5) days, or sewer and or water services supplied to the affected premises may, by the City of Portage des Sioux, at the order of the Board of Aldermen be shut off.

SECTION 5. All premises whose sewer is shut-off or disconnected because of non-payment of sewer use charges, will be charged a new and separate tap-on charge as outlined in Section 3, which shall be made and collected against said premises. All tap-on charges and overdue sewer use charges must be paid in full before sewer service is reconnected. Any water shut-off because of non-payment of sewer use charges shall not be turned on again except on payment in full of all overdue charges therefor, and in addition to a reconnection charge of fifty dollars ($50.00)

SECTION 6. The City of Portage des Sioux shall cause to be installed and maintained separate books of record and accounts of all transactions of or in relation to the affairs of the Sanitary Sewer System. At least once a year such accounts shall be audited properly by a public accountant employed for that purpose. The expenses of such audit shall be deemed an operating expense of said system. Such audit shall be open to the examination of any taxpayer, any user of the services of the system, or any holder of any bonds payable from the revenues of said system or by anyone acting for or on the behald of any such taxpayer, user, or bondholder. The City will segregate the revenues derived from the operation of such system from all other revenues of the City and deposit such funds in a separate and distinct "Sewer System Account". All revenues of the system shall be devoted to the payment of the expenses of operating and maintaining the sewer system of the City, and payment of any sewer system bonds or other obligations of the Sanitary Sewer System.

SECTION 7. That all ordinances or parts of ordinances in conflict with this ordinance shall be and the same are hereby repealed insofar as they may so conflict.

SECTION 8. That this Ordinance shall be in full force and take effect from and after its passage and approval.

Passed and approved this 20th day of February, 1988.

George R. Combs
Mayor

ATTEST:
Patricia A. Borchert
City Clerk

BILL NO. 156 ORDINANCE NO. _____

"The Board of Aldermen of the City of Portage des Sioux, Mo. does hereby create the following ordinance granting unto Heartland Cable TV, a cable television franchise upon the terms and conditions herein set forth."

01. GRANT OF FRANCHISE: This ordinance grants to Heartland Cable TV with offices at 927 W. Terra Ln., O'Fallon, MO. a nonexclusive franchise to install, maintain and operate a cable television system for the distribution of television signals, frequency modulated radio signals, closed circuit television programs, data transmissions and any and all additional services which are now or may be commonly associated with the cable television industry in the future. The term of this grant is for twenty (20) years.

02. DEFINITIONS: The following words and phrases, whenever used in this chapter shall be construed as defined in this section unless from the extent a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such word or phrase:

A. "ADDITIONAL SERVICE" Any subscriber service provided by the grantee for which a special charge is made in addition to the regular monthly charge paid by all subscribers.

B. "BASIC SUBSCRIBER SERVICE" Subscriber services provided by the grantee, including the delivery of broadcast signals and any programming originated over the cable system, covered by the regular monthly charge paid by all subscribers.

C. "BOARD" The duly elected Board of Aldermen of the City of Portage des Sioux, Missouri or other future governing body of said entity.

D. "CABLE SYSTEM" A system of antennas and other receiving equipment, cables, wires, lines, towers, waveguides, laser beams or any other conductors, converters, equipment or facilities, designed or constructed for the purpose of producing, receiving, amplifying and distributing by audio, video and other forms of electronic or electronic nor electrical signals to and/or from locations in and outside the city of Portage des Sioux, MO.

E. "FULL NETWORK SERVICE" All "Basic Services" and "additional services" offered by the grantee.

F. "GRANTEE" Heartland Cable TV

G. "SUBSCRIBER" A purchaser of any service delivered by grantee pursuant to this franchise, and "subscriber" shall also include all persons who are not required to pay any fee, but receive any service delivered by grantee pursuant to this franchise.

H. "SUBSTANTIALLY COMPLETED" Construction will be considered substantially completed when sufficient distribution facilities have been installed so as to permit the offering of basic subscriber service, to at least eighty percent (80%) of the dwelling units in each of the service areas.

I. "FRANCHISE FEE" A fee charged to Grantee to operate a cable television franchise within the City of Portage des Sioux, MO.

03. FRANCHISE EXPIRATION AND CANCELLATION:

A. The initial service area to be covered by the franchise is the municipal limits of the City of Portage des Sioux, MO. and the cable operator shall provide service to that portion of the City where there are a minimum of forty (40) homes per linear mile of cable plant. The grantee shall be required to extend its service to any additional part of the municipality pursuant to said extension policy.

04. TECHNICAL STANDARDS:

A. Grantee shall maintain a cable television system at all times in compliance with the Federal Communications Commission technological standards and shall file all necessary reports as required by the rules of the Federal Communications Commission.

05. GRANTEES USE OF TOWN RIGHTS:

Upon acceptance of this franchise, grantee is hereby granted the acceptance of this franchise, grantee is hereby granted the right to erect, maintain, and operate a cable system in the streets, alleys and utility easements of the City of Portage des Sioux, MO. and other public places. The poles used for such distribution shall be those erected or used by the local utilities. The grantee may erect its own poles where necessary after first obtaining permission from the Board.

06. METHOD OF INSTALLATION:

A. All installations made by the grantee shall be made in good, substantial, safe condition and maintained in such condition at all times and shall be made in accordance with all applicable rules and regulations of the utility company owning any poles utilized by the grantee. The grantee shall make no excavations in the streets, alleys and public places without first procuring a written permit from the City Engineer or other authorized representative of the City, and all work of such kind shall be done so as to meet the approval of the City's engineer or other person authorized by the City to approve such work.

B. The grantees transmission and distribution system poles, wires and appurtenances shall be located, erected and maintained so as not to interfere with the lives or safety of persons, or to interfere with improvements the City may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, alleys bridges or other public property.

C. Grantee shall restore all areas of construction and/or excavation to the condition existing prior to the beginning of construction and/or excavation.

07. AUTHORITY TO TRIM TREES:

The grantee shall have the authority to trim trees upon any overhanging streets, alleys, sidewalks and other public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cable of the company.

08. INSURANCE:

The insurance policy shall contain an endorsement stating that the policy is extended to cover the liability assumed by the grantee under the terms of this ordinance and shall further contain the following endorsement:

It is hereby understood and agreed that this policy may not be cancelled nor the amount of coverage thereof reduced until thirty (30) days after receipt by the City Clerk by registered mail of a written notice of such intent to cancel or reduce the coverage.

09. SERVICES PROVIDED:

The grantee shall provide the maximum amount of services, pursuant to the Federal Cable Communications Policy Act of 1984, the Municipality shall exercise no censorship or control over programming services and/or content thereof. OR QUANTITY OF CHANNELS PROVIDED

10. SUBSCRIBER PRIVACY:

No monitoring of any terminal connected to the system shall take place without specific written authorization by the user of the terminal in question.

11. UNAUTHORIZED CONNECTIONS OR MODIFICATIONS:

A. It shall be unlawful for any firm, person, group, company, corporation or governmental body or agency, without the expressed written consent of the grantee, to make or possess any connection, extension or diversion, whether physically, acoustically, inductively, electronically or otherwise, with or to any segment of the cable system for any purpose whatsoever.

B. It shall be unlawful for any firm, person, group, company, corporation or government body or agency to willfully interfere, tamper, remove, obstruct or damage any part, segment or content of the cable system for any purpose whatsoever.

C. Any person violating this section shall be prosecuted under the "Missouri Theft or Service Act."

12. FRANCHISE REVOCATION AND EXPIRATION:

A. The City may, subject to the procedure in paragraph B below, revoke any franchise granted hereunder and rescind all rights and privileges associated therwith in the event of a material or substantial breach of any term or condition of this ordinance.

B. In the event the City Board determines it is in the public interest to terminate the cable television franchise, the Board shall give the grantee sixty (60) days written notice of its intention to terminate and stipulate the cause. If during the sixty (60) day period, the cause shall be cured, the notice and right to terminate shall be null and void. The grantee shall, in any event, be given an opportunity to be heard before the City Board regarding termination and the grantee shall be afforded all due process rights regarding termination. In the event of termination, the Board shall provide a written summary of its reasons for termination and said decision shall be subject to judicial review.

C. The expiration of this franchise shall be governed by the terms and provisions of the Cable Communications Policy Act of 1984.

13. SEVERABILITY:

Should any word, phrase, clause, sentence, paragraph or portion of this ordinance and franchise be declared to be invalid by a Court of competent jurisdiction, such adjudication shall not affect the validity of this ordinance and franchise as a whole, but shall only affect the portion thereof declared to be invalid; and the City hereby expressly states and declares that it would nonetheless have passed this ordinance and granted this franchise had it known that any such word, phrase, clause, sentence, paragraph or portion of said franchise were invalid.

14. COMPLIANCE TO LAWS, RULES AND REGULATIONS:

In the event any valid law, rule or regulation of any governing authority or agency having jurisdiction, including but not limited to, the Federal Communications Commission, contravenes the provisions of this ordinance subsequent to its adoption, then the provisions hereof shall be superseded to the extent that the provisions hereof are in conflict with any such law, rule or regulation.

15. PROTECTION OF NONSUBSCRIBERS:

Grantee shall at al times keep its cables and other appurtenances used for transmitting signals protected in such a manner that there will be no interference with communications signals received by persons not subscribing to grantee's service.

16. CONFLICT WITH OTHER ORDINANCES:

Should any other ordinance or part thereof be in conflict with the provisions of this ordinance, this ordinance shall prevail insofar as it applies to the Cable Communications System Franchise granted to grantee.

17. FRANCHISE FEE:

A three percent (3%) franchise fee of gross sales within the City limits of Portage des Sioux, Missouri shall be forwarded to the City Treasurer quarterly.

ADOPTED AND APPROVED THIS 2nd DAY OF MAY, 1988.

George R. Combs

ATTEST:

Patricia A. Bockert
City Clerk

HEARTLAND Cablevision hereby accepts the franchise, to install, maintain and operate a cable system in the City of as set forth in the ordinance above, including all the terms and conditions thereof.

BY: William Shuller DATE 5-26-88

BILL NO. 158 ORDINANCE NO. 158

AN ORDINANCE AMENDING ORDINANCE NO.137 PROVIDING FOR THE ESTABLISHMENT OF A MUNICIPAL COURT FOR THE PROSECUTION OF VIOLATIONS OF CITY ORDINANCES; PROCEDURE TRIAL THEREIN; CREATION OF A TRAFFIC VIOLATIONS BUREAU; IN THE CITY OF PORTAGE DES SIOUX, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS;

SECTION I. THAT SECTION 13 BE AMENDED AS FOLLOWS:

The following schedule shall be the only violations which may be satisfied at the traffic violations bureau, together with the fines and penalties for the offense(s):

SCHEDULE OF VIOLATIONS AND PENALTIES FOR TRAFFIC VIOLATIONS

Expired license plate	$10.00(less than 30 days) 25.00(30 days or more)
One plate displayed	10.00
Improper displayed plates	10.00
Borrowed plates	25.00
Improper vehicle registration	25.00
No inspection sticker	10.00
No license plate light	10.00
Defective tail light	10.00
No tail lights	10.00
Defective headlights	10.00
Defective exhaust	15.00
Fail to dim headlights	15.00
No headlights	20.00
Missouri resident/out state drivers license or plates	15.00
Expired drivers license	15.00(less than 30 days) 25.00(30 days or more)
No drivers license	25.00
No chauffeur license	25.00
Not motorcycle qualified	15.00
Child restraint law	10.00
No seat belt	10.00
Improper backing	15.00
Improper parking	10.00
Improper lane use	20.00
Improper u-turn	15.00
Improper passing	20.00
Improper right or left turn	15.00
Fail to yield right of way	15.00
Fail to signal when turning	15.00
Driving wrong side of road	20.00
Following too close	20.00

Fail to yield to an emergency vehicle	$15.00
Electric signal	25.00
Stop sign	15.00
No helmet	15.00
Speeding	1.00 per mile up to 10 mph 2.00 per mile up to 25 mph over 25 mph must go to court
Closed road or street	15.00
Blocking traffic	10.00

SECTION 2: THAT SECTION 17 BE AMENDED AS FOLLOWS:

Court costs shall be assessed on each charge at the rate of $12.00 for each non-moving violation, and $12.00 for each moving violation; said costs shall be paid into the general fund of the city of Portage Des Sioux on a timely basis or at a minimum of once each fiscal year by the traffic violations bureau clerk.

SECTION 3: Due to the emergency nature of the situation, requiring enforcement of police and traffic regulations, this ordinance shall be in full force and effect from and after its passage and approval.

READ FIRST, SECOND AND THIRD TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 8th DAY OF JANUARY 1990.

George R. Combs
MAYOR

ATTEST:
Ann L. Meyers
CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE DES SIOUX, THIS 8th DAY OF JANUARY 1990.

George R. Combs
MAYOR

ATTEST:
Ann L. Meyers
CITY CLERK

ORDINANCE NO.159

AN ORDINANCE PROVIDING FOR THE REIMBURSEMENT TO ALBERT TIBBS OF HIS COST FOR LAYING OF AN EIGHT (8) INCH SANITARY SEWER LINE ALONG MAIN STREET BETWEEN CLARK STREET AND LOT# 2 BLOCK # 48 IN THE CITY OF PORTAGE DES SIOUX.

SECTION I

IN CONSIDERATION OF ALBERT TIBBS LAYING APPROXIMATELY ONE HUNDRED AND FIFTY (150) FEET OF EIGHT (8) INCH SANITARY SEWER PIPE ON MAIN STREET STARTING FROM EXISTING MAN HOLE AT MAIN STREET AND CLARK STREET EXTENDING WESTWARD TO APPROXIMATELY TWENTY (20) FEET PAST THE PROPERTY LINE OF LOT #2 BLOCK # 48 IN THE CITY OF PORTAGE DES SIOUX. THE CITY OF PORTAGE DES SIOUX, AGREES TO REMIT THE SAID SUM OF THREE DOLLARS AND FIFTY THREE (3.53) PER FRONT FOOTAGE TO ALBERT TIBBS, HIS COST OF CONSTRUCTING SAID SEWER LINE,BEING THE TOTAL SUM OF FIVE HUNDRED AND THIRTY(530.00) DOLLARS AND NO CENTS.

SECTION II

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE INSOFAR AS THEY ARE IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

SECTION III

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVALON THIS 7th DAY OF May 1990.

George R. Combs
MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. 160

AN ORDINANCE AMENDING ORDINANCE NO. 107"AN ORDINANCE PROVIDING FOR MAJOR STOP SIGNS FOR THE PROPER CONTROL OF TRAFFIC IN THE CITY OF PORTAGE DES SIOUX, ESTABLISH TRAFFIC REGULATIONS THEREFORE PENALTIES FOR VIOLATION, EFFECTIVE WHEN"

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF PORTAGE DES SIOUX,MISSOURI, AS FOLLOWS:

SECTION I

TO ADD SECTION XXI AND SECTION XXII TO ORDINANCE NO. 107.

SECTION XXI

A MAJOR STOP SIGN SHALL BE ESTABLISHED ON CHURCH STREET AT SAUCIER STREET. ALL TRAFFIC COMING FROM THE WEST ON CHURCH STREET SHALL COME TO A COMPLETE STOP UPON REACHING SAID STOP SIGN AT SAUCIER STREET.

SECTION XXII

THREE MAJOR STOP SIGNS SHALL BE ESTABLISHED AT THE INTERSECTION OF ST. CHARLES COUNTY HIGHWAY "J" AND COMMONFIELD STREET IN THE CITY LIMITS OF PORTAGE DES SIOUX. ALL TRAFFIC COMING FROM THE SOUTH ON HIGHWAY "J" AND EAST OR WEST ON COMMONFIELD STREET SHALL COME TO A COMPLETE STOP UPON REACHING SAID STOP SIGNS AT HIGHWAY "J" AND COMMONFIELD STREET.

SECTION II

ALL ORDINANCES OR PARTS OF ORDINANCES CONFLICTING WITH THIS ORDINANCE ARE HEREBY REVOKED.

SECTION III

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECTIVE FROM AND AFTER ITS PASSAGE BY THE BOARD OF ALDERMAN AND SIGNATURE BY THE MAYOR.

PASSED AND APPROVED THIS 7th DAY OF May 1990.

George R. Combs
MAYOR

ATTEST:
L Meyers
CITY CLERK

ORDINANCE NO. 161

AN ORDINANCE PROVIDING FOR THE REZONING OF LOT #4 BLOCK #9 KNOWN AS 1480 CLARK STREET IN THE CITY OF PORTAGE DES SIOUX, MISSOURI, FROM NON-CONFORMING TO CONFORMING SINGLE-FAMILY RESIDENTIAL DISTRICT (R1) PER OWNERS REQUEST.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

REZONE LOT #4 BLOCK # 9 FROM NON-CONFORMING USE TO CONFORMING USE PER OWNERS REQUEST.

SECTION II

THIS ORDINANCE AUTHORIZES THE ZONING COMMISSION PER ORDINANCE #157, ARTICLE 3, PARAGRAPH 3.02, TO MAKE AN ENTRY ON THE OFFICIAL ZONING MAP.

SECTION III

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER IT'S PASSAGE AND APPROVAL ON THIS 10th DAY OF SEPTEMBER 1990.

George R. Combs
MAYOR

ATTEST:
Ida Lou Meyers
CITY CLERK

BILL NO. 90-162 ORDINANCE NO. 162

EXCESSIVE FORCE ORDINANCE

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE USE OF EXCESSIVE FORCE DURING NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

ARTICLE I

SECTION 1: The following Rules and Regulations are hereby adopted to limit the use of excessive force.

The City of Portage des Sioux, Missouri hereby adopts and will enforce a policy prohibiting the use of excessive force by law enforcement agencies within it's jurisdiction against any individuals engaged in nonviolent civil rights demonstrations.

ARTICLE II

SECTION 1: Any person found to be violating any provision of this ordinance shall be served by the City with written notice stating the nature of the violation.

¶

SECTION 2: Any person guilty of this violation shall be guilty of a misdemeanor, an on conviction thereof shall be fined in the amount not exceeding one hundred (100) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

SECTION 3: Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

ARTICLE III

SECTION 1: This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

SECTION 2: Passed and adopted by the City Council of the City of Portage des Sioux, State of Missouri, on the 3rd day of December 1990 by the following vote:

Ayes: 4 : Namely: _____

Nayes: 0 : _____

Approved this 3rd day of December, 1990.

(Signed) George R. Combs, Mayor

Attest: (Signed) Doris L. Meyers, Clerk

BILL NO. 1990-163 ORDINANCE NO. 163

AN ORDINANCE PROVIDING "FAIR HOUSING" FOR THE CITY OF PORTAGE DES SIOUX, MISSOURI. DEFINING DISCRIMINATORY HOUSING PRACTICES, AND CREATING A FAIR HOUSING COMMITTEE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION 1.-Declaration of Policy

The City Council of the City of Portage des Sioux hereby declares it to be the public policy of the City to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent or obtain real property without regard to race, sex, color, national origin, ancestry, religion, physical handicap and without regard to whether a family has children. This ordinance shall be deemed an exercise of the police powers of the City of Portage des Sioux, Missouri, for the protection of the public welfare, prosperity, health and peace of the people of Portage des Sioux, Missouri.

SECTION 2.-Definitions.

For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein unless the context otherwise indicates.

a. Person shall include any individual, form, partnership or corporation.

b. Aggrieved Person shall include any person who is attempting to provide housing for himself and/or his family in the City of Portage des Sioux, Missouri.

c. Discriminate shall mean distinctions in treatment because of race, sex, color, religion or national origin of any person.

SECTION 3.- Discriminatory Practices

It shall be a discriminatory practice and a violation of this ordinance for any person to;

a. Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, otherwise make unavailable or deny, a dwelling to any person because of race, sex, color, religion, or national origin.

b. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, sex, color, religion, or national origin.

c. Make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, sex, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.

d. Represent to any person because of race, sex, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

e. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood or a person or persons of a particular race, sex, color, religion, or national origin.

f. Bars discrimination in the sale or rental or housing on the basis of a handicap, and requires the design and construction of new multifamily dwelling with four (4) or more units to meet certain adaptability and accessibility requirements.

g. Bars discrimination in the sale or rental of housing because a family has children, but exempts certain types of buildings that house older persons, e.g. Section 202 housing.

SECTION 4.- Discrimination in the Financing of a House

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan to a person applying therefore for the purpose of purchasing, constructing, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount of such loan, because of the race, sex,color, religion, or national orgin of such person or of any person associated with him in connection with such financing.

SECTION 5.- Exemptions

The provisions of this ordinance, and particularly Section 3 hereof, shall not apply to the following;

a. A rental or leasing of a dwelling unit in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner or members of his family reside in such dwelling unit.

b. A rental or leasing to less than five (5) persons living in a dwelling unit by the owner if the owner or members of his family reside therein.

c. Any single family house sold or rented by an owner provided that such house is sold or rented:

(1) without the use of sales or rental facilities or services of real estate brokers, agents, salesmen, or persons in the business of selling or renting dwelling, and

(2) without the publication, posting or mailing of any advertisement in violation of Section 3 (c) of this ordinance,

provided however, that:

(1) nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other professional assistance as necessary to perfect or transfer the title, and

(2) that any such private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single family houses at any one time

d. For the purposes of subsection d, a person shall be in the business of selling or renting dwelling if:

(1) he has, within the prededing twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or

(2) he has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) he is the owner of any dwelling designed or intended for occupancy, by or occupied by five (5) or more families.

SECTION 6.- Administration

a. There is hereby created a Fair Housing Committee whose membership shall consist of five (5) members, who shall be appointed by the Mayor of the City with the approval of the City Council.

b. Every complaint of a violation of this ordinance shall be referred to the Fair Housing Committee. The Fair Housing Committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at the time. If the Fair Housing Committee, after investigation, finds there is no merit to the complaint, the same shall be dismissed. If the Fair Housing Committee finds that there is merit in the complaint, in their opinion, then and in that event, the Fair Housing Committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.

c. If the Fair Housing Committee is unable to eliminate the alleged discriminatory practice by a conference and conciliation, then and in that event, the Fair Housing Committee shall forward said complaint to the City Attorney for handling. The final determination of whether or not to prosecute on said complaint shall be left to the City Attorney.

SECTION 7.- Enforcement

a. Any person convicted of a violation of this ordinance shall be punished by a fine of not more than two hundred dollars ($200.00) or by confinement in the City Jail for not more than thirty (30) days, or by both such fine and imprisonment.

b. The City Attorney, instead of filing a complaint in Municipal Court of said city, may as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate Circuit Court of the State of Missouri.

SECTION 8.- Severability

If any section, subsection, paragraph, sentence, clause, or phrase of these standards shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall continue in full force and effect. To this end the provisions of this ordinance are hereby declared to be severable.

SECTION 9.- Savings Clause

This ordinance shall not affect violations of any other ordinance, code or regulation of the City of Portage des Sioux, Missouri existing prior to the effective date hereof. Any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinance, codes or regulations in effect at the time the violation was committed.

Read the third time and passed, approved and adopted by the City Council of the City of Portage des Sioux, Missouri, this 3RD day of December, 1990.

George R. Combs
Mayor

Attest:

City Clerk

BILL NO. 164 ORDINANCE NO. 164

AN ORDINANCE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE INHABITANTS OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, BY AMENDING ORDINANCE #157"ZONING ORDINANCE" FROM BOCA 1984 REQUIREMENTS TO BOCA 1990 REQUIREMENTS.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF PORTAGE DES SIOUX, MISSOUI, AS FOLLOWS:

SECTION 1

ARTICLE 2 PAR.2.02 DEFINITIONS OF ORDINANCE #157 BE REVISED TO READ:

BOCA: BUILDING OFFICIALS AND CODE ADMINISTRATORS-1990

BUILDING CODE: BUILDING OFFICIALS AND CODE ADMINISTRATORS-1990

SECTION 2

DELETE SECOND SENTENCE ARTICLE 6 PARAGRAPH 6.10.4 STARTING WITH"RETAINING WALLS" AND ENDING WITH "1984 BOCA CODES".

SECTION 3

ALL REFERENCES IN ORDINANCE #157 TO THE "CODE, BUILDING CODE, BOCA, ETC." SHALL MEAN BOCA 1990.

SECTION 4

ALL ORDINANCES OR PARTS OF ORDINANCES CONFLICTING WITH THIS ORDINANCE IS HEREBY REVOKED.

SECTION 5

DUE TO THE EMERGENCY NATURE OF THE SITUATION TO PROMOTE PUBLIC HEALTH, SAFETY AND THE GENERAL WELFARE OF THE INHABITANTS OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER IT'S PASSAGE AND APPROVAL.

READ FIRST, SECOND AND THIRD TIMES AND PASSED BY THE BOARD OF ALDERMAN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 4th DAY OF MARCH, 1991.

George R. Combs
MAYOR

ATTEST:
J L Meyers
CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 4th DAY OF MARCH, 1991.

George R. Combs
MAYOR

ATTEST:
J L Meyers
CITY CLERK

BILL NO. 165 ORDINANCE NO. 165

AN ORDINANCE AMENDING ORDINANCE #137 PROVIDING FOR THE ESTABLISHMENT OF A MINICIPAL COURT FOR THE PROSECUTION OF VIOLATIONS OF CITY ORDINANCES; PROCEDURE TRIAL THEREIN; CREATION OF A TRAFFIC VIOLATIONS BUREAU; IN THE CITY OF PORTAGE DES SIOUX, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION 1

THAT SECTION 17A BE ADDED AS FOLLOWS TO THE ORDINANCE #137:

SECTION 17A: COURT COST-GENERAL

IN ADDITON TO ANY FINE AND COURT COST THAT MAY BE IMPOSED BY THE MUNICIPAL JUDGE THERE SHALL BE ASSESSED AS COSTS IN ALL CASES THE FOLLOWING:

1) ACTUAL COSTS ASSESSED AGAINST THE CITY BY THE COUNTY OR ANY OTHER LAW ENFORCEMENT AGENCY FOR THE APPREHENSION OR CONFINEMENT IN THE COUNTY JAIL; OR ANY JAIL:

2) MILEAGE, IN THE SAME AMOUNT AS PROVIDED TO THE SHERIFF OF THE COUNTY IN CRIMINAL VIOLATIONS, FOR EACH MILE AND FRACTIONS THEREOF THE OFFICER MUST TRAVEL (IN BOTH DIRECTIONS) IN ORDER TO SERVE ANY WARRANT OR COMMITMENT OR ORDER OF THIS COURT:

3) OTHER COSTS, SUCH AS FOR THE ISSUANCE OF A WARRANT, A COMMITMENT, OR A SUMMONS, AS PROVIDED BEFORE THE ASSOCIATE CIRCUIT JUDGE IN CRIMINAL PROSECUTION:

DUE TO THE EMERGENCY NATURE OF THE SITUATION, REQUIRING ENFORCEMENT OF POLICE AND TRAFFIC REGULATIONS, THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECTIVE FROM AND AFTER ITS PASSAGE AND APPROVAL.

READ THIS FIRST, SECOND, AND THIRD TIMES AND PASSED BY THE BOARD OF ALDERMAN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 6th DAY OF May, 1991.

George R. Combs
MAYOR

ATTEST:
L Meyers
CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 6th DAY OF May, 1991.

George R. Combs
MAYOR

ATTEST:
L Meyers
CITY CLERK

BILL # 166 ORDINANCE 166

AN ORDIANCE AMENDING ORDIANCE #158 PROVIDING FOR THE ESATBLISHMENT OF A MUNICIPAL COURT FOR THE PROSECUTION OF VIOLATIONS OF CITY ORDINANCES; PROCEDURE TRIAL THEREIN; CREATION OF A TRAFFIC VIOLATIONS BUREAU; IN THE CITY OF PORTAGE DES SIOUX, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I. THAT SECTION 13 BE AMENDED AS FOLLOWS:

THE FOLLOWING SCHEDULE SHALL BE THE ONLY VIOLATIONS WHICH MAY BE SATISFIED AT THE TRAFFIC VIOLATIONS BUREAU, TOGETHER WITH THE FINES AND PENALTIES FOR THE OFFENSES; UNLESS OTHERWISE SET BY THE STATE FOR SUCH OFFENSE:

SCHEDULE OF VIOLATIONS AND PENALTIES FOR TRAFFIC VIOLATIONS

NO LICENSE PLATE LIGHT	$ 20.00
EXPIRED LICENSE PLATES (LESS THAN THIRTY DAYS)	10.00
EXPIRED LICENSE PLATES (30 DAYS OR MORE)	25.00
ONE LICENSE PLATE DISPLAYED WHEN TWO IS REQUIRED	10.00
IMPROPERLY DISPLAYED LICENSE PLATES	25.00
BORROWED LICENSE PLATES	25.00
IMPROPER VEHICLE REGISTRATION	25.00
NO INSPECTION STICKER	25.00
DEFECTIVE TAILLIGHT	20.00
NO TAILLIGHTS	20.00
DEFECTIVE HEADLIGHTS	20.00
DEFECTIVE EXHAUST	20.00
FAILING TO DIM HEADLLIGHTS	15.00
NO HEADLIGHTS	20.00
MO. RESIDENT WITH OUT OF STATE DR. LICENSE AND/OR PLATES	15.00
EXPIRED DRIVERS LICENSE (LESS THAN THIRTY DAYS)	20.00
EXPIRED DRIVERS LICENSE (30 DAYS OR MORE)	25.00
NO DRIVERS LICENSE	25.00
NO CHAUFFEUR LICENSE	25.00
NOT MOTORCYCLE QUALIFIED	25.00
CHILD RESTRAINT LAW NOT OBEYED	10.00
NO SEAT BELT IN USE	10.00
IMPROPER BACKING	20.00
IMPROPER PARKING	15.00
IMPROPER LANE USE	20.00
IMPROPER U-TURN	20.00
IMPROPER PASSING	20.00
IMPROPER RIGHT OR LEFT TURN	20.00
FAILURE TO YIELD RIGHT O WAY	25.00
FAILURE TO SIGNAL WHEN TURNING	20.00
DRIVING ON WRONG SIDE OR ROAD OR STREET	25.00
FOLLOWING TO CLOSE TO A VEHICLE	25.00
FAILING TO YIELD TO AN EMERGENCY VEHICLE	25.00
DISOBEYING OF ELECTRIC SIGNAL	25.00
RUNNING STOP SIGN	25.00
NO HELMET IN USE	20.00
DRIVING ON CLOSED ROAD OR STREET	20.00
BLOCKING TRAFFIC	20.00
SPEEDING $1.00 PER MILE WHEN UP TO 10 MPH OVER POSTED SPEED	
$2.00 PER MILE WHEN UP TO 25 MPH OVER POSTED SPEED	
OVER 25 MPH OVER POSTED SPEED MUST APPEAR IN COURT	

SECTION 2:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON PASSAGE, ADOPTION AND APPROVAL OF THE MAYOR AND THIS ORDINANCE HAS RECEIVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED. SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE STEPS TO PREVENT OR TO REMEDY A CONDITION OR A SITUATION WHICH IS OF SUCH A NATURE THAT IT DEMANDS ATTENTION, AND TO POSTPONE ACTION WOULD RESULT

BILL #_____ 'D. ORDINANCE #_____CONT'D.

IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

SECTION 3:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL.

ENACTED ~~May~~ June 3, 1991

CITY SEAL:

George R. Combs
MAYOR

Edwin L. Meyers
CITY CLERK

ORDINANCE # 167

AN ORDINANCE FOR ESTABLISHING A CITY SALES TAX FOR THE CITY OF PORTAGE DES SIOUX, MO..

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF PORTAGE DES SIOUX, MISSOURI, TO WIT:

SECTION I

IMPOSITION OF CITY SALES TAX PURSUANT TO THE AUTHORITY GRANTED BY AND SUBJECT TO THE PROVISIONS OF SECTION 94.500 TO 94.570 RSMO, A TAX FOR GENERAL REVENUE PURPOSES IS HEREBY IMPOSED UPON ALL SELLERS FOR THE PRIVILEDGE OF ENGAGING IN THE BUSINESS OF SELLING TANGIBLE PERSONAL PROPERTY OR RENDERING TAXABLE SERVICES AT RETAIL TO THE EXTENT AND IN THE MANNER PROVIDED IN SECTIONS 144.010 TO 144.510 RSMO, AND THE RULES AND REGULATIONS OF THE DIRECTOR OF REVENUE THAT IS ISSUED PURSUANT THERETO: THE RATE OF THE TAX SHALL BE ONE PERCENT (1%) ON THE RECEIPTS FROM THE SALE AT RETAIL OF ALL TANGIBLE PERSONAL PROPERTY OR TAXABLE SERVICES AT RETAIL WITHIN PORTAGE DES SIOUX, MISSOURI, IF SUCH PROPERTY AND TANGIBLE SERVICES ARE SUBJECT TO TAXATION BY THE STATE OF MISSOURI UNDER THE PROVISIONS OF SECTION 144.010 TO 144.510 RSMO. THE TAX SHALL BECOME IN EFFECT AS PROVIDED IN SUBSECTION 4 OF SECTION 94.510 RSMO, AND SHALL BE THEN COLLECTED PURSUANT TO THE PROVISIONS OF SECTIONS 94.500 TO 94.570 RSMO.

SECTION II

THIS TAX SHALL BE BUDGETED EACH BUDGET YEAR INTO THE GENERAL FUND AND THEN TO BE APPROPRIATED AS SUCH.

SECTION III

THIS ORDINANCE SHALL BE SUBMITTED TO THE QUALIFIED VOTERS OF PORTAGE DES SIOUX, MISSOURI FOR THEIR APPROVAL, AS REQUIRED BY THE PROVISIONS OF SECTION 94.510 RSMO, AT THE PRIMARY ELECTION HEREBY CALLED AND TO BE HELD IN SAID CITY ON 11-5-91, THE 5th DAY OF NOVEMBER, 1991. THE BALLOT TITLE SHALL BE:

SHALL THE SALES TAX ORDINANCE BE APPROVED?

☐ FOR THE SALES TAX

☐ AGAINST THE SALES TAX

ORDINANCE # 167 OF PORTAGE DES SIOUX, MISSOURI PASSED 8/26/91, IMPOSING A CITY SALES TAX OF (1%) ONE PERCENT TO BE USED FOR GENERAL FUND EXPENSES ON THE RECEIPTS FROM THE SALE AT RETAIL OF ALL TANGIBLE PERSONAL PROPERTY OR TAXABLE SERVICES ARE SUBJECT TO THE SALES TAX BY THE STATE OF MISSOURI.

THE VOTER WHO DESIRES TO VOTE IN FAVOR OF SAID ORDINANCE SHALL PLACE A CROSS MARK (X) IN THE SQUARE OPPOSITE THE WORDS "FOR THE SALES TAX". THE VOTER WHO DESIRES TO VOTE AGAINST SAID ORDINANCE SHALL PLACE A CROSS MARK (X) IN THE SQUARE OPPOSITE THE WORDS "AGAINST THE SALES TAX".

IF A MAJORITY OF THE QUALIFIED VOTERS VOTING, AT SAID ELECTION SHALL VOTE IN FAVOR OF THE APPROVAL OF THIS ORDINANCE, THEN THE SAME SHALL BE BINDING AND IN FULL FORCE AND EFFECT.

SECTION IV

WITHIN TEN (10) DAYS AFTER THE APPROVAL OF THIS ORDINANCE BY THE QUALIFIED VOTERS OF PORTAGE DES SIOUX, MISSOURI, THE CITY CLERK SHALL FORWARD TO THE DIRECTOR OF REVENUE OF THE STATE OF MISSOURI BY UNITED STATES REGISTERED MAIL OR CERTIFIED MAIL, A CERTIFIED COPY OF THE ORDINANCE TOGETHER WITH THE CERTIFICATIONS OF THE ELECTION RETURNS AND WILL ACCOMPANY IT WITH A MAP OF THE CITY CLEARLY SHOWING THE BOUNDARIES THEREOF.

SECTION V

READ THREE TIMES AND PASSED THIS 26th DAY OF August, 1991.

George R. Combs
MAYOR

SEAL:

ATTEST: John L Meyers
CITY CLERK

APPROVED THE 26th DAY OF August, 1991.

SEAL:

George R. Combs
MAYOR

ATTEST: John L Meyers
CITY CLERK

BILL # 168 ORDINANCE # 168

AN ORDINANCE ENTITLED CURFEW ESTABLISHED FOR MINORS UNDER SEVENTEEN YEARS OF AGE.

WHEREAS, THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, DEEMS IT NECESSARY TO ESTABLISH A CURFEW FOR MINORS OF THE CITY OF PORTAGE DES SIOUX, MISSOURI.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I:

NO MINOR UNDER THE AGE OF SEVENTEEN YEARS SHALL BE IN ANY COMMERCIAL PLACE OF AMUSEMENT, BUSINESS, OR ENTERTAINMENT OR ANY UNSUPERVISED PLACE BETWEEN THE HOURS OF 9:00 PM AND 7:00 AM ON ANY GIVEN DAY, PROVIDED HOWEVER THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO A MINOR ACCOMPANIED BY HIS/HER PARENT, LEGAL GUARDIAN OR OTHER ADULT PERSON HAVING CUSTODY OF SUCH MINOR.

SECTION II: SAME-RESPONSIBILITY OF PARENT, ETC.

NO PARENT, GUARDIAN OR OTHER ADULT PERSON HAVING THE CARE AND CUSTODY OF A MINOR UNDER THE AGE OF SEVENTEEN YEARS SHALL KNOWINGLY PERMIT SUCH MINOR TO BE IN OR ON OR BE DRIVING IN OR ON ANY STREET OR PARK UNSUPERVISED BETWEEN THE ABOVE SAID HOURS. HOWEVER, PROVIDING THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN THE PARENT, OR GUARDIAN HAS SENT SUCH MINOR ON AN EMERGENCY ERRAND OR LEGITIMATE BUSINESS.

SECTION III:

ANY POLICE OFFICER FINDING A MINOR VIOLATING THE PROVISIONS OF SECTION I SHALL WARN SUCH MINOR TO DESIST IMMEDIATELY FROM SUCH VIOLATION AND SHALL CAUSE A WRITTEN NOTICE TO BE SERVED UPON THE PARENT, GUARDIAN OR SAID PERSON HAVING LEGAL CUSTODY OF SUCH MINOR, SETTING FORTH THE MANNER IN WHICH SECTION I HAS BEEN VIOLATED.

SECTION IV: VIOLATION AND PENALTIES

ANY MINOR VIOLATING THE PROVISIONS OF SECTION I AFTER RECEIPT OF A FIRST WARNING AS WAS PROVIDED IN SECTION III SHALL, ON CONVICTION, BE SUBJECT TO A FINE OF $25.00 FOR SUCH OR TO CONFINEMENT IN A DETENTION HOME FOR MINORS FOR NOT MORE THAN THIRTY DAYS, OR BY BOTH SUCH FINE AND CONFINEMENT. IF SUCH MINOR IS OF AN AGE SO AS TO SUBJECT HIM TO JUVENILE COURT JURISDICTION, SUCH MINOR SHALL BE REFERRED TO THAT JURISDICTION. A SUBJECT CONVICTED FOR THE SECOND TIME WILL BE SUBJECT TO ALL OF THE ABOVE WITH AN INCREASE OF THE FINE TO $50.00. THIRD SUCH CONVICTION WILL HAVE A FINE FO $75.00 WITH ALL OF THE ABOVE APPLICABLE. FOURTH OR MORE CONVICTION SHALL BE A FINE SET BY THE MUNICIPAL JUDGE WITH ALL OF THE ABOVE APPLICABLE.

ANY PARENT, GUARDIAN OR ADULT PERSON HAVING CUSTODY AND CARE OF SAID MINOR WHO KNOWINGLY PERMITS SUCH MINOR TO VIOLATE AS PROVIDED OF SECTION I AFTER RECEIPT OF A NOTICE FOR THE FIRST VIOLATION AS PROVIDED IN SECTION III SHALL, UPON CONVICTION BE SUBJECT TO THE ABOVE FINE AS LISTED FOR FIRST CONVICTION THRU FOURTH OR MORE. EACH VIOLATION OF THE PROVISIONS OF SECTIONS I OR II SHALL CONSTITUTE A SEPARATE OFFENSE.

SECTION V:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL OF THE CITY BOARD AND MAYOR. THIS ORDINANCE HAS RECEIVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED, SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE STEPS TO PREVENT OR TO REMEDY CONDITIONS OR SITUATIONS WHICH IS OF SUCH A NATURE THAT IT DEMANDS ATTENTION, AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

BILL # 168 ORDINANCE # 168

SECTION VI:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FORM AND AFTER ITS PASSAGE AND APPROVAL READ THREE TIMES AND PASSED THIS 9th DAY OF SEPTEMBER, 1991.

George R. Combs
MAYOR GEORGE COMBS

CITY SEAL:

I ATTEST THAT THE ABOVE WAS READ THREE TIMES AND PASSED ON 9th DAY OF SEPTEMBER, 1991.

Jo Ann L. Meyers
CITY CLERK JO ANN L. MEYERS

BILL # 169

ORDINANCE # 169

AN ORDINANCE ESTABLISHED TO ADOPT CHAPTER 565 MISSOURI STATE STATUTES TITLED OFFENSES AGAINST SAID PERSON AS LISTED BELOW:

RSMO	565.024	INVOLUNTARY MANSLAUGHTER
RSMO	565.060	ASSAULT
RSMO	565.070	ASSAULT
RSMO	565.149	DEFINITIONS OF ASSAULT OR OFFENSES AGAINST SAID PERSON
RSMO	565.150	INTERFERENCE WITH CUSTODY
RSMO	565.156	ABDUCTION OF CHILD/CHILDREN
RSMO	565.167	CUSTODY OF CHILD-PEACE OFFICER TO TAKE CHILD INTO PROTECTIVE CUSTODY

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

SECTION I:

UNLESS ANOTHER PENALTY IS EXPRESSLY PROVIDED BY THE LAW EVERY PERSON THAT IS CONVICTED OF A VIOLATION OF ANY PROVISION OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED ($500.00) OR BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS, OR BOTH SUCH FINE AND IMPRISONMENT AS SET BY THE MUNICIPAL JUDGE.

SECTION II:

ALL EXISTING ORDINANCES OR PARTS OF ORDINANCES IN CONFICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED ON THE EFFECTIVE DATE HEREOF.

SECTION III:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL OF THE MAYOR & THIS ORDINANCE HAS RECIEVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED. SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE STEPS TO PREVENT OR TO REMEDY CONDITIONS OR SITUATIONS WHICH IS OF SUCH A NATURE THAT IT DEMANDS ATTENTION, AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE.

SECTION IV:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL. READ THREE TIMES AND PASSED THIS 16th DAY OF SEPTEMBER, 1991.

George R. Combs
MAYOR GEORGE COMBS

CITY SEAL:

I ATTEST THAT THE ABOVE WAS READ THREE TIMES AND PASSED ON 16th DAY OF SEPTEMBER, 1991.

Jo Ann L Meyers
CITY CLERK-JO ANN L. MEYERS

BILL# 170 ORDINANCE# 170

AN ORDINANCE ESTABLISHED TO ADOPT CHAPTER 577 OF MISSOURI STATE STATUTES TITLED PUBLIC SAFETY OFFENSES AS LISTED BELOW:

RSMO 577.001 DEFINITIONS
RSMO 577.010 DWI
RSMO 577.012 DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT
RSMO 577.020 CHEMICAL TESTING
RSMO 577.023 REPEAT OFFENDER
RSMO 577.039 ARREST WITHOUT WARRANT
RSMO 577.041 REFUSAL TO SUBMIT
RSMO 577.060 LEAVING SCENE OF MOTOR VEHICLE ACCIDENT
RSMO 577.065 ATV ACCIDENTS
RSMO 577.090 ABANDONING MOTOR VEHICLE
RSMO 577.100 ABANDONED/DISCARDED/KNOWINGLY PERMITTED TO REMAIN ON PREMISES UNDER THEIR CONTROL ICEBOX OR OTHER AIRTIGHT CONTAINER WITHOUT REMOVING LATCHES OR HINGES
RSMO 577.110 UNDERAGE OPERATION OF VEHICLE

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

SECTION I:

UNLESS ANOTHER PENALTY IS EXPRESSLY PROVIDED BY THE LAW EVERY PERSON THAT IS CONVICTED OF A VIOLATION OF ANY PROVISION OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED ($500.00) OR BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS, OR BOTH SUCH FINE AND IMPRISONMENT AS SET BY THE MUNICIPAL JUDGE.

SECTION II:

ALL EXISTING ORDINANCES OR PARTS OF ORDINANCES IN CONFICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED ON THE EFFECTIVE DATE HEREOF.

SECTION III:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL OF THE MAYOR & THIS ORDINANCE HAS RECIEVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED. SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE STEPS TO PREVENT OR TO REMEDY CONDITIONS OR SITUATIONS WHICH IS OF SUCH A NATURE THAT IT DEMANDS ATTENTION, AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE.

SECTION IV:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL. READ THREE TIMES AND PASSED THIS 16th DAY OF SEPTEMBER, 1991.

George R. Combs
MAYOR GEORGE COMBS

CITY SEAL:

I ATTEST THAT THE ABOVE WAS READ THREE TIMES AND PASSED ON 16th DAY OF SEPTEMBER, 1991.

John L. Meyers
CITY CLERK-JO ANN L. MEYERS

BILL# 170 ORDINANCE # 170

BILL # 171 ORDINANCE # 171

AN ORDINANCE ADOPTING CHAPTER 195 REVISED STATUTES OF MISSOURI KNOWN AS THE THE DRUG CONTROL ACT OF 1989, DEFINITIONS AND REGULATIONS EXCLUDING THE PENALTIES AS STATED THEREOF:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI TO ESTABLISH AND ADOPT THE ABOVE STATE STATUTES AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

SECTION I:

CHAPTER 195, CONSISTING OF SECTIONS 195.005 THRU 195.425, REVISED STATUTES OF MISSOURI, COMMONLY KNOWN AS THE DRUG CONTROL ACT OF 1989, IS HEREBY ADOPTED AS AND FOR THE DRUG REGULATIONS ORDINANCE FOR THIS CITY WITH LIKE EFFECT AS IF RECITED AT LENGTH HEREIN.

SECTION II:

UNLESS ANOTHER PENALTY IS EXPRESSLY PROVIDED BY THE LAW EVERY PERSON THAT IS CONVICTED OF A VIOLATION OF ANY PROVISION OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED ($500.00) OR BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS, OR BOTH SUCH FINE AND IMPRISONMENT AS SET BY THE MUNICIPAL JUDGE.

SECTION III:

ALL EXISTING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED ON THE EFFECTIVE DATE HEREOF.

SECTION IV:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL OF THE MAYOR AND THIS ORDINANCE HAS RECIEVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED. SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE STEPS TO PREVENT OR TO REMEDY CONDITIONS OR SITUATIONS WHICH IS OF SUCH A NATURE THAT IT DEMANDS ATTENTION, AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE.

SECTION V:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FORM AND AFTER ITS PASSAGE AND APPROVAL. READ THREE TIMES AND PASSED THIS 16th DAY OF SEPTEMBER, 1991.

George R. Combs
MAYOR GEORGE COMBS

CITY SEAL:

I ATTEST THAT THE ABOVE WAS READ THREE TIMES AND PASSED ON SEPTEMBER 16, 1991

JoAnn L Meyers
JO ANN L. MEYERS, CITY CLERK

BILL # 172 ORDINANCE # 172

AN ORDINANCE ESTABLISHED TO ADOPT STATE LIQUOR CONTROL LAWS AS STATED IN STATE STATUTES UNDER CHAPTER 311 AS LISTED BELOW:

RSMO 311.310	SALE TO A MINOR
RSMO 311.320	MISREPRESENTATION OF AGE BY A MINOR
RSMO 311.325	PURCHASE OR POSSESSION BY A MINOR
RSMO 311.328	ALTERATION OF DRIVERS LICENSE OR OTHER IDENTIFICATION

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

SECTION I:

UNLESS ANOTHER PENALTY IS EXPRESSLY PROVIDED BY THE LAW EVERY PERSON THAT IS CONVICTED OF A VIOLATION OF ANY PROVISION OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED ($500.00) OR BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS, OR BOTH SUCH FINE AND IMPRISONMENT AS SET BY THE MUNICIPAL JUDGE.

SECTION II:

ALL EXISTING ORDINANCES OR PARTS OF ORDINANCES IN CONFICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED ON THE EFFECTIVE DATE HEREOF.

SECTION III:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL OF THE MAYOR & THIS ORDINANCE HAS RECIEVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED. SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE STEPS TO PREVENT OR TO REMEDY CONDITIONS OR SITUATIONS WHICH IS OF SUCH A NATURE THAT IT DEMANDS ATTENTION, AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE.

SECTION IV:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL. READ THREE TIMES AND PASSED THIS 16th DAY OF SEPTEMBER, 1991.

George R. Combs
MAYOR GEORGE COMBS

CITY SEAL:

I ATTEST THAT THE ABOVE WAS READ THREE TIMES AND PASSED ON 16th DAY OF SEPTEMBER, 1991.

CITY CLERK-JO ANN L. MEYERS

BILL # 173

ORDINANCE # 173

AN ORDINANCE ESTABLISHED TO ADOPT CHAPTER 312 STATE STATUTES TITLED NONINTOXICATING BEER AS LISTED BELOW:

RSMO 312.400	SALE OF NONINTOXICATING BEER AS PROHIBITED
RSMO 312.405	MISREPRESENTATION OF AGE BY MINOR/MINORS
RSMO 312.407	PURCHASE OR POSSESSION BY MINOR/MINORS

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

SECTION I:

UNLESS ANOTHER PENALTY IS EXPRESSLY PROVIDED BY THE LAW EVERY PERSON THAT IS CONVICTED OF A VIOLATION OF ANY PROVISION OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED ($500.00) OR BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS, OR BOTH SUCH FINE AND IMPRISONMENT AS SET BY THE MUNICIPAL JUDGE.

SECTION II:

ALL EXISTING ORDINANCES OR PARTS OF ORDINANCES IN CONFICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED ON THE EFFECTIVE DATE HEREOF.

SECTION III:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL OF THE MAYOR & THIS ORDINANCE HAS RECIEVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED. SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE STEPS TO PREVENT OR TO REMEDY CONDITIONS OR SITUATIONS WHICH IS OF SUCH A NATURE THAT IT DEMANDS ATTENTION, AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE.

SECTION IV:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL. READ THREE TIMES AND PASSED THIS 16th DAY OF SEPTEMBER, 1991.

George R. Combs
MAYOR GEORGE COMBS

CITY SEAL:

I ATTEST THAT THE ABOVE WAS READ THREE TIMES AND PASSED ON 16th DAY OF SEPTEMBER, 1991.

Jo Ann L. Meyers
CITY CLERK-JO ANN L. MEYERS

BILL # 174 ORDINANCE # 174

AN ORDINANCE ESTABLISHED TO ADOPT CHAPTER 455 TITLED ADULT ABUSE OF MISSOURI STATE STATUTES TO INCLUDE AS LISTED BELOW:

RSMO 455.010	DEFINITIONS OF ADULT ABUSE
RSMO 455.080	AGENCY REGULATIONS FOR RESPONSE FOR ALLEDGED INCIDENTS OF ABUSE
RSMO 455.085	ARREST FOR VIOLATON OF ORDER
RSMO 455.500	CITATION OF LAW
RSMO 455.538	REGULATIONS FOR RESPONSE INCLUDING ARREST FOR VIOLATION

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

SECTION I:

UNLESS ANOTHER PENALTY IS EXPRESSLY PROVIDED BY THE LAW EVERY PERSON THAT IS CONVICTED OF A VIOLATION OF ANY PROVISION OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED ($500.00) OR BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS, OR BOTH SUCH FINE AND IMPRISONMENT AS SET BY THE MUNICIPAL JUDGE.

SECTION II:

ALL EXISTING ORDINANCES OR PARTS OF ORDINANCES IN CONFICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED ON THE EFFECTIVE DATE HEREOF.

SECTION III:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL OF THE MAYOR & THIS ORDINANCE HAS RECIEVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED. SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE STEPS TO PREVENT OR TO REMEDY CONDITIONS OR SITUATIONS WHICH IS OF SUCH A NATURE THAT IT DEMANDS ATTENTION, AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE.

SECTION IV:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL. READ THREE TIMES AND PASSED THIS 16th DAY OF SEPTEMBER, 1991.

George R. Combs
MAYOR GEORGE COMBS

CITY SEAL:

I ATTEST THAT THE ABOVE WAS READ THREE TIMES AND PASSED ON 16th DAY OF SEPTEMBER, 1991.

JoAnn L. Meyers
CITY CLERK-JO ANN L. MEYERS

BILL # 175 ORDINANCE # 175

AN ORDINANCE ESTABLISHED TO ADOPT CHAPTER 574 STATE STATUTES TITLED OFFENSES AGAINST PUBLIC ORDER TO INCLUDE AS LISTED BELOW:

RSMO 574.010 PEACE DISTURBANCE
RSMO 574.020 PRIVATE PEACE DISTURBANCE
RSMO 574.040 UNLAWFUL ASSEMBLY
RSMO 574.050 RIOTING
RSMO 574.060 REFUSAL TO DISPERSE
RSMO 574.070 PROMOTING CIVIL DISORDER
RSMO 574.085 INSTITUTIONAL VANDALISM

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

SECTION I:

UNLESS ANOTHER PENALTY IS EXPRESSLY PROVIDED BY THE LAW EVERY PERSON THAT IS CONVICTED OF A VIOLATION OF ANY PROVISION OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED ($500.00) OR BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS, OR BOTH SUCH FINE AND IMPRISONMENT AS SET BY THE MUNICIPAL JUDGE.

SECTION II:

ALL EXISTING ORDINANCES OR PARTS OF ORDINANCES IN CONFICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED ON THE EFFECTIVE DATE HEREOF.

SECTION III:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL OF THE MAYOR & THIS ORDINANCE HAS RECIEVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED. SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE STEPS TO PREVENT OR TO REMEDY CONDITIONS OR SITUATIONS WHICH IS OF SUCH A NATURE THAT IT DEMANDS ATTENTION, AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE.

SECTION IV:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL. READ THREE TIMES AND PASSED THIS 16th DAY OF SEPTEMBER, 1991.

George R. Combs
MAYOR GEORGE COMBS

CITY SEAL:

I ATTEST THAT THE ABOVE WAS READ THREE TIMES AND PASSED ON 16th DAY OF SEPTEMBER, 1991.

JoAnn L. Meyers
CITY CLERK-JO ANN L. MEYERS

BILL # 176

ORDINANCE # 176

AN ORDINANCE ESTABLISHED TO ADOPT CHAPTER 571 TITLED WEAPONS OFFENSE UNDER THE STATE STATUTES AS LISTED BELOW:

RSMO 571.010	DEFINITIONS
RSMO 571.015	ARMED CRIMINAL ACTION
RSMO 571.020	POSSESSION
RSMO 571.030	UNLAWFUL USE
RSMO 571.045	DEFACING A FIREARM
RSMO 571.050	POSSESSION OF DEFACED FIREARM
RSMO 571.060	UNLAWFUL TRANSFER
RSMO 571.070	POSSESSION OF CONCEALABLE FIREARM
RSMO 571.080	TRANSFER WITHOUT PERMIT OF A CONCEALABLE FIREARM
RSMO 571.095	CONFISCATION OF WEAPONS

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

SECTION I:

UNLESS ANOTHER PENALTY IS EXPRESSLY PROVIDED BY THE LAW EVERY PERSON THAT IS CONVICTED OF A VIOLATION OF ANY PROVISION OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED ($500.00) OR BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS, OR BOTH SUCH FINE AND IMPRISONMENT AS SET BY THE MUNICIPAL JUDGE.

SECTION II:

ALL EXISTING ORDINANCES OR PARTS OF ORDINANCES IN CONFICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED ON THE EFFECTIVE DATE HEREOF.

SECTION III:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL OF THE MAYOR & THIS ORDINANCE HAS RECIEVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED. SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE STEPS TO PREVENT OR TO REMEDY CONDITIONS OR SITUATIONS WHICH IS OF SUCH A NATURE THAT IT DEMANDS ATTENTION, AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE.

SECTION IV:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL. READ THREE TIMES AND PASSED THIS 16th DAY OF SEPTEMBER, 1991.

George R. Combs

MAYOR GEORGE COMBS

CITY SEAL:

I ATTEST THAT THE ABOVE WAS READ THREE TIMES AND PASSED ON 16th DAY OF SEPTEMBER, 1991.

Jo Ann L. Meyers

CITY CLERK-JO ANN L. MEYERS

BILL# 176

ORDINANCE # 176

BILL # 177 ORDINANCE # 177

AN ORDINANCE ESTABLISHED TO ADOPT THE SENATE BILL #230 TITLED ABUSE AND LOSE LAW AS PRESCRIBED BY THE STATE OF MISSOURI:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

SECTION I:

UNLESS ANOTHER PENALTY IS EXPRESSLY PROVIDED BY THE LAW EVERY PERSON THAT IS CONVICTED OF A VIOLATION OF ANY PROVISION OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED ($500.00) OR BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS, OR BOTH SUCH FINE AND IMPRISONMENT AS SET BY THE MUNICIPAL JUDGE.

SECTION II:

ALL EXISTING ORDINANCES OR PARTS OF ORDINANCES IN CONFICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED ON THE EFFECTIVE DATE HEREOF.

SECTION III:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL OF THE MAYOR & THIS ORDINANCE HAS RECIEVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED. SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE STEPS TO PREVENT OR TO REMEDY CONDITIONS OR SITUATIONS WHICH IS OF SUCH A NATURE THAT IT DEMANDS ATTENTION, AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE.

SECTION IV:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL. READ THREE TIMES AND PASSED THIS 16th DAY OF SEPTEMBER, 1991.

George R. Combs
MAYOR GEORGE COMBS

CITY SEAL:

I ATTEST THAT THE ABOVE WAS READ THREE TIMES AND PASSED ON 16th DAY OF SEPTEMBER, 1991.

Jo Ann L. Meyers
CITY CLERK-JO ANN L. MEYERS

BILL # 177 ORDINANCE # 177

BILL # 178 ORDINANCE # 178

AN ORDINANCE ESTABLISHED TO ADOPT CHAPTER 210 OF MISSOURI STATE STATUES AS TITLED CHILD PROTECTION AND REFORMATION TO INCLUDE AS LISTED BELOW:

RSMO 210.104 RESTRAINTS REQUIRED FOR CHILDERN UNDER 4 YEARS OF AGE

RSMO 210.106 FAILURE TO USE PASSENGER RESTRAINTS

RSMO 210.107 STANDARDS ESTABLISHED BY DEPT. OF SAFETY

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

SECTION I:

UNLESS ANOTHER PENALTY IS EXPRESSLY PROVIDED BY THE LAW EVERY PERSON THAT IS CONVICTED OF A VIOLATION OF ANY PROVISION OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED ($500.00) OR BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS, OR BOTH SUCH FINE AND IMPRISONMENT AS SET BY THE MUNICIPAL JUDGE.

SECTION II:

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SECTION III:

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SECTION IV:

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George R. Combs

MAYOR GEORGE COMBS

CITY SEAL:

I ATTEST THAT THE ABOVE WAS READ THREE TIMES AND PASSED ON 16th DAY OF SEPTEMBER, 1991.

Jo Ann L Meyers

CITY CLERK-JO ANN L. MEYERS

BILL # 179 ORDINANCE # 179

AN ORDINANCE ESTABLISHED TO ADOPT STATE STATUTES UNDER CHAPTER 307 TITLED VEHICLE EQUIPMENT REQUIRED AS LISTED BELOW:

RSMO 307.010 SECURING OF LOADS
RSMO 307.040 FAILURE TO DISPLAY LIGHTED LAMPS
RSMO 307.045 FAILURE TO USE HEADLAMPS
RSMO 307.060 REQ. OF MULTI BEAM HEADLAMPS
RSMO 307.070 REQ. OF DIMMING LIGHTS
RSMO 307.075 REQ. OF TAILLIGHTS AND REFLECTORS
RSMO 307.090 REQ. OF USE OF SPOT LAMPS
RSMO 307.095 RESTRICTED USE OF VARIOUS LAMP COLORS
RSMO 307.100 LIMITATIONS ON LAMPS OTHER THAN HEADLAMPS
RSMO 307.105 LIMITS ON TOTAL USE OF LAMPS
RSMO 307.110 LIGHTING ON PARKED VEHICLES
RSMO 307.115 LIGHTING ON OTHER VEHICLES
RSMO 307.127 LIMITS OF SLOW MOVING EQPT.
RSMO 307.165 SEAT/SAFETY BELT REQ.STD. EQPT.
RSMO 307.170 EQPT. ON MOTOR VEHICLE
RSMO 307.171 STUDDED TIRES USE
RSMO 307.172 ALTERATION OF MOTOR VEHICLE
RSMO 307.173 REQ. VISION REDUCING MATERIALS
RSMO 307.175 AUTHORIZED USE OF SIRENS/FLASHING LIGHTS
RSMO 307.178 SEAT BELT REQ. FOR CARS
RSMO 307.195 OPER. CHAUF. LICENSE ON MOTORIZED VEH.
RSMO 307.198 EQPT. REQ'D ON ATV'S
RSMO 307.350 INSP. OF MTR. VEH./ TRLRS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

SECTION I:

UNLESS ANOTHER PENALTY IS EXPRESSLY PROVIDED BY THE LAW EVERY PERSON THAT IS CONVICTED OF A VIOLATION OF ANY PROVISION OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED ($500.00) OR BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS, OR BOTH SUCH FINE AND IMPRISONMENT AS SET BY THE MUNICIPAL JUDGE.

SECTION II:

ALL EXISTING ORDINANCES OR PARTS OF ORDINANCES IN CONFICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED ON THE EFFECTIVE DATE HEREOF.

SECTION III:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL OF THE MAYOR & THIS ORDINANCE HAS RECIEVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED. SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE STEPS TO PREVENT OR TO REMEDY CONDITIONS OR SITUATIONS WHICH IS OF SUCH A NATURE THAT IT DEMANDS ATTENTION, AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE.

SECTION IV:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL. READ THREE TIMES AND PASSED THIS 16th DAY OF SEPTEMBER, 1991.

George R. Combs
MAYOR GEORGE COMBS

CITY SEAL:

I ATTEST THAT THE ABOVE WAS READ THREE TIMES AND PASSED ON 16th DAY OF SEPTEMBER, 1991.

John L. Meyers
CITY CLERK-JO ANN L. MEYERS

BILL # 180 ORDINANCE # 180

AN ORDINANCE ESTABLISHED TO ADOPT STATE STATUTES UNDER CHPATER 304 TITLED TRAFFIC RGULATIONS AS LISTED BELOW:

RSMO 304.009 SPEED LIMITS AS SET
RSMO 304.010 MANNER OF OPERATIO OF MTR. VEH.
RSMO 304.011 DRIVING TOO SLOW/IMPEDING TRAFFIC
RSMO 304.013 OPERATION OF ALL TERRAIN VEH.
RSMO 304.015 DRIVING ON RIGHT OF WAY AS DESIGNATED
RSMO 304.016 PASSING REGULATIONS
RSMO 304.017 FOLLOWING DISTANCES
RSMO 304.019 HAND & MECH. SIGNALS
RSMO 304.022 EMERGENCY VEH. REGULATIONS
RSMO 304.024 PARKING REGULATIONS
RSMO 304.044 FOLLOWING TOO CLOSE
RSMO 304.050 SCHOOL BUS REGULATIONS
RSMO 304.130 SPEEDING/COUNTY CLASSES
RSMO 304.150 UNATTENDED MOTOR VEHICLE
RSMO 304.160 REMOVAL OF DEBRIS FROM HWY/STREET
RSMO 304.321 UNAUTHORIZED SIGNS
RSMO 304.331 ALTERATION OR REMOVAL OF SIGNS
RSMO 304.341 TURNING AT INTERSECTION
RSMO 304.351 RIGHT OF WAY @ INTERSECTION

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

SECTION I:

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George R. Combs
MAYOR GEORGE COMBS

CITY SEAL:

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Jo Ann L. Meyers
CITY CLERK-JO ANN L. MEYERS

BILL # 181

ORDINANCE# 181

AN ORDINANCE TO ADOPT STATE STATUTES UNDER CHAPTER 302 TITLED DRIVER & COMMERCIAL LICENSES AS LISTED BELOW:

RSMO 302.020	OPERATING MOTOR VEHICLE WITHOUT PROPER LICENSE
RSMO 302.175	FAILURE TO COMPLY WITH RESTRICTIONS ON DRIVER LICENSE
RSMO 302.200	REVOCATION COMPLIANCE
RSMO 302.220	PROHIBITED USE OF LICENSE
RSMO 302.250	OPERATION OF MOTOR VEHICLE BY CHILDREN
RSMO 302.260	UNLICENSED PERSON OPERATING VEHICLE
RSMO 302.301	USE OF RESTRICTED LICENSE
RSMO 302.309	LIMITED HARDSHIP LICENSE USE
RSMO 302.321	DRIVING WITHOUT LICENSE

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

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John L. Meyers

CITY CLERK-JO ANN L. MEYERS

BILL# 181

ORDINANCE # 181

BILL# 182

ORDINANCE # 182

AN ORDINANCE ESTABLISHED TO ADOPT STATE STATUTES UNDER CHAPTER 301 TITLED REGISTRATION AS LISTED BELOW:

RSMO 301.020 FAILURE TO REGISTER MOTOR VEHICLE
RSMO 301.074 FAILURE TO FURNISH PROOF OF VEHICLE INSPECTION
RSMO 301.130 FAILURE TO DISPLAY OR AFFIX PROPERLY PLATES ON MOTOR VEHICLE
RSMO 301.140 DISPLAYING PLATES OR POSSESSING PLATES OF SOMEONE ELSE
RSMO 301.150 FAILURE TO REMOVE PLATES UPON SALE/TRANSFER
RSMO 301.275 OPERATING MOTOR VEHICLE WHILE REVOKED
RSMO 301.300 FAILURE TO REPLACE PLATES LOSS OR MUTILATED WITHIN 5 DAYS
RSMO 301.320 OPERATING MOTOR VEHICLE W/O PROPER PLATES FROM DIRECTOR OF REVENUE
RSMO 301.330 FAILURE TO DISPLAY NAME /ADDRESS ON COMMERCIAL VEHICLE
RSMO 301.705 OPERATING ALL TERRAIN VEHICLE ON PRIVATE PROPERTY WITHOUT CONSENT

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

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MAYOR GEORGE COMBS

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JoAnn L. Meyers
CITY CLERK-JO ANN L. MEYERS

BILL # 183 ORDINANCE # 183

AN ORDINANCE ESTABLISHED TO ADOPT CHAPTER 303 STATE STATUTES AS TITLED FINANCIAL RESPONSIBLITY AS LISTED BELOW:

RSMO 303.370 RESPONSIBILITY FINANCIALLY

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

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John L Meyers
CITY CLERK-JO ANN L. MEYERS

BILL # 184 ORDINANCE # 184

AN ORDINANCE ESTABLISHED TO ADOPT CHAPTER 569 FROM MISSOURI STATE STATUTES TITLED ROBBERY, ARSON, BURGLARY AND RELATED OFFENSES AS LISTED BELOW:

RSMO 569.080 TAMPERING IN THE FIRST DEGREE

RSMO 569.090 TAMPERING IN THE SECOND DEGREE

RSMO 569.180 POSSESSION OF BURGLAR'S TOOLS

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

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Jo Ann L. Meyers
CITY CLERK-JO ANN L. MEYERS

BILL # 185 ORDINANCE # 185

AN ORDINANCE ESTABLISHED TO ADOPT CHAPTER 575 OF MISSOURI STATE STATUTES AS TITLED OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE AS LISTED BELOW:

RSMO 575.150 RESISTING OR INTERFERING WITH ARREST

RSMO 575.190 REFUSAL TO IDENTIFY AS A WITNESS

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

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JoAnn L. Meyers
CITY CLERK-JO ANN L. MEYERS

BILL # 186 ORDINANCE # 186

AN ORDINANCE ESTABLISHED TO ADOPT CHAPTER 544 AS TITLED IN THE MISSOURI STATE STATUTES AS ARREST, EXAMINATION, COMMITMENT AND BAIL AS LISTED BELOW:

RSMO 544.240 HOLD FOR SAFE KEEPING/PROTECTIVE CUSTODY

RSMO 544.665 FAILURE TO APPEAR

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

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Jo Ann L. Meyers
CITY CLERK-JO ANN L. MEYERS

BILL # 187 ORDINANCE # 187

AN ORDINANCE ESTABLISHED TO ADOPT STATE STATUTE 67.315 AS TITLED CONVEYED INCAPACITATED/INTOXICATED PERSON TO RESIDENCE/TREATMENT CENTER/JAIL:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

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John L. Meyers
CITY CLERK-JO ANN L. MEYERS

BILL # 188 ORDINANCE # 188

AN ORDINANCE ESTABLLISHED TO ADOPT RSMO 202.123 FROM THE MISSOURI STATE STATUTES AS TITLED DETAINED/CONVEYED MENTALLY DISORDERED PERSON WHO WAS LIKELY TO HARM SELF/OTHERS:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

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ALL EXISTING ORDINANCES OR PARTS OF ORDINANCES IN CONFICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED ON THE EFFECTIVE DATE HEREOF.

SECTION III:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL OF THE MAYOR & THIS ORDINANCE HAS RECIEVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED. SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE STEPS TO PREVENT OR TO REMEDY CONDITIONS OR SITUATIONS WHICH IS OF SUCH A NATURE THAT IT DEMANDS ATTENTION, AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE.

SECTION IV:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL. READ THREE TIMES AND PASSED THIS 16th DAY OF SEPTEMBER, 1991.

George R. Combs
MAYOR GEORGE COMBS

CITY SEAL:

I ATTEST THAT THE ABOVE WAS READ THREE TIMES AND PASSED ON 16th DAY OF SEPTEMBER, 1991.

John L. Meyers
CITY CLERK-JO ANN L. MEYERS

AN ORDINANCE ESTABLISHED FOR FAILURE TO STOP OR OBEY A LAWFUL OR JUSTIFIED

REQUEST BY A POLICE OFFICER/OFFICERS:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE ABOVE STATE STATUTE AS DESCRIBED IN THE STATE STATUTE CODE OF MISSOURI. INCLUDING CURRENT PROVISIONS AND FUTURE CHANGES AS DONE BY THE STATE OF MISSOURI.

SECTION I:

UNLESS ANOTHER PENALTY IS EXPRESSLY PROVIDED BY THE LAW EVERY PERSON THAT IS CONVICTED OF A VIOLATION OF ANY PROVISION OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED ($500.00) OR BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS, OR BOTH SUCH FINE AND IMPRISONMENT AS SET BY THE MUNICIPAL JUDGE.

SECTION II:

ALL EXISTING ORDINANCES OR PARTS OF ORDINANCES IN CONFICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED ON THE EFFECTIVE DATE HEREOF.

SECTION III:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL OF THE MAYOR & THIS ORDINANCE HAS RECIEVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED. SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE STEPS TO PREVENT OR TO REMEDY CONDITIONS OR SITUATIONS WHICH IS OF SUCH A NATURE THAT IT DEMANDS ATTENTION, AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE.

SECTION IV:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL. READ THREE TIMES AND PASSED THIS 16th DAY OF SEPTEMBER, 1991.

George R. Combs
MAYOR GEORGE COMBS

CITY SEAL:

I ATTEST THAT THE ABOVE WAS READ THREE TIMES AND PASSED ON 16th DAY OF SEPTEMBER, 1991.

JoAnn L. Meyers
CITY CLERK-JO ANN L. MEYERS

Bill No. 189 Ordinance No. 93-178

AN ORDINANCE SETTING FEES FOR SERVICES REQUESTED OR REQUIRED PURSUANT TO ST. CHARLES COUNTY'S ANIMAL CONTROL ORDINANCE.

WHEREAS, the St. Charles County Charter Art. II, Section 2.513 (1992) grants legislative power to establish and collect fees for licenses, permits, inspections and services performed by County officers and employees; and

WHEREAS, St. Charles County's Animal Control Ordinance, Ordinance No. 93-162 (including Exhibit A), provides that the Director of Humane and Environmental Services or persons designated by the Director shall perform services required or requested pursuant to the Animal Control Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The Humane and Environmental Services Department of St. Charles County shall charge fees for services required or requested pursuant to the Animal Control Ordinance, as follows:

Rabies Vaccination Registration	$ 2.00
Impoundment Registration Fee	$ 5.00
Kennel Boarding (Daily Fee)	$ 5.00
Kennel Registration	$ 25.00
Taking Unwanted Animals.	$ 5.00
Euthanasia	$ 10.00
Disposal of euthanized animals	$ 15.00
Pickup of privately owned animals	
Dead.	$ 25.00
Alive	$ 35.00
Pickup of wild animals	
During normal business hours of the Humane & Environmental Services Department	$ 25.00
After normal business hours of the Humane & Environmental Services Department	$ 50.00

Section 2. In addition to the fees listed in Section 1, the Humane and Environmental Services Department of St. Charles County

shall charge for its expenses in impounding, apprehending, catching, trapping, netting, tranquilizing or treating any animal not subject to the Animal Control Ordinance of St. Charles County, Ordinance No. 93-162 (including Exhibit A).

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall be in full force and effect from and after the date of its passage and approval.

October 26, 1993
DATE PASSED

October 27, 1993
DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY CLERK

Approved as to Form:

10/28/93
County Counselor Date

BILL # 190 ORDINANCE # 190

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH BOMMARITO CONSTR. COMPANY FOR THE PURPOSE OF SEWERAGE IMPROVEMENTS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I:

THE MAYOR AND CITY CLERK ARE HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH BOMMARITO CONSTRUCTION COMPANY FOR SEWERAGE IMPROVEMENTS FOR SAID CITY AND NOT TO EXCEED $136,157.00.

SECTION II:

DUE TO THE EMERGENCY NATURE OF THE SITUATION REQUIRING SIGNING OF A CONTRACT FOR CONSTRUCTION ON THE SEWERAGE IMPROVEMENTS, THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECTIVE FROM AND AFTER THE DATE OF ITS PASSAGE.

READ THIS FIRST, SECOND AND THIRD TIME AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 23rd DAY OF SEPTEMBER, 1991.

George R. Combs
MAYOR GEORGE COMBS

CITY SEAL:

I ATTEST THAT THE ABOVE WAS READ THREE TIMES AND PASSED ON THE 23rd DAY OF SEPTEMBER, 1991.

Jo Ann L. Meyers
CITY CLERK-JO ANN L. MEYERS

BILL # 190 ORDINANCE # 190

BILL# 191 ORDINAI # 191

AN ORDINANCE AMENDING ORDIANCE #165 PROVIDING FOR THE ESTABLISHMENT OF A MUNICIPAL COURT FOR THE PROSECUTION OF VIOLATIONS OF CITY ORDINANCES, PROCEDURE TRIAL THEREIN, CREATION OF A TRAFFIC VIOLATIONS BUREAU, IN THE CITY OF PORTAGE DES SIOUX, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I:

THAT THE FOLLOWING BE ADDED TO SECTION 17A OF ORDINANCE #165:

SECTION 17A: COURT COST GENERAL

4) OTHER COSTS, SUCH AS FOR THE ISSUANCE OF A WARRANT, A COMMITMENT, OR A SUMMONS FOR FAILURE TO APPEAR AS ISSUED BY THE MUNICIPAL JUDGE.
   A) WARRANT ISSUED MINIMUM COST ASSESSED AT $25.00 PER WARRANT IN ADDITION TO THE NORMAL COST AS SET BY THE MUNICIPAL JUDGE?
   B) FAILURE TO APPEAR MINIMUM COST ASSESSED AT $10.00 PER FTA IN ADDITION TO THE NORMAL COST AS SET BY THE MUNICIPAL JUDGE.

5) INCLUDED IN COURT COST FOR MOVING VIOLATIONS WILL BE $5.00 FEE WHICH SHALL BE PAID INTO THE CRIME VICTIM COMPENSATION FUND OF THE STATE OF MISSOURI.
   A) THIS FEE IS IMPLEMENTED BY THE CITY BASED UPON THE MANDATE OF MISSOURI STATUTE. TO WIT: HOUSE BILL #1195 PASSED BY THE 84th GENERAL ASSEMBLY WHICH APPEARS IN THE REVISED SECTION 595.045 RSMO.
   B) THE MONEYS COLLECTED BY THE CLERK OF THIS CITY, PURSUANT TO SUBSECTION 1 OF SECTION 595.045 RSMO SHALL BE PAID BI-MONTHLY AS FOLLOWS:

      1) NINETY-FIVE PERCENT(95%) OF SUCH FEE BE PAID TO THE DIRECTOR OF REVENUE AND

      2) FIVE PERCENT(5%) SHALL BE PAID INTO THE CITY GENERAL FUND. THE DIRECTOR OF REVENUE SHALL DEPOSIT SEVENTY-FIVE(75%) PERCENT OF THE AMOUNT COLLECTED TO THE CREDIT OF THE CRIME VICTIM COMPENSATION FUND AND THE TWENTY-FIVE PERCENT(25%) REMAINING SHALL GO TO THE SERVICES TO VICTIMS FUND. THE DIRECTOR OF REVENUE OR HIS DESIGNEE SHALL AT LEAST BI-MONTHLY REPORT THE MONIES PAID INTO THE CRIME VICTIMS'COMPENSATION FUND AND THE SERVICES TO VICTIMS'FUND TO THE DIVISION OF WORKERS'COMPENSATION AND THE DEPT. OF PUBLIC SAFETY.

SECTION II:

THIS ORDINANCE SHALL BE EFFECTIVE UPON ITS PASSAGE, ADOPTION AND THE APPROVAL OF THE MAYOR IMMEDIATELY. THIS ORDINANCE HAS RECEIVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL WAS INTRODUCED. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE ACTION TO PREVENT OR TO REMEDY A CONDITION OR A SITUATION WHICH IS OF A NATURE THAT IT DEEMS ATTENTION AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT OR THE MUNICIPALITY.

SECTION III:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL

ENACTED: January 6, 1992

George R. Combs
MAYOR

ATTEST: J L Meyers
CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 6th DAY OF January, 1992.

ORDINANCE# 192

AN ORDINANCE AMENDING ORDINANCE #166 AND ORDINANCE #158 PROVIDING FOR THE ESTABLISHMENT OF A MUNICIPAL COURT FOR THE PROSECUTION OF VIOLATIONS OR CITY ORDINANCES: PROCEDURE TRIAL THEREIN, CREATION OF A TRAFFIC BUREAU: IN THE CITY OF PORTAGE DES SIOUX, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I: THAT SECTION 1 OF ORDINANCE #166 BE CHANGED AS FOLLOWS:

SPEEDING: $2.00 PER MILE UP TO 25 mph OVER POSTED SPEED
OVER 25 mph OVER SPEED LIMIT MUST APPEAR IN COURT

SECTION II:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL OF THE MAYOR AND THIS ORDINANCE HAS RECEIVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED. SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE ACTION TO PREVENT OR TO REMEDY A CONDITION OR A SITUATION WHICH IS OF SUCH A NATURE THAT IT DEEMS ATTENTION, AND TO POSTPONE ACTION WOULD RESULTIN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

SECTION III:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL.

ENACTED: January 6, 1992

George R. Combs
MAYOR

ATTEST:
J L Myers
CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 6th DAY OF January, 1992.

George R. Combs
MAYOR

ATTEST:
J L Myers
CITY CLERK

CITY SEAL:

LL# 192

ORDINANCE# 192

BILL # 193

ORDINANCE # 193

AN ORDINANCE AMENDING ORDINANCE #163,PROVIDING "FAIR HOUSING" FOR THE CITY OF PORTAGE DES SIOUX, MISSOURI. DEFINING DISCRIMINATORY HOUSING PRACTICES, AND CREATING A FAIR HOUSING COMMITTEE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I: DECLARATION OF POLICY TO READ AS FOLLOWS

THE CITY COUNCIL OF THE CITY OF PORTAGE DES SIOUX HEREBY DECLARES IT TO BE THE PUBLIC POLICY OF THE CITY TO ELIMINATE DISCRIMINATION AND SAFEGUARD THE RIGHT OF ANY PERSON TO SELL, PURCHASE, LEASE, RENT OR OBTAIN REAL PROPERTY WITHOUT REGARD TO RACE, SEX, COLOR, NATIONAL ORIGIN, ANCESTRY, RELIGIOUS AFFILIATION, PHYSICAL HANDICAP AND WITHOUT REGARD TO WHETHER A FAMILY HAS CHILDREN. THIS ORDINANCE SHALL BE DEEMED AN EXERCISE OF THE POLICE POWERS OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, FOR THE PROTECTION OF THE PUBLIC WELFARE, PROSPERITY, HEALTH AND PEACE OF THE PEOPLE OF PORTAGE DES SIOUX, MISSOURI.

SECTION X:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL OF THE MAYOR AND THIS ORDINANCE HAS NOW RECEIVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL WAS INTRODUCED. SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE ACTION TO PREVENT OR TO REMEDY A CONDITION OR A SITUATION WHICH IS OF SUCH A NATURE THAT IT DEEMS ATTENTION, AND TO POSTPONE THE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

SECTION XI:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL.

ENACTED: MARCH 2nd, 1992

George R. Combs
MAYOR

ATTEST:
CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 2nd DAY OF MARCH, 1992.

George R. Combs
MAYOR

ATTEST:
CITY CLERK

CITY SEAL:

ORDINANCE# 192

AN ORDINANCE AMENDING ORDINANCE #166 AND ORDINANCE #158 PROVIDING FOR THE ESTABLISHMENT OF A MUNICIPAL COURT FOR THE PROSECUTION OF VIOLATIONS OR CITY ORDINANCES: PROCEDURE TRIAL THEREIN, CREATION OF A TRAFFIC BUREAU: IN THE CITY OF PORTAGE DES SIOUX, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I: THAT SECTION 1 OF ORDINANCE #166 BE CHANGED AS FOLLOWS:

SPEEDING: $2.00 PER MILE UP TO 25 mph OVER POSTED SPEED
OVER 25 mph OVER SPEED LIMIT MUST APPEAR IN COURT

SECTION II:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL OF THE MAYOR AND THIS ORDINANCE HAS RECEIVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED. SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE ACTION TO PREVENT OR TO REMEDY A CONDITION OR A SITUATION WHICH IS OF SUCH A NATURE THAT IT DEEMS ATTENTION, AND TO POSTPONE ACTION WOULD RESULTIN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

SECTION III:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL.

ENACTED: January 6, 1992

George R. Combs
MAYOR

ATTEST:
J L Myers
CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 6th DAY OF January, 1992.

George R. Combs
MAYOR

ATTEST:
J L Myers
CITY CLERK

CITY SEAL:

LL# 192

ORDINANCE# 192

BILL NO. 194 ORDINANCE NO. 194

AN ORDINANCE PROVIDING FOR THE COLLECTION OF ADDITIONAL COURT COST TO BE USED IN THE TRAINING OF POLICE OFFICERS IN THE CITY OF PORTAGE DES SIOUX, MISSOURI AS PROVIDED IN REVISED MISSOURI STATUTES 1990 SECTION 590.140.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

The official of the police court of the City of Portage Des Sioux, Missouri, responsible for collecting court costs and fines shall assess an additional court cost of two (2) dollars for each court proceeding for violation of the ordinances of the City of Portage Des Sioux, Missouri, provided that no such fee shall be collected for violation of fish and game regulation, and no such fee shall be collected for non-moving traffic violation, and no such fee shall be collected in any proceeding in such court when the proceeding or defendant has been dismissed by the court. Such court costs collected herein shall be additional to those provided by the ordinances of said city.

SECTION II

Such fees collected shall be transmitted with other court costs to the treasurer of the City of Portage Des Sioux, Missouri, to be used for training law enforcement officers.

SECTION III

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

Enacted: February 2, 1993

George R. Combs
Mayor George R. Combs

Approved by the mayor of the City of Portage Des Sioux, Missouri, this 1st day of February, 1993.

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 194 ORDINANCE NO. 194

BILL NO. 195

ORDINANCE NO. 195

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH ST. CHARLES COUNTY FOR THE PURPOSE OF COMPLYING WITH SECTIONS 66.200 THROUGH 66.240, R.S. MO.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

The Mayor and the City Clerk are hereby authorized to execute a contract with St. Charles County for the purpose of complying with Sections 66.200 through 66.240, R.S.Mo.

SECTION II

Due to the brevity of time alloted by the County for the return of this contract, this ordinance shall be effective immediately upon its passage, adoption and approval by the Mayor. This ordinance has received all of the required readings at the same meeting at which the bill was introduced, so that it can be passed at one meeting.

SECTION IV

This ordinance shall take effect and be in force from and after its passage and approval.

Read this first, second and third time and passed by the Board of Aldermen of the City of Portage Des Sioux, Missouri, this 18th day of December, 1992.

George R. Combs
Mayor George Combs

City Seal

I attest that the above was read three times and passed on the 18th day of December, 1992.

Suzie A. Cissell
City Clerk - Suzie A. Cissell

COUNTY SATELLITE OFFICE FOR COUNTY RECORDS

This contract made this 18th day of December, 1992, between ST. CHARLES COUNTY, MISSOURI (hereinafter called "County") and the CITY OF PORTAGE DE SIOUX (hereinafter called "Agency") to comply with Sections 66.200 through 66.240, R.S.Mo.

ARTICLE I - GENERAL TERMS

A. The County will:

1. By December 31, 1992, designate the Agency as a "County Satellite Officer for Police Records".

2. By December 31, 1992, approve and supply the Agency with forms for all records or, in the alternative, this agreement automatically approves Agency supplied forms on file with the County, unless the County Sheriff's Department notifies the Agency otherwise within thirty days of filing the forms.

3. By December 31, 1992, appoint a County Sheriff's Employee as the custodian required under the Sunshine Law. The custodian will be a liason for the Agencies and responsible for periodically reviewing records to insure contract compliance.

B. The Agency will:

1. Retain an original or exact copy of all the police records of the Agency pertaining to all violations constituting felonies or misdemeanors punishable by a jail sentence (except traffic violations) so they become County records.

2. File and index the records under an acceptable retrieval system.

3. File a monthly report with the County custodian summarizing its records.

4. Give the St. Charles County Sheriff's Department, the municipal police of St. Charles County and the State Highway Patrol access to the records.

5. Comply with Sections 610.010, R.S.Mo. Supp. 1991, et seq (a/K/a The Sunshine Law) as it pertains to the records.

6. Place in the mail any requested record covered by this agreement to the County, at no charge, within 48 hours of the County.

ARTICLE II - LIABILITY

To the extent permissible by law, the Agency shall indemnify, protect and hold harmless St. Charles County, Missouri, from and against the loss, cost, claims demands, damage and/or expense arising out of any demand, claim, suit or judgement for damages to property and injury to or death of persons including the officers, agents and employees of either party herein, which may arise out of or be caused in whole or in

part by the fault, failure, or negligence of the Agency, its agents, servants or employees to comply with this agreement.

To the extent permissible by law, the County shall indemnify, protect and hold harmless St. Charles County, Missouri, from and against the loss, cost, claims demands, damage and/or expense arising out of any demand, claim, suit or judgement for damages to property and injury to or death of persons including the officers, agents and employees of either party herein, which may arise out of or be caused in whole or in part by the fault, failure, or negligence of the County, its agents, servants or employees to comply with this agreement.

ARTICLE III

This Agreement may be executed in counterparts, which taken together shall be one agreement.

ARTICLE IV -TERMINATION

A. This Agreement terminates December 31, 1992. it shall be automatically renewed for successive one year terms unless cancelled by either party.

G. This Agreement may be terminated by either party hereto at any time by giving sixty (60) days prior written notice to the other at the address shown on the signature page.

CITY OF PORTAGE DE SIOUX

George R. Combs
Mayor

ATTEST:

Suzie A. Cissell

Suzie A. Cissell
City/Court Clerk

City Seal

ST. CHARLES COUNTY, MISSOURI
118 North Second Street
St. Charles, Missouri 63301

Eugene C. Schwendemann
Presiding Commissioner

William J. Luetkenhaus
Western District Commissioner

Paul O. Schnare
Eastern District Commissioner

ATTEST

Jim Primm, County Clerk

** Pursuant to the adoption of the Charter and passage of Ordinance No. 93-57, I execute this agreement on behalf of St. Charles County, Missouri.

Raymond E. Runyon
Sheriff Raymond E. Runyon

Bill No. 58 Ordinance No. 93-57

AN ORDINANCE OF THE COUNTY OF ST. CHARLES, MISSOURI, AUTHORIZING THE COUNTY SHERIFF TO EXECUTE COUNTY SATELLITE OFFICE FOR COUNTY RECORDS AGREEMENTS.

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The County Sheriff is hereby authorized and directed to execute all Satellite Office for County Records Agreements on behalf of St. Charles County.

Section 2. The agreements shall be in substantially the same form as those attached as exhibits to this ordinance.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval.

April 27, 1993
DATE PASSED

April 29 1993
DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY CLERK

Approved as to Form:

County Counselor Date

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, ESTABLISHING A FOOD SERVICE ESTABLISHMENT CODE TO PROMOTE THE PEACE, HEALTH, SAFETY AND GENERAL WELFARE OF THE INHABITANTS OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AND THE GENERAL PUBLIC AT LARGE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

ADOPT THE FOOD SERVICE ESTABLISHMENT CODE, SECOND EDITION AS ADOPTED DECEMBER 20, 1988 AND EFFECTIVE JANUARY 1, 1989 BY THE ST. CHARLES COUNTY COMMISSION AND WHICH FROM TIME TO TIME MAY BE AMENDED BY THE GOVERNING BODY OF ST. CHARLES COUNTY, MISSOURI.

SECTION II

A TRUE COPY OF THE FOOD SERVICE ESTABLISHMENT CODE BOOK SHALL BE MAINTAINED AND FILED WITH THE PORTAGE DES SIOUX CITY CLERK.

SECTION III

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL BY THE MAYOR AND THIS ORDINANCE HAS RECEIVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL WAS INTRODUCED SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIE, DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE ACTION TO PREVENT OR TO REMEDY A CONDITION OR A SITUATION WHICH IS OF SUCH A NATURE THAT IT DEEMS ATTENTION AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

SECTION IV

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL.

ENACTED: JANUARY 4, 1993

George R. Combs
MAYOR

ATTEST:
Suzie A. Cissell
CITY CLERK

George R. Combs
MAYOR

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 4TH DAY OF JANUARY, 1993.

ATTEST:

Suzie A. Cissell

CITY CLERK

CITY SEAL

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH ST. CHARLES COUNTY TO PROVIDE FOOD SERVICE ESTABLISHMENT INSPECTIONS AND ENFORCEMENT UNDER THE FOOD SERVICE ESTABLISHMENT CODE.

WHEREAS, ST. CHARLES COUNTY HAS ADOPTED A FOOD SERVICE ESTABLISHMENT CODE, AND;

WHEREAS, THE CITY OF PORTAGE DES SIOUX, MISSOURI DESIRES THE SERVICES OF ST. CHARLES COUNTY TO PROVIDE FOOD SERVICE ESTABLISHMENT INSPECTIONS AND ENFORCEMENT UNDER THE FOOD SERVICE ESTABLISHMENT CODE, AND, WHEREAS, THE ST. CHARLES COUNTY GOVERNMENT HAS AUTHORITY UNDER SECTION 70.220 R.S.MO. 1986 AS AMENDED, TO ENTER INTO CONTRACT WITH THE CITY OF PORTAGE DES SIOUX, MISSOURI.

NOW THEREFORE. BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

ST. CHARLES COUNTY WILL PROVIDE FOOD SERVICE ESTABLISHMENT INSPECTIONS AND ENFORCEMENT AS PROVIDED IN THE CONTRACT FOR FOOD SERVICE ESTABLISHMENT INSPECTIONS AGREEMENT BETWEEN PORTAGE DES SIOUX AND ST. CHARLES COUNTY ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN AS EXHIBIT "A".

SECTION II

THE CITY OF PORTAGE DES SIOUX, MISSOURI WILL PROVIDE ST. CHARLES COUNTY WITH INFORMATION OF ALL NEWLY OPENED FOOD SERVICE ESTABLISHMENTS AT LEAST TEN (10) DAYS PRIOR TO OPENING.

SECTION III

THE CITY OF PORTAGE DES SIOUX WILL PROVIDE ST. CHARLES COUNTY WITH AN ANNUAL LIST OF ALL FOOD SERVICE ESTABLISHMENTS LOCATED WITHIN THE CITY LIMITS NO LATER THAN JANUARY 31ST OF EACH YEAR.

SECTION IV

WHENEVER THERE IS A CONFLICT BETWEEN THIS ORDINANCE AND ANY EXISTING ORDINANCE, THE PROVISIONS SET FORTH HEREIN SHALL GOVERN.

SECTION V

EACH SEPARATE PROVISION OF THIS ORDINANCE SHALL BE DEEMED INDEPENDENT OF ALL OTHER PROVISIONS HEREIN AND THAT IF ANY PROVISIONS OF THIS ORDINANCE SHALL BE DECLARED INVALID, ALL OTHER PROVISIONS HEREOF SHALL REMAIN VALID AND ENFORCEABLE.

SECTION VI

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL BY THE MAYOR AND THIS ORDINANCE HAS RECEIVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL WAS INTRODUCED SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIE DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE ACTION TO PREVENT OR TO REMEDY A CONDITION OR A SITUATION WHICH IS OF SUCH A NATURE THAT IT DEEMS ATTENTION, AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

SECTION VII

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL.

ENACTED: JANUARY 4, 1993

George R. Combs
MAYOR

ATTEST:

CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 4TH DAY OF JANUARY 1993.

George R. Combs
MAYOR

ATTEST:

CITY CLERK

CITY SEAL

Bill No. 5

Ordinance No. 93-9

AN ORDINANCE OF ST. CHARLES COUNTY, MISSOURI, AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A FOOD SERVICE ESTABLISHMENT INSPECTION AGREEMENT BETWEEN ST. CHARLES COUNTY, MISSOURI, AND THE CITY OF PORTAGE DES SIOUX, MISSOURI

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The County Executive is hereby authorized and directed to execute a Food Service Establishment Inspection Agreement between St. Charles County, Missouri, and the City of Portage Des Sioux, Missouri, to provide food service establishment inspections and enforcement under the Food Service Establishment Code, Second Edition.

Section 2. The Food Service Establishment Inspection Agreement shall be substantially the same in form and content as that Food Service Establishment Inspection Agreement attached hereto as Exhibit A.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval.

February 08, 1993
DATE PASSED

February 09, 1993
DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

FOOD SERVICE ESTABLISHMENT INSPECTION AGREEMENT

This Agreement made this 4th day of January, 1993, between ST. CHARLES COUNTY, MISSOURI (hereinafter "County") and the City of Portage Des Sioux, Missouri, a municipal corporation and city of the fourth class, (hereinafter "City") pursuant to Section 70.220, R.S.Mo. 1986, to provide food service establishment inspections and enforcement under the Food Service Establishment Code, Second Edition, is subject to the following terms and conditions:

ARTICLE I - GENERAL TERMS

A. The County will:

1. collect all annual fees paid by the food service establishments;
2. furnish to City a copy of The Food Service Establishment Code, Second Edition;
3. provide the City with a monthly summary of food service establishment inspection results;
4. issue to the food service establishments located within the city limits any final notices or violations of The Food Service Establishment Code;
5. inspect all public school district food service facilities, including but not limited to cafeterias;
6. provide the City with a copy of all legal notices sent to food service establishments;
7. work with the City for enforcement of The Food Services Establishment Code.

B. The City will:

8. provide the County with information of all newly opened food service establishments at least ten days prior to opening;

9. provide the County with an annual list of all food service establishments located within the city limits no later than January 31st each year;

10. adopt the Food Service Establishment Code, Second Edition, as the City Code.

ARTICLE II - LIABILITY

The City shall indemnity, protect and hold harmless St. Charles County, Missouri, from and against the loss, cost, claims, demands, damage and or expense arising out of any demand, claim, suit or judgment for damages to property and injury to or death of persons including the officers, agents and employees of either party herein, including payment under any workmen's compensation law, or under any plan for employee's disability or death benefit which may arise out of or be caused in whole or in part by the fault, failure, negligence or alleged negligence of the City, its agents, servants or employees in performing its obligations under this contract.

St. Charles County shall indemnity, protect and hold harmless the City from and against the loss, cost, claims, demands, damage and or expense arising out of any demand, claim, suit or judgment for damages to property and injury to or death of persons including the officers, agents and employees of either party herein, including payment under any workmen's compensation law, or under any plan for employee's disability or death benefit which may arise out of or be caused in whole or in part by the fault, failure, negligence or alleged

negligence of the County, its agents, servants or employees in performing its obligations under this contract.

ARTICLE III - LIMITATION

A. This contract is not assignable and shall be performed by City and County, under the rules and regulations contained in the Food Establishment Service Code, Second Edition, as the same exists and may from time to time be amended.

B. In performing and enforcing its obligations under this Agreement, City and County shall comply with all applicable laws, ordinances, rules, regulations and requirements now in force or which may hereinafter be put into force.

ARTICLE IV - COMPENSATION

In consideration of St. Charles County providing the services under this contract, the parties agree that the County shall retain one hundred percent (100%) of all fees collected from food service establishments located in the city limits.

ARTICLE V - TERMINATION

A. This Agreement is effective as of January 4, 1993, and terminates December 31, 1993. This Agreement shall automatically be renewed unless either party gives written notice on or before November 30th of each year.

B. This Agreement may be terminated by either party hereto at any time by giving thirty (30) days prior written notice to the other at the address shown on the signature page.

CITY OF
Portage Des Sioux, Mo.
PO Box 118
Portage Des Sioux
63373

George R. Lambs
Mayor

ATTEST:

Susie A. Cissell
City Clerk

CITY SEAL

ST. CHARLES COUNTY, MISSOURI
118 North Second Street
St. Charles, Missouri 63301

Eugene C. Schwendemann
County Executive
2-11-93

ATTEST:

Jim Primm
County Clerk

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PORTAGE DES SIOUX, MISSOURI TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH MUNICIPAL RADIO SYSTEM (MRS), TO PROVIDE COMPUTER, RADIO AND DISPATCHING SERVICES TO THE PORTAGE DES SIOUX, MISSOURI, POLICE DEPARTMENT.

WHEREAS, MRS HAS THE CAPABILITY TO PROVIDE COMPUTER, RADIO AND DISPATCHING SERVICES FOR MUNICIPALITIES, AND;

WHEREAS, THE CITY OF PORTAGE DES SIOUX, MISSOURI POLICE DEPARTMENT HAS A NEED FOR SUCH SERVICES.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

The Mayor on behalf of the City of Portage Des Sioux, Missouri, is hereby authorized to enter into a contract with municipal Radio System, for the purpose of receiving police computer, radio and dispatching services in consideration for the payment agreed by the contract; after execution, a copy of said agreement shall be attached to this ordinance as Appendix A.

SECTION II

Whenever there is a conflict between this ordinance and any existing ordinance, the provisions set forth herein shall govern.

SECTION III

Each separate provision of this ordinance shall be deemed independent of all other provisions herein and that if any provisions of this ordinance shall be declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION IV

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. This ordinance has received all of the required readings at the same meeting at which the Bill is introduced, so that it can be passed at one meeting. This ordinance is prima facie deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or to remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety, and welfare.

SECTION V

This ordinance shall take effect and be in force from and after its passage and approval.

Read three times and passed this 1st day of February, 1993.

George R. Combs
Mayor George R. Combs

Approved by the mayor of the City of Portage Des Sioux, Missouri, this 1st day of February, 1993.

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 198

ORDINANCE NO. 198

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, CALLING AN ELECTION UPON THE ISSUE OF ALLOWING THE LICENSING OF EXCURSION GAMBLING BOATS IN THE CITY.

WHEREAS, House Bill No. 149 of the 86th General Assembly provides that no license can be issued to allow an excursion gambling boat to conduct gambling games in a city until the voters of the city approve such activities; and

WHEREAS, the Board of Aldermen wishes to submit the question to the voters of the city,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

The Board of Aldermen of the City of Portage Des Sioux, Missouri, hereby submits to the voters of the City of Portage Des Sioux an election to be held on April 6, 1993, the proposal to allow the licensing of excursion gambling boats in the city. The ballot of submission shall contain, but is not limited to, the following language:

Shall the City of Portage Des Sioux, Missouri allow the licensing of excursion gambling boats in the city?

☐ Yes

☐ No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

SECTION II

The Judges and Clerks for the Election shall be the same persons designated by the St. Charles County Election Authority to act as Judges and Clerks at the election to be held on the same date.

SECTION III

This ordinance shall be in full force and effect from and after the date of its passage and approval.

SECTION IV

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. This ordinance has received all of the required readings at the same meeting at which the Bill is introduced, so that it can be passed at one meeting. This ordinance is prima facie deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or to remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety, and welfare.

SECTION V

This ordinance shall take effect and be in force from and after its passage and approval.

Read three times and passed this 8th day of February, 1993.

George R. Combs
Mayor George R. Combs

Approved by the mayor of the City of Portage Des Sioux, Missouri, this 8th day of February, 1993.

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

AN ORDINANCE ESTABLISHING AN EMERGENCY MANAGEMENT AGENCY WITHIN THE CITY OF PORTAGE DES SIOUX TO PROMOTE THE PEACE, HEALTH, SAFETY AND GENERAL WELFARE OF THE INHABITANTS OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AND THE GENERAL PUBLIC AT LARGE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

There is hereby created within and for the City of Portage Des Sioux, Missouri, an emergency management organization to be known as the Portage Emergency Management Agency (PEMA) which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management resources and administration of such economic controls as may be needed to provide for the welfare of the people and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, Revised Statutes of Missouri, 1978, and supplements thereto, and the Missouri Emergency Operations Plan adopted thereunder.

SECTION II

1. This agency shall consist of a Director and other members appointed by the Mayor and approved by the Board of Aldermen to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Emergency Operation Plan.

2. At no time, shall this organization participate in any form of political activity, nor shall it be used directly or indirectly for political purposes.

SECTION III

The organization shall perform emergency management functions within the city limits of Portage Des Sioux, Missouri, and may conduct these functions outside the city limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, Revised Statues of Missouri, 1978, and supplements thereto.

SECTION IV

1. The Director will be appointed by the Mayor and Board of Aldermen and shall serve at the pleasure of the appointive authority.

2. The Director shall have direct responsibility for the organization, administration and operations of local emergency management activities.

3. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Emergency Management Agency.

SECTION V

The Mayor of Portage Des Sioux, Missouri, in accordance with Chapter 44 Revised Statutes of Missouri, 1978, and supplements thereto, may:

1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for civil defense purposes; provide for the health and safety of persons, including emergency assistance to victims of any enemy attack; the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the federal and state disaster and emergency planning.

2. Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation;

3. In the event of enemy attack, waive the provisions of statutes requiring advertisements for bids for the performance of public works or entering into contracts;

4. With the approval of the Governor and consistent with the Missouri Emergency Operations Plan, enter into mutual aid agreements with other public and private agencies within and without the state for reciprocal emergency aid;

5. Accept services, materials, equipment, supplies or funds granted or loaned by the federal government for disaster planning and operations purposes.

SECTION VI

No person shall be employed or associated in any capacity in any organization established under this act who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in the State or the overthrow of any government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I,....., do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of the State by force or violence; and that during such a time as I am a member of the Portage Emergency Management Agency, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

SECTION VII

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

Enacted: April 18, 1994

Floyd R. Combs
Mayor George R. Combs

Approved by the mayor of the City of Portage Des Sioux, Missouri, this 18th day of April, 1994.

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 201 ORDINANCE NO. 201

AN ORDINANCE REPEALING ORDINANCE NO. 124A FOR PREVENTION OF PARKING ON THE EAST AND WEST SIDE OF LESIEUR STREET IN THE CITY OF PORTAGE DES SIOUX, TO EXTEND THE NO PARKING AREA ON THE EAST SIDE OF LESIEUR STREET, REESTABLISH THE NO PARKING AREA ON THE WEST SIDE OF LESIEUR STREET AND REESTABLISH PENALTIES FOR VIOLATIONS THEREOF:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

No person shall park an automobile, truck, tractor, motorcycle, bicycle, or other vehicle on the east side of LeSieur Street beginning at the southeast corner of Second Street southward for a distance of ninety (90) feet beyond Church Street, and on the west side of LeSieur Street beginning at the Southwestern corner of Church Street southward for a distance of one hundred forty-two (142) feet. Said area to be kept clear to facilitate the passage of fire and emergency vehicles. Area of restriction to be so posted and marked.

SECTION II

Persons violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined, not to exceed more than one hundred dollars ($100), for each offense.

SECTION III

Wherever there is a conflict between this ordinance and any existing ordinance, the provisions set forth herein shall govern.

SECTION IV

Each separate provision of this ordinance shall be deemed independent of all other provisions herein and that if any provisions of this ordinance shall be declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION V

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. This ordinance has received all of the required readings at the same meeting at which the Bill is introduced, so that it can be passed at one meeting. This ordinance is prima facie, deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or to remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety, and welfare.

Read three times and approved this 7th day of February, 1994.

George R. Combs

Mayor George R. Combs

Attest: Suzie A. Cissell

City Clerk - Suzie A. Cissell

City Seal

BILL NO. 201 ORDINANCE NO. 201

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, CALLING AN ELECTION UPON THE ISSUE OF ALLOWING THE LICENSING OF EXCURSION GAMBLING BOATS AND FLOATING FACILITIES AND/OR WATER BASED FACILITIES, AS NOW OR HEREAFTER PROVIDED BY MISSOURI GAMING LAW, IN THE CITY OF PORTAGE DES SIOUX, MO.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

If the Missouri General Assembly approves, or has approved, a resolution submitting to the voters a constitutional amendment containing language substantially similar to the following, then the Board of Aldermen of the City of Portage Des Sioux, Missouri hereby submits to the voters of the City of Portage Des Sioux at an election to be held on April 5, 1994, the proposal for permitting the licensing of excursion gambling boats and floating facilities and/or water based facilities. The ballot of submission shall contain, but is not limited to, the following language:

> Shall the City of Portage Des Sioux, Missouri allow the licensing of excursion gambling boats and floating facilities and/or water based facilities, as now or hereafter provided by Missouri Gaming Law, in the City of Portage des Sioux, MO.
>
> ☐ Yes
>
> ☐ No
>
> If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

SECTION II

The Judges and Clerks for the Election shall be the same persons designated by the St. Charles County Election Authority to act as Judges and Clerks at the election to be held on the same date.

SECTION III

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. This ordinance has received all of the required readings at the same meeting at which the Bill is introduced, so that it can be passed at one meeting. This ordinance is prima facie, deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or to remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety, and welfare.

BILL NO. 202 ORDINANCE NO. 202

Read three times and passed this 7th day of February, 1994.

Mayor George R. Combs

Approved by the mayor of the City of Portage Des Sioux, Missouri, this 7th day of February, 1994.

Attest:
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 203 ORDINANCE NO. 203

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH ARROWSTONE GROUP AND CENTURY CASINO MANAGEMENT, INC. FOR THE PURPOSE OF DEVELOPING A RIVERBOAT GAMBLING FACILITY.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

The Mayor and the City Clerk are hereby authorized to execute a contract with Arrowstone Group and Century Casino Management, Inc. for construction of a riverboat gambling facility.

SECTION II

Due to the emergency nature of the situation, requiring signing of a contract for development of a riverboat gambling facility, this ordinance shall be in full force and effect from and after the date of its passage.

Read the first, second and third time and passed by the Board of Aldermen of the City of Portage Des Sioux, Missouri, this twenty-fifth day of February, 1994.

George R. Combs
Mayor George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 203 ORDINANCE NO. 203

BILL NO. 204 ORDINANCE NO. 204

AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF A CERTAIN TRACT OF LAND TO THE CITY OF PORTAGE DES SIOUX, MISSOURI, UNDER THE PROVISIONS OF SECTION 71.014 REVISED MISSOURI STATUTES OWNED BY VENETIAN HARBOR, INCORPORATED, A MISSOURI CORPORATION.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

Section 1: That Missouri cities located within a county which borders a first class county with a charter form of government with population in excess of nine hundred thousand, Portage Des Sioux being such, have the authority under Section 71.014 R.S.Mo. 1978, to annex unincorporated areas which are contiguous to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interest of record.

Section 2: That a verified petition for annexation has been filed with the City of Portage Des Sioux by the fee owners of the following described tract:

A Parcel of Land, lying, being and situate in the County of St. Charles and State of Missouri,as evidenced by a General Warranty Deed properly recorded in Book 500, Page 934, to wit: Part of U.S. Surveys 136, 172, 171, 169, 156 and 157, Township 48 North, Range 6 East, more particularly described as follows, to wit: Beginning at an old iron pipe marking the Southwest corner of Lot No. 11, as shown on Plat of Survey made by Edgar Rapp Jr., County Surveyor, dated April 25, 1957 and recorded in the Recorder's Office of St. Charles County, Missouri, in County Surveyor's Record Book No. 12, pages 3 and 4; thence North 22 degrees 13' East to an iron pipe on the Southern bank of the Mississippi River; thence with the meanderings of the said Mississippi River the following courses and distances: South 81 degrees 07' East 151.68 feet to a point; thence South 66 degrees 41' East 175.02 feet to a point; thence South 76 degrees 11' East 1187.05 feet to an iron pipe; thence departing from said Mississippi River, South 23 degrees 19' West 1080.40 feet to an iron pipe marking the Northeast corner of a 0.982 acre tract now or formerly owned by Gerald Philip Simon; thence North 60 degrees 24' West, along the Northern line of tract of Gerald Philip Simon and tract now or formerly owned by William Simon, 521.69 feet to an iron pipe at the Northwest corner of said tract owned by William Simon; thence South 23 degrees 21' West, 367.85 feet to an iron pipe; thence North 60 degrees 23' West, 524.24 feet to an iron pipe; thence North 22 degrees 51' East, 374.23 feet to an iron pipe; thence North 12 degrees 07' West 100 feet to an iron pipe; thence continuing North 12 degrees 07' West 675.70 feet to the old iron pipe marking the place of beginning.

Also, an easement for ingress and egress from said premises of private roadways as now established and used.

Subject to an easement for roadway as the same now exists through said property to certain adjoining property.

Subject to any and all other easements of record as now exist or may exist in the future.

Section 3: That this ordinance shall be in full force and effect immediately upon its passage and approval, the above described tract is to be incorporated within the city forthwith, and the City Clerk is hereby to so notify the St. Charles County Assessor's and Recorder's offices.

Section 4: This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. This ordinance has received all of the required readings at the same meeting at which the Bill is introduced, so that it can be passed at one meeting. This ordinance is prima facie, deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety and welfare.

READ THREE TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 18th DAY OF April, 1994.

George R. Combs

George R. Combs, Mayor

ATTEST:

Suzie A. Cissell

CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE DES SIOUX THIS 18th DAY OF April, 1994.

George R. Combs

George R. Combs, Mayor

ATTEST: Suzie A. Cissell

PE[illegible]ION FOR VOLUNTARY ANNEX[illegible]ON

TO: CITY OF PORTAGE DES SIOUX, MISSOURI,
A Municipal Corporation

We, the undersigned state that we are the duly elected officers of Venetian Harbor, Incorporated, a Missouri Corporation and are empowered by the Board of Directors of said corporation to plead this petition for voluntary annexation. We further state that Venetian Harbor, Incorporated, a Missouri Corporation in good standing, is the fee simple owner of the following:

A Parcel of Land, lying, being and situate in the County of St. Charles and State of Missouri,as evidenced by a General Warranty Deed properly recorded in Book 500, Page 934, to wit: Part of U.S. Surveys 136, 172, 171, 169, 156 and 157, Township 48 North, Range 6 East, more particularly described as follows, to wit: Beginning at an old iron pipe marking the Southwest corner of Lot No. 11, as shown on Plat of Survey made by Edgar Rapp Jr., County Surveyor, dated April 25, 1957 and recorded in the Recorder's Office of St. Charles County, Missouri, in County Surveyor's Record Book No. 12, pages 3 and 4; thence North 22 degrees 13' East to an iron pipe on the Southern bank of the Mississippi River; thence with the meanderings of the said Mississippi River the following courses and distances: South 81 degrees 07' East 151.68 feet to a point; thence South 66 degrees 41' East 175.02 feet to a point; thence South 76 degrees 11' East 1187.05 feet to an iron pipe; thence departing from said Mississippi River, South 23 degrees 19' West 1080.40 feet to an iron pipe marking the Northeast corner of a 0.982 acre tract now or formerly owned by Gerald Philip Simon; thence North 60 degrees 24' West, along the Northern line of tract of Gerald Philip Simon and tract now or formerly owned by William Simon, 521.69 feet to an iron pipe at the Northwest corner of said tract owned by William Simon; thence South 23 degrees 21' West, 367.85 feet to an iron pipe; thence North 60 degrees 23' West, 524.24 feet to an iron pipe; thence North 22 degrees 51' East, 374.23 feet to an iron pipe; thence North 12 degrees 07' West 100 feet to an iron pipe; thence continuing North 12 degrees 07' West 675.70 feet to the old iron pipe marking the place of beginning.

Also, an easement for ingress and egress from said premises of private roadways as now established and used.

Subject to an easement for roadway as the same now exists through said property to certain adjoining property.

Subject to any and all other easements of record as now exist or may exist in the future.

and we hereby request and petition said City of Portage Des Sioux, Missouri, to annex to the City of Portage Des Sioux, Missouri, the land above described so that the same is contained within the corporate limits of said City.

The undersigned does further state and declare that no person, firm or corporation other than the undersigned own any fee simple interest in the above described land.

The undersigned does further state and declare that this request and petition is voluntarily made and is submitted under the provisions of House Bill No. 200, First Regular Session, 77th General Assembly of the State of Missouri, and also Section 71.014 R.S.Mo. 1969, as amended 1973.

Venetian Harbor, Incorporated by:

Jered Lee Bonbrake, Corporate Secretary

Warren L. Spielman, President

(SEAL)

ATTEST:

STATE OF MISSOURI)
COUNTY OF ST. CHARLES)

On this 18th day of April, 1994, personally appeared before me, Jered Lee Bonbrake and Warren L. Spielman to me known to be the persons described herein and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed by official seal the day and year first above written.

Notary Public
My Term Expires: May 12, 1994

PETITION FOR VOLUNTARY ANNEXATION

TO: CITY OF PORTAGE DES SIOUX, MISSOURI,
A Municipal Corporation

We, the undersigned state that we are the duly elected officers of Venetian Harbor, Incorporated, a Missouri Corporation and are empowered by the Board of Directors of said corporation to plead this petition for voluntary annexation. We further state that Venetian Harbor, Incorporated, a Missouri Corporation in good standing, is the fee simple owner of the following:

A Parcel of Land, lying, being and situate in the County of St. Charles and State of Missouri as evidenced by a General Warranty Deed properly recorded in Book 500, Page 942, to wit: A tract of land within U. S. Surveys 172 and 136, Township 48 North, Range 6 East and particularly described as follows: Beginning at the Northwest corner of property recorded in the name of Gerald Simon and wife, according to deed of record at Book 479, Page 785, St. Charles County Recorder's Office; thence Westardly along the Southern line of the North portion of property recorded in the name of Venetian Boat Harbor, Inc. on a course of North 60 degrees 24' West a distance of 292.67 feet to a point in the East line of the Southern portion of property recorded in the name of Venetian Boat Harbor, Inc.; thence Southwardly along said East line of the Southern portion of property recorded in the name of Venetian Boat Harbor, Inc. on a course of South 23 degrees 21' West a distance of 367.85 feet to a point which is the Southeast corner of property deeded to Venetian Boat Harbor, Inc. by deed dated August 15, 1967, and recorded in Book 479, Page 789 of the records of the Office of the Recorder of Deeds of St Charles County, Missouri; thence South 60 degrees 24' East a distance of 521 feet, more or less, to a point in the Western City Limits line of the City of Portage Des Sioux, Missouri; thence North 23 degrees 19' East to the point marking the Southeast corner of said parcel owned by Gerald Simon and wife; thence North 60 degrees 24' West 229.02 feet to a point an iron pipe; thence North 23 degrees 19' East 188 feet to the point of beginning.

EXCEPTING a strip of land 30 feet wide adjacent to and on the Western side of the .982 acre tract of Gerald Simon conveyed in Book 479, Page 785, St. Charles County Recorder's Office which 30 feet grantors reserve from this deed.

Subject to any and all easements and restrictions of record as they now exist or may exist in the future.

and we hereby request and petition said City of Portage Des Sioux, Missouri, to annex to the City of Portage Des Sioux, Missouri, the land above described so that the same is contained within the corporate limits of said City.

The undersigned does further state and declare that no person, firm or corporation other than the undersigned own any fee simple interest in the above described land.

The undersigned does further state and declare that this request and petition is voluntarily made and is submitted under the provisions of House Bill No. 200, First Regular Session, 77th General Assembly of the State of Missouri, and also Section 71.014 R.S.Mo. 1969, as amended 1973.

Venetian Harbor, Incorporated by:

Jered Lee Bonbrake, Corporate Secretary

Warren L. Spielman, President

(SEAL)

ATTEST:

STATE OF MISSOURI)
COUNTY OF ST. CHARLES)

On this 18th day of April, 1994, personally appeared before me, Jered Lee Bonbrake and Warren L. Spielman to me known to be the persons described herein and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed by official seal the day and year first above written.

Notary Public

My Term Expires: May 12, 1994

BILL NO. 205 ORDINANCE NO. 205

AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF A CERTAIN TRACT OF LAND TO THE CITY OF PORTAGE DES SIOUX, MISSOURI, UNDER THE PROVISIONS OF SECTION 71.014 REVISED MISSOURI STATUTES OWNED BY VENETIAN HARBOR, INCORPORATED, A MISSOURI CORPORATION.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

Section 1: That Missouri cities located within a county which borders a first class county with a charter form of government with population in excess of nine hundred thousand, Portage Des Sioux being such, have the authority under Section 71.014 R.S.Mo. 1978, to annex unincorporated areas which are contiguous to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interest of record.

Section 2: That a verified petition for annexation has been filed with the City of Portage Des Sioux by the fee owners of the following described tract:

A Parcel of Land, lying, being and situate in the County of St. Charles and State of Missouri as evidenced by a General Warranty Deed properly recorded in Book 500, Page 937, to wit: A strip of land in Township 48 North, Range 6 East having a width of 50 feet, a portion of which strip runs in an East-West direction, and an adjoining portion of which strip runs in a North-South direction, more particularly described as follows: The Northern boundary of the East-West portion of said strip begins at an iron pipe marking the Southwestern corner of a parcel of land deeded to Grantors by deed dated August 15, 1967 and recorded in Book 479, Page 789 of the records of the Office of the Recorder of Deeds, St. Charles County, Missouri; said Northern boundary then proceeds from said point of beginning along the Southern line of said parcel, South 60 degrees 23' East, a distance of 524.24 feet to a point; then said Northern boundary proceeds South 60 degrees 24' West a distance of 521 feet, more or less, to a point in the Western City Limits line of the City of Portage Des Sioux, Missouri, which point is the beginning point of the Eastern boundary of the North-South portion of said strip; the Eastern boundary of said North-South portion of said strip begins at said point, and proceeds Southwardly along the Western City Limits line of the City of Portage Des Sioux, Missouri to the point at which said city limits line intersects with the South line of Second Street of the City of Portage Des Sioux, Missouri, or the Westward extension or prolongation of said Second Street: The Southern boundary of the East-West portion of said strip is 50 feet South of said Northern boundary; and the Western boundary of the North-South portion of said strip is 50 feet West of said Eastern boundary.

Subject to any and all easements and restrictions of record as they now exist or may exist in the future.

Section 3: That this ordinance shall be in full force and effect immediately upon its passage and approval, the above described tract is to be incorporated within the city forthwith, and the City Clerk is hereby to so notify the St. Charles County Assessor's and Recorder's offices.

Section 4: This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. This ordinance has received all of the required readings at the same meeting at which the Bill is introduced, so that it can be passed at one meeting. This ordinance is prima facie, deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety and welfare.

READ THREE TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 18th DAY OF April, 1994.

George R. Combs

George R. Combs, Mayor

ATTEST:

Lizzie A. Cissell

CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE DES SIOUX THIS 18th DAY OF April, 1994.

George R. Combs

George R. Combs, Mayor

ATTEST:

Lizzie A. Cissell

CITY CLERK

PE TION FOR VOLUNTARY ANNEX ION

TO: CITY OF PORTAGE DES SIOUX, MISSOURI,
A Municipal Corporation

We, the undersigned state that we are the duly elected officers of Venetian Harbor, Incorporated, a Missouri Corporation and are empowered by the Board of Directors of said corporation to plead this petition for voluntary annexation. We further state that Venetian Harbor, Incorporated, a Missouri Corporation in good standing, is the fee simple owner of the following:

A Parcel of Land, lying, being and situate in the County of St. Charles and State of Missouri as evidenced by a General Warranty Deed properly recorded in Book 591, Page 672, to wit: A tract of land being part of U. S. Survey 155 in the Portage Des Sioux Commons Fields, Township 48 North, Range 6 East, and being particularly described as follows: Commencing at an iron pipe which is South 12 degrees 07' East 675.70 feet from an old iron pipe set at the Southwest corner of Lot 11 as shown and designated upon a plat of survey of W. S. Surveys 155 through 158, inclusive, of the Portage Des Sioux Common Fields, Township 48 North Range 6 East, executed by Edgar Rapp, Jr., County Surveyor, on April 25, 1957, and recorded in the Recorder's Office of St. Charles County, Missouri, in the County Surveyor's Record Book 12, page 4; thence South 12 degrees 07' East 100.0 feet to an old iron pipe; thence South 22 degrees 52' West, 133.10 feet to an iron pipe; thence North 59 degrees 53' West, 143.37 feet to an iron pipe; thence North 32 degrees 27' East 202.94 feet to an old iron pipe; thence South 63 degrees 25' East, 54.48 feet to the place of beginning. Together with all improvements thereon.

and we hereby request and petition said City of Portage Des Sioux, Missouri, to annex to the City of Portage Des Sioux, Missouri, the land above described so that the same is contained within the corporate limits of said City.

The undersigned does further state and declare that no person, firm or corporation other than the undersigned own any fee simple interest in the above described land.

The undersigned does further state and declare that this request and petition is voluntarily made and is submitted under the provisions of House Bill No. 200, First Regular Session, 77th General Assembly of the State of Missouri, and also Section 71.014 R.S.Mo. 1969, as amended 1973.

Venetian Harbor, Incorporated by:

Jered Lee Bonbrake, Corporate Secretary

Warren L. Spielman, President

(SEAL)

ATTEST:

STATE OF MISSOURI)
COUNTY OF ST. CHARLES)

On this 18th day of April, 1994, personally appeared before me, Jered Lee Bonbrake and Warren L. Spielman to me known to be the persons described herein and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed by official seal the day and year first above written.

Notary Public

My Term Expires: May 17, 1994

BILL NO. 206 ORDINANCE NO. 206

AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF A CERTAIN TRACT OF LAND TO THE CITY OF PORTAGE DES SIOUX, MISSOURI, UNDER THE PROVISIONS OF SECTION 71.014 REVISED MISSOURI STATUTES OWNED BY VENETIAN HARBOR, INCORPORATED, A MISSOURI CORPORATION.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

Section 1: That Missouri cities located within a county which borders a first class county with a charter form of government with population in excess of nine hundred thousand, Portage Des Sioux being such, have the authority under Section 71.014 R.S.Mo. 1978, to annex unincorporated areas which are contiguous to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interest of record.

Section 2: That a verified petition for annexation has been filed with the City of Portage Des Sioux by the fee owners of the following described tract:

A Parcel of Land, lying, being and situate in the County of St. Charles and State of Missouri as evidenced by a General Warranty Deed properly recorded in Book 500, Page 942, to wit: A tract of land within U. S. Surveys 172 and 136, Township 48 North, Range 6 East and particularly described as follows: Beginning at the Northwest corner of property recorded in the name of Gerald Simon and wife, according to deed of record at Book 479, Page 785, St. Charles County Recorder's Office; thence Westardly along the Southern line of the North portion of property recorded in the name of Venetian Boat Harbor, Inc. on a course of North 60 degrees 24' West a distance of 292.67 feet to a point in the East line of the Southern portion of property recorded in the name of Venetian Boat Harbor, Inc.; thence Southwardly along said East line of the Southern portion of property recorded in the name of Venetian Boat Harbor, Inc. on a course of South 23 degrees 21' West a distance of 367.85 feet to a point which is the Southeast corner of property deeded to Venetian Boat Harbor, Inc. by deed dated August 15, 1967, and recorded in Book 479, Page 789 of the records of the Office of the Recorder of Deeds of St Charles County, Missouri; thence South 60 degrees 24' East a distance of 521 feet, more or less, to a point in the Western City Limits line of the City of Portage Des Sioux, Missouri; thence North 23 degrees 19' East to the point marking the Southeast corner of said parcel owned by Gerald Simon and wife; thence North 60 degrees 24' West 229.02 feet to a point an iron pipe; thence North 23 degrees 19' East 188 feet to the point of beginning.

EXCEPTING a strip of land 30 feet wide adjacent to and on the Western side of the .982 acre tract of Gerald Simon conveyed in Book 479, Page 785, St. Charles County Recorder's Office which 30 feet grantors reserve from this deed.

Subject to any and all easements and restrictions of record as they now exist or may exist in the future.

Section 3: That this ordinance shall be in full force and effect immediately upon its passage and approval, the above described tract is to be incorporated within the city forthwith, and the City Clerk is hereby to so notify the St. Charles County Assessor's and Recorder's offices.

Section 4: This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. This ordinance has received all of the required readings at the same meeting at which the Bill is introduced, so that it can be passed at one meeting. This ordinance is prima facie, deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety and welfare.

READ THREE TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 18th DAY OF April, 1994.

George R. Combs

George R. Combs, Mayor

ATTEST:

Lizzie A. Cissell

CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE DES SIOUX THIS 18th DAY OF April, 1994.

George R. Combs

George R. Combs, Mayor

ATTEST:

Lizzie A. Cissell

CITY CLERK

PETITION FOR VOLUNTARY ANNEXATION

TO: CITY OF PORTAGE DES SIOUX, MISSOURI,
A Municipal Corporation

We, the undersigned state that we are the duly elected officers of Venetian Harbor, Incorporated, a Missouri Corporation and are empowered by the Board of Directors of said corporation to plead this petition for voluntary annexation. We further state that Venetian Harbor, Incorporated, a Missouri Corporation in good standing, is the fee simple owner of the following:

A Parcel of Land, lying, being and situate in the County of St. Charles and State of Missouri as evidenced by a General Warranty Deed properly recorded in Book 500, Page 939, to wit: Part of U.S. Surveys 155 and 156, in Township 48 North, Range 6 East more particularly described as follows: Beginning at an old iron pipe marking the Southwest corner of Lot No. 11 as shown on the Plat of Survey made by Edgar Rapp, Jr., County Surveyor, dated April 25, 1957 and recorded in the Recorder's Office of St. Charles County, Missouri, in County Surveyor's Record Book No. 12 pages 3 and 4; thence North 22 degrees 15' East to the Southern Bank of the Mississippi River; thence Westwardly along said Southern Bank to a point in a line having a course or bearing of South 22 degrees 15' West; thence South 22 degrees 15' West along said line to a point which is 50.6 feet distant from the point of beginning on a course of North 76 degrees 42' West of and from the point of beginning; thence North 76 degrees 42' West a distance of 517.9 feet to the Southwest corner of Lot No. 4 of said Plat of Survey; thence North 67 degrees 35' West a distance of 200 feet to the Southwest corner of Lot No. 2 of said Plat of Survey; thence North 22 degrees 15' East to the Southern Bank of the Mississippi River; thence Westwardly along said Southern Bank to a point in the Western line of said Plat of Survey; thence South 22 degrees 15' West along said Western line of said Plat of Survey to a point in a line having a course or bearing of North 67 degrees 45' West projected from a point in the West line of Kenneth Simon's .615 acre tract conveyed to him by deed from William Simon and wife, by deed recorded at Book 479, Page 791, Book 318, Page 479, St. Charles County Recorder's Office, 125 feet along his said West line from the Southwest corner of said Kenneth Simon tract; thence South 67 degrees 45' East along said line to a point in the West line of property recorded in the name of Kenneth Simon, et al, as Parcel 3 on the plats appearing on Page 112 of the St. Charles County Records referring to District 5 of Common Fields, Township 48 North, Range 6 East; thence North 32 degrees 27' East along said Western line to the Northwest corner of said Parcel 3; thence South 63 degrees 25' East along the North line of said Parcel a distance of 54.48 feet to the Northeast corner of said Parcel 3, thence North 12 degrees 7' West a distance of 675.70 feet to the point of beginning. There is reserved a non exclusive easement for roadway over and along a strip of land 18 feet wide adjacent on the South side of and along Lots 1 to 10 of said Edgar Rapp's Survey of April 25, 1957.

Subject to any and all easements and restrictions as they now exist or may exist in the future.

and we hereby request and petition said City of Portage Des Sioux, Missouri, to annex to the City of Portage Des Sioux, Missouri, the land above described so that the same is contained within the corporate limits of said City.

The undersigned does further state and declare that no person, firm or corporation other than the undersigned own any fee simple interest in the above described land.

The undersigned does further state and declare that this request and petition is voluntarily made and is submitted under the provisions of House Bill No. 200, First Regular Session, 77th General Assembly of the State of Missouri, and also Section 71.014 R.S.Mo. 1969, as amended 1973.

Venetian Harbor, Incorporated by:

Jered Lee Bonbrake, Corporate Secretary
(SEAL)

Warren L. Spielman, President

ATTEST:
STATE OF MISSOURI)
COUNTY OF ST. CHARLES)

On this 18th day of April, 1994, personally appeared before me, Jered Lee Bonbrake and Warren L. Spielman to me known to be the persons described herein and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed by official seal the day and year first above written.

Notary Public
My Term Expires: May 12, 1994

BILL NO. 207 ORDINANCE NO. 207

AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF A CERTAIN TRACT OF LAND TO THE CITY OF PORTAGE DES SIOUX, MISSOURI, UNDER THE PROVISIONS OF SECTION 71.014 REVISED MISSOURI STATUTES OWNED BY VENETIAN HARBOR, INCORPORATED, A MISSOURI CORPORATION.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

Section 1: That Missouri cities located within a county which borders a first class county with a charter form of government with population in excess of nine hundred thousand, Portage Des Sioux being such, have the authority under Section 71.014 R.S.Mo. 1978, to annex unincorporated areas which are contiguous to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interest of record.

Section 2: That a verified petition for annexation has been filed with the City of Portage Des Sioux by the fee owners of the following described tract:

> A Parcel of Land, lying, being and situate in the County of St. Charles and State of Missouri as evidenced by a General Warranty Deed properly recorded in Book 591, Page 672, to wit: A tract of land being part of U. S. Survey 155 in the Portage Des Sioux Commons Fields, Township 48 North, Range 6 East, and being particularly described as follows: Commencing at an iron pipe which is South 12 degrees 07' East 675.70 feet from an old iron pipe set at the Southwest corner of Lot 11 as shown and designated upon a plat of survey of W. S. Surveys 155 through 158, inclusive, of the Portage Des Sioux Common Fields, Township 48 North Range 6 East, executed by Edgar Rapp, Jr., County Surveyor, on April 25, 1957, and recorded in the Recorder's Office of St. Charles County, Missouri, in the County Surveyor's Record Book 12, page 4; thence South 12 degrees 07' East 100.0 feet to an old iron pipe; thence South 22 degrees 52' West, 133.10 feet to an iron pipe; thence North 59 degrees 53' West, 143.37 feet to an iron pipe; thence North 32 degrees 27' East 202.94 feet to an old iron pipe; thence South 63 degrees 25' East, 54.48 feet to the place of beginning. Together with all improvements thereon.

Section 3: That this ordinance shall be in full force and effect immediately upon its passage and approval, the above described tract is to be incorporated within the city forthwith, and the City Clerk is hereby to so notify the St. Charles County Assessor's and Recorder's offices.

Section 4: This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. This ordinance has received all of the required readings at the same meeting at which the Bill is introduced, so that it can be passed at one meeting. This ordinance is prima facie, deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety and welfare.

READ THREE TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 18th DAY OF April, 1994.

George R. Combs

George R. Combs, Mayor

ATTEST:

Suzie A. Cissell

CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE DES SIOUX THIS 18th DAY OF April, 1994.

George R. Combs

George R. Combs, Mayor

ATTEST:

Suzie A. Cissell

CITY CLERK

BILL NO. 208 ORDINANCE NO. 208

AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF A CERTAIN TRACT OF LAND TO THE CITY OF PORTAGE DES SIOUX, MISSOURI, UNDER THE PROVISIONS OF SECTION 71.014 REVISED MISSOURI STATUTES OWNED BY VENETIAN HARBOR, INCORPORATED, A MISSOURI CORPORATION.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

Section 1: That Missouri cities located within a county which borders a first class county with a charter form of government with population in excess of nine hundred thousand, Portage Des Sioux being such, have the authority under Section 71.014 R.S.Mo. 1978, to annex unincorporated areas which are contiguous to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interest of record.

Section 2: That a verified petition for annexation has been filed with the City of Portage Des Sioux by the fee owners of the following described tract:

A Parcel of Land, lying, being and situate in the County of St. Charles and State of Missouri as evidenced by a General Warranty Deed properly recorded in Book 500, Page 939, to wit: Part of U.S. Surveys 155 and 156, in Township 48 North, Range 6 East more particularly described as follows: Beginning at an old iron pipe marking the Southwest corner of Lot No. 11 as shown on the Plat of Survey made by Edgar Rapp, Jr., County Surveyor, dated April 25, 1957 and recorded in the Recorder's Office of St. Charles County, Missouri, in County Surveyor's Record Book No. 12 pages 3 and 4; thence North 22 degrees 15' East to the Southern Bank of the Mississippi River; thence Westwardly along said Southern Bank to a point in a line having a course or bearing of South 22 degrees 15' West; thence South 22 degrees 15' West along said line to a point which is 50.6 feet distant from the point of beginning on a course of North 76 degrees 42' West of and from the point of beginning; thence North 76 degrees 42' West a distance of 517.9 feet to the Southwest corner of Lot No. 4 of said Plat of Survey; thence North 67 degrees 35' West a distance of 200 feet to the Southwest corner of Lot No. 2 of said Plat of Survey; thence North 22 degrees 15' East to the Southern Bank of the Mississippi River; thence Westwardly along said Southern Bank to a point in the Western line of said Plat of Survey; thence South 22 degrees 15' West along said Western line of said Plat of Survey to a point in a line having a course or bearing of North 67 degrees 45' West projected from a point in the West line of Kenneth Simon's .615 acre tract conveyed to him by deed from William Simon and wife, by deed recorded at Book 479, Page 791, Book 318, Page 479, St. Charles County Recorder's Office, 125 feet along his said West line from the Southwest corner of said Kenneth Simon tract; thence South 67 degrees 45' East along said line to a point in the West line of property recorded in the name of Kenneth Simon, et al, as Parcel 3 on the plats appearing on Page 112 of the St. Charles County Records referring to District 5 of Common Fields, Township 48 North, Range 6 East; thence North 32 degrees 27' East along said Western line to the Northwest corner of said Parcel 3; thence South 63 degrees 25' East along the North line of said Parcel a distance of 54.48 feet to the Northeast corner of said Parcel 3, thence North 12 degrees 7' West a distance of 675.70 feet to the point of beginning. There is reserved a non exclusive easement for roadway over and along a strip of land 18 feet wide adjacent on the South side of and along Lots 1 to 10 of said Edgar Rapp's Survey of April 25, 1957.

Subject to any and all easements and restrictions as they now exist or may exist in the future.

Section 3: That this ordinance shall be in full force and effect immediately upon its passage and approval, the above described tract is to be incorporated within the city forthwith, and the City Clerk is hereby to so notify the St. Charles County Assessor's and Recorder's offices.

Section 4: This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. This ordinance has received all of the required readings at the same meeting at which the Bill is introduced, so that it can be passed at one meeting. This ordinance is prima facie, deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety and welfare.

READ THREE TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 18th DAY OF April, 1994.

George R. Combs

George R. Combs, Mayor

ATTEST:

Suzie A. Cissell

CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE DES SIOUX THIS 18th DAY OF April, 1994.

George R. Combs

George R. Combs, Mayor

ATTEST:

Suzie A. Cissell

CITY CLERK

BILL # 209 ORDINANCE # 209

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE THE APPROVAL OF ASSIGNMENT AND AMENDMENT #1 TO THE AGREEMENT WITH CENTURY CASINOS MANAGEMENT, INC. AND THE ARROWSTONE GROUP.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION ONE

THE MAYOR AND CITY CLERK ARE HEREBY AUTHORIZED TO EXECUTE AN APPROVAL OF ASSIGNMENT WITH CENTURY CASINOS MANAGEMENT, INC. TO CENTURY CASINOS MISSOURI, INC.

SECTION TWO

THE MAYOR AND CITY CLERK ARE HEREBY AUTHORIZED TO EXECUTE AMENDMENT #1 TO THE ORIGINAL AGREEMENT WITH CENTURY CASINOS MANAGEMENT, INC. AND THE ARROWSTONE GROUP DATED FEBRUARY 25, 1994.

SECTION THREE

DUE TO THE EMERGENCY NATURE OF THE SITUATION REQUIRING SIGNING OF SAID SECTIONS ONE AND TWO, THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECTIVE FROM AND AFTER THE DATE OF ITS PASSAGE.

READ THIS FIRST, SECOND AND THIRD TIME AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 15 DAY OF MAY, 1994.

George R. Combs

GEORGE R. COMBS, MAYOR
CITY OF PORTAGE DES SIOUX, MISSOURI

SEAL

Suzie A. Cissell

SUZIE CISSELL, CITY CLERK
CITY OF PORTAGE DES SIOUX, MISSOURI

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, APPROVING THE ROAD DEDICATION PLAT OF A 32.08 FOOT WIDE ROAD

WHEREAS, Our Lady of the River Shrine, Inc., a benevolent corporation, owner(s), has laid out a Road Dedication Plat within the City of Portage Des Sioux, Missouri, and has caused to be made an accurate plat thereof, a copy of which is hereto attached and incorporated herein by reference: and a photocopy of the exact metes and bounds legal description is attached hereto and made a part hereof as to said newly dedicated roadway; and

WHEREAS, the plat accurately sets forth and describes all parts of ground within the Road Dedication Plat reserved for public purposes: and

WHEREAS, the plat has been drawn to scale and the scale is noted on the plat and the plat has written on its face the title of the Road Dedication Plat, and the plat states within which United States Survey the Road Dedication Plat purports to be; and

WHEREAS, the plat designates, reflects, and shows markers and established points so that the precise location of the land platted can be determined upon inspection of the plat; and

WHEREAS, all taxes now due against the property proposed to be platted are paid; and

WHEREAS, Our Lady of the River Shrine, Inc., has acknowledged the plat and has submitted the plat to the Board of Aldermen of the City of Portage Des Sioux, State of Missouri, for its approval and requests that the Board of Aldermen approve the plat;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

The Road Dedication Plat of said road is hereby approved subject to compliance with all recommendations and requirements approved and, or, made by the Board of Aldermen, copies of which are attached hereto and made a part hereof.

SECTION II

The City Clerk of the City of Portage Des Sioux, Missouri, is hereby authorized to endorse the City's approval upon the original plat by signature and Seal of the City.

SECTION III

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

George R. Combs
Mayor George R. Combs

Approved by the mayor of the City of Portage Des Sioux, Missouri, this 1st day of February, 1993.

Attest:_____
City Clerk - Suzie A. Cissell

City Seal

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH RJK, INC. FOR THE PURPOSE OF ADMINISTERING THE FLOOD BUYOUT PROGRAM.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

The Mayor and the City Clerk are hereby authorized to execute a contract with RJK, Inc. for administration of the city flood buyout program.

SECTION II

Due to the time frame involved, this ordinance will receive all of the required readings at the same meeting at which the Bill is introduced so that it can be passed at one meeting. This ordinance is prima facie deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or to remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety, and welfare. This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

Read the first, second and third time and passed by the Board of Aldermen of the City of Portage Des Sioux, Missouri, this twelfth day of September, 1994.

George R. Combs
Mayor George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, VACATING AND DISCONTINUING A PORTION OF A STREET.

WHEREAS, it has been shown to the Board of Aldermen of the City of Portage Des Sioux, Missouri, that the owner of land adjacent to and abutting upon Le Sieur Street south of Perpetual Street has petitioned the Board of Aldermen to vacate said portion of said street; and

WHEREAS, it has further been shown that it would not inconvenience the public or the citizens of the City to discontinue as a right-of-way for a portion of said street as described in Section I of this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

The Board of Aldermen of the City of Portage Des Sioux, Missouri, hereby declares it necessary, reasonable and proper to discontinue as a right-of-way for a portion of said Street and forever vacate the following described portion of Street in said City. Legal description is shown on attached description for existing 18 foot wide private road.

SECTION II

The statutory right of reversion in the owners of the abutting property is hereby confirmed, as is provided by the laws of the State of Missouri.

SECTION III

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

George R. Combs
Mayor George R. Combs

Approved by the mayor of the City of Portage Des Sioux, Missouri, this 12th day of September, 1994.

Attest: _____
City Clerk - Suzie A. Cissell

City Seal

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, REPEALING ORDINANCE NO. 107 "AN ORDINANCE PROVIDING FOR MAJOR STOP SIGNS FOR THE PROPER CONTROL OF TRAFFIC IN THE CITY OF PORTAGE DES SIOUX, ESTABLISH TRAFFIC REGULATIONS THEREFOR, PENALTIES FOR VIOLATION, EFFECTIVE WHEN", ORDINANCE NO. 160 "AN ORDINANCE AMENDING ORDINANCE NO. 107 ....", AND ORDINANCE NO. 193 "AN ORDINANCE AMENDING ORDINANCE NO. 107 ...."; REINSTALLING ALL SECTIONS OF THE AFOREMENTIONED ORDINANCES WITH AMENDMENTS AND INSTALLING AN ADDITIONAL SECTION FOR THE ADDITION OF MAJOR STOP SIGNS INCORPORATING THESE ORDINANCES INTO ONE ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

A major stop sign shall be established on each of the following streets at its intersection with Commonfield. To wit: Saucier Street, LeSieur Street, Clark Street, LeFaivre Street, Farnham Street, LeClaire Street, Washington Street, LaTour Street, Dumond Street, Nooney Street, and Winfield Street. All traffic coming from the north or south shall come to a complete stop upon reaching said signs at Commonfield.

SECTION II

A major stop sign shall be established on Fourth Street at LeSieur Street. All traffic coming from the east or west on Fourth Street shall come to a complete stop upon reaching said sign at LeSieur Street.

SECTION III

A major stop sign shall be established on Second Street at LeSieur Street. All traffic coming from the east and west on Second Street shall come to a complete stop upon reaching said sign at LeSieur Street.

SECTION IV

A major stop sign shall be established on Main Street at LeSieur Street. All traffic coming from the east and west on Main Street shall come to a complete stop upon reaching said sign at LeSieur Street.

SECTION V

A major stop sign shall be established at the intersection of Fourth and Farnham Streets. All traffic coming from the east or west on Fourth Street and all traffic coming from the north or south on Farnham Street shall come to a complete stop upon reaching said signs at the intersection of Fourth and Farnham Streets.

SECTION VI

A major stop sign shall be established on Clark Street at Church Street. All traffic coming from the north or south on Clark Street shall come to a complete stop upon reaching said sign at Church Street.

SECTION VII

A major stop sign shall be established on LeClaire Street at Church Street. All traffic coming from the north or south on LeClaire Street shall come to a complete stop upon reaching said sign at Church Street.

SECTION VIII

A major stop sign shall be established on Washington Street at Church Street. All traffic coming from the north or south on Washington Street shall come to a complete stop upon reaching said sign at Church Street.

SECTION IX

A major stop sign shall be established on LeFaivre Street at Second Street. All traffic coming from the north or south on LeFaivre Street shall come to a complete stop upon reaching said sign at Second Street.

SECTION X

A major stop sign shall be established on Clark Street at Fourth Street. All traffic coming from the north or south on Clark Street shall come to a complete stop upon reaching said signs at Fourth Street.

SECTION XI

A major stop sign shall be established on Washington Street at Fourth Street. All traffic coming from the north or south on Washington Street shall come to a complete stop upon reaching said signs at Fourth Street.

SECTION XII

A major stop sign shall be established on Washington Street at Second Street. All traffic coming from the south on Washington Street shall come to a complete stop upon reaching said sign at Second Street.

SECTION XIII

A major stop sign shall be established on LaTour Street at Second Street. All traffic coming from the north on LaTour Street shall come to a complete stop upon reaching said sign at Second Street.

SECTION XIV

A major stop sign shall be established on Church Street at Dumond Street. All traffic coming from the east on Church Street shall come to a complete stop upon reaching said sign at Dumond Street.

SECTION XV

A major stop sign shall be established at the intersection of Church and LeSieur Streets. All traffic coming from east or west on Church Street and all traffic coming from the north or south on LeSieur Street shall come to a complete stop upon reaching said signs at the intersection of Church and LeSieur Streets.

SECTION XVI

A major stop sign shall be established at the intersection of Church and Farnham Streets. All traffic coming from the east or west on Church Street and all traffic coming from the north or south on Farnham Street shall come to a complete stop upon reaching said signs at the intersection of Church and Farnham Streets.

SECTION XVII

A major stop sign shall be established at the intersection of Church and Saucier Streets. All traffic coming from the east or west on Church Street and all traffic coming from the north or south on Saucier Street shall come to a complete stop upon reaching said signs at the intersection of Church and Saucier Streets.

SECTION XVIII

A major stop sign shall be established at the intersection of Dumond and Second Streets. All traffic coming from the east or west on Second Street and all traffic coming from the north or south on Dumond Street shall come to a complete stop upon reaching said signs at the intersection of Church and Saucier Streets.

SECTION XIX

Three major stop signs shall be established at the intersection of St. Charles County Highway "J" and Commonfield Street in the city limits of Portage Des Sioux. All Traffic coming from the south on Highway "J" and east or west on Commonfield Street shall come to a complete stop upon reacing said stop signs at Highway "J" and Commonfield Street.

SECTION XX

Violation of any provisions of this Ordinance shall be a misdemeanor punishable by a fine not to exceed Twenty-five dollars ($25.00) for each offense committed.

SECTION XXI

All ordinances or parts of ordinances conflicting with this ordinance are hereby revoked.

SECTION XXII

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

George R. Combs
Mayor George R. Combs

Approved by the mayor of the City of Portage Des Sioux, Missouri, this 5th day of December, 1994.

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 214 ORDINANCE NO. 214

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, IN WHICH THE CITY OF PORTAGE DES SIOUX AGREES TO IMPLEMENT THE FOLLOWING SPECIFIC AFFIRMATIVE ACTION STEPS DIRECTED AT INCREASING THE UTILIZATION OF BUSINESS CONCERNS LOCATED WITHIN THE SECTION 3 COVERED AREA OR OWNED BY SECTION 3 AREA RESIDENTS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

The Mayor and Board of Aldermen on behalf of the City of Portage Des Sioux, Missouri, are hereby authorized to agree to an Affirmative Action Plan and become a full party to the full implementation of this program. This agreement shall be attached to this ordinance as Appendix A.

SECTION II

Whenever there is a conflict between this ordinance and any existing ordinance, the provisions set forth herein shall govern.

SECTION III

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

George R. Combs
Mayor George R. Combs

Approved by the mayor of the City of Portage Des Sioux, Missouri, this 5th day of December, 1974.

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

APPENDIX A

GRANTEE SECTION 3 AFFIRMATIVE ACTION PLAN

The City of Portage des Sioux agrees to implement the following specific affirmative action steps directed at increasing the utilization of business concerns located within the Section 3 covered area or owned by Section 3 area residents.

A. To identify eligible business concerns for CDBG-assisted contracts through: the Chamber of Commerce, the Urban League, local advertising media including public notices, proper area committees, citizen advisory boards, lists available through the area HUD program office, regional planning agencies, and all other appropriate referral sources.

B. to maintain a list of eligible business concerns for utilization in CDBG-funded procurements, to insure that all appropriate project area business concerns are notified of pending contractual opportunities, and to make available this list for general city procurement needs.

*C. To require all bidders on contracts to submit a written Section 3 plan including utilization goals and the specific steps planned to accomplish these goals.

D. To insure that contracts, which are typically let on a negotiated rather than a bid basis in areas other than Section 3 covered project areas, are also let on a negotiated basis, whenever feasible, when let in a Section 3 covered project area.

E. To maintain records, including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.

F. To appoint or recruit an executive official of the city as Equal Opportunity Officer to coordinate the implementation of this Section 3 plan.

* Loans, grants, contracts and subsidies for less than $10,000 will be exempt.

As officers and representatives of the City of Portage des Sioux, we the under signed have read and fully agree to this Affirmative Action Plan, and become a party to the full implementation of this program.

_____ _____

George Combs, Mayor

_____ _____

_____ _____

AN EMERGENCY ORDINANCE TO AMEND SECTION 120.0 OF THE BOCA NATIONAL BUILDING CODE/1990 AS ADOPTED BY THE CITY OF PORTAGE DES SIOUX, AND SECTIONS PM-110.0 AND PM-111.0 OF THE BOCA NATIONAL PROPERTY MAINTENANCE CODE/1990 AS ADOPTED BY THE CITY OF PORTAGE DES SIOUX MISSOURI

WHEREAS, the City of Portage Des Sioux adopted the BOCA National Building Code/1990 with amendments; and

WHEREAS, the City of Portage Des Sioux adopted the BOCA National Maintenance Code/1990 with amendments; and

WHEREAS, the Board of Aldermen of the City of Portage Des Sioux finds that the demolition provisions in the aforementioned codes are inconsistent with each other and with applicable state law; and

WHEREAS, the Board of Aldermen of the City of Portage Des Sioux seeks to ensure that the demolition provisions in the aforementioned codes are consistent with each other and comply with applicable state law; and

WHEREAS, Sections 67.400-67.450, Revised Statutes of Missouri, authorize first-class charter counties to use certain procedures to order the vacation, repair or demolition of structures that are detrimental to public health, safety and welfare and that are declared to be public nuisances; and

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

Declaration of emergency: the Board of Aldermen hereby declares that an emergency exists in that: due to the Flood of 1993, there are many abandoned and condemned structures whose owners have taken no action to repair or remove them, these structures attract children and harbor rodents and pests.

SECTION II

Amendment: Article I, Section 120.3 of the BOCA National Building Code/1990 as adopted by the City of Portage Des Sioux is hereby amended to read as follows:

120.3 Notice of unsafe structure - content and form: If an unsafe condition is found in a building or structure, the City of Portage Des Sioux Zoning Board shall prepare a Notice of Unsafe Structure. The Notice shall list defects in the structure or building that constitute unsafe conditions, and declare that structure or building a public nuisance. The Notice shall also order the structure or building vacated by no sooner than the fifteenth (15th) day following service of the Notice. If the code official determines that an immediate dangerous condition exists, the Notice shall also order that the structure be boarded up within twelve (12) hours of service of the Notice. In addition, the Notice shall order that repairs be begun or (if repairs would be unreasonable) that demolition be completed by no sooner than the thirtieth (30th) day following service of the Notice. The Notice shall be substantially the following form:

CITY OF PORTAGE DES SIOUX ZONING BOARD:
NOTICE OF UNSAFE STRUCTURE,
DECLARATION OF PUBLIC NUISANCE, AND ORDER

Unsafe Structure:

(insert address or other adequate description of building or structure)

Serve:

(insert names of owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the structure or building according to the land records of the St. Charles County Recorder of Deeds)

Notice of Unsafe Structure, Declaration of Public Nuisance, and Order:

[complete paragraphs 1, 2, and either 3A or 3B]

1. THE STRUCTURE OR BUILDING IDENTIFIED ABOVE IS UNSAFE AND IS HEREBY DECLARED A PUBLIC NUISANCE BECAUSE OF THE FOLLOWING DEFECTS:

_____
_____
_____
_____
_____
_____

2. NO PERSON MAY OCCUPY THIS STRUCTURE OR BUILDING, OR ANY PART THEREOF, AFTER THE FIFTEENTH (15TH) DAY FOLLOWING SERVICE OF THIS NOTICE. After such date, no person shall occupy, enter, refuse to leave, or remain in this structure or building or any part thereof, except persons directly employed in securing, repairing or removing such building.

3A. THIS STRUCTURE OR BUILDING MUST BE REPAIRED TO CURE THE DEFECTS LISTED IN PARAGRAPH 1 ABOVE. WORK MUST BEGIN BY THE THIRTIETH (30TH) DAY FOLLOWING SERVICE OF THIS NOTICE AND PROCEED CONTINUOUSLY WITHOUT UNNECESSARY DELAY TO COMPLETION. This order may be obeyed by demolition and removal of this structure. Upon failure to repair as herein required, the code official may, after hearing order repairs to be made, and the cost thereof charged to the owner of this property as a special tax lien.

3B. THIS STRUCTURE MUST BE DEMOLISHED AND REMOVED FROM THE PREMISES BY THE THIRTIETH (30TH) DAY FOLLOWING SERVICE OF THIS NOTICE. If this structure is not demolished and removed by that date, the code official may, after hearing, order the same done and the cost assessed against the property as a special tax lien. This demolition order is mandatory. However, it may be converted into a repair order, provided that plans and bids satisfying the requirements of Section 120.4.1 be presented to the Zoning Board within thirty (30) days of service of this Notice.

SECTION III

Amendment: Article I, Section 120.4 of the BOCA National Building Code/1990 as adopted by the City of Portage Des Sioux is hereby amended by the addition of two new subsections numbered Subsection 120.4.1 and Subsection 120.4.2 and reading as follows:

120.4.1 Unreasonable repairs - general provision: Subject to Subsection 120.4.2, the code official shall presume that a structure or building may not be repaired if the code official determines that the cost of repairs would exceed seventy-five (75) percent of the current value of the unsafe structure or building. To rebut this determination, a property owner, within thirty (30) days of the service of a Notice of Unsafe Structure, must present to the code official three (3) bids from outside contractors.

120.4.2 Unreasonable - special provision for unsafe buildings or structures in Floodway, Floodway Fringe or Density Floodway zoning districts as defined by St. Charles County zoning regulations: With respect to unsafe structures or buildings in Floodway, Floodway Fringe, or Density Floodway zoning districts as defined by St. Charles County's zoning regulations, the code official shall apply the non-conforming use provision specifically applicable in such zoning districts.

SECTION IV

Amendment: Article I, Section 120.5 of the BOCA National Building Code/1990 as adopted by the City of Portage Des Sioux is hereby amended to read as follows:

120.5 Notice of Unsafe Structure - posting: A copy of the Notice of Unsafe Structure and Declaration of Public Nuisance shall be posted in a prominent place on the premises.

SECTION V

Amendment: Article I, Section 120.6 of the BOCA National Building Code/1990 as adopted by the City of Portage Des Sioux is hereby amended to read as follows:

120.6 Notice of Unsafe Structure - service on affected parties: The Notice of Unsafe Structure shall be served on all affected parties, namely all owners, occupants, lessees, mortgagees, agents and all other persons having an interest in the unsafe building or structure as shown by the land records of the St. Charles County Recorder of Deeds. The Notice may be served personally or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then by at least one publication in a newspaper of general circulation in St. Charles County.

SECTION VI

Amendment: Article I, Section 120.0 of the BOCA National Building Code/1990 as adopted by the City of Portage Des Sioux is hereby amended by the addition of five new subsections numbered 120.7 to 120.11 and reading as follows:

120.7 Failure to comply with repair or demolition order in Notice of Unsafe Structure - Notice of Hearing - service: If the affected parties fail to commence work on repairs or complete demolition within the time stated in the Notice of Unsafe Structure, or if the affected parties fail to proceed continuously with the work without unnecessary delay, the code official shall call a hearing upon the matter, giving the affected parties twenty-one (21) days written notice of the hearing. Said Notice of Hearing may be served personally or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then by at least one publication in a newspaper of general circulation.

120.8 Conduct of hearing: The Commissioner of the City of Portage Des Sioux Zoning Board (hereinafter Commissioner) shall conduct a full and adequate hearing. Any affected party may be represented by counsel and all affected parties shall have an opportunity to be heard. After the hearing, if the evidence supports a finding that the structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the City of Portage Des Sioux, the Commissioner shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the building or structure to be a nuisance and detrimental to the health, safety, or welfare of the residents of the City of Portage Des Sioux, and ordering the building or structure to be demolished and removed or repaired. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the City of Portage Des Sioux, no order shall be issued.

120.9 Cost of repair or demolition to be recovered by tax lien: Subject to Section 120.10, if the Commissioner of the City of Portage Des Sioux Zoning Board issues an order whereby the building or structure is demolished, secured or repaired at the City of Portage Des Sioux's expense, the cost of performance shall be certified to the City's Treasurer/Collector, who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the City Collector. At the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.

120.10 Salvage material: If the City of Portage Des Sioux orders a building or structure demolished at the City's expense, the City is authorized to sell or salvage any valuable materials and apply sales proceeds as provided by Article I, Section PM-110.5 of the BOCA Property Maintenance Code/1990 as adopted by the City of Portage Des Sioux.

120.11 Right of appeal: Affected parties described in Subsection 120.7 may appeal from the determination of the Commissioner of the City of Portage Des Sioux Zoning Board to the circuit court as provided by Section 536.150, Revised Statutes of Missouri.

SECTION VII

Amendment: Article I, Section PM-110.2 of the BOCA National Property Maintenance Code/1990 as adopted by the City of Portage Des Sioux is hereby amended to read as follows:

PM-110.2 Notice of Unsafe Structure - procedure: Any order issued pursuant to Section PM-110.1 shall be a Notice of Unsafe Structure subject to the provisions of Article I, Sections 120.3-120.11 of the BOCA National Building Code/1990 as adopted by the City of Portage Des Sioux.

SECTION VIII

Amendment: Article I, Sections PM-110.2 and PM-110.3 of the BOCA National Property Maintenance Code/1990 as adopted by the City of Portage Des Sioux are hereby repealed.

SECTION IX

Amendment: Article I, Section PM-110.6 of the BOCA National Property Maintenance Code/1990 as adopted by the City of Portage Des Sioux is hereby amended to read as follows:

PM-110.6 Immediate dangerous hazard - order to board building or structure: When the code official determines that an immediate dangerous hazard exists, a written order for temporary boarding shall be served upon the owner, tenant or other person having control of the property, ordering that temporary boarding of the structure be completed within twelve (12) hours of service of the order. If the person served fails to board up the premises within the time specified, or if the owner of a vacant structure cannot be located within a reasonable time, the code official shall cause the premises to be boarded through any available public agency or by contract or arrangement by private persons, and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. The City Attorney shall institute appropriate action against the owner of the property for the recovery of any cost and interest for temporary boarding.

SECTION X

Amendment: Article I, Section PM-111.0 of the BOCA National Property Maintenance Code/1990 as adopted by the City of Portage Des Sioux is hereby amended as follows:

PM-111.0 Right to appeal: Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code, excepting a Notice of Unsafe Structure issued pursuant to Section PM-110.2 of this code, may appeal pursuant to the general provisions for appeal of the duly adopted applicable Building Code.

SECTION XI

Wherever there is a conflict between this ordinance and any existing ordinance, the provisions set forth herein shall govern.

SECTION XII

Severability: All of the sections of this ordinance shall be severable. In the event that any section of this ordinance is found by a court of competent jurisdiction to be unconstitutional or unlawful, the remaining sections of this ordinance are valid unless the court finds the valid sections of this ordinance are so essentially and inseparably connected with and so dependent upon the void section that it cannot be presumed that the Board of Aldermen could have enacted the valid sections without the void ones; or unless the court finds that the valid sections standing alone, are incompetent and incapable of being executed in accordance with legislative intent.

SECTION XIII

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

Read three times and approved this 3rd day of October, 1994.

George R. Combs
Mayor George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, RENEWING AN EXISTING FRANCHISE AND GRANTING FOR A PERIOD OF TWENTY (20) YEARS TO UNION ELECTRIC COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, MAINTAIN, OPERATE, AND USE ITS POLES, TOWERS, WIRES, CONDUITS, CONDUCTORS, MANHOLES, UNDERGROUND VAULTS, AND OTHER EQUIPMENT AND APPLIANCES IN CONNECTION THEREWITH, IN, ALONG, ACROSS, OVER AND UNDER THE STREETS, ROADS, ALLEYS, SIDEWALKS, SQUARES, BRIDGES, AND OTHER PUBLIC PLACES IN THE CITY OF PORTAGE DES SIOUX AND AREAS DEDICATED TO THE CITY FOR PUBLIC UTILITY USE, FOR THE PURPOSE OF TRANSMITTING, FURNISHING AND DISTRIBUTING ELECTRICITY FOR LIGHT, HEAT, POWER AND OTHER PURPOSES WITHIN AND THROUGH SAID CITY, PRESCRIBING THE TERMS AND CONDITIONS OF SUCH GRANT, IMPOSING CERTAIN OBLIGATIONS UPON THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, SUCCESSIVELY, IN CONNECTION THEREWITH.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

The franchise, right, permission and authority is hereby granted to, and renewed and vested in Union Electric Company, a Missouri Corporation, its successors and assigns, hereinafter called "Company", to construct, reconstruct, excavate for, place, maintain, operate, and use all necessary or appropriate poles, towers, wires, conduits, conductors, manholes, underground vaults, and other equipment, with all necessary or appropriate appurtenances and appliances in connection therewith, in, along, across, over and under the streets, roads, alleys, sidewalks, squares, bridges and other public places within the corporate limits of the City of Portage Des Sioux, hereinafter called "City", as now fixed and as hereafter extended, and areas dedicated to the City for public utility use, for the purpose of furnishing and distributing electricity for light, heat, power and other purposes within said City and in territory adjacent to said City, and for the purpose of transmitting electricity through said City; all such equipment, appliances and apparatus to be installed and maintained with due regard to and the rightful use by other persons, with vehicles or otherwise, of the streets, roads, alleys, sidewalks, squares, bridges and other public places, and areas dedicated to the City for public utility use, and Company's exercise of the rights, permission and authority hereby granted shall at all times be subject to proper regulation by the City in the exercise of its police powers.

SECTION II

All facilities of Company in said City shall be installed and maintained in accordance with the applicable rules and regulations of the Missouri Public Service Commission.

SECTION III

In order for Company to render efficient and continuous electrical service it will be necessary for Company to trim the trunks and branches of trees along or over the streets, sidewalks, alleys, avenues, squares, bridges and other public places in said City, and areas dedicated to the City for public utility use, wherever the same are likely to come in contact with its equipment; therefore, Company is hereby granted the right to trim such trees, including the trunk branches, and all parts

thereof, so as to enable it to erect and maintain its equipment in a regular and consistent form and manner and to enable it to provide the most efficient and continuous service that the circumstances will permit; provided, however, that Company shall exercise proper care and discretion in cutting and trimming said trees and all parts thereof.

SECTION IV

The rights, privileges and authority hereby granted shall inure to and be vested in Company, its successors and assigns, successively, subject to all of the terms, provisions and conditions herein contained, and each of the obligations hereby imposed upon Company shall devolve and be binding upon its successors and assigns, successively, in the same manner.

SECTION V

This Ordinance shall confer no right, privilege or authority on Company, its successors, licensees, transferees or assigns unless company shall within sixty (60) days after due notice to the Company of the enactment of this Ordinance, file with the City Clerk an acceptance of the terms and provisions hereof; provided, however, that if such acceptance be not so filed within said period of sixty (60) days, all rights, privileges, and authority herein granted shall become null and void.

SECTION VI

This Ordinance and Franchise, upon its enactment and its acceptance by Company, as hereinbefore provided, shall continue and remain in full force and effect for a period of twenty (20) years from the filing of the Company's acceptance.

SECTION VII

Neither acceptance of, nor compliance with, the provisions of this Ordinance shall in any way impair or affect, or constitute or be construed as a relinquishment or waiver of, any right, permission or authority which Company, its successor or assigns, may have independently of this Ordinance; nor shall use by said Company, its successors or assigns, of public property or places in the City as authorized by this Ordinance, or service rendered by said Company, its successors or assigns, in said City, be treated as use solely of the rights, permission and authority provided for by this Ordinance or as service referable solely to this Ordinance or to any obligation of service consequent upon acceptance thereof or as in any way indicating non-use of, or non-compliance with any obligation incident to, any right, permission or authority vested in said Company, its successors or assigns, independently of this Ordinance; and the acceptance provided for in Section 5 of this Ordinance, and each and every compliance with the provisions of the Ordinance or with any obligation arising from acceptance thereof, shall be subject to, and conditioned by, the provisions of this Section VII with the same force and effect as though each of the provisions of this section were expressly incorporated in such acceptance and expressly declared by the acceptor, its successors or assigns, at and prior to the time of such compliance by it, as conditions of such compliance.

SECTION VIII

All ordinances and parts of ordinances in conflict with this Ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION IX

This Ordinance shall not relieve Company of the obligation to comply with any ordinance now existing in the City or enacted in the future requiring Company to obtain written permits or other approval from the City prior to commencement of construction of facilities within the streets thereof, except Company shall not be required to obtain permits or other approval from the City for the maintenance and repair of its facilities.

SECTION X

If any provisions of this Ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION XI

This bill shall take effect and the rights, privileges and authority hereby granted and renewed shall vest in Company upon its filing of an acceptance with the City Clerk according to the terms prescribed herein. The Ordinance shall be subject to approval or disapproval of the voters of this City only upon the terms and conditions as provided in Mo. Rev. Stat. §88.251 (1987). If the City Clerk does not receive within thirty days after the passing of this Ordinance a petition sufficient in form and signed by the requisite number of voters, it shall be a valid and binding franchise of the City upon the filing of an acceptance by the Company according to the terms prescribed herein and shall remain in full force and effect and cannot be repealed or amended.

Passed and approved this 10th day of January, 1995.

George R. Combs
Mayor - George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

CITY SEAL

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

I, Suzie A. Cissell, City Clerk within and for the City of Portage Des Sioux in the State and County aforesaid, do hereby certify that:

(1) the foregoing constitutes a full, true and correct copy of Ordinance No. 216 of said City as:

(a) introduced before the Board of Aldermen on the 5th day of December, 1994; and

(b) completed in the form as finally passed and which remained on file with the undersigned City Clerk for public inspection at least thirty (30) days before the final passage thereof; and

(c) passed by the Board of Aldermen and approved by the Mayor on the 10th day of January, 1995, as fully as the same appears of record in my office;

(2) I did not receive, within thirty (30) days after the final passage and approval of the Ordinance, a petition sufficient in form and signed by the requisite number of voters as set forth in §88.251 RSMo. (1987).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Portage Des Sioux, Missouri, at my office in said City, this 9th day of February, 1995.

Suzie A. Cissell
City Clerk, Suzie A. Cissell

CITY SEAL

ACCEPTANCE BY UNION ELECTRIC COMPANY
OF ORDINANCE NO. 216 OF THE
CITY OF PORTAGE DES SIOUX, MISSOURI

TO THE MAYOR, BOARD OF ALDERMEN AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX, MISSOURI:

UNION ELECTRIC COMPANY, for itself, its successors and assigns, hereby accepts all of the terms and provisions of Ordinance No. 216 of the City of Portage Des Sioux, Missouri, entitled:

> AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, RENEWING AN EXISTING FRANCHISE AND GRANTING FOR A PERIOD OF TWENTY (20) YEARS TO UNION ELECTRIC COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, MAINTAIN, OPERATE, AND USE ITS POLES, TOWERS, WIRES, CONDUITS, CONDUCTORS, MANHOLES, UNDERGROUND VAULTS, AND OTHER EQUIPMENT, AND APPLIANCES IN CONNECTION THEREWITH, IN, ALONG, ACROSS, OVER AND UNDER THE STREETS, ROADS, ALLEYS, SIDEWALKS, SQUARES, BRIDGES, AND OTHER PUBLIC PLACES IN THE CITY OF PORTAGE DES SIOUX AND AREAS DEDICATED TO THE CITY FOR PUBLIC UTILITY USE, FOR THE PURPOSE OF TRANSMITTING, FURNISHING AND DISTRIBUTING ELECTRICITY FOR LIGHT, HEAT, POWER AND OTHER PURPOSES WITHIN AND THROUGH SAID CITY, PRESCRIBING THE TERMS AND CONDITIONS OF SUCH GRANT, IMPOSING CERTAIN OBLIGATIONS UPON THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, SUCCESSIVELY, IN CONNECTION THEREWITH.

which ordinance was duly passed by the Board of Aldermen and signed by the Mayor on the 10th day of January, 1995, and otherwise met the requirements of Mo. Rev. Stat. § 88.251 (1987).

Dated at St. Louis, Missouri, as of the 13th day of June, 1995.

UNION ELECTRIC COMPANY

By M. C. Thomas
Vice President

ATTEST:

Secretary

Filed in the office of the City Clerk of the City of Portage Des Sioux, Missouri, this 5th day of June, 1995.

Suzie A. Cissell
City Clerk

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

I, Suzie A. Cissell, City Clerk within and for the City of Portage Des Sioux, in the County and State aforesaid, do hereby certify that the foregoing constitutes a full, true and correct copy of the acceptance by Union Electric Company of the terms and provisions of Ordinance No. 216 of the City of Portage Des Sioux, as filed with me on the 5th day of June, 1995, and as the same appears of the record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand at my office in the City of Portage Des Sioux, this 5th day of June, 1995.

[SEAL]

Suzie A. Cissell
City Clerk
Portage Des Sioux, Missouri

BILL NO. 217 ORDINANCE NO. 217

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AMENDING ORDINANCE NO. 137 "AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A MUNICIPAL COURT....." SECTION 1.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

Section 1, Ordinance 137 to be replaced with the following:

> Section 1: MUNICIPAL COURT, JURISDICTION--The Municipal Court of the City of Portage Des Sioux, Missouri, shall have original jurisdiction to hear and determine all offenses against the ordinances of the City of Portage Des Sioux. Court shall be held by the Judge of the Municipal Court on the third Tuesday of every other month (starting with January, March, etc.) unless such date falls on a legal holiday. Court shall convene at 7:00 p.m. and continue until adjourned by the Court. Additional court dates may be designated by the Court when necessary.

SECTION II

All ordinances or parts of ordinances conflicting with this ordinance are hereby revoked.

SECTION III

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

George R. Combs
Mayor George R. Combs

Approved by the mayor of the City of Portage Des Sioux, Missouri, this 6th day of March, 1995.

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 218 ORDINANCE NO. 218

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH LAUER COMPANY FOR THE PURPOSE OF PERFORMING ALL APPRAISING INVOLVED WITH THE FLOOD BUYOUT PROGRAM.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

The Mayor and the City Clerk are hereby authorized to execute a contract with Lauer Company for the purpose of performing all appraising involved in the city flood buyout program.

SECTION II

Due to the time frame involved, this ordinance will receive all of the required readings at the same meeting at which the Bill is introduced so that it can be passed at one meeting. This ordinance is prima facie deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or to remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety, and welfare. This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

Read the first, second and third time and passed by the Board of Aldermen of the City of Portage Des Sioux, Missouri, this twenty-ninth day of December, 1994.

George R. Combs
Mayor, George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 218 ORDINANCE NO. 218

Portage des Sioux
Flood Buy-Out and Relocation Program
Mark Twain Mall - Lower Level

Phone: 314-940-1100
Fax: 314-940-1551

1355 South Fifth Street
St. Charles, Missouri 63301

December 13, 1994

Chris Puricelli
Lauer Company
1600 Heritage Landing, Suite 110
St. Charles, MO 63303

Dear Mr. Puricelli:

Enclosed is the contract for appraisal services (2 copies) for the Portage des Sioux Flood Buy-Out Program. Please review it to see that it meets your approval. In particular, note Article 6. Payment. The remainder of the contract is basically a clone of your contract with St. Charles County for their buy-out program, except for the changes in the name of the Agency. Please contact me immediately with any questions or suggested changes you have. If the contract is acceptable as is, please sign both copies and return them to me as soon as possible. I will then have Mayor Combs sign them and return one of the signed originals to you.

Sincerely,

Tim King

CONTRACT BETWEEN
PORTAGE DES SIOUX FLOOD BUY-OUT PROGRAM
AND
THE LAUER APPRAISAL COMPANY

THIS AGREEMENT, entered into this 1st day of June, 1994, by and between the Portage des Sioux Flood Buy-out Program, hereinafter referred to as the "Agency," and The Lauer Appraisal Company, hereinafter referred to as the "Appraiser."

WITNESSETH THAT:

WHEREAS, the Agency proposes to acquire certain real property and desires that the Appraiser furnish the Agency certain services with respect to such property, including an appraisal of each parcel of the property, and the Appraiser represents that he is fully qualified to perform such services and will furnish such services personally; and

WHEREAS, the services to be provided under this Agreement are necessary to achieve the purposes of the Portage des Sioux Flood Buy-out Program which is a Qualified Buy-out Program that meets the criteria under Section 4 of the Hazard Mitigation and Relocation Assistance Act of 1993 (PL 103-181).

NOW, THEREFORE, the Agency and the Appraiser, for the consideration and under the conditions hereinafter set forth, do agree as follows:

ARTICLE 1. Property To Be Appraised. A description of the real property to be appraised, is set forth in written correspondence provided directly to the Appraiser. A separate appraisal is to be furnished for each "parcel." (The term "parcel" means any tract or contiguous tracts of land in the same ownership, whether any such tract consists of one or more platted lots or a fractional part of a lot. An easement or other separately held interest in two or more parcels shall be considered to be a separate parcel for appraisal purposes and an exception to the title to the parcels so encumbered. An easement in a parcel that is appurtenant to another parcel to be acquired by the Agency shall be considered to be part of such other parcel and an exception to the title of the parcel encumbered). Each parcel shall be considered to include all right, title, and interest of the owner in or to any adjacent or abutting streets, alleys, or other public rights of way.

ARTICLE 2. Purpose of Basis of Valuations.

(a) Purpose and Significance of Appraisals. The appraisals to be furnished under this agreement are required by the Agency for its guidance in making fair and impartial determinations of fair market value and the just compensation to be offered to each property owner. The Appraiser shall be guided by those objectives when estimating values. Appraisal reports will be reviewed carefully by the Agency. Accordingly, the text of each appraisal report must cover all matters germane to the required valuation findings and must provide a full explanation of the Appraiser's reasoning and his analyses of the evidences of value, so that a

reviewer will be able to follow the Appraiser's analyses and understand how he reached his valuation conclusions.

(b) Appraisal Standards. The appraisals under this agreement shall be based on nationally recognized appraisal standards and techniques to the extent that such principals are consistent with the concepts of value and the rules on the admissibility of evidence of value under the eminent domain law of the State. Factors relating to race, color, religion, sex or national origin, or to racial, religious and ethnic identification of neighborhoods are not relevant to the estimation of value and shall not be considered in connection with appraisals of residential real property.

(c) Date of Valuation. The Appraiser's valuation shall be as of March 1, 1993, prior to any flooding which occurred in 1993.

(d) Relocation Assistance. The Appraiser's analyses and opinions of property value shall not reflect any allowance for the relocation payments and other assistance provided under a Qualified Buy-out Program.

(e) Influence of Project on Property Value. In forming his opinion(s), the appraiser shall disregard any decrease or increase in the fair market value of the real property to be acquired, prior to the date of valuation, caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for such project, other than that due to physical deterioration within the reasonable control of the owner. (In the case of a partial acquisition, using the before-and-after method of valuation, the Appraiser's opinion of the value of the remaining not-to-be-acquired portion of the property shall reflect any increase or decrease in value attributable to the project). If the determination of changes in value caused by the project is a problem, the appraiser's report shall cite the ruling followed and its source and shall explain the effect of the ruling on his opinion of value.

ARTICLE 3. Scope of Appraiser's Services. The appraiser agrees to perform the following services:

(a) Appraise each parcel and prepare and deliver to the Agency, within 14 calendar days after the date of this agreement, 1 copy of the appraisal reports conforming to the provisions of this agreement. The Appraiser shall personally inspect each parcel, including all buildings, structures, fixtures, and other improvements to the property. The Appraiser shall give the owner or his designated representative an opportunity to accompany the Appraiser during his detailed inspection of the property. If the owner of a compensable interest in the property or a representative of such owner does not accompany the Appraiser during the inspection, the Appraiser shall note in his records attempts to contact the owner of the opportunity to accompany the Appraiser. In the process of inspecting the property, the Appraiser shall, to the extent practicable, ascertain the rights of all parties in possession and note for consideration all factual information and comments furnished by the owner or his representative relevant to the appraisal.

(b) Modify or furnish supplements to any appraisal report furnished under this agreement, without additional cost to the Agency, if (1) applicable principles of law with respect to the

valuation of the property require the modification or supplementing of such appraisal, (2) material omissions, inaccuracies, or defects in the appraisal report are discovered after delivery and acceptance of the report by the Agency, or (3) the Appraiser receives or becomes aware of relevant additional appraisal information in existence prior to the date the Appraiser signed the report.

ARTICLE 4. Contents of Appraisal Reports. Each appraisal report to be furnished by the Appraiser under this agreement shall contain certain information and the Appraiser's conclusions and opinions, together with the data and analyses by which they were derived, as set forth below. A separate report shall be submitted for each parcel. However, if more than one parcel is to be appraised, all general data may be included in a separate data volume that is referenced in the separate appraisal reports on the individual parcels. The appraisal report on each parcel shall include the following:

(a) A summary headed "Appraisal Report for (name of the Agency)" that provides the following:

(1) Project name and number.

(2) Date of the report.

(3) Parcel number, address of the property, brief identification of all interests in the property appraised, and the name of the owner(s) including any tenant-owners.

(4) Date(s) of the Appraiser's inspection of the property with the owner(s) or the owner's designated representative, including the name of each owner or representative of an owner who accompanied the Appraiser during his inspection and the interest held in the property or the representative capacity of each such person.

(5) The Appraiser's estimate of the fair market value of the entire parcel and the fair market value of the same interest in the land, as if vacant.

(6) The limiting conditions of the appraisal, which may include assumptions (i) that the title is good and marketable, (ii) that no responsibility is assumed by the Appraiser for legal matters, especially those affecting the title to the property, (iii) that the legal description of the property and the interest in the property to be appraised, furnished to the Appraiser by the Agency, is correct, and (iv) that no survey of the property has been made. Any other appropriate assumption or limiting condition may be added if it has been specifically approved in writing by the agency.

(7) The certifications of the Appraiser (i) that he personally made a thorough inspection of the property, (ii) that, to the best of his knowledge and belief, everything contained in the report is true and no relevant and important fact has

been omitted, (iii) that neither his employment nor his compensation is contingent on the valuation reported, and (iv) that he has no past, present, or prospective interest (including that of real estate agent or broker) in the property, the parties involved, or any other interest that would conflict in any way with the services performed or the making of an impartial report.

(8) A certification that, in the Appraiser's opinion, the fair market value of the property is (an amount to be stated) as of (the date of valuation).

(9) The signature of the Appraiser.

(b) The name and address of the owner of the property and the name and the address, if known, of any other party known or believed to hold a separate compensable interest in the property.

(c) The street address and an accurate description of each parcel and all interests in the parcel appraised. The property description shall identify all conditions, restrictions, easements, servitudes, and reservations affecting the title. The property description shall specifically exclude and describe any separately held interest in the property that is to be acquired separately or as part of another parcel. The description shall also specifically exclude all separately held interests which are not to be acquired and will not be affected adversely by the Agency's project. If there are any separately held interests, in a parcel, which are to be acquired with other interests in the same parcel, such as leaseholds, tenant-owned improvements, life estates, easements, and water, gas, oil, or mineral rights, a description of each such separate interest and the name of its owner shall be furnished.

(d) Basic property data including pertinent information with respect to such matters as (1) the environment and location of the property, (2) the zoning and any restrictive covenants, conditions, or servitudes affecting the available use or occupancy of the land, (3) the assessed value of the real property and the current annual real estate tax burden, (4) the use and occupancy of the property at time of appraisal, (5) the public improvements, services, and utilities serving and providing access to the property, (6) the character, topography, dimensions, and area of the land, (7) the freedom of the property from special hazards, (8) the current rental and rental history of the property, if rented, (9) the estimated annual costs of ownership and for operation and maintenance of the property, and (10) a description of the buildings, structures, and other improvements, if any, including relevant information as to type of improvement, designed use, construction materials and finish, equipment, dimensions, floor area, age, condition, space or room arrangement, functional utility, and any other characteristics or attributes of the improvements germane to the value of the real property. The appraisal report shall contain a general sketch plat showing the shape and dimensions of the land, the location of the principal improvements on the land, the location of any easements in the land, and the abutting streets, alleys or other public rights of way. The report shall also include such photographs, each clearly identified, as my be appropriate.

(e) The opinion of the Appraiser as to the fair market value of the property. The appraisal

report shall contain a description of the reasoning process used by the Appraiser in reaching his conclusion as to value and all data and analyses needed to explain and support his valuation. The supporting data and analyses furnished in the appraisal report shall include the following:

(1) An analysis of the property, from the point of view of evaluating the effect of its characteristics and attributes on its value for the available use or uses for which the property is best suited. Particular attention shall be given to the characteristics of the property most relevant to its value, such as, in the case of an investment property, the income potential and the expenses of ownership, maintenance, and operation.

(2) An identification of the most recent sale of each property appraised and any other sales of such property during the last (5) years preceding the appraisal. Such sale(s) of the property appraised and all recent sales of comparable properties considered by the Appraiser in forming his opinion(s) of fair market value shall be verified insofar as practical. The information furnished with respect to each such sale shall include, among other pertinent facts, the names of the grantor and grantee, the date of the sale, the sale price, any special terms or conditions or circumstances of the sale that affected the transaction, and a description of the property and its condition at time of sale in sufficient detail for use in making the appraisal. The "comparable sales database" provided by the Agency should be used as the primary source of comparable properties for homes in the 20 target subdivisions. Comparable sales not included in the report may be used for the targeted areas but the Agency reserves the right to review comparable sales significantly higher or lower than those included in the report.

(3) The analyses that constitute the principal basis for the Appraiser's opinion of the fair market value. The appraisal report shall contain the Appraiser's evaluation with respect to previous sales of the property appraised and any recent offer of the owner to sell the property. The appraisal report shall also contain the Appraiser's analysis of each comparable property and its sale in relation to the property appraised. the Appraiser's analysis shall reflect appropriate allowances for the difference in the time of the sale of the comparable properties and the date of appraisal and the differences in the utility, desirability, and productivity of the properties that are pertinent to their relative value. The appraisal report shall contain a valuation data map showing the location of the property appraised and the comparable properties referred to in the appraisal report.

(4) All other information, analyses, and estimates considered by the appraiser to be relevant to the estimation of the fair market value of the property.

(5) If the property appraised is part of a larger parcel in the same ownership or is less than the entire interest of the owner in the property, the appraisal report shall contain the Appraiser's opinion of just compensation for a taking of such property or interest, using the before-and-after method of valuation as interpreted under

State law unless it is obvious that there would be no damages or benefits to the remaining property or interest of the owner. However, if the part or interest to be taken is such a small part of the whole property that the damages for the taking can be more accurately estimated directly, that method may be used if permitted under State law, without estimating the fair market value of the entire property of the owner. The foregoing opinions of the Appraiser shall be supported in his report by the data and analyses by which he reached his conclusions.

For information purposes, the appraisal report shall also contain the Appraiser's estimates of the fair market value of the to-be-acquired part or interest as part of the whole property and the net damages or benefits to the remaining property of the owner. If in the opinion of the Appraiser, acquisition of the part of, or interest in, the property proposed for acquisition would leave the owner with an uneconomic remnant, the Appraiser shall furnish a separate estimate of the fair market value of a "parcel" comprising both the parcel proposed for acquisition and the uneconomic remnant. (A remainder parcel or interest shall be considered to be an uneconomic remnant if by itself it has little or no utility or value to the owner).

(6) Such maps, plans, photographs, or other exhibits, as necessary, to explain or illustrate the analyses of the Appraiser.

(7) The Appraiser's evaluation of the indications of value deduced from his separate analyses of the various evidences of value and an explanation of how he reached his final conclusion as to the fair market value of the property.

ARTICLE 5. Services To Be Provided by Agency. The Agency agrees to furnish the Appraiser the following:

(a) copy of Assessor's tax records

(b) name and phone number of the property owner

(c) address of the property to be appraised

ARTICLE 6. Payment. In consideration of the services provided by the Appraiser under this agreement, the Agency agrees to make payments to the Appraiser upon the submission to the Agency of properly certified invoices, as follows:

(a) For appraisal reports for **improved lots** accepted by the Agency, the lump sum of one hundred ninty five dollars ($195), which shall constitute full payment to the Appraiser for all of such services and for all supplies, materials, and equipment used or furnished by the Appraiser and all expenses incurred by the Appraiser in connection with the performance of such services.

(b) For appraisal reports for **vacant lots** accepted by the Agency, the lump sum of one hundred seventy five dollars ($175), which shall constitute full payment to the Appraiser for all of such services and for all supplies, materials, and equipment used or furnished by the Appraiser and all expenses incurred by the Appraiser in connection with the performance of such services.

(c) The payment for **contiguous vacant lots** belonging to one owner will be negotiated and determined by mutual agreement between the Agency and Appraiser, not to exceed the sum of individual payments for such lots.

ARTICLE 7. Agreements of Appraiser. As an inducement to the execution of this agreement by the Agency and in consideration of the agreements to be performed by the Agency, the appraiser agrees that:

(a) Qualifications. The appraiser is qualified to perform the services to be furnished under this agreement and is permitted by law to perform such services, and all personnel engaged in the work shall be qualified and so permitted to do the work they perform. Attached as Exhibit A, is a statement by the Appraiser, certified by him to be true and correct, setting forth his technical qualifications, general appraisal experience, specific experience in appraising properties of the type involved in this agreement, the courts in which he has testified as an expert witness, and other information pertinent to establishing his technical qualifications.

(b) Solicitation of Agreement. The Appraiser has not employed any person to solicit this agreement and has not made, and will not make, any payment or any agreement for the payment of any commission, percentage, brokerage, contingent fee, or other compensation in connection with the procurement of this agreement.

(c) Interest of Appraiser and Appraiser's Employees. The Appraiser does not have any interest (including that of real estate agent or broker), direct or indirect, present or prospective, in any property described in Article 1 or in its sale, or any other interest, whether or not in connection with the property, which would conflict in any manner or degree with the performance of the services and the submission of impartial reports, and has not employed and will not employ, in connection with the services to be furnished under this agreement, any person having any such interest. Until the property is acquired by the Agency or excluded from its project by resolution of its governing body, the Appraiser and any employees of the Appraiser, so long as they are employed by the appraiser, will not acquire any such interests and will not, for their own account or for other than the Agency, negotiate for any of the property, perform services in connection with the property, or testify voluntarily as a witness in a condemnation or other proceeding with respect to the property.

(d) Services To Be Confidential. All services, including reports, opinions, and information, to be furnished under this agreement are confidential and shall not be divulged, in whole or in part, to any person, other than to duly authorized representatives of the Agency, without prior written approval of the Agency, except by testimony under oath in a judicial proceeding or as otherwise required by law. The Appraiser shall take all necessary steps to ensure that no member of his staff or organization divulges any such information except as may be required by law.

(e) Facilities and Personnel. The Appraiser has and will continue to have proper facilities and personnel to perform the services and work agreed to be performed. If the Appraiser proposes to employ any person or persons to make any appraisals of machinery and equipment or other specialized elements or attributes of a property appraised under this agreement, the employment of such person or persons for such purpose shall not place the Agency under any obligation of such employee, nor relieve the Appraiser of full responsibility for the faithful performance of the services to be furnished under this agreement.

(f) Equal Employment Opportunity. During the performance of this agreement:

(1) The Appraiser will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Appraiser will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Appraiser agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Agency setting forth the provisions of this nondiscrimination clause.

(2) The Appraiser will, in all solicitations or advertisements for employees placed by or on behalf of the Appraiser, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(g) Assignment. The Appraiser's rights, obligations, and duties under this agreement shall not be assigned in whole or in part, but this shall not prohibit the assignment of the proceeds due under this agreement to a bank or financial institution. This agreement may be assigned by the Agency to any corporation, agency, or instrumentality having authority to accept the assignment.

(h) Subcontracting. None of the work or services covered by this agreement shall be subcontracted without the prior approval of the Agency.

(i) Records. The Appraiser shall maintain records of all details with respect to the services to be performed under this agreement, including one complete copy of each appraisal report and related notes, for three (3) years after delivering the report or until the property is acquired by the Agency or the acquisition is abandoned, whichever is later.

(j) Affidavits of Compliance. The Appraiser will, if requested by the Agency, furnish the Agency affidavits certifying compliance with the provisions of this Article 6.

ARTICLE 8. Changes. The Agency, by written notice to the Appraiser, may modify the scope of quantify of the services to be furnished under this agreement. If such changes cause an increase or decrease in the amount of services to be provided by the appraiser or in the time required for their performance, equitable adjustment shall be made in the provisions of this agreement for payments to the Appraiser or for the time for performance of the services or for both, and this agreement shall be modified by agreement of the parties accordingly.

ARTICLE 9. Termination of Agreement for Cause. If, through any cause, the Appraiser shall fail to fulfill in a timely and proper manner his obligations under this agreement, or if the Appraiser shall violate any of the provisions of this agreement, the Agency may upon written notice to the Appraiser terminate the right of the Appraiser to proceed under this agreement or with such part or parts of the agreement as to which there has been default, and may hold the Appraiser liable for any damages caused to the Agency by reason of such default and termination. In the event of such termination, any completed reports prepared by the Appraiser under this agreement shall, at the option of the Agency, become its property and the Appraiser shall be entitled to receive equitable compensation for any work completed to the satisfaction of the Agency. The Appraiser, however, shall not thereby be relieved of liability to the Agency for damages sustained by the Agency by reason of any breach of the agreement by the Appraiser, and the Agency may withhold any payments from the Appraiser for the purpose of setoff until such time as the amount of damages due the Agency from the Appraiser is determined. The Appraiser shall not be held liable for damages under this Article solely for reasons of delay if the delay is due to causes beyond his control and without his fault or negligence, but this shall not prevent the Agency from terminating this agreement because of such delay.

ARTICLE 10. Interest of Members of Agency. No member of the Agency shall participate in any decision relative to this agreement affecting, directly, or indirectly, his personal interests. No such member and no other officer, agent, or employee of the Agency having any responsibility or function in connection with this agreement shall have any private interest, direct or indirect, in this agreement or the proceeds of this agreement.

ARTICLE 11. Officials Not To Benefit. No Member of or Delegate to the Congress of the United States of America, and no Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit to arise from the same.

ARTICLE 12. Notices. Any action by the Agency under this agreement may be taken by R. Jerrad King, Stephen Collins, Cheryl Adelstein, or such other person(s) as the Agency may, by written notice to the Appraiser, designate for such purpose. All notices to the Appraiser shall be considered to be properly given if mailed to the address specified below, or delivered personally to the Appraiser. All notices or other papers given to the Agency shall be considered to be sufficiently given if mailed, postage prepaid to Project Recovery, at 1355 South Fifth Street, St. Charles, Missouri 63301, or to such other representative or address as the Agency may designate to the Appraiser in writing.

IN WITNESS WHEREOF, the Agency and the Appraiser have executed this agreement on or as of the date first above written.

Chris M Punicelli, MAI

(Appraiser)

Lauer Appraisal Company

(Appraisal Company)

2237 Graystone

(Street Address)

St Charles Mo 63303

(City) (State) (Zip Code)

Portage des Sioux Flood Buy-out Program

(Agency)

By:

George Combs, Mayor of Portage des Sioux

BILL NO. 219 ORDINANCE NO. 219

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, REPEALING ORDINANCE 212 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH RJK, INC. FOR THE PURPOSE OF ADMINISTERING THE FLOOD BUYOUT PROGRAM.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

1. Ordinance 212 authorizing the mayor and city clerk to execute a contract with RJK, Inc. for the purpose of administering the city flood buyout program is hereby repealed.

2. The Mayor and the City Clerk are hereby authorized to execute a contract with RJK, Inc. for the purpose of administering the city flood buyout program.

SECTION II

Due to the time frame involved, this ordinance will receive all of the required readings at the same meeting at which the Bill is introduced so that it can be passed at one meeting. This ordinance is prima facie deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or to remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety, and welfare. This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

Read the first, second and third time and passed by the Board of Aldermen of the City of Portage Des Sioux, Missouri, this twenty-ninth day of December, 1994.

George R. Combs
Mayor George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 219 ORDINANCE NO. 219

AGREEMENT BETWEEN CITY OF PORTAGE DES SIOUX
and
RJK, INC.
for
PROFESSIONAL ADMINISTRATIVE SERVICES

This is an agreement made as of December 29, 1994, between The City of Portage des Sioux (City) and RJK, Inc. (Consultant).

The City intends to undertake a Flood Buy-Out and Demolition Project (Project), and the City and Consultant in consideration of their mutual covenants herein agree in respect of the performance of professional administrative services by Consultant and the payment for those services by City as set forth below. Consultant shall provide professional administrative services for City in all phases of the Project to which this agreement applies, serve as the City's representative for the Project as set forth below, and shall provide professional consultation services hereunder.

Section 1 - Basic Services of Consultant

The Consultant shall perform professional administrative services as hereinafter stated which include the administration of the City's grant program for the Community Development Block Grant (CDBG) Flood Buy-Out and Demolition Project and the Federal Emergency Management Agency's Public Assistance Program (FEMA 406). In addition, the Consultant shall perform the professional services for relocation management required by CDBG in their buy-out programs which include relocation assistance.

Consultant's responsibilities are described in more detail in Exhibit A, "Scope of Services," and Exhibit B, "Budget Breakdown of Project Administration." Consultant will not make substantial changes in the budget as set forth in Exhibit B without the consent of the City Council.

Section 2 - City's Responsibilities

The City shall:

2.1 Provide all criteria and full information on City's requirements for the Project and furnish copies of all documents related to the Project.

2.2 Assist Consultant by placing at his disposal all available information pertinent to the Project including previous reports and any other data relative to the Project.

2.3 Give prompt written notice to Consultant whenever City observes or otherwise becomes aware of any development that affects the scope or timing of the Consultant's services.

2.4 Assume responsibility for all public participation requirements for the various funding agencies.

2.5 Bear all costs, if any, incident to compliance with the requirements of Section 2.

2.6 Appoint a Community Development Program Manager who is in charge of the program, and will be the City's supervisor to the Consultant and to the State and Federal agencies funding the Project. The Project Manager will supervise the overall progress of the Project, and will be responsible for reviewing and processing Consultant's requests for payment within 3 days.

Section 3 - Period of Service

3.1 The provisions of this Section 3 and the rates of compensation for the Consultant's services as provided for elsewhere in this Agreement have been agreed to in anticipation of the orderly and continuous progress of the Project through completion.

3.2 Consultant agrees to make good faith effort to complete the Project within ten (10) months of the date of executing this agreement.

3.3 If the City has requested significant modifications or changes in the extent of the Project, the time of performance of Consultant's services and the rates of compensation may be adjusted appropriately.

Section 4 - Compensation

4.1 The maximum amount that the City shall pay for the services to be rendered pursuant to this Agreement shall not exceed $19,475 or the amounts authorized by the Community Development Block Grant (CDBG) Program and FEMA 406 programs as described in Section 1 for the categories of administration and any administrative services authorized as "project" or "program" expenditures in the acquisition categories.

4.1.1 The Consultant may bill on an hourly basis for work performed by the individuals listed below and at such hourly rates identified with each such individual:

Jerry King	$110
Steve Collins	$ 75
Cheryl Adelstein	$ 60
Tim King	$ 40
Buy-out Specialist	$ 30
Support Personnel	$ 25

4.1.2 The City shall reimburse Consultant for all out-of-pocket costs incurred by Consultant for supplies, travel and other such costs deemed necessary by Consultant to effectively carry out the terms of this Agreement. Mileage will be billed at the Federal rate, which is currently $.29 per mile. All other expenses will be billed at cost. Costs will not exceed $ 200.00.

4.1.3 Consultant may, with the consent of City's Project Manager, contract directly for appraisal, legal, title, and other services required to carry out the Program as described in the Application, but in addition to those services included in the Consultant's Scope of Services as described in Exhibit A. In these cases, City shall reimburse Consultant for the cost incurred for these services, and such reimbursement will not be counted toward the $19,475 maximum compensation.

4.2 The City shall also pay the Consultant for the services of relocation management a sum not to exceed $ 5,970 or the amount authorized Community Development Block Grant Program as described in the Grant Agreement as "relocation management".

4.2.1 The City shall reimburse Consultant for all out-of-pocket costs incurred by Consultant for travel and other such costs deemed necessary by Consultant to effectively carry out the terms of the relocation management. The replacement homes requiring inspections are located throughout Missouri and Illinois and will necessitate considerable traveling. Mileage will be billed at the Federal rate, which is currently $.29 per mile. All other expenses will be billed at cost. Costs will not exceed $ 1,000.00.

4.3 Consultant shall submit bi-monthly statements for services rendered and costs incurred through the time of the billing; and, the City shall make payment pursuant to said billing statements within three (3) working days of receipt of same.

Section 5 - General Obligations

5.1 The obligation to provide further services under this Agreement may be terminated by either party upon seven days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. In addition, either party may terminate this Agreement without cause upon thirty (30) days written notice.

5.2 The Consultant shall comply with all applicable rules, regulations, laws and requirements in relation to the Community Development Block Grant (CDBG) Program as distributed by the Missouri Department of Economic Development (DED) and the Federal Emergency Management Agency 406 Program administered by the State of Missouri Emergency Management Agency (SEMA).

5.3 The City and Consultant each bind themselves and their partners, successors, executors, administrators, assigns and legal representatives to the other party to this Agreement and to the partners, successors, executors, administrators, assigns and legal representatives of such other party, in respect to all covenants, agreements and obligations to this Agreement.

5.4 Neither City nor Consultant shall assign, sublet, or transfer any rights under or interest in (including, but without limitation, monies that may become due or monies that are due) this Agreement without written consent of the other, except as stated in paragraph 5.3 and except to the extent that the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to or assignment, no assignment will release or discharge the assigner from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent Consultant from employing such independent consultants, associates, and subcontractors as Consultant may deem appropriate to assist in the performance of services hereunder.

Section 6 - Special Provisions and Exhibits

6.1 The following exhibits are attached to and make a part of this Agreement.

6.1.1 Exhibit A, "Scope of Services" consisting of one page.

6.1.2 Exhibit B, "Budget Breakdown of Project Administration" consisting of one page.

6.2 This Agreement (consisting of pages 1 to 5 inclusive), together with exhibits identified above, constitutes the entire agreement between the City and Consultant and supersedes all prior written or oral understandings. This agreement and said exhibits may only be amended, supplemented, modified or cancelled by a duly executed written instrument.

Section 7 - Mutual Best Efforts and Indemnification Provision

7.1.1 It is agreed and understood by both parties hereto that they will use their best efforts to meet their respective obligations and goals set forth pursuant to this Agreement and all exhibits attached hereto; and, the parties hereto shall not be held liable for any failure on either party's part to meet their respective obligations hereunder due to unforeseen or uncontrollable circumstances. Further, each party hereto indemnified the other in the event either party incurs liability or damages as a result of the other party's negligence.

In witness whereof, the parties hereto have made and executed this Agreement as of the day and year first above written.

City:

George Combs
Mayor, Portage des Sioux

Consultant:

R. Jerrad King
President and Secretary, RJK, Inc.

Attest:

Susie Cissell
City Clerk, Portage des Sioux

EXHIBIT A

Scope of Services - Administration

The Consultant shall complete, in a professional and timely manner, the following services relative to the City's Flood Project as funded by DED and SEMA. Such actions shall be performed in a manner prescribed by the aforementioned agencies.

1. Financial Management (account, file maintenance, cost documentation, requests for funds preparation, check writing, bank statement reconciliation and related matters).

2. Labor Standards Compliance.

3. Civil Rights Compliance.

4. Preparation of contract documents, except for engineering specifications, for contractors and providers of professional services.

5. Preparation of procurement documents for professional and construction contracts and a recommendation of successful proposals or bids.

6. Contracting for and supervising professional service providers and contractors including appraisers, lawyers, title companies and demolition contractors.

7. Implementation of the two major types of activities described in the City's Flood Program application -- property acquisition and demolition/clearance.

8. Prepare necessary documents and notices related to Environmental review process.

Scope of Services - Relocation Management

1. Initial Inspections of the replacement homes of buy-out recipients of relocation funds.

2. Preparation of reports on such replacement homes.

3. Follow-up inspections on those homes which do not initially meet CDBG's requirement of "decent, safe, and sanitary".

EXHIBIT B

This table is intended only to be a general description of the Program Administration Budget and the Relocation Management Budget to be administered by RJK, Inc. Except for the billing rates set forth in Section 4.1.1, all other hourly rates are subject to change. Individual budget categories also are subject to change.

Budget Breakdown - Program Administration

	No. of Hours	Hourly Rate	Total Cost
Program Director	20	$110.00	$ 2,200.00
Operations Director	60	$ 75.00	$ 4,500.00
Compliance Officer	20	$ 60.00	$ 1,200.00
Program Manager	200	$ 40.00	$ 8,000.00
Buy-Out Specialists	50	$ 30.00	$ 1,500.00
Support Personnel	75	$ 25.00	$ 1,875.00
Reimbursable Expenses			$ 200.00
Grand Total			**$ 19,475.00**

Budget Breakdown - Relocation Management

	No. of Hours	Hourly Rate	Total Cost
Program Director	2	$110.00	$ 220.00
Operations Director	10	$ 75.00	$ 750.00
Inspector	100	$ 40.00	$ 4,000.00
Reimbursable Expenses			$ 1,000.00
Total			**$ 5,970.00**

BILL NO. 220 ORDINANCE NO. 220

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH ASSURED TITLE COMPANY FOR THE PURPOSE OF PERFORMING ALL TITLE WORK INVOLVED WITH THE FLOOD BUYOUT PROGRAM.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

The Mayor and the City Clerk are hereby authorized to execute a contract with Assured Title Company for the purpose of performing all title work involved in the city flood buyout program.

SECTION II

Due to the time frame involved, this ordinance will receive all of the required readings at the same meeting at which the Bill is introduced so that it can be passed at one meeting. This ordinance is prima facie deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or to remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety, and welfare. This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

Read the first, second and third time and passed by the Board of Aldermen of the City of Portage Des Sioux, Missouri, this twenty-ninth day of December, 1994.

George R. Combs
Mayor George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 220 ORDINANCE NO. 220

TITLE SERVICES

CONTRACT BETWEEN
PORTAGE DES SIOUX FLOOD BUY-OUT PROGRAM
AND
ASSURED TITLE COMPANY

This contract, entered into on this 19 day of December, 1994, between the Portage des Sioux Flood Buy-Out Program (Buy-Out Program) and Assured Title Company (Title Company), agrees to compensate the title company based on the fee schedule listed below, for title searches, title insurance, and funds disbursement related to the Portage des Sioux Flood Buy-Out Program. The scope of services for this contract is delineated below.

Contract Period

The contract will commence upon signature of this agreement. This contract will conclude after the Buy-Out Program completes the acquisition phase on the Flood Buy-Out Program, anticipated to be completed by February 28, 1995. The Buy-Out Program will provide the Title Company with a two weeks notice of anticipated completion of the program. From the time of this notice, the Title Company will have six weeks to complete all outstanding work or report to the Buy-Out Program on why work cannot be completed.

Scope of Services

The Title Company agrees to provide the following:

- Preliminary title search to reveal any levee liens or other potential problems
- Same day courier services
- Five working days service from receipt of order to issuance of commitment
- Title search and examination
- Posting title commitment
- Providing title insurance
- Maintaining funds in non-interest bearing escrow
- Preparation of closing statements three days prior to closing for City review
- Preparation of checks for closing
- Closing in the title company offices
- Providing copies of required paperwork to the Portage des Sioux Flood Buy-Out Office
- Provide account number and copies of monthly statements on escrow account

Payment for Services

The Buy-Out Program will provide payment based on the following schedule:

Furnishing Title Commitments	$ 75.00
Title Insurance @ $2.00 per $1000 of insurance	(will vary according to transaction amount)
Escrow & Closing	$ 60.00

The Buy-Out Program will calculate the Title Company fee for each transaction and provide this information to the title company. The Title Company will not exceed the amount of the calculated fee unless special title services are required. Special title services must be approved by the City of Portage des Sioux or its agent. Title Company shall provide a bill for all special title services which they are required to perform. In addition, if surveying or related work is required, the title company shall procure the work and provide a bill to the Portage des Sioux Buy-out Program.

Performance Requirements

In addition to the broad scope of services provided above, the Title Company will be required to:

1. Establish a non-interest bearing escrow account prior to the date this contract is signed - for CDBG funds. The Buy-Out Program will provide a reconciliation sheet with each check to ensure all funds are properly disbursed and tracked. Please complete the accounting "settlement sheet" provided for each set of closings. The settlement sheets must be provided to the Buy-Out Program as soon as all the names on the list have closed.

2. 1995 Tax Collection - Pro-rata taxes due to St. Charles County (using 1994 assessed value on the flooded properties to calculate 1995 taxes) should be mailed to the County's Treasurer's offices. Checks should be made payable to the St. Charles County Treasurer and marked "Tax Escrow Fund." A parcel locator number should be included for each lot.

3. Certain properties will have taxes due to the North County Levee District. A lien has been placed on these properties which requires payment in full for the remaining twelve years of levee assessment. **Exhibit I provides directions on how to calculate levee lien amounts and where payment should be sent.**

4. Closing Documents - in order to complete our files, the Buy-Out Program will need an original or copies of all documents listed below. All special closing documents will be provided to the Title Company by the Buy-Out Program.

- Copies of all disbursement checks
- Original of the HMGP Property Settlement Sheet
- Original of the County Warranty Deed
- Original of Voluntary Transaction Agreement
- Original Owner Certification (signed by CDBG recipients only)
- Original of Waiver of Acquisition and Relocation Benefits
- Original of Release of all Claims (mobile home owners only)

5. HMGP Property Settlement Sheet - This printout, provided by FEMA, will indicate to the Title Company any funds due to the Small Business Administration from each client. If the form references an outstanding SBA loan, the Title Company shall contact the SBA at 1-800-473-0477 prior to preparing the closing statement to obtain information regarding the final loan SBA payoff.

IN WITNESS WHEREOF, the Buy-Out Program and the Title Company have executed this agreement on or as of the date first above written.

(Title Company Principal)

ASSURED TITLE COMPANY
(Title Company)

611 Westridge
(Street Address)

O'Fallon, MO 63366
(City) (State) (Zip Code)

Portage des Sioux Flood Buy-out Program
(Agency)

By: George R. Combs

George Combs, Mayor of Portage des Sioux

BILL NO. 221 ORDINANCE NO. 221

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH GEORGE BUTLER & ASSOCIATES, INC. FOR THE PURPOSE OF PERFORMING ALL ENGINEERING INVOLVED WITH THE FLOOD BUYOUT PROGRAM.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

The Mayor and the City Clerk are hereby authorized to execute a contract with George Butler & Associates, Inc. for the purpose of performing all engineering involved in the city flood buyout program.

SECTION II

Due to the time frame involved, this ordinance will receive all of the required readings at the same meeting at which the Bill is introduced so that it can be passed at one meeting. This ordinance is prima facie deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or to remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety, and welfare. This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

Read the first, second and third time and passed by the Board of Aldermen of the City of Portage Des Sioux, Missouri, this twenty-ninth day of December, 1994.

George R. Combs
Mayor George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 221 ORDINANCE NO. 221

ENGINEERING SERVICES AGREEMENT

BETWEEN

CITY OF PORTAGE DES SIOUX, MISSOURI

AND

GEORGE BUTLER ASSOCIATES, INC.
ENGINEERS/ARCHITECTS

ARTICLES OF AGREEMENT

This Agreement is between CITY OF PORTAGE DES SIOUX, MISSOURI, as "OWNER" and GEORGE BUTLER ASSOCIATES, Inc. of O'Fallon, Missouri, as "ENGINEER".

WITNESSETH:

Whereas, the OWNER is authorized and empowered to contract with the ENGINEER to provide professional engineering services as hereinafter described; and

Whereas, the ENGINEER (a Kansas General Corporation with offices located at Suite 1100, City Center Square, 1100 Main Street, Kansas City, Missouri, and Suite 200, 225 South Main Street, O'Fallon, Missouri) are registered in accordance with the laws of the State of Missouri, and are qualified to provide the professional engineering services desired by the OWNER; now, therefore,

IT IS AGREED THAT:

SECTION 1 - SCOPE OF SERVICES

The ENGINEER agrees to furnish and perform engineering services required to include all appropriate resources to provide complete and accurate engineering plans and specifications for use in bidding for the structures and sitework demolition.

The major phases of the work are as follows:

I. **PROJECT INFORMATION**

A. Firm Selection / Final Scope / Contract Negotiations
B. Notice to Proceed
C. Obtain Existing Information (Maximum of 25 lots to be demolished)

1. Recorded Plat(s) - City of Portage Des Sioux
2. Utility Information in All Target Areas
3. County Mapping - GIS
4. Property Information on All Properties proposed To Be Demolished
5. UST / Federal Record Search

D. Perform Site Reconnaissance Survey

E. Review Existing Information

F. Prepare Detailed Site Investigation Plan
1. Site Inspection Form
2. Safety Check for Demolition on Correct Property

G. Preliminary Conference with Agent to Review Status (5% Complete)
1. Determine Status of Acquisition to Set Bid Schedule

II. SITE SURVEYS AND INVESTIGATIONS

A. Detailed Investigations for properties acquired to date
1. Inventory / Survey Above-Ground Feature / Utilities / Lift Station / Sheds
2. Inventory of Potential Hazardous Materials
3. Inventory of Septic Tank Systems
4. Inventory of Wells / Cisterns
5. UST
6. Asbestos/Surveys (maximum of 25 lots to be tested)

B. Other (Buildings / Sheds / Structures)

C. Identify Permit Requirements (DNR / County)

III. PREPARE SITE DEMOLITION SPECIFICATIONS

Site demolition specifications will incorporate existing base map information for streets, ownership boundaries, and other pertinent information. Investigation information in Item II above will be incorporated into the site demolition specifications. RJK will provide boiler plate specifications for our use on this project. Additional land surveys, topographic and boundaries shall be considered as an additional service in accordance with Section 2.7. This contract is to provide all one bid document by April 20, 1995 and assist the OWNER to complete all demolition by July 31, 1995.

A. Prepare Preliminary Construction Plans and Specifications
B. Prepare Applications for Necessary Permits
   1. Utility Clearance
   2. County Demolition Permits
   3. Obtain State and Federal Wage Rates
C. Prepare Final Plans and Specifications
D. 90% Review with the Agent
E. Submit to SEMA for Review and Approval
F. 100% Design Completion and Submit for Review with the Owner

* Base bid quantities on result of findings on properties acquired at time of bidding and project for all properties.

IV. BIDDING PHASE

A. Assist OWNER in obtaining one bid for the contract for demolition.

B. Assist OWNER in administering one pre-bid meeting for contractor.

C. Consult with and advise OWNER as to the acceptability of subcontractors and other persons and organizations proposed by the prime contractor(s) (hereinafter called "Contractor(s)") for those portions of the work as to which such acceptability is required by the Contract Documents.

D. Consult with and advise OWNER as to the acceptability of substitute materials and equipment proposed by Contractor(s) when substitution is permitted by the Contract Documents.

E. Assist OWNER in evaluating bids and in assembling and awarding contracts.

V. CONSTRUCTION PHASE

A. General Administration of Construction Contract. ENGINEER shall consult with and advise OWNER and act as OWNER'S representative as provided in Articles 1 through 17, inclusive, of the Standard General Conditions of the Construction Contract, No. 1910-8 (1983 Edition) of the Engineers Joint Contract Documents Committee. The extent and limitations of the duties, responsibilities and authority of ENGINEER as assigned in said Standard General Conditions shall not be modified, except as ENGINEER may otherwise agree in writing. All of OWNER'S instructions to Contractor(s) will be issued through ENGINEER who will have authority to act on behalf of AGENT to the extent provided in said Standard General Conditions except as otherwise provided in writing.

B. Visits to Site and Observation of Construction. In connection with observations of the work of Contractor(s) while it is in progress:

B.1. ENGINEER shall make visits to the site at intervals appropriate to the various stages of construction as ENGINEER deems necessary in order to observe as an experienced and qualified design professional the progress and quality of the various aspects of Contractor(s) work. This contract is based on average of 8 hours inspection per week during the maximum of five projects. Based on information obtained during such visits and on such observations, ENGINEER shall endeavor to determine in general if such work is proceeding in accordance with the Contact Documents and ENGINEER shall keep OWNER informed of the progress of the work.

B.2. The purpose of ENGINEER'S visits to the site will be to enable ENGINEER to better carry out the duties and responsibilities assigned to and undertaken by ENGINEER during the Construction Phase, and, in addition, by exercise of ENGINEER'S efforts as an experienced and qualified design professional, to provide for OWNER a greater degree of confidence that the completed work of Contractor(s) will conform generally to the Contract Documents and that the integrity of the design concept as reflected in the Contract Documents has been implemented and preserved by Contractor(s). On the other hand, ENGINEER shall not, during such visits or as a result of such observations of Contractor(s)' work in progress, supervise, direct or have control over Contractor(s)' work nor shall ENGINEER have authority over or responsibility for the means, methods, techniques, sequences or procedures of construction selected by Contractor(s), for safety precautions and programs incident to the work of Contractor(s) or for any failure of Contract(s) to comply with laws, rules, regulations, ordinances, codes or orders applicable to Contractor(s) furnishing and performing their work. Accordingly, ENGINEER can neither guarantee the performance of the construction contracts by Contractor(s) nor assume responsibility for Contractor(s)' failure to furnish and perform their work in accordance with the Contract Documents.

B.3. ENGINEER shall attend weekly or periodic meetings with the Contractor on each project until the completion of each contract.

B.4. ENGINEER shall administer pre-construction meetings.

C. Defective Work. During such visits and on the basis of such observations, ENGINEER may disapprove or reject Contractor(s)' work while it is in progress if ENGINEER believes such work will not produce a completed Project that conforms generally to the Contract Documents or that it will prejudice the integrity of the design concept of the Project as reflected in the Contract Documents.

D. Interpretations and Clarifications. ENGINEER shall issue necessary interpretations and clarifications of the Contract Documents and in connection therewith prepare work directive changes and change orders as required.

E. Shop Drawings: ENGINEER shall review and approve (or take other appropriate action in respect of) Shop Drawings (as that term is defined in the aforesaid Standard General Conditions), samples and other data which Contractor(s) are required to submit, but only for conformance with the design concept of the Project and compliance with the information given in the Contract Documents. Such reviews and approvals or other action shall not exceed to means, methods, techniques, sequences or procedures of construction or to safety precautions and programs incident thereto.

F. Substitutes. ENGINEER shall evaluate and determine the acceptability of substitute materials, methods and equipment proposed by Contractor(s).

G. Inspections and Tests. ENGINEER shall have authority, as OWNER'S representative, to require special inspection or testing of the work, and shall receive and review all certifications of inspections, testing and approvals required by laws, rules, regulations, ordinances, codes, orders or Contract Documents (but only to determine generally that their content complies with the requirements of, and the results certified indicate compliance with, the Contract Documents).

H. Disputes between OWNER and Contractor. ENGINEER shall act as initial interpreter of the requirements of the Contract Documents and judge of the acceptability of the work thereunder and make decisions on all claims of OWNER and Contractor(s) relating to the acceptability of the work or the interpretation of the requirements of the Contract Documents pertaining to the execution and progress of the work. ENGINEER shall not be liable for the results of any such interpretations or decisions rendered in good faith.

I. Applications for Payment. Based on ENGINEER'S on-site observations as an experienced and qualified professional and on review of applications for payment and the accompanying data and schedule:

I.1. ENGINEER shall determine the amounts owing to Contractor(s) and recommend in writing payments to Contractor(s) in such amounts. Such recommendations of payment will constitute a representation to OWNER, based on such observations and review, that the work has progressed to the point indicated, and that, to the best of ENGINEER'S knowledge, information and belief, the quality of such work is generally in accordance with the Contract Documents (subject to an evaluation of such work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Contract Documents and to any other qualifications stated in the recommendation). In the case if unit price work, ENGINEER'S recommendations of payment will include final determinations of quantities and classifications of such work (subject to any subsequent adjustments allowed by the Contract Documents).

I.2. Be recommending any payment, ENGINEER will not thereby be deemed to have represented that exhaustive, continuous or detailed reviews or examinations have been made by ENGINEER to check the quality or quantity of Contractor(s)' work as it is furnished and performed beyond the responsibilities specifically assigned to ENGINEER in this Agreement and the Contract Documents. ENGINEER'S Contractor(s)' work for the purposes of recommending payments will not impose on ENGINEER responsibility to supervise, direct or control such work or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto or Contractor(s) compliance with laws, rules, regulations, ordinances, codes or orders applicable to their furnishing and performing the work. It will also not impose responsibility on ENGINEER to make any examination to ascertain how or for what purposes any Contractor has used the monies paid on account of the Contract Price, or to determine that title to any of the work, materials, or equipment has passed to OWNER free and clear of any lien, claims, security interests or encumbrances, or that there may not be other matters at issue between OWNER and Contractor that might affect the amount that should be paid.

J. Contractor(s)' Completion Documents. ENGINEER shall receive and review maintenance and operating instructions, schedules, guarantees, bonds, and certificates of inspection, tests and approvals which are to be assembled by Contractor(s) in accordance with the Contract Documents (but such review will only be to determine that their content complies with the requirements of, and in the case of certificates of inspection, tests, and approvals the results certified indicate compliance with, the Contract Documents); and shall transmit them to OWNER with written comments.

K. Inspections. ENGINEER shall conduct an inspection to determine if the work is substantially complete and a final inspection to determine of the completed work is acceptable so that ENGINEER may recommend, in writing, final payment to Contractor(s) and may give written notice to OWNER and the Contractor(s) that the work is acceptable (subject to any conditions therein expressed), but any such recommendation and notice will be subject to the limitations expressed), but limitations expressed in paragraph 3.12.

L. Limitation of Responsibilities. ENGINEER shall not be responsible for the acts or omissions of any Contractor, or of any subcontractor or supplier, or any of the Contractor(s)' or subcontractor's or supplier's agents or employees or any other persons (except ENGINEER'S own employees and agents) at the site or otherwise furnishing or performing any of the Contractor(s)' work; however, nothing contained in paragraphs 3.1 thru 3.8. inclusive, shall be construed to release ENGINEER from liability for failure to properly perform duties and responsibilities assumed by ENGINEER in the Contract Documents.

SECTION 2 - ADDITIONAL SERVICES OF ENGINEER

2.1 Services resulting from significant changes in general scope of the Project or its design including, but not limited to, changes in size, complexity, OWNER'S schedule, or character of construction; and revising previously accepted studies, reports, design documents or Contract Documents when such revisions are due to causes beyond ENGINEER'S control.

2.2 Providing renderings or models for OWNER'S use.

2.3 Investigations involving detailed consideration of operations, maintenance and overhead expenses; and the preparation of rate schedules, earnings and expense statements, feasibility studies, appraisals and valuations; detailed quantity surveys of material, equipment and labor; and audits or inventories required in connection with construction performed by OWNER.

2.4 Services in connection with change orders to reflect changes requested by OWNER if the resulting change in compensation for Basic Services is not commensurate with the additional services rendered, and services resulting from significant delays, changes, or price increases occurring as a direct or indirect result of material, equipment or energy shortages.

2.5 Preparing to serve or serving as a consultant or witness for OWNER in any litigation, public hearing or other legal or administrative proceeding involving the Project.

2.6 Providing Archaeology or Cultural Resources Surveys

2.7 Provide land, topographic and boundary survey services.

2.8 Provide inspections of houses beyond 25 lots, inventory of hazardous materials, UST/GPR surveys and asbestos surveys beyond 25. The cost of additional inspections by GBA staff will be $100.00/lot. If additional asbestos testing and smapling is required an additional $142.10/lot will be charged.

SECTION 3 - RESPONSIBILITIES OF THE AGENT

The OWNER shall provide information and assistance to the ENGINEER, as follows:

3.1 Assist the ENGINEER by placing at their disposal all available information pertinent to the project including previous reports, existing site and construction plans and any other data relative to the ENGINEER'S services.

3.2 Arrange for access to and make all provisions for the ENGINEER to enter upon public and private property subject to County owned easements as required by ENGINEER to perform their services.

3.3 Examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by ENGINEER, obtain advice of an attorney, insurance counselor and other consultants as he deems appropriate for each examination and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of ENGINEER.

3.4 Give prompt written notice to the ENGINEER whenever OWNER observes or otherwise becomes aware of any development that affects the scope or timing of ENGINEER'S services.

3.5 The OWNER will designate a person to act as its representative with respect to the work performed under this Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and define the OWNER'S policies and decisions pertinent to the work covered by this Agreement.

3.6 Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project.

3.7 Furnish, or direct ENGINEER to provide, necessary Additional Services as stipulated in Section 2 of this Agreement or other services as required.

3.8 Furnish to ENGINEER, as required by him for performance of his services, data prepared by or services of others, such as core borings, probings and subsurface explorations, hydrographic surveys, laboratory tests and inspections of samples, materials and equipment; appropriate professional interpretations of all of the foregoing; unforeseen topographic and utility surveys and property descriptions; zoning and deed restriction; boiler plate specifications; and other special data or consultations not covered in Section 1 and 2; all of which ENGINEER may rely upon in performing his services.

SECTION 4 - PAYMENTS TO ENGINEER

4.1 Compensation.

For all work and services described in Section I - Scope of Services, the OWNER will pay the ENGINEER a maximum not to exceed amount of Thirteen Thousand Six Hundred Thirty Dollars and Fifty Cents ($13,630.50). The estimated fees for each phase are listed below as are the additional fees for inspections and testing per lot in excess of twenty-five (25) lots.

Phases
Phase I - Project Information - $738.00
Phase II - Site Surveys and Investigations - $5,658.50
Phase III - Demolition Plans and Specifications - $1,462.00
Phase IV - Construction Bidding - $1,930.00
Phase V - Construction Administration - $3,842.00
Asbestos sampling and testing (above 25 lots) - $142.10/Lot
Additional Inspections by GBA Staff (Above 25 Lots) - $100.00/Lot

4.2 Change of Scope

In the event additional services are required through changes in the scope of the Project, or other unusual or unforeseen circumstances are encountered, or for other consulting services, ENGINEER shall, upon written authorization by the OWNER, perform the additional services as mutually agreed by both parties by supplemental agreement.

4.3 Basis of Payment

Payments to the ENGINEER shall be made monthly upon receipt of an invoice to be submitted to the OWNER by the ENGINEER. The invoices will be based on actual hours spent times our hourly rates (copy attached) and expenses. Invoices shall be due and payable to the ENGINEER within thirty (30) calendar days of the receipt of the invoice.

4.4 Additional Services

Additional services rendered under paragraphs 2.1 thru and including 2.9 shall be provided on a maximum not to exceed amounts for each work task as mutually agreed upon by the OWNER and ENGINEER.

SECTION 5 - GENERAL CONSIDERATIONS

5.1 Termination

This Agreement may be terminated by either party upon thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the terms thereof through no fault of the terminating party. In the event of termination, the ENGINEER shall be paid in full for all work previously authorized and performed up to the termination date.

5.2 Ownership of Documents

All notes, calculations, specifications, reports, plans, maps and technical data resulting from this Agreement shall be the property of the OWNER.

However, any re-use by the OWNER without written verification or adoption by the ENGINEER for a purpose other than the specific purpose intended by this written Agreement will be at the AGENT'S sole risk without liability or legal exposure to the ENGINEER. The ENGINEER shall submit the reproducible originals of the calculations, specifications, plans, maps, reports, and technical data to the OWNER. If requested, the ENGINEER shall prepare original-like copies of any of these documents, including all notes, for the County as a direct cost reimbursable engineering service. The ENGINEER shall retain copies of the work needed to assure continuity if further services are to be provided.

5.3 Successors and Assigns

OWNER and ENGINEER each binds himself and his partners, successors, executors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party, in respect to all covenants of this Agreement except as above, neither OWNER nor ENGINEER shall assign, sublet or transfer his interest in this Agreement without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body which may be a party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than OWNER and ENGINEER.

5.4 Warranties

In the performance of these services, the ENGINEER shall act as an independent consulting agency, subject to general criteria as set forth in Section 1, Scope of Services. The ENGINEER shall use the engineering experience of its staff to provide reasonable diligence for the work required to address the Scope of Services outlined in Section 1. ENGINEER shall perform professional services in accordance with good engineering practice, using normally acceptable methods and to normally acceptable accuracy.

5.5 Precedence of this Agreement

Additional and amendments to this Agreement shall be made by written Amendment to this Agreement, of which the Amendment shall become a part. All provision of this Agreement shall remain in force unless specifically modified by written Amendment.

5.6 Force Majeure

Neither party hereto shall be liable for its failure to perform hereunder due to contingencies beyond its reasonable control, including, but not limited to strikes, riots, war, fire, floods, and acts of nature not including normal weather conditions.

5.7 Severability

In case anyone or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforeability shall not affect any other provision of this Agreement this Agreement shall be construed as if such invalid, illegal or unenforceable provision has never been contained herein. This Agreement shall be governed by the laws of the State of Missouri.

SECTION 6 - MISCELLANEOUS

And finally, it is agreed that:

6.1 Services hereunder shall be carried to completion without undue interruption. Subject to acquisition of essential data from the OWNER, the services hereunder shall receive normal priority over subsequent authorizations of other clients of the ENGINEER.

6.2 The purpose of this investigation is to provide useful, decision-making information to OWNER. ENGINEER shall not be responsible for investigation of individuals or public records beyond those provided to ENGINEER.

6.3 It is intended that ENGINEER services, or any written report, not be utilized by anyone other than OWNER. Accordingly, ENGINEER'S liability in performing the services thereunder is limited to the cost of the services provided, and OWNER expressly agrees to indemnify ENGINEER and hold ENGINEER harmless from any and all claims, causes of action or suits at law or equity which may be brought against ENGINEER by any third person which arise from or are in any way connected with the ENGINEER services hereunder. This indemnity and agreement to hold harmless includes, but is not limited to, damage awards, costs of litigation (including reasonable attorney's fees) or other costs, expenses or damaged of any type or nature whatsoever.

6.4 Due to the evolving nature of rules and regulations promulgated for recently enacted Environmental Protection Legislation, Federal and corresponding State laws and regulations, policies and administrative procedures may not be finalized and are subject to periodic amendment and revision. Therefore, the ENGINEER cannot guarantee nor accept responsibility for non-compliance with governmental rules and regulations or interpretations of laws by various Federal, State and local jurisdictions, other than as the same may exist as of the date of the execution of this Agreement.

6.5 ADDITIONAL SERVICES including, but not limited to supplemental reports an environmental sampling and testing may be provided by separate Agreement that is mutually acceptable to OWNER and ENGINEER.

6.6 This Agreement and all agreements executed in furtherance hereof, shall be interpreted and enforced under the laws of the State of Missouri. This Agreement and all agreements executed in furtherance hereof, shall be deemed as jointly drafted by the parties hereto, and each party acknowledges that it has had a full and complete opportunity to read this Agreement and seek such advise of consultation as deemed appropriate in executing same.

IN WITNESS WHEREOF, CITY OF PORTAGE DES SIOUX, MISSOURI and GEORGE BUTLER ASSOCIATES, INC., by their authorized representatives, have hereunto subscribed their names this 29th day of December, 1994.

Executed in duplicate with copies to the AGENT and ENGINEER.

GEORGE BUTLER ASSOCIATES, INC.

By: William A. Copenhafer

Title: President

ATTEST:

By: Harold R. Hurlbert

Title: Firm Associate

CITY OF PORTAGE DES SIOUX, MISSOURI

By: George R. Combs

Title: mayor

ATTEST:

By: Suzie A. Cissell

Title: City Clerk

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, IMPOSING A SALES TAX INCREASE OF 0.25% TO THE CURRENT SALES TAX OF 1.00% FOR USE BY THE PORTAGE EMERGENCY MANAGEMENT AGENCY.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

Imposition of a sales tax increase of 0.25% for use by the Portage Emergency Management Agency is hereby imposed upon all sellers for the privilege of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in Sectins 14.010 to 144.510 RSMo, and the rules and regulations of the Director of Revenue that is issued pursuant thereto: The rate of the tax shall be one and one quarter percent (1.25%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within Portage Des Sioux, Missouri, if such property and tangible services are subject to taxation by the State of Missouri under the provisions of Section 144.010 to 144.510 RSMo. The tax shall become in effect as provided in Subsection 4 of Section 94.510 RSMo, and shall be then collected pursuant to the provisions of Sections 94.500 to 94.570 RSMo.

SECTION II

This tax shall be budgeted each budget year into the General Fund and then to be appropriated for use by the Portage Emergency Management Agency.

SECTION III

This ordinance shall be submitted to the qualified voters of Portage Des Sioux, Missouri for their approval, as required by the provisions of Section 94.510 RSMo, at the primary election hereby called and to be held in said city on the 4th day of April, 1995. The ballot title shall be:

Shall a sales tax raise of 0.25% be imposed on all retail sales to collect funds for use by the Portage Emergency Management Agency be approved?

☐ Yes

☐ No

Mark an "X" in the box opposite "Yes" if you are in favor of the sales tax raise. Mark an "X" in the box opposite "No" if you are opposed to the sales tax raise.

If a majority of the qualified voters voting at said election shall vote in favor of the approval, then the same shall be binding and in full force and effect.

SECTION IV

Within ten (10) days after the approval of this ordinane by the qualified voters of Portage Des Sioux, Missouri, the City Clerk shall forward to the Director of Revenue of the State of Missouri by United States Registered Mail or Certified Mail, a certified copy of the ordinance together with the certifications of the election returns and will accompany it with a map of the city clearly showing the boundaries thereof.

BILL NO. 222 ORDINANCE NO. 222

SECTION V

Read the first, second and third time and passed by the Board of Aldermen of the City of Portage Des Sioux, Missouri, this 10th day of January, 1995.

George R. Combs
Mayor George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

Ordinance #222 of Portage Des Sioux, Missouri passed _____ raising the City Sales Tax to 1.25% from 1.00% to be used for Portage Emergency Management Agency purposes on the receipts from the sale at retail of all tangible personal property or taxable services subject to the sales tax by the State of Missouri.

Failed to pass Suzie A. Cissell 4/5/95

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, EXTENDING THE TIME PERIOD FOR THE FILING OF AN ACCEPTANCE OF ORDINANCE NO. 216 BY UNION ELECTRIC COMPANY FROM SIXTY (60) DAYS, AS SET OUT IN SECTION 5 OF THAT ORDINANCE, TO ONE HUNDRED EIGHTY (180) DAYS.

WHEREAS, Ordinance No. 216, approved by the Board of Aldermen and signed by the Mayor on January 10, 1995, the City of Portage Des Sioux, Missouri, did grant to Union Electric Company a franchise for the purpose of transmitting electricity through said City; and

WHEREAS, Ordinance No. 216 provided that Union Electric company must file an acceptance of the franchise within sixty (60) days after the date of such enactment, and the City of Portage Des Sioux is now desirous of extending that period to one hundred eighty (180) days;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

The period during which Union Electric Company may file an Acceptance of Ordinance No. 216 with the City of Portage Des Sioux is hereby extended from sixty (60) days to one hundred eighty (180) days from the date of such enactment.

George R. Combs
Mayor George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, EXTENDING THE TIME PERIOD FOR THE FILING OF AN ACCEPTANCE OF ORDINANCE NO. 216 BY UNION ELECTRIC COMPANY FROM SIXTY (60) DAYS, AS SET OUT IN SECTION 5 OF THAT ORDINANCE, TO ONE HUNDRED EIGHTY (180) DAYS.

WHEREAS, Ordinance No. 216, approved by the Board of Aldermen and signed by the Mayor on January 10, 1995, the City of Portage Des Sioux, Missouri, did grant to Union Electric Company a franchise for the purpose of transmitting electricity through said City; and

WHEREAS, Ordinance No. 216 provided that Union Electric company must file an acceptance of the franchise within sixty (60) days after the date of such enactment, and the City of Portage Des Sioux is now desirous of extending that period to one hundred eighty (180) days;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

The period during which Union Electric Company may file an Acceptance of Ordinance No. 216 with the City of Portage Des Sioux is hereby extended from sixty (60) days to one hundred eighty (180) days from the date of such enactment.

George R. Combs
Mayor George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

I, Suzie A. Cissell, City Clerk within and for the City of Portage Des Sioux, in the State and County aforesaid, do hereby certify that the foregoing constitutes a full, true and correct copy of Ordinance No. 223 of said City as passed by the Board of Aldermen and approved by the Mayor on the 5th day of June, 1995, as fully as the same appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Portage Des Sioux, Missouri, at my office in said City, this 5th day of June, 1995.

Suzie A. Cissell
City Clerk

City Seal

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, PROVIDING FOR THE LIGHTING BY ELECTRICITY OF THE STREETS, AVENUES, ALLEYS, AND OTHER PUBLIC PLACES IN THE CITY OF PORTAGE DES SIOUX, IN THE STATE OF MISSOURI, AND OTHER ELECTRIC SERVICE REQUIREMENTS OF THE CITY, BY CONTRACT, SETTING FORTH THE TERMS OF THE PROPOSED CONTRACT THEREFOR BETWEEN THE CITY AND UNION ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, AND PERMITTING SAID COMPANY TO ERECT, OPERATE, AND MAINTAIN POLES, LINES, WIRES, CABLES, TRANSFORMERS, AND OTHER APPLIANCES IN THE STREETS AND ALL OTHER PUBLIC PLACES, NECESSARY FOR AND APPROPRIATE TO THE PERFORMANCE OF SAID CONTRACT AS DESCRIBED HEREIN.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

That the proposed contract, in the form as hereinafter set out, by and between the City of Portage Des Sioux, State of Missouri, and Union Electric Company, a corporation, its successors and assigns, providing for the lighting of the streets, avenues, alleys, and other public places of the City by electricity, and providing for the supply of other electric utility service required by the City for its City Hall and other premises, according to the terms, provisions, stipulations, and agreements therein specified, be and the same is hereby approved and confirmed; and that the Mayor and the City Clerk of said City be and they hereby are authorized and directed to execute in behalf of the City said contract in the form set out at Exhibit A hereto attached and incorporated by reference.

SECTION II

The City hereby grants to Union Electric Company, its successors and assigns, while engaged in the performance of said contract, the right and privilege to erect, maintain, and operate lighting and other electrical fixtures, poles, lines, wires, cables, transformers, and related apparatus and appliances necessary or convenient for the efficient performance of said duties, upon, under, over, and across the streets, avenues, alleys, and other public places in said City.

SECTION III

If any provision of this ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION IV

All ordinances or parts of ordinances in conflict with this ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION V

This ordinance shall be in full force from and after its passage and approval.

Passed and approved this 5th day of June, 1995.

George R. Combs
Mayor George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

I, Suzie A. Cissell, the duly appointed, qualified and acting City Clerk of the City of Portage Des Sioux, Missouri, hereby certify the foregoing to be a true and correct copy of Bill No. 224, Ordinance No. 224 of said City and that the same has not been modified or revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 5th day of June, 1995.

Suzie A. Cissell
City Clerk

City Seal

EXHIBIT A

CONTRACT FOR STREET LIGHTING AND ELECTRIC SERVICE

THIS CONTRACT, made and entered into this 5th day of June, 1995, by and between UNION ELECTRIC COMPANY, a Missouri corporation, its successors and assigns, hereinafter called "Company", and the City of Portage Des Sioux, a municipal corporation incorporated under the laws of the State of Missouri, hereinafter called "City";

WITNESSETH:

WHEREAS, the Board of Aldermen of the City has determined that lighting of the streets, alleys, and other public places of the City and other electric utility service requirements of the City should be provided by contract; and

WHEREAS, Company is a public utility regulated by the Public Service Commission of the State of Missouri in accordance with law; and

WHEREAS, Company proposes to supply said street lighting and other electric utility service desired by the City, as hereinafter set forth;

NOW, THEREFORE, the parties hereto agree as follows:

The City, acting by its Board of Aldermen, does hereby award to Company this contract for lighting by means of electricity the streets, avenues, alleys, and other public places of the City as they may now exist or may hereafter be established within the limits of the city as said limits now exist or may be extended, and for the other electric utility service required by City for its City Hall and other various premises; and the City agrees to pay for and the Company agrees to sell and deliver, said services in the manner and subject to the terms and conditions hereinafter set forth.

1. Street and Outdoor Area Lighting Service. Initial street and outdoor lighting service supplied by Company on Company-owned facilities shall be of the type and character set forth in Appendix 1 attached hereto. Additional street and outdoor lighting service may be requested by City from time to time and shall become subject to this contract as set out on Appendix 1.

2. Other Electric Service. Company shall supply electric utility service to the City Hall and to the City's other various premises to meet the requirements of the City.

3. Tariffs. All electric service hereunder shall be supplied by Company and paid for by the City under, and shall be subject to the terms and conditions of Company's tariffs, including without limitation its applicable rates, service classifications, riders, and general rules and regulations on file with the Public Service Commission of the State of Missouri. This contract, including Company's tariffs, shall be subject at all times to review, control, change, and regulation by the Public Service Commission of the State of Missouri in accordance with law. copies of the service classifications and rates in effect at the inception of this contract and applicable to the initial service to City hereunder are attached as Exhibits and are made a part hereof. In the event of any conflict between any provision hereof and Company's tariffs, as said tariffs may be modified or supplemented from time to time pursuant to law, the tariffs shall govern.

4. Company Facilities. The City hereby grants to Company, its successors and assigns, while engaged in the performance of Company's duties hereunder, the right and privilege to erect, maintain and operate lighting fixtures, poles, wires, cables, transformers and related apparatus and appliances necessary or convenient for Company's efficient performance of its duties under this contract, upon, under, over, and across the streets, avenues, alleys, and other public places in the City.

5. Notices, etc. All notices, applications and requests by the City hereunder shall be in writing signed by the City Clerk and delivered or mailed to Company addressed as follows or to such other address as Company may hereafter designate in writing to the City Clerk:

_____

_____

6. Term. The term of this contract is ten (10) years. However, in the event the tariff(s) applicable to particular service supplied to City hereunder provide for a shorter term than the term hereof, then the shorter term and any termination provisions in the applicable tariff shall govern as to said particular service, and said shorter term shall be renewed automatically for successive terms of equal duration unless sooner terminated in accordance with the applicable termination provision in the tariff, or until the expiration of the term of this contract, whichever first occurs.

7. Termination of Prior Agreements. This contract supersedes and cancels any prior agreement(s) between the parties hereto relating to the subject matter hereof; provided however, that the foregoing shall not be construed to impair or supersede any separate franchise or separate special facilities agreement(s) between the parties.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed in duplicate as of the day and year first above written.

UNION ELECTRIC COMPANY

By_____
Vice President

ATTEST:

_____
Secretary

EXHIBIT A

CITY OF PORTAGE DES SIOUX, MISSOURI

By George R. Combs
Mayor

ATTEST:

Suzie A. Cissell
City Clerk

BILL NO. 225 ORDINANCE NO. 225

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH SHARP CONSTRUCTION, INC. FOR THE PURPOSE OF DEMOLITION OF BOUGHT OUT PROPERTIES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

The Mayor and City Clerk are hereby authorized to execute a contract with Sharp Construction, Inc. for the demolition of bought out properties for said City and not to exceed $118,200.00.

SECTION II

Due to the time frame involved, this ordinance will receive all of the required readings at the same meeting at which the bill is introduced so that it can be passed at one meeting. This Ordinance is prima facie deemed an emergency ordinance because it allows the Aldermen to take immediate steps to prevent or to remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety, and welfare. The ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

Read the first, second and third time and passed by the Board of Aldermen of the City of Portage des Sioux, Missouri, this 17th day of April, 1995.

George R. Combs
Mayor George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 225 ORDINANCE NO. 225

BILL NO. 226 ORDINANCE NO. 226

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR OF PORTAGE DES SIOUX TO SIGN PETITIONS FOR RENT AND POSSESSION OF COMMONS GROUNDS WHOSE LEASEHOLDERS HAVE NOT PAID RENT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

That the Board of Aldermen has directed the City Attorney to prepare and file the necessary legal documents to begin suit to recover past due rents and possession of commons grounds owned by the City.

The in lieu of the entire Board of Aldermen signing these documents, the Board of Aldermen hereby authorized the Mayor to sign all necessary documents for them.

SECTION II

All ordinances or parts of ordinances in conflict with this ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION III

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. This ordinance has received all of the required readings at the same meeting at which the Bill is introduced, so that it can be passed at one meeting. This ordinance is prima facie, deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or to remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety, and welfare.

Passed and approved this 6th day of November, 1995.

George R. Combs
Mayor George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 226 ORDINANCE NO. 226

BILL NO. 227 ORDINANCE NO. 227

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE OF NEGOTIABLE, INTEREST-BEARING SEWERAGE SYSTEM REFUNDING REVENUE BONDS OF THE CITY OF PORTAGE DES SIOUX, ST. CHARLES COUNTY, MISSOURI, IN THE PRINCIPAL AMOUNT OF TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS ($225,000); PRESCRIBING THE FORM AND INCIDENTS OF SAID BONDS; PROVIDING FOR THE COLLECTION, SEGREGATION, AND DISTRIBUTION OF THE REVENUE TO BE DERIVED FROM THE OPERATION OF THE SEWERAGE SYSTEM OF SAID CITY IN AMOUNTS SUFFICIENT TO PAY THE COST OF OPERATION AND MAINTENANCE THEREOF AND THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND MAKING PROVISION FOR OTHER FUNDS IN CONNECTION THEREWITH.

WHEREAS, by action of the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, Missouri, duly approved and adopted on February 20, 1988, and with the approval of in excess of four-sevenths (4/7) of the qualified electors of said City at a special bond election duly and regularly held on August 4, 1987, the City of Portage Des Sioux did issue and sell negotiable sewerage system revenue bonds (the "1988 Bonds") in the amount of Three Hundred Thousand Dollars ($300,000) for the purpose of paying part of the cost of improving and extending the sewerage system of said City; and

WHEREAS, as of the date hereof there is outstanding Two Hundred Twenty-Five Thousand Dollars ($225,000) aggregate principal amount of 1988 Bonds; and

WHEREAS, the City is authorized by Section 108.140.2, Missouri Revised Statutes (1994), as amended, to refund, extend, and unify the whole or part of its valid outstanding revenue bonds, and for such purpose may issue, negotiate, sell and deliver refunding revenue bonds and with the proceeds therefrom pay off, redeem and cancel the obligations to be refunded in advance of their maturity or redemption; and

WHEREAS, the City deems it advisable and in the best interests of the City and its residents that the outstanding 1988 Bonds be refunded and cancelled; and

WHEREAS, this Board of Aldermen does hereby find and determine that the amount of $225,000 will be necessary to pay the principal of the outstanding 1988 Bonds, together with the interest accrued thereon to the date of such refunding, and for the payment of costs and expenses related to issuing the refunding bonds.

WHEREAS, there not being sufficient monies on hand to pay such principal, interest, costs and expenses,the Board of Aldermen of the said City of Portage Des Sioux now does find and determine that it is necessary and advisable and in the public interest that Sewerage System Refunding Revenue Bonds of said City in the principal amount of Two Hundred Twenty-Five Thousand Dollars ($225,000) be issued forthwith;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. That the findings contained in the preamble, are found and declared hereby to be true and correct and that, in order to provide the sum of Two Hundred Twenty-Five Thousand Dollars ($225,000) for the purpose of refunding all of the presently outstanding Sewerage System Revenue Bonds of the City of Portage Des Sioux originally in the principal amount of Three Hundred Thousand Dollars ($300,000), which Refunding Bonds shall be payable, both as to principal and interest, solely from the revenues to be derived by said City of Portage Des Sioux from the operation of the sewerage system owned exclusively by said City, all in accordance with and as authorized by the Constitution and Statutes of the State of Missouri, including Section 108.140.2 et seq., Missouri Revised Statutes.

SECTION 2. That the aforesaid bonds shall be of the denomination of Two Hundred Twenty-Five Thousand Dollars ($225,000). The Bond shall bear date of June 1, 1996, and shall bear interest from the date thereof at the rate of 4% per annum, payable October 1, 1996, and semi-annually thereafter on June 1 and June 1 in each year until the principal thereof, shall have been fully paid. Interest to accrue on said bonds on and prior to the maturity date thereof shall be payable by check or draft drawn by the Treasurer of the City and made payable to each registered owner of bonds of this issue listed as an owner of record on the fifteenth (15th) day prior to each of the aforesaid dates upon which interest will be due and payable. Both principal of and interest on said Bonds shall be payable in lawful money of the United States of America to the registered holder of such Bonds. The Bond shall be subject to mandatory redemption in the amounts and at the times following, to-wit:

June 1 of the Year	Amount	June 1 of the Year	Amount
1997	$ 7,556.00	2007	$11,184.73
1998	7,858.24	2008	11,632.11
1999	8,172.57	2009	12,097.40
2000	8,499.47	2010	12,581.30
2001	8,839.45	2011	13,084.55
2002	9,193.03	2012	13,607.93
2003	9,560.75	2013	14,152.25
2004	9,943.18	2014	14,718.34
2005	10,340.91	2015	15,307.07
2006	10,754.54	2016*	15,916.19

* final maturity

The Bond may be called in, paid, and redeemed in whole or in part on any interest payment date by lot in multiples of Five Thousand Dollars ($5,000) in principal amount if less than all of the bonds are being called, at par and accrued interest, without premium. If any of the said bonds or parts thereof be so called for redemption prior to maturity as herein provided, the City of Portage Des Sioux, Missouri, shall cause written notice of its intention to call in, pay, and

redeem any such bond or part thereof to be given to each Registered Owner of each bond being so called in whole or in part, and such written notice shall be mailed by prepaid United States Mail to each Registered Owner of each bond being so called not less than thirty (30) days in advance of the date set for the redemption of any such bond, but neither the failure to mail such notice nor any defect in any notice so mailed shall affect the sufficiency of the proceedings for the redemption of any such bond or part thereof. Interest shall cease on any bond or part thereof so called for redemption from and after the date fixed for the payment thereof; provided that funds shall be available for such payment on such date.

If less than the entire principal amount of any bond be called for redemption as hereinabove provided, upon surrender of the bond to the Bond Registrar hereinafter designated, the Bond Registrar shall issue to the Registered Owner of the bond, without charge, a new bond or bonds in the appropriate remaining aggregate principal amount.

SECTION 3. That the said bonds shall be executed for and on behalf of the City by the manual signature of the Mayor of said City, attested by the manual signature of the City Clerk under the seal of said City imprinted thereon; that each of said bonds shall be authenticated by the manual signature of the Treasurer of the City acting as the Bond Registrar of said bonds (the "Bond Registrar"); and that the said bonds shall be in substantially the following form, to-wit:

UNITED STATES OF AMERICA

STATE OF MISSOURI

COUNTY OF ST. CHARLES

CITY OF PORTAGE DES SIOUX

SEWERAGE SYSTEM REFUNDING REVENUE BOND

SERIES 1996

INTEREST RATE	MATURITY DATE	ORIGINAL ISSUE DATE
Four Percent (4%)	June 1, 2016	June 1, 1996

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____ DOLLARS

The City of Portage Des Sioux, St. Charles County, Missouri, acknowledges itself to owe and, for value received, promises to pay to the Registered Owner hereof, identified hereinabove, or registered assigns, as hereinafter provided, the Principal Amount set forth hereinabove on the Maturity Date likewise set forth hereinabove and to pay to said Registered owner interest on the aforesaid Principal Amount from the date hereof or from the then latest interest payment date to which interest shall have been paid at the Interest Rate set forth hereinabove, payable December 1, 1996, and semi-annually thereafter on June 1 and December 1 in each year until the Principal Amount of this Bond shall have been fully paid. No interest shall accrue on this Bond after the aforesaid Maturity Date unless this Bond shall have been presented for payment at maturity and shall not have been paid.

Both the Principal Amount of and the interest on this Bond are payable in lawful money of the United States of America by check of or draft upon the City of Portage Des Sioux, St. Charles County, State of Missouri (drawn by the Treasurer of said City acting as the Paying Agent for this Bond), mailed by prepaid United States Mail to the aforesaid Registered Owner if listed of record at least fifteen (15) days prior to each interest payment date at the address of such Registered Owner as the same appears on the books and records of the aforesaid Paying Agent kept in his capacity as Bond Registrar; provided, however, that the principal amount hereof shall be payable only upon presentation and surrender of this Bond at the principal office of said Paying Agent.

The right is reserved unto said City to call in, pay, and redeem any Bonds of the issue of which this Bond is one, on any interest payment date by lot in multiples of Five Thousand Dollars ($5,000) in principal amount of said Bonds or parts of Bonds so called, without premium. The Bonds are subject to mandatory redemption solely at a redemption price equal to the principal amount thereof, plus accrued interest to the redemption date, without premium, on the dates and in principal amounts set forth in the following table:

June 1 of the Year	Amount	June 1 of the Year	Amount
1997	$ 7,556.00	2007	$11,184.73
1998	7,858.24	2008	11,632.11
1999	8,172.57	2009	12,097.40
2000	8,499.47	2010	12,581.30
2001	8,839.45	2011	13,084.55
2002	9,193.03	2012	13,607.93
2003	9,560.75	2013	14,152.25
2004	9,943.18	2014	14,718.34
2005	10,340.91	2015	15,307.07
2006	10,754.54	2016*	15,916.19

* final maturity

The City of Portage Des Sioux, Missouri, shall cause written notice of its intention to call in, pay, and redeem Bonds or part thereof to be given to each Registered Owner of each Bond being so called in whole or in part, and such written notice shall be mailed by prepaid United States Mail to each Registered owner of each Bond being so called not less than thirty (30) days in advance of the date set for the redemption of any such Bond, but neither the failure to mail such notice nor any defect in any notice so mailed shall affect the sufficiency of the proceedings for the redemption of any such Bond or part thereof. Interest shall cease on any Bond or part thereof so called for redemption from and after the date fixed for the payment thereof; provided that funds shall be available for such payment on such date.

If less than the entire principal amount of this Bond be called for redemption as hereinabove provided, upon surrender of this Bond to the Bond Registrar, the Bond Registrar shall issue to

the Registered Owner hereof, without charge, a new Bond or Bonds in the appropriate remaining aggregate principal amount.

This Bond is one of a duly authorized issue of Sewerage System Refunding Revenue Bonds, Series 1996 of the aforesaid City, all of like date, tenor, and effect, except as to number, of the denomination of Five Thousand Dollars ($5,000) or some whole multiple thereof, aggregating the principal sum of Two Hundred Twenty-Five Thousand Dollars ($225,000), issued by said City to provide funds for the purpose of refunding the City's Sewerage System Revenue Bonds dated February 1, 1988, and is issued pursuant to the Constitution and Laws of the State of Missouri, including, among others, Section 108.140.2 et seq., Missouri Revised Statutes, and pursuant to Ordinance No. 227 of said City authorizing and directing the issuance of the Bonds of the issue of which this Bond is one duly adopted on the 1st day of April, 1996 (the "Bond Ordinance"), by the Board of Aldermen of said City. This Bond does not constitute an indebtedness of said City within the meaning of any constitutional or statutory limitation or provision, and the taxing power of said City is not pledged to the payment hereof, either as to principal or interest.

This Bond is and shall be a negotiable instrument in accordance with the laws of the State of Missouri and shall be transferable only by delivery to the aforesaid Bond Registrar, serving in its capacity as Bond Transfer Agent for this Bond and the issue of which it is one, of a written instrument of transfer executed by the Registered Owner or by that Owner's attorney thereunto duly authorized and upon surrender of this Bond to said Bond Registrar for cancellation. Upon such transfer, a new registered Bond or Bonds of the issue of which this Bond is one and of the same maturity and of the denomination of Five Thousand Dollars ($5,000) or any whole multiple thereof (unless the outstanding principal sum to be represented by such new Bond is less than Five Thousand Dollars ($5,000), in which case the denomination shall be an amount equal to such principal sum) aggregating the same principal amount will be issued by said Bond Transfer Agent to the transferee in exchange therefor; provided, that no such transfer shall take place of record within fifteen (15) days next preceding any interest payment date. The Board of Aldermen of said City of Portage Des Sioux, St. Charles County, Missouri, and the said Paying Agent may deem and treat the Registered Owner hereof as the absolute owner hereof for the purpose of receiving payment of the Principal Amount of this Bond and the interest due hereon and for all other purposes, and neither the Board of Aldermen nor the Paying Agent shall be affected by any notice to the contrary.

The City of Portage Des Sioux covenants and agrees that it will apply the proceeds of the issue of which this Bond is one to the purpose above set forth and that, as long as this Bond or any Bond of the issue of which it is one or any of the interest thereon is unpaid, it will operate and maintain its sewerage system; that, as long as any of said Bonds or the interest thereon is unpaid, it will fix and maintain rates and make and collect charges for the service and facilities of said system, sufficient to provide for the payment of the principal of and the interest on said Bonds as the same shall mature and accrue and for the operation and maintenance of said sewerage system in good repair and working order and to provide other funds in connection therewith, all as set forth in the Ordinance pursuant to which the said Bonds are issued; and that such an amount of the revenues of said system as will maintain an interest and sinking fund

sufficient to pay the principal of and the interest on this Bond and the issue of which it is one, as the same shall mature and accrue, is hereby irrevocably pledged to said purpose.

This Bond and the issue of which it forms a part are payable, both as to principal and interest, solely from the revenues to be derived by said City from the operation of its sewerage system.

It is hereby certified, recited, and declared that all acts, conditions, and things required to exist, to happen, and to be performed precedent to and in the issuance of this Bond and of the series of which it is one, in order to make the same legal and binding obligations of said City according to the terms thereof, do exist, have happened, and have been performed in due and regular time, form, and manner, as required by law; that this Bond and the issue of which it is one, together with all indebtedness of said City of Portage Des Sioux, Missouri, do not exceed any limit of indebtedness prescribed by law; and that, for the performance in due time and manner of all covenants herein, for the prompt payment of the principal of and the interest on this Bond, and for the performance in due time and manner of each and every official act necessary therefor, the full faith of the City of Portage Des Sioux is hereby irrevocably pledged.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security, source of payment, or benefit under the Bond Ordinance until the certificate of authentication hereon shall have been signed manually by the Paying Agent acting as the Bond Registrar.

IN TESTIMONY WHEREOF, the City of Portage Des Sioux, St. Charles County, Missouri, has executed this Bond by causing it to be signed with the facsimile signature of the Mayor of said City, under the corporate seal of said City imprinted hereon in facsimile, attested by the facsimile signature of the City Clerk, and this Bond to be dated the first day of June, 1996.

CITY OF PORTAGE DES SIOUX, MISSOURI

By:_____
Mayor

Attest:

_____
City Clerk

(Facsimile of Seal)

(Not less than the first two paragraphs and the last two paragraphs of the text of the Bond shall be printed on the face of each Bond. If any portion of the text of the Bonds shall be printed on the reverse of the Bonds, the following statement shall appear set out in contrasting print in the text on the face of each Bond: REFERENCE IS MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE HEREOF WHICH, FOR ALL PURPOSES, SHALL HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH AT THIS PLACE ON THE FACT OF THIS BOND.)

AUTHENTICATION DATE: _____

BOND REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Bond is one of the issue of Sewerage System Refunding Revenue Bonds, Series 1996, of the City of Portage Des Sioux, St. Charles County, Missouri, authorized by the within-mentioned Ordinance passed by the Board of Aldermen and approved by the Mayor of the said City.

_____

City Clerk
of Portage Des Sioux
as Paying Agent

(The following shall appear on the reverse of each Bond.)

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns, and transfers unto _____

_____

_____

(Name and Address of Assignee)

the within Sewerage System Revenue Bond and does hereby irrevocably constitute and appoint

_____

_____

to transfer the said Sewerage System Revenue Bond on the books kept for the registration thereof with full power of substitution in the premises.

Dated: _____

_____

Signature Guaranteed

_____

_____

Notice: The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular without alteration, enlargement, or any change whatever.

SECTION 4. That interest on the aggregate $225,000 principal amount of Bonds shall be payable in the following amounts:

Payment Date	Amount	Payment Date	Amount
December 1, 1996	$4,500.00	June 1, 2007	$2,685.64
June 1, 1997	4,500.00	December 1, 2007	2,461.94
December 1, 1997	4,348.88	June 1, 2008	2,461.94
June 1, 1998	4,348.88	December 1, 2008	2,229.30
December 1, 1998	4,191.72	June 1, 2009	2,229.30
June 1, 1999	4,191.72	December 1, 2009	1,987.35
December 1, 1999	4,028.26	June 1, 2010	1,987.35
June 1, 2000	4,028.26	December 1, 2010	1,735.73
December 1, 2000	3,858.27	June 1, 2011	1,735.73
June 1, 2001	3,858.27	December 1, 2011	1,474.04
December 1, 2001	3,681.49	June 1, 2012	1,474.04
June 1, 2002	3,681.49	December 1, 2012	1,201.88
December 1, 2002	3,497.62	June 1, 2013	1,201.88
June 1, 2003	3,497.62	December 1, 2013	918.83
December 1, 2003	3,306.41	June 1, 2014	918.83
June 1, 2004	3,306.41	December 1, 2014	624.47
December 1, 2004	3,107.55	June 1, 2015	624.47
June 1, 2005	3,107.55	December 1, 2015	318.32
December 1, 2005	2,900.73	June 1, 2016	318.32
June 1, 2006	2,900.73		
December 1, 2006	2,685.64		

SECTION 5. That the Bonds herein authorized and directed to be issued shall be payable, both as to principal and interest, solely from the revenues derived by the aforesaid City of Portage Des Sioux from the operation of the aforesaid sewerage system; that no Bond issued hereunder shall constitute an indebtedness of said City within the meaning of an constitutional or statutory restriction, limitation, or provision; and that the taxing power of said City is not pledged to the payment of any of the Bonds authorized hereby, either as to principal or interest.

SECTION 6. That the said sewerage system shall continue to be operated on a fiscal year basis, beginning on the first day of January and ending on the last day of December in each year. All revenue derived from the operation of the sewerage system of the City of Portage Des Sioux shall be set aside as collected and shall be deposited in a fund hereby created and designated the "SEWERAGE SYSTEM REFUNDING REVENUE FUND" of the aforesaid City of Portage Des Sioux.

SECTION 7. That sums in the Sewerage System Revenue Fund shall be set aside for, allocated to, and deposited in the following accounts, which are created hereby, by the City Treasurer of the aforesaid City of Portage Des Sioux, without further direction of or action by the Board of Aldermen or other authority of said City, which allocations and deposits shall be

made on the first business day of each and every month in each year as long as any of the Bonds authorized hereby or interest thereon shall remain outstanding and unpaid:

(1) Into an account designated the "SEWERAGE SYSTEM OPERATION AND MAINTENANCE ACCOUNT" there shall be deposited a sum sufficient to pay the estimated cost of operating and maintaining the sewerage system in good repair and working order during such ensuing month.

(2) Beginning June 1, 1996, into an account designated the "SEWERAGE SYSTEM REFUNDING REVENUE Bond ACCOUNT" thereto shall be deposited a sum at least equal to one-sixth (1/6) of the amount of interest that will become due on all Bonds then outstanding on the then next interest payment date; also, beginning June 1, 1996, a sum at least equal to one-twelfth (1/12) of the amount of principal that will become due on the Bonds issued hereunder on the then next mandatory redemption date or at maturity shall be deposited into the said Revenue Bond Account. Sums in said Account shall be used only for the payment of the principal of and the interest on the Bonds authorized hereby as the same shall become due.

(3) Into an account designated the "SEWERAGE SYSTEM DEPRECIATION ACCOUNT" there shall be deposited the sum of Fifty Dollars ($50). Sums in said Account shall be expended for any repairs or replacements to the sewerage system which may be necessary from time to time for the continued effective and efficient operation of the said system.

(4) Into an account designated the "SEWERAGE SYSTEM REFUNDING REVENUE BOND DEBT RESERVE ACCOUNT" the sum of Twelve Thousand Five Hundred Dollars ($12,500) shall be deposited out of funds on hand and available for that purpose. Thereafter, the sum of One Hundred Twenty-Five Dollars ($125) shall be deposited into said Account until the sum of Nineteen Thousand Five Hundred Dollars ($19,500) shall have accumulated in said Account. When and as long as said amount shall be on deposit in said Account, no further deposits need be made therein. If said Account shall be depleted to any extent for any cause, including payments therefrom made in accordance with this Ordinance, then such monthly deposits shall be resumed until said Account shall be restored. Sums in said Account shall be expended only to pay Bonds on the next mandatory redemption date or at maturity or interest thereon as it accrues when and to the extent that other funds are not available for that purpose.

(5) Into an account designated the "SEWERAGE SYSTEM CONTINGENT ACCOUNT" there shall be deposited the sum of Twenty-Five Dollars ($25.00). Sums in said Account shall be expended only for unforeseen contingencies and to meet emergencies arising from the operation and maintenance of the aforesaid sewerage system.

(6) Any surplus remaining in the Sewerage System Revenue Fund on the first business day of each month after making the deposits required under paragraphs (1), (2), (3), (4), and (5) above shall be deposited into an account designated the "SEWERAGE SYSTEM SURPLUS ACCOUNT" and may be allocated by order of the Board of Aldermen, from time to time, either for the construction of improvements and extensions to the aforesaid sewerage system or for the redemption of Sewerage System Revenue Bonds prior to their respective maturities, according to the terms thereof.

Provided that, if at any time the balances standing to the credit of the Accounts created in paragraphs (2) and (4) above should be insufficient to pay principal when due or accruing interest, or both, then and in that event any balance then standing to the credit of the Accounts created in paragraphs (3), (5), or (6) above shall be used to pay such principal or interest, or both, and the said Accounts shall be restored subsequently out of future revenues of said sewerage system.

SECTION 8. That, if the revenues derived from the operation of the sewerage system should be insufficient at any time to make the payments or deposits required by Section 7 of this Ordinance, the deficiency shall be made good by additional payments to be made out of the first available revenues of said system received during any succeeding month or months. Whenever and as long as sums actually on deposit in the Sewerage System Refunding Revenue Bond Account, the Sewerage System Refunding Revenue Bond Reserve Account, and the Sewerage System Surplus Account, together, shall equal the principal amount of all outstanding Bonds, plus the amount of all interest due thereon until the respective maturity dates of all such Bonds, then no further deposits need be made into said Accounts. Except as herein otherwise expressly provided, all sums in the Fund and Accounts mentioned in Sections 6 and 7 hereof shall be kept on deposit in a bank which is a member or in banks which are members of the Federal Deposit Insurance Corporation and at all times shall be secured as provided by the Laws of the State of Missouri for other funds of the aforesaid City; or, in the discretion of the Board of Aldermen, may be invested in Bonds or other obligations of the United States of America maturing or being redeemable at or prior to the time when such sums may be required for use under the terms of this Section.

SECTION 9. That the aforesaid City of Portage Des Sioux covenants and agrees with the holder or holders of the Bonds herein authorized to be issued that it will perform all duties with respect to the operation and maintenance of said sewerage system; with respect to the fixing, maintaining, and collecting of the rates, fees, and charges for the service and facilities thereof; with respect to the establishment of the Fund and Accounts herein created; and with respect to all other matters and things required by law and by this Ordinance and that it will do or cause to be done, in apt time and season, each and every official act necessary for the payment of the principal of and the interest on the Bonds herein authorized to be issued, as the same shall mature and accrue.

Said City further covenants with the holders of said Bonds as follows:

(a) That, as long as any of the Bonds authorized by this Ordinance are or any interest due thereon is outstanding and unpaid, it will operate and maintain the said sewerage system.

(b) That, as long as any of said Bonds or any interest due thereon remain outstanding and unpaid, the said City will fix and maintain rates and make and collect charges for the use and service of the said sewerage system, sufficient to pay the cost of maintenance and operation of the said system, to pay the principal of and the interest on all revenue Bonds or other obligations issued by said City chargeable to the revenues of said system, and to provide ample funds to meet all requirements of this Ordinance.

(c) That, as long as any of said Bonds or any interest due thereon shall remain outstanding and unpaid, the said City shall carry and maintain insurance upon all the properties forming a part of said sewerage system which may be of an insurable nature; such insurance to be of the type and kind and for such amount or amounts as carried and maintained by utility companies privately owned and operated rendering services of a similar character in similar communities. The proceeds of all such insurance shall be used only for the maintenance and restoration of said system, for the payment of the principal of and the interest on the Bonds authorized to be issued by this Ordinance, or as herein permitted.

(d) That said City shall maintain a proper system of accounts showing the amount of revenue received from the sewerage system and the application of such revenue. Such accounts shall be separate and distinct from the other accounts of said City and, at least once a year, shall be audited properly by certified public accountants. The report of such audit shall be open to the public and to all Bondholders. Each such report shall include:

(1) A classified statement of gross revenues received, of the operating expenditures, of the net operating revenue, and of the amount of any capital expenditures in connection with the said system for the fiscal year;

(2) A balance sheet as of the end of each fiscal year, including a statement of the amount on hand at the end of the fiscal year in each of the Accounts created in Section 7 of this Ordinance;

(3) A statement of the number of customers served by the said system at the beginning and the ending of the fiscal year;

(4) A statement of the amount and character of insurance carried on the properties of the said system and of the names of the insurers and of the expiration dates of the several policies; and

(5) Such comments regarding the method of operation and accounting practices as the auditor may deem desirable.

(e) That any holder or holders or any purchaser of not less than twenty-five per centum (25%) in principal amount of said Bonds then outstanding shall be permitted, at all reasonable times, to inspect said sewerage system and all records, accounts, and data relating thereto.

(f) That any holder or holders or any purchaser of not less than twenty-five per centum (25%) in principal amount of said Bonds then outstanding shall be furnished all data and information relating to said sewerage system which reasonably may be requested.

(g) That, as long as any of the said Bonds or any interest thereon shall remain outstanding and unpaid, the said City shall not sell, lease, loan, mortgage, pledge, or otherwise encumber or in any manner dispose of said sewerage system or any revenue-producing part thereof, unless the Bonds authorized hereby shall have been paid in full, both as to principal and interest, or unless adequate provision shall have been made which shall assure the full payment of said Bonds and the interest thereon to maturity in full, according to their terms.

SECTION 10. That, from and after the issuance of the Bonds authorized hereby, no additional Bonds shall be issued or obligations incurred by said City which, in whole or in part, are payable from or chargeable to the revenues derived or to be derived from the operation of said sewerage system (except obligations incurred in the operation and maintenance thereof), unless such additional Bonds or obligations, in all respects, are junior and subordinate to the Bonds authorized hereby; provided, however, in the event that the sum at the time required to be on deposit in the Bond Debt Service Reserve Account hereinabove in Section 7 created be then on deposit and that the average annual revenue derived from the operation of said system for the then next-preceding fiscal year shall be equal to or exceed the sum of the following:

(a) An amount equal to the expenses of operation and maintenance of said system incurred during the said then next-preceding fiscal year;

(b) The amount, if any, required during the then next-preceding fiscal year to maintain the Account created in Section 7, paragraph (4) of this Ordinance; and

(c) One hundred twenty-five per centum (125%) of the highest amount which thereafter shall become due in any fiscal year as principal of and interest on all Bonds issued under this Ordinance then outstanding and unpaid and on all Bonds or other obligations then to be issued.

then, and in that event, additional Bonds or other obligations may be issued on a parity with the Bonds authorized by and issued under this Ordinance.

The restrictions upon the issuance of additional Bonds or other obligations set out in this Section shall not apply in the following circumstances and in such circumstances only:

(1) That the sewerage system of said City of Portage Des Sioux hereafter should be destroyed or damaged by disaster to such an extent that it cannot be operated;

(2) That all funds received from insurance or otherwise available shall be insufficient to pay the cost of the restoration of said system to such a condition that it again can be operated, such cost of such restoration to be determined by the estimate of a reputable and competent, disinterested engineer or engineering firm or corporation selected by the City, with the approval of the holders of seventy-five per centum (75%) of the outstanding Bonds, who shall not in any way be interested in the reconstruction of said system, which estimate shall be based upon plans and specifications for the restoration of the system prepared for that purpose; and

(3) That the holders of at least seventy-five per centum (75%) of the principal amount of the Bonds authorized by this Ordinance then outstanding shall give written consent to the issuance of additional Bonds on a parity with the Bonds authorized hereby and shall file such written consents with the City Clerk of said City of Portage Des Sioux such consents being acknowledged before a notary public and stating the precise amount of additional Bonds which may be issued.

Upon the occurrence of all the circumstances above set out, additional Bonds may be issued solely for the purpose of paying the cost of restoring the sewerage system to reasonable working order in an amount not greater than the amount stated in the consents filed by the holders of the outstanding Bonds.

SECTION 11. That, prior to the commencement of each fiscal year, the City Clerk shall cause to be prepared a budget, setting out the estimated receipts and expenditures of the sewerage system of said City for the then-ensuing fiscal year, which budget shall contain:

(a) An estimate of the receipts expected to be derived from the operation of the system during the next-ensuing year;

(b) A statement of the estimated cost of operating such system during the next-ensuing fiscal year;

(c) A statement of any unusual and extraordinary expenses of operation or maintenance which reasonably might be anticipated during such year and an estimate of the cost thereof;

(d) A statement of what replacements to the system may be anticipated during such year and the estimated cost thereof;

(e) A statement of the amount of interest to become due during the ensuing fiscal year on the Bonds authorized hereby then outstanding;

(f) A statement of the principal of such Bonds which will become due absolutely by their terms during the next-ensuing fiscal year;

(g) A statement of the total amount anticipated to be payable from the revenue of the system during the next-ensuing fiscal year; and

(h) A statement of the amount on deposit in each of the Accounts created in Section 7 of this Ordinance.

SECTION 12. That the provisions of this Ordinance shall constitute a contract between the City of Portage Des Sioux and the holders from time to time of the Bonds herein authorized to be issued, and, after the issuance of any of said Bonds, no changes, additions, or alterations of any kind shall be made hereto in any manner except upon consent of the holder or holders of seventy-five per centum (75%) in principal amount of all of said Bonds then outstanding. Such consent shall be evidenced by an instrument or instruments of such holder or holders and duly acknowledged in the manner of a deed for the conveyance of real estate in the State of Missouri, and such instrument or instruments shall contain or be accompanied by proof of ownership of the Bond or Bonds concerning which such consent is given, shall be filed in the office of the City Clerk of said City of Portage Des Sioux, and shall be a public record; provided, however, that no such modification or alteration shall extend the maturity of, reduce the interest rate on, or otherwise alter or impair the obligation to pay the principal of or the interest on any Bond at the time and place, at the rate, and in the currency as provided therein, without the express consent of the holder of such Bond; nor reduce the percentage of Bonds required for the affirmative vote or written consent to a modification or alteration; nor alter or impair the covenants set forth in Section 9 of this Ordinance. Any and all modifications or alterations made in the manner hereinabove provided shall not become effective until there shall have been filed with the said City Clerk proof of the consent to such modification or alteration by the holder or holders of seventy-five per centum (75%) in principal amount of all Bonds then outstanding.

SECTION 13. That the holder of any Bond authorized hereby, by a civil action either at law or in equity, by mandamus, injunction, or otherwise, may compel the City of Portage Des Sioux or the officials thereof or any successors thereto to perform all duties imposed upon said City by the provisions of this Ordinance or otherwise imposed by law, including the continued operation of the sewerage system, the fixing and collecting of sufficient rates and charges for the service thereof, the segregation, allocation, and disposition of the revenue derived from said system, the payment of any Bonds chargeable to the revenue of said system or the interest thereon, and the performance of any covenant set out in this Ordinance.

Such suit or action at law or in equity shall lie, regardless of whether or not any Bond or the interest thereon shall be in default at the time of the filing of such suit, in the event that said City of Portage Des Sioux or any official thereof shall have neglected or failed to perform any material duty imposed by law or any covenant set out in this Ordinance.

SECTION 14. That all Bonds issued hereunder shall be payable equally and ratably, without regard to the date when said Bonds actually shall be delivered, and shall enjoy parity of lien, one with the other.

SECTION 15. That the principal proceeds derived from the sale of said Bonds hereby authorized shall be applied solely and only to the making of the deposit hereinbefore required to be made into the Sewerage System Refunding Revenue Bond Reserve Account created in

Section 7 hereof and to the payment within and for the City of Portage Des Sioux, Missouri, in accordance with the plans and specifications hereinbefore referred to. The said proceeds shall e disbursed only upon proper warrant issued pursuant to certification by the consulting engineer or consulting engineers for the City of Portage Des Sioux, stating: (a) that the purpose for which the payment is to be made is within the scope of the improvements contemplated by this Ordinance; (b) that the work done is or the materials furnished are in accordance with the contract therefor (if such work is done or such materials are furnished under a contract) or that such work is or that such materials are suitable for the purpose (if such payments are not covered by an express contract); and (c) that the amount of such payment is in accordance with the contract therefor or is reasonable. Nothing herein shall be construed to prohibit the payment without such a certificate of the expenses necessarily incident to the issuance and sale of the Bonds herein authorized. The words "principal proceeds derived from the sale of Bonds" as used in this Section shall not include any sum representing accrued interest received upon delivery of said Bonds. Any sum so received as accrued interest shall be deposited in the "Sewerage System Refunding Revenue Bond Account" created in paragraph (2) of Section 7 of this Ordinance.

SECTION 16. That, when the Bonds herein authorized shall have been prepared as aforesaid, they shall be delivered to the Mark Twain Bank, in the City of Ladue, St. Louis County, State of Missouri, as Bond Registrar, so that said Bonds may be registered, transferred, and authenticated on behalf of the City, and it shall be the responsibility of said Bond Registrar to maintain the registration records for the Bonds of this issue, to transfer ownership of any of the Bonds of this issue on such registration records upon receipt of proper authorization from the Registered Owner of each such Bond, to authenticate initially the Bonds of the issue, and to authenticate for issuance and again register Bonds of the issue as ownership thereof subsequently may be transferred from time to time in the manner herein stated. The said Bond Registrar, upon receipt of the Bonds, shall authenticate the Bonds of the issue by causing to be affixed to each such Bond the manual signature of its authorized officer or employee, and, acting as Bond Registrar, thereupon shall register each such Bond in the name of the Registered Owner for whose account such Bond is purchased and then shall deliver each Bond to the purchaser thereof upon payment of the purchase price in accordance with the contract for the sale of said Bonds. The Bond Registrar shall be paid its customary charges for its services as aforesaid when performed according to the schedule in effect at the time the services are performed, and said charges shall be deemed to be expenses of operation and shall be charged to and payable from the Operation and Maintenance Account created in paragraph (1) of Section 7 of this Ordinance. No Bond shall be authenticated as in this Section provided which represents a Principal Amount due in more than one (1) maturity.

SECTION 17. That, at least five (5) days prior to June 1 and December 1 of each year, the City Treasurer shall remit to the Bond Registrar designated herein the sums then due as principal or interest or both principal of and interest on the Bonds herein authorized to be issued.

SECTION 18. That, when the Bonds authorized hereby shall have been prepared and executed, the City Treasurer shall deliver them to the purchaser thereof upon payment of the purchase price in accordance with the contract of sale of said Bonds to The Boatmen's National

Bank of St. Louis, St. Louis, Missouri, which said contract of sale hereby is ratified and confirmed.

SECTION 19. That the Board of Aldermen of the City of Portage Des Sioux, St. Charles County, Missouri, in view of the provisions of the Internal Revenue Code of 1986, hereby covenants specially with the holders of the Bonds herein authorized that, within the lawful powers of said Board of Aldermen and said City, said Board, on behalf of said City, will not do and will not refrain from doing anything in the course of issuing said Bonds or in the use or expenditure of the proceeds thereof which would result in the interest income derived or to be derived from said Bonds becoming taxable for Federal income tax purposes.

SECTION 20. That it is hereby found and declared as follows:

(a) The Bonds issued hereunder are not "private activity Bonds",

(b) The Bonds issued hereunder are hereby designated by this Board, acting for and on behalf of the aforesaid City, as "qualified tax-exempt obligations";

(c) This Board anticipates that the amount of qualified tax-exempt obligations which have been and will be issued by the aforesaid City during the calendar year 1996 will not exceed Ten Million Dollars ($10,000,000);

(d) No other obligations issued by the aforesaid City have been designated during the calendar year 1996 by the aforesaid Board on behalf of said City as "qualified tax-exempt obligations"; and

(e) No subordinate entities to the aforesaid City have issued any obligations during the calendar year 1996, and no such entities anticipate issuing any obligations during the calendar year 1996.

The foregoing findings and declarations have been made herein pursuant to the requirements of Section 265(b)(3) of the Internal Revenue Code of 1986.

SECTION 21. That, if any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any other provision of this Ordinance.

SECTION 22. That all ordinances or resolutions, or parts thereof, in conflict with this Ordinance shall be in force and take effect from and after its passage and approval.

SECTION 23. Due to the emergency nature of this ordinance, to preserve public peace, health, safety and welfare, this ordinance shall be in full force and effect from and after its passage and approval.

READ FIRST, SECOND AND THIRD TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 1st DAY OF April, 1996.

George R. Combs

Mayor and Ex-Officio President of the Board of Aldermen

Attest:

Suzie A. Cissell

City Clerk

Approved this 1st day of April, 1996.

Attest:

Suzie A. Cissell

City Clerk

STATE OF MISSOURI }
COUNTY OF ST. CHARLES } SS.

I, Suzie Cissell, City Clerk within and for the City of Portage Des Sioux, St. Charles County, Missouri, do hereby certify that the foregoing pages constitute a full, true, and complete copy of Ordinance No. 227 of said City, as passed by the Board of Aldermen on the 1st day of April, 1996, and approved by the Mayor on the 1st day of April, 1996, as fully as the same appears in Book of Ordinances No. _____ of said City, at pages _____ to _____, inclusive.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Portage Des Sioux, Missouri, this 1st day of April, 1996.

Suzie A. Cissell
City Clerk

(SEAL)

BILL NO. 229 ORDINANCE NO. 229

AN ORDINANCE PROVIDING FOR INCREASED CHARGES FOR THE USE OF THE SANITARY SEWER SYSTEM OF THE CITY OF PORTAGE DES SIOUX, MO.

WHEREAS, the City of Portage Des Sioux, Missouri by Ordinance #154, passed on February 20th, 1988 directed the construction of a sanitary sewer system for said City and provided for the issuance of three hundred thousand dollars ($300,000) in sewer system revenue bonds of the City for the purpose of paying the cost of such construction and;

WHEREAS, the rates for use of the sanitary sewer system have not been increased since 1988 and;

WHEREAS, there has been a substantial reduction in the number of users of the sewer system for the past three years

NOW, therefore, be it ordained by the Board of Aldermen of the City of Portage Des Sioux, Missouri as follows:

SECTION I

Charges for the use and services of the Sanitary Sewer System of the City of Portage Des Sioux, previously adopted by Ordinance #154, are hereby increased by four dollars ($4) per month per premises, bringing the user fee per premises to twenty-eight dollars ($28) per month.

SECTION II

All other charges, fees and regulations related to the Sanitary Sewer System shall remain in full force and effect.

SECTION III

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they may so conflict.

BILL NO. 229 ORDINANCE NO. 229

SECTION IV

This ordinance shall be in full force and take effect from and after its passage and approval by the Mayor and the Board of Aldermen.

Passed and approved this 1st day of July, 1996.

George R. Combs
Mayor George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 230 ORDINANCE NO. 230

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AMENDING ORDINANCE 153, FLOOD DAMAGE PREVENTION ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

The following terms are to be added to Article 2, Definitions:

"Historic Structure" means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.

"Recreational Vehicle" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Substantial-Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SECTION II

Item 5 is to be added to Article 6, Section C as follows:

(5) Recreational Vehicles

(a) Require that recreational vehicles placed on sites within all unnumbered and numbered A zones, AO, AE, and AH zones on the community's FIRM either:

(i) be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use*; or

(ii) meet the permitting, elevating, and the anchoring requirements for manufactured homes of this ordinance.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

SECTION III

All ordinances or parts of ordinances in conflict with this ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION IV

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. This ordinance has received all of the required readings at the same meeting at which the Bill is introduced, so that it can be passed at one meeting. This ordinance is prima facie, deemed an emergency ordinance because it allows the

aldermen to take immediate steps to prevent or to remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety, and welfare.

Passed and approved this 1st day of July, 1995.

George R. Combs
Mayor George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 231 ORDINANCE NO. 231

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, PROVIDING FOR THE VOLUNTARY ANNEXATION OF A CERTAIN TRACT OF LAND OWNED BY KIMBERLY D. GANS, A MARRIED PERSON, TO THE CITY OF PORTAGE DES SIOUX, MISSOURI, UNDER THE PROVISIONS OF SECTION 71.014 REVISED MISSOURI STATUTES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

That Missouri cities located within a county which borders a first class county with a charter form of government with population in excess of nine hundred thousand, Portage Des Sioux being such, have the authority under Section 71.014 R.S.Mo. 1978, to annex unincorporated areas which are contiguous to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interest of record.

SECTION II

That a verified petition for annexation has been filed with the City of Portage Des Sioux by the fee owners of the following described tract:

"EXHIBIT A"

A tract of land being part of a survey recorded in Surveyor's Record Book 12 pages 3 and 4 of the St. Charles County records, located in the Portage Des Sioux Commonfield, Township 48 North, Range 6 East of the Fifty Principal Meridian in St. Charles County, Missouri and being more particularly described as follows: BEGINNING at an old iron pipe monument marking the Southeast corner of Lot 1 of said survey; thence North 21 degrees 52 minutes 00 seconds East along the East line of said Lot 1 (being the East line of property conveyed to William Simon as described in the deed recorded in Book 1308 page 158 of said records) 65.00 feet to a point on a random survey traverse line; thence along said traverse line South 77 degrees 37 minutes 18 seconds East 206.20 feet and South 76 degrees 41 minutes 04 secondes East 97.66 feet to a point; thence leaving said travers line South 21 degrees 58

minutes 52 seconds West 97.98 feet to a point on the South line of aforesaid survey, said point being distant North 76 degrees 58 minutes 08 seconds West 415.69 feet from an old iron pipe monument marking the Southwest corner of Lot 10 of said survey; then along said South line North 76 degrees 58 minutes 08 seconds West 100.96 feet and North 68 degrees 08 minutes 30 seconds West 200.00 feet to the Point of Beginning and containing 0.600 acres (computed to random survey traverse line) according to calculations by Bax Engineering Company, Inc. on October 27, 1988. The side property lines of the above described tract A shall be extended or shortened to terminate at the bank of the Mississippi River.

Subject to an easment for roadway as the same now exists through said property to certain adjoining property.

Subject to any and all other easements of record as now exist or may exist in the future.

SECTION III

All ordinances or parts of ordinances in conflict with this ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION V

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. The above described tract is to be incorporated within the city forthwith, and the City Clerk is hereby to notify the St. Charles County Assessor's and Recorder's offices.

Passed and approved this 7th day of October, 1996.

George R. Combs
Mayor George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

PETITION FOR VOLUNTARY ANNEXATION

TO: CITY OF PORTAGE DES SIOUX, MISSOURI,
A Municipal Corporation

We, the undersigned state that we are the OWNER of Lots 2,3,4 Portage DE Sioux Commonfield, Township 48N Range 6 EAST of The 5TH Principal Meridian plead this petition for voluntary annexation. We further state that Kimberly D. Gans, A MARRIED Person is the fee simple owner of the following:

A tract of land being part of a survey recorded in Surveyor's Record Book 12 pages 3 and 4 of the St. Charles County records, located in the Portage Des Sioux Commonfields, Township 48 North, Range 6 East of the Fifth Principal Meridian in St. Charles County, Missouri, and being more particularly described as follows: BEGINNING at an old iron pipe monument marking the Southeast corner of Lot 1 of said survey; thence North 21 degrees 52 minutes 00 seconds East along the East line of said Lot 1 (being the East line of property conveyed to William Simon as described in the deed recorded in Book 1308 page 158 of said records) 65.00 feet to a point on a random survey traverse line; thence along said traverse line South 77 degrees 37 minutes 18 seconds East 206.20 feet and South 76 degrees 41 minutes 04 seconds East 97.66 feet to a point; thence leaving said traverse line South 21 degrees 58 minutes 52 seconds West 97.98 feet to a point on the South line of aforesaid survey, said point being distant North 76 degrees 58 minutes 08 seconds West 415.69 feet from an old iron pipe monument marking the Southwest corner of Lot 10 of said survey; thence along said South line North 76 degrees 58 minutes 08 seconds West 100.96 feet and North 68 degrees 08 minutes 30 seconds West 200.00 feet to the Point of Beginning and containing 0.600 acres (computed to random survey traverse line) according to calculations by Bax Engineering Company, Inc. on October 27, 1988. The side property lines of the above described tract A shall be extended or shortened to terminate at the bank of the Mississippi River.

Also, an easement for ingress and egress from said premises of private roadways as now established and used.

Subject to an easement for roadway as the same now exists through said property to certain adjoining property.

Subject to any and all other easements of record as now exist or may exist in the future.

and we hereby request and petition said City of Portage Des Sioux, Missouri, to annex to the City of Portage Des Sioux, Missouri, the land above described so that the same is contained within the corporate limits of said City.

The undersigned does further state and declare that no person, firm or corporation other than the undersigned own any fee simple interest in the above described land.

The undersigned does further state and declare that this request and petition is voluntarily made and is submitted under the provisions of House Bill No. 200, First Regular Session, 77th General Assembly of the State of Missouri, and also Section 71.014 R.S.Mo. 1969, as amended 1973.

Kimberly Gans

ATTEST:

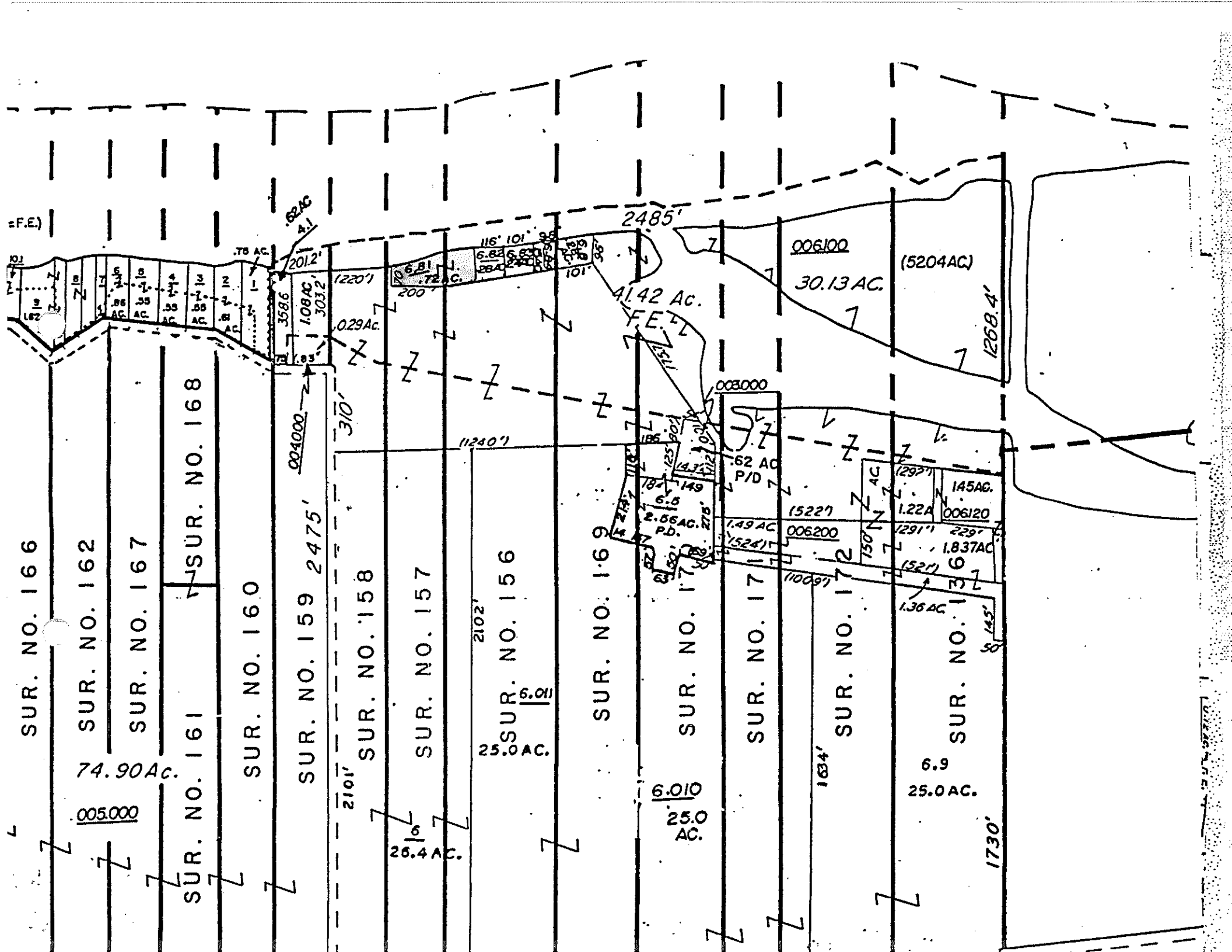
STATE OF MISSOURI)
COUNTY OF ST. CHARLES)

On this 9th day of Sept 1996, personally appeared before me, Kimberly Gans to me known to be the persons described herein and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed by official seal the day and year first above written.

Kelly Sanchez
Notary Public
My Term Expires: 5/16/99

KELLY K. SANCHEZ
Notary Public – Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: May 16, 1999


SUR. NO. 166
SUR. NO. 162
SUR. NO. 167
SUR. NO. 161
SUR. NO. 168
SUR. NO. 160
SUR. NO. 159
SUR. NO. 158
SUR. NO. 157
SUR. NO. 156
SUR. NO. 169
SUR. NO. 170
SUR. NO. 171
SUR. NO. 172
74.90Ac.
005.000
2475'
2101'
2102'
2485'
1268.4'
1730'
1634'
310'
004000
003000
006100
(5204AC)
30.13 AC.
41.42 Ac.
F.E.
.62 AC
P/D
2.66AC.
P.D.
1.49 AC
006200
1.22A
006120
1.837AC
1.36 AC
145AC.
.62Ac
.75 AC.
.72 AC.
1.08AC.
.29Ac.
.83'
.86 AC
.55 AC
.58 AC
.61 AC
6.011
25.0 AC.
26.4 AC.
6.010
25.0
AC.
6.9
25.0 AC.
(1240')
(1100')
(1220')
(5227)
(5241)
(5211)
(2937')
(2917')
201.2'
303.2'
358.6'
116'
101'
96'
200'
186'
149'
229'
145'
150'
218'
214'
125'
90'
102'
118'
112'
82'
50'
=F.E.)

FLOODPLAIN MANAGEMENT ORDINANCE

AN ORDINANCE INTRODUCED BY THE GOVERNING BODY CREATING FLOODWAY AND FLOODWAY FRINGE DISTRICTS DEFINING THE SAME AND SETTING FORTH REGULATIONS THEREOF.

ARTICLE 1 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSES

SECTION A STATUTORY AUTHORIZATION

THE LEGISLATURE OF THE STATE OF MISSOURI HAS IN SECTION 79.110 RSMO DELEGATED THE RESPONSIBILITY TO LOCAL GOVERNMENTAL UNITS TO ADOPT FLOODPLAIN MANAGEMENT REGULATIONS DESIGNED TO PROTECT THE HEALTH, SAFETY AND GENERAL WELFARE. THEREFORE, THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI ORDAINS AS FOLLOWS:

SECTION B FINDINGS OF FACT

1. FLOOD LOSSES RESULTING FROM PERIODIC INUNDATION

   THE FLOOD HAZARD AREAS OF THE CITY OF PORTAGE DES SIOUX, MISSOURI ARE SUBJECT TO INUNDATION WHICH RESULTS IN LOSS OF LIFE AND PROPERTY, HEALTH AND SAFETY HAZARDS, DISRUPTION OF COMMERCE AND GOVERNMENTAL SERVICES, EXTRAORDINARY PUBLIC EXPENDITURES FOR FLOOD PROTECTION AND RELIEF, AND IMPAIRMENT OF THE TAX BASE; ALL OF WHICH ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

2. GENERAL CAUSES OF FLOOD LOSSES

   THESE FLOOD LOSSES ARE CAUSED BY (1) THE CUMULATIVE EFFECT OF DEVELOPMENT IN ANY DELINEATED FLOODPLAIN CAUSING INCREASES IN FLOOD HEIGHTS AND VELOCITIES; AND (2) THE OCCUPANCY OF FLOOD HAZARD AREAS BY USES VULNERABLE TO FLOODS, HAZARDOUS TO OTHERS, INADEQUATELY ELEVATED, OR OTHERWISE UNPROTECTED FROM FLOOD DAMAGES.

3. METHODS USED TO ANALYZE FLOOD HAZARDS

   THE FLOOD INSURANCE STUDY (FIS) THAT IS THE BASIS OF THIS ORDINANCE USES A STANDARD ENGINEERING METHOD OF ANALYZING FLOOD HAZARDS WHICH CONSIST OF A SERIES OF INTERRELATED STEPS.

A. SELECTION OF A BASE FLOOD THAT IS BASED UPON ENGINEERING CALCULATIONS WHICH PERMIT A CONSIDERATION OF SUCH FLOOD FACTORS AS ITS EXPECTED FREQUENCY OF OCCURRENCE, THE AREA INUNDATED, AND THE DEPTH OF INUNDATION. THE BASE FLOOD SELECTED FOR THIS ORDINANCE IS REPRESENTATIVE OF LARGE FLOODS WHICH ARE CHARACTERISTIC OF WHAT CAN BE EXPECTED TO OCCUR ON THE PARTICULAR STREAMS SUBJECT TO THIS ORDINANCE. IT IS THE GENERAL ORDER OF A FLOOD WHICH COULD BE EXPECTED TO HAVE A ONE PERCENT (1%) CHANCE OF OCCURRENCE IN ANY ONE YEAR, AS DELINEATED ON THE FEDERAL INSURANCE ADMINISTRATION'S FLOOD INSURANCE STUDY, AND ILLUSTRATIVE MATERIALS DATED AUGUST 2, 1996, AS AMENDED, AND ANY FUTURE REVISIONS THERETO.

B. CALCULATION OF WATER SURFACE PROFILES ARE BASED ON A STANDARD HYDRAULIC ENGINEERING ANALYSIS OF THE CAPACITY OF THE STREAM CHANNEL AND OVERBANK AREAS TO CONVEY THE REGULATORY FLOOD.

C. COMPUTATION OF A FLOODWAY REQUIRED TO CONVEY THIS FLOOD WITHOUT INCREASING FLOOD HEIGHTS MORE THAN ONE (1) FOOT AT ANY POINT.

D. DELINEATION OF FLOODWAY ENCROACHMENT LINES WITHIN WHICH NO DEVELOPMENT IS PERMITTED WHICH WOULD CAUSE ANY INCREASE IN FLOOD HEIGHT.

E. DELINEATION OF FLOOD FRINGE, I.E., THAT AREA OUTSIDE THE FLOODWAY ENCROACHMENT LINES, BUT STILL SUBJECT TO INUNDATION BY THE BASE FLOOD.

SECTION C STATEMENT OF PURPOSE

IT IS THE PURPOSE OF THIS ORDINANCE TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE; TO MINIMIZE THOSE LOSSES DESCRIBED IN ARTICLE 1, SECTION B(1); TO ESTABLISH OR MAINTAIN THE COMMUNITY'S ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) AS DEFINED IN 44 CODE OF FEDERAL REGULATIONS (CFR) 59.22(A)(3); AND TO MEET THE REQUIREMENTS OF 44 CFR 60.3(D) BY APPLYING THE PROVISIONS OF THIS ORDINANCE TO:

1. RESTRICT OR PROHIBIT USES THAT ARE DANGEROUS TO HEALTH, SAFETY, OR PROPERTY IN TIMES OF FLOODING OR CAUSE UNDUE INCREASES IN FLOOD HEIGHTS OR VELOCITIES.

2. REQUIRE USES VULNERABLE TO FLOODS, INCLUDING PUBLIC FACILITIES WHICH SERVE SUCH USES, BE PROVIDED FLOOD PROTECTION AT THE TIME OF INITIAL CONSTRUCTION.

3. PROTECT INDIVIDUALS FROM BUYING LANDS THAT ARE UNSUITED FOR THE INTENDED DEVELOPMENT PURPOSES DUE TO THE FLOOD HAZARD.

ARTICLE 2 GENERAL PROVISIONS

SECTION A LANDS TO WHICH ORDINANCE APPLIES

THIS ORDINANCE SHALL APPLY TO ALL LANDS WITHIN THE JURISDICTION OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, IDENTIFIED AS NUMBERED AND UNNUMBERED A ZONES AND AE ZONES, ON THE FLOOD INSURANCE RATE MAP (FIRM) AND FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) DATED AUGUST 2, 1996, AS AMENDED, AND ANY FUTURE REVISIONS THERETO. IN ALL AREAS COVERED BY THIS ORDINANCE, NO DEVELOPMENT SHALL BE PERMITTED EXCEPT THROUGH THE ISSUANCE OF A FLOODPLAIN DEVELOPMENT PERMIT, GRANTED BY THE FLOODPLAIN ADMINISTRATOR OF THE CITY OF PORTAGE DES SIOUX, OR ITS DULY DESIGNATED REPRESENTATIVE, UNDER SUCH SAFEGUARDS AND RESTRICTIONS AS THE BOARD OF ALDERMEN, OR THE DESIGNATED REPRESENTATIVE MAY REASONABLY IMPOSE FOR THE PROMOTION AND MAINTENANCE OF THE GENERAL WELFARE, HEALTH OF THE INHABITANTS OF THE COMMUNITY, AND AS SPECIFICALLY NOTED IN ARTICLE 4.

SECTION B FLOODPLAIN ADMINISTRATOR

THE FLOODPLAIN CONTROL OFFICER OF THE COMMUNITY IS HEREBY DESIGNATED AS THE FLOODPLAIN ADMINISTRATOR UNDER THIS ORDINANCE.

SECTION C COMPLIANCE

NO DEVELOPMENT LOCATED WITHIN THE SPECIAL FLOOD HAZARD AREAS OF THIS COMMUNITY SHALL BE LOCATED, EXTENDED, CONVERTED OR STRUCTURALLY ALTERED WITHOUT FULL COMPLIANCE WITH THE TERMS OF THIS ORDINANCE AND OTHER APPLICABLE REGULATIONS.

SECTION D ABROGATION AND GREATER RESTRICTIONS

IT IS NOT INTENDED BY THIS ORDINANCE TO REPEAL, ABROGATE OR IMPAIR ANY EXISTING EASEMENTS, COVENANTS, OR DEED RESTRICTIONS. HOWEVER, WHERE THIS ORDINANCE IMPOSES GREATER RESTRICTIONS, THE PROVISION OF THIS ORDINANCE SHALL PREVAIL. ALL OTHER ORDINANCES INCONSISTENT WITH THIS ORDINANCE ARE HEREBY REPEALED TO THE EXTENT OF THE INCONSISTENCY ONLY.

SECTION E INTERPRETATION

IN THEIR INTERPRETATION AND APPLICATION, THE PROVISIONS OF THIS ORDINANCE SHALL BE HELD TO BE MINIMUM REQUIREMENTS, SHALL BE LIBERALLY CONSTRUED IN FAVOR OF THE GOVERNING BODY, AND SHALL NOT BE DEEMED A LIMITATION OR REPEAL, OF ANY OTHER POWERS GRANTED BY STATE STATUTES.

SECTION F WARNING AND DISCLAIMER OF LIABILITY

THE DEGREE OF FLOOD PROTECTION REQUIRED BY THIS ORDINANCE IS CONSIDERED REASONABLE FOR REGULATORY PURPOSES AND IS BASED ON ENGINEERING AND SCIENTIFIC METHODS OF STUDY. LARGER FLOODS MAY OCCUR ON RARE OCCASIONS OR THE FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES, SUCH AS ICE JAMS AND BRIDGE OPENINGS RESTRICTED BY DEBRIS. THIS ORDINANCE DOES NOT IMPLY THAT AREAS OUTSIDE THE FLOODWAY AND FLOOD FRINGE OR LAND USES PERMITTED WITHIN SUCH AREAS WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS ORDINANCE SHALL NOT CREATE A LIABILITY ON THE PART OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, ANY OFFICER OR EMPLOYEE THEREOF, FOR ANY FLOOD DAMAGES THAT MAY RESULT FROM RELIANCE ON THIS ORDINANCE OR ANY ADMINISTRATIVE DECISION LAWFULLY MADE THEREUNDER.

SECTION G SEVERABILITY

IF ANY SECTION, CLAUSE, PROVISION OR PORTION OF THIS ORDINANCE IS ADJUDGED UNCONSTITUTIONAL OR INVALID BY A COURT OF APPROPRIATE JURISDICTION, THE REMAINDER OF THIS ORDINANCE SHALL NOT BE AFFECTED THEREBY.

ARTICLE 3 ADMINISTRATION

SECTION A FLOODPLAIN DEVELOPMENT PERMIT

A FLOODPLAIN DEVELOPMENT PERMIT SHALL BE REQUIRED FOR ALL PROPOSED CONSTRUCTION OR OTHER DEVELOPMENT, INCLUDING THE PLACEMENT OF MANUFACTURED HOMES, IN THE AREAS DESCRIBED IN ARTICLE 2, SECTION A. NO PERSON, FIRM, CORPORATION, OR UNIT OF GOVERNMENT SHALL INITIATE ANY DEVELOPMENT OR SUBSTANTIAL IMPROVEMENT OR CAUSE THE SAME TO BE DONE WITHOUT FIRST OBTAINING A SEPARATE FLOODPLAIN DEVELOPMENT PERMIT FOR EACH STRUCTURE OR OTHER DEVELOPMENT.

SECTION B DESIGNATION OF FLOODPLAIN ADMINISTRATOR

THE FLOODPLAIN CONTROL OFFICER IS HEREBY APPOINTED TO ADMINISTER AND IMPLEMENT THE PROVISIONS OF THIS ORDINANCE.

SECTION C DUTIES AND RESPONSIBILITIES OF CONTROL OFFICER

DUTIES OF THE FLOODPLAIN CONTROL OFFICER SHALL INCLUDE, BUT NOT BE LIMITED TO:

1. REVIEW ALL APPLICATIONS FOR FLOODPLAIN DEVELOPMENT PERMITS TO ASSURE THAT SITES ARE REASONABLY SAFE FROM FLOODING AND THAT THE FLOODPLAIN DEVELOPMENT PERMIT REQUIREMENTS OF THIS ORDINANCE HAVE BEEN SATISFIED;

2. REVIEW OF ALL APPLICATIONS FOR FLOODPLAIN DEVELOPMENT PERMITS FOR PROPOSED DEVELOPMENT TO ASSURE THAT ALL NECESSARY PERMITS HAVE BEEN OBTAINED FROM FEDERAL, STATE OR LOCAL GOVERNMENTAL AGENCIES FROM WHICH PRIOR APPROVAL IS REQUIRED BY FEDERAL, STATE OR LOCAL LAW;

3. REVIEW ALL SUBDIVISION PROPOSALS AND OTHER PROPOSED NEW DEVELOPMENT, INCLUDING MANUFACTURED HOME PARKS OR SUBDIVISIONS, TO DETERMINE WHETHER SUCH PROPOSALS WILL BE REASONABLY SAFE FROM FLOODING;

4. ISSUE FLOODPLAIN DEVELOPMENT PERMITS FOR ALL APPROVED APPLICATIONS;

5. NOTIFY ADJACENT COMMUNITIES AND THE STATE EMERGENCY MANAGEMENT AGENCY PRIOR TO ANY ALTERATION OR RELOCATION OF A WATERCOURSE, AND SUBMIT EVIDENCE OF SUCH NOTIFICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA);

6. ASSURE THAT MAINTENANCE IS PROVIDED WITHIN THE ALTERED OR RELOCATED PORTION OF ANY WATERCOURSE SO THAT THE FLOOD-CARRYING CAPACITY IS NOT DIMINISHED; AND

7. VERIFY AND MAINTAIN A RECORD OF THE ACTUAL ELEVATION (IN RELATION TO MEAN SEA LEVEL) OF THE LOWEST FLOOR, INCLUDING BASEMENT, OF ALL NEW OR SUBSTANTIALLY IMPROVED STRUCTURES;

8. VERIFY AND MAINTAIN A RECORD OF THE ACTUAL ELEVATION (IN RELATION TO MEAN SEA LEVEL) THAT THE NEW OR SUBSTANTIALLY IMPROVED NON-RESIDENTIAL STRUCTURES HAVE BEEN FLOODPROOFED;

9. WHEN FLOODPROOFING TECHNIQUES ARE UTILIZED FOR A PARTICULAR NON-RESIDENTIAL STRUCTURE, THE FLOODPLAIN CONTROL OFFICER SHALL REQUIRE CERTIFICATION FROM A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT.

SECTION D APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

TO OBTAIN A FLOODPLAIN DEVELOPMENT PERMIT, THE APPLICANT SHALL FIRST FILE AN APPLICATION IN WRITING ON A FORM FURNISHED FOR THAT PURPOSE. EVERY FLOODPLAIN DEVELOPMENT PERMIT APPLICATION SHALL:

1. DESCRIBE THE LAND ON WHICH THE PROPOSED WORK IS TO BE DONE BY LOT, BLOCK AND TRACT, HOUSE AND STREET ADDRESS, OR SIMILAR DESCRIPTION THAT WILL READILY IDENTIFY AND SPECIFICALLY LOCATE THE PROPOSED STRUCTURE OR WORK;

2. IDENTIFY AND DESCRIBE THE WORK TO BE COVERED BY THE FLOODPLAIN DEVELOPMENT PERMIT;

3. INDICATE THE USE OR OCCUPANCY FOR WHICH THE PROPOSED WORK IS INTENDED;

4. INDICATE THE ASSESSED VALUE OF THE STRUCTURE AND THE FAIR MARKET VALUE OF THE IMPROVEMENT;

5. SPECIFY WHETHER DEVELOPMENT IS LOCATED IN DESIGNATED FLOOD FRINGE OR FLOODWAY;

6. IDENTIFY THE EXISTING BASE FLOOD ELEVATION AND THE ELEVATION OF THE PROPOSED DEVELOPMENT;

7. GIVE SUCH OTHER INFORMATION AS REASONABLY MAY BE REQUIRED BY THE FLOODPLAIN CONTROL OFFICER;

8. BE ACCOMPANIED BY PLANS AND SPECIFICATIONS FOR PROPOSED CONSTRUCTION; AND

9. BE SIGNED BY THE PERMITTEE OR HIS AUTHORIZED AGENT WHO MAY BE REQUIRED TO SUBMIT EVIDENCE TO INDICATE SUCH AUTHORITY.

ARTICLE 4 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A GENERAL STANDARDS

1. NO PERMIT FOR FLOODPLAIN DEVELOPMENT SHALL BE GRANTED FOR NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS, AND OTHER IMPROVEMENTS, INCLUDING THE PLACEMENT OF MANUFACTURED HOMES, WITHIN ANY NUMBERED OR UNNUMBERED A ZONES, AE, AO, AND AH ZONES, UNLESS THE CONDITIONS OF THIS SECTION ARE SATISFIED.

2. ALL AREAS IDENTIFIED AS UNNUMBERED A ZONES ON THE FIRM ARE SUBJECT TO INUNDATION OF THE ONE HUNDRED (100) YEAR FLOOD; HOWEVER, THE BASE FLOOD ELEVATION IS NOT PROVIDED. DEVELOPMENT WITHIN UNNUMBERED A ZONES IS SUBJECT TO ALL PROVISIONS OF THIS ORDINANCE. IF FLOOD INSURANCE STUDY DATA IS NOT AVAILABLE THE COMMUNITY SHALL OBTAIN, REVIEW, AND REASONABLY UTILIZE ANY BASE FLOOD ELEVATION OR FLOODWAY DATA CURRENTLY AVAILABLE FROM FEDERAL, STATE OR OTHER SOURCES.

3. UNTIL A FLOODWAY IS DESIGNATED, NO NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS, OR OTHER DEVELOPMENT, INCLUDING FILL, SHALL BE PERMITTED WITHIN ANY UNNUMBERED OR NUMBERED A ZONES, OR AE ZONES ON THE FIRM, UNLESS IT IS DEMONSTRATED THAT THE CUMULATIVE EFFECT OF THE PROPOSED DEVELOPMENT, WHEN COMBINED WITH ALL OTHER EXISTING AND ANTICIPATED DEVELOPMENT, WILL NOT INCREASE THE WATER SURFACE ELEVATION OF THE BASE FLOOD MORE THAN ONE (1) FOOT AT ANY POINT WITHIN THE COMMUNITY.

4. ALL NEW CONSTRUCTION, SUBDIVISION PROPOSALS, SUBSTANTIAL IMPROVEMENTS, PREFABRICATED STRUCTURES, PLACEMENT OF MANUFACTURED HOMES, AND OTHER DEVELOPMENTS SHALL REQUIRE:

   A. DESIGN OR ADEQUATE ANCHORAGE TO PREVENT FLOATATION, COLLAPSE OR LATERAL MOVEMENT OF THE STRUCTURE RESULTING FROM HYDRODYNAMIC AND HYDROSTATIC LOADS, INCLUDING THE AFFECTS OF BUOYANCY;

   B. CONSTRUCTION WITH MATERIALS RESISTANT TO FLOOD DAMAGE;

   C. UTILIZATION OF METHODS AND PRACTICES THAT MINIMIZE FLOOD DAMAGES;

   D. ALL ELECTRICAL, HEATING , VENTILATION, PLUMBING, AIR-CONDITIONING EQUIPMENT AND OTHER SERVICE FACILITIES BE DESIGNED AND/OR LOCATED SO AS TO PREVENT WATER FROM ENTERING OR ACCUMULATING WITHIN THE COMPONENTS DURING CONDITIONS OF FLOODING;

   E. NEW OR REPLACEMENT WATER SUPPLY SYSTEMS AND/OR SANITARY SEWAGE SYSTEMS BE DESIGNED TO MINIMIZE OR ELIMINATE INFILTRATION OF FLOOD WATERS INTO THE SYSTEMS AND DISCHARGES FROM THE SYSTEMS INTO FLOOD WATERS, AND ON SITE WASTE DISPOSAL SYSTEMS BE LOCATED SO AS TO AVOID IMPAIRMENT OR CONTAMINATION; AND

F. SUBDIVISION PROPOSALS AND OTHER PROPOSED NEW DEVELOPMENT, INCLUDING MANUFACTURED HOME PARKS OR SUBDIVISIONS, LOCATED WITHIN SPECIAL FLOOD HAZARD AREAS ARE REQUIRED TO ASSURE THAT:

(1) ALL SUCH PROPOSALS ARE CONSISTENT WITH THE NEED TO MINIMIZE FLOOD DAMAGE;

(2) ALL PUBLIC UTILITIES AND FACILITIES, SUCH AS SEWER, GAS, ELECTRICAL, AND WATER SYSTEMS ARE LOCATED AND CONSTRUCTED TO MINIMIZE OR ELIMINATE FLOOD DAMAGE;

(3) ADEQUATE DRAINAGE IS PROVIDED SO AS TO REDUCE EXPOSURE TO FLOOD HAZARDS; AND

(4) ALL PROPOSALS FOR DEVELOPMENT, INCLUDING PROPOSALS FOR MANUFACTURED HOME PARKS AND SUBDIVISIONS, OF FIVE (5) ACRES OR FIFTY (50) LOTS, WHICHEVER IS LESSER, INCLUDE WITHIN SUCH PROPOSALS BASE FLOOD ELEVATION DATA.

5. STORAGE, MATERIAL AND EQUIPMENT

A. THE STORAGE OR PROCESSING OF MATERIALS WITHIN THE SPECIAL FLOOD HAZARD AREA THAT ARE IN TIME OF FLOODING BUOYANT, FLAMMABLE, EXPLOSIVE, OR COULD BE INJURIOUS TO HUMAN, ANIMAL OR PLANT LIFE IS PROHIBITED.

B. STORAGE OF OTHER MATERIAL OR EQUIPMENT MAY BE ALLOWED IF NOT SUBJECT TO MAJOR DAMAGE BY FLOODS, IF FIRMLY ANCHORED TO PREVENT FLOTATION OR IF READILY REMOVABLE FROM THE AREA WITHIN THE TIME AVAILABLE AFTER FLOOD WARNING.

6. AGRICULTURAL STRUCTURES

STRUCTURES USED SOLELY FOR AGRICULTURAL PURPOSES IN CONNECTION WITH THE PRODUCTION, HARVESTING, STORAGE, DRYING, OR RAISING OF AGRICULTURAL COMMODITIES, INCLUDING THE RAISING OF LIVESTOCK, MAY BE CONSTRUCTED AT GRADE AND WET FLOODPROOFED PROVIDED THERE IS NO HUMAN HABITATION OR OCCUPANCY OF THE STRUCTURE; THE STRUCTURE IS OF SINGLE WALL DESIGN; THERE IS NO PERMANENT RETAIL, WHOLESALE, OR MANUFACTURING USE INCLUDED IN THE STRUCTURE; A VARIANCE HAS BEEN GRANTED FROM THE FLOODPLAIN MANAGEMENT REQUIREMENTS OF THIS ORDINANCE; AND A FLOODPLAIN DEVELOPMENT PERMIT HAS BEEN ISSUED.

7. ACCESSORY STRUCTURES

STRUCTURES USED SOLELY FOR PARKING AND LIMITED STORAGE PURPOSES, NOT ATTACHED TO ANY OTHER STRUCTURE ON THE SITE, OF LIMITED INVESTMENT VALUE, AND NOT LARGER THAN 400 SQUARE FEET MAY BE CONSTRUCTED AT GRADE AND WET-FLOODPROOFED PROVIDED THERE IS NO HUMAN HABITATION OR OCCUPANCY OF THE STRUCTURE; A VARIANCE HAS BEEN GRANTED FROM THE STANDARD FLOODPLAIN MANAGEMENT REQUIREMENTS OF THIS ORDINANCE; AND A FLOODPLAIN DEVELOPMENT PERMIT HAS BEEN ISSUED.

SECTION B SPECIFIC STANDARDS

1. IN ALL AREAS IDENTIFIED AS NUMBERED AND UNNUMBERED A ZONES, AE, AND AH ZONES, WHERE BASE FLOOD ELEVATION DATA HAVE BEEN PROVIDED, AS SET FORTH IN ARTICLE 4, SECTION A(2), THE FOLLOWING PROVISIONS ARE REQUIRED:

A. RESIDENTIAL CONSTRUCTION

NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT OF ANY RESIDENTIAL STRUCTURES, INCLUDING MANUFACTURED HOMES, SHALL HAVE THE LOWEST FLOOR, INCLUDING BASEMENT, ELEVATED TO 441 FEET ABOVE MEAN SEA LEVEL.

B. NON-RESIDENTIAL CONSTRUCTION

NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT OF ANY COMMERCIAL, INDUSTRIAL, OR OTHER NON-RESIDENTIAL STRUCTURES, INCLUDING MANUFACTURED HOMES, SHALL HAVE THE LOWEST FLOOR, INCLUDING BASEMENT, ELEVATED TO 441 FEET ABOVE MEAN SEAL LEVEL OR, TOGETHER WITH ATTENDANT UTILITY AND SANITARY FACILITIES, BE FLOODPROOFED SO THAT BELOW BASE FLOOD ELEVATION THE STRUCTURE IS WATERTIGHT WITH WALLS SUBSTANTIALLY IMPERMEABLE TO THE PASSAGE OF WATER AND WITH STRUCTURAL COMPONENTS HAVING THE CAPABILITY OF RESISTING HYDROSTATIC AND HYDRODYNAMIC LOADS AND AFFECTS OF BUOYANCY. A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT SHALL CERTIFY THAT THE STANDARDS OF THIS SUBSECTION ARE SATISFIED. SUCH CERTIFICATION SHALL BE PROVIDED TO THE FLOODPLAIN ADMINISTRATOR AS SET FORTH IN ARTICLE 3, SECTION C(9).

C. REQUIRE, FOR ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS, THAT FULLY ENCLOSED AREAS BELOW LOWEST FLOOR BE USED SOLELY FOR PARKING OF VEHICLES, BUILDING ACCESS, OR STORAGE IN A AREA OTHER THAN A BASEMENT AND THAT ARE SUBJECT TO FLOODING SHALL BE DESIGNED TO AUTOMATICALLY EQUALIZE HYDROSTATIC FLOOD FORCES ON EXTERIOR WALLS BY ALLOWING FOR THE ENTRY AND EXIT OF FLOODWATERS. DESIGNS FOR MEETING THIS REQUIREMENT MUST EITHER BE CERTIFIED BY A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT OR MEET OR EXCEED THE FOLLOWING MINIMUM CRITERIA:

(1) A MINIMUM OF TWO OPENINGS HAVING A TOTAL NET AREA OF NOT LESS THAN ONE (1) SQUARE INCH FOR EVERY SQUARE FOOT OF ENCLOSED AREA SUBJECT TO FLOODING SHALL BE PROVIDED; AND

(2) THE BOTTOM OF ALL OPENINGS SHALL BE NOT HIGHER THAN ONE (1) FOOT ABOVE GRADE. OPENINGS MAY BE EQUIPPED WITH SCREENS, LOUVERS, VALVES, OR OTHER COVERINGS OR DEVICES PROVIDED THAT THEY PERMIT THE AUTOMATIC ENTRY AND EXIT OF FLOODWATERS.

SECTION C MANUFACTURED HOMES

1. ALL MANUFACTURED HOMES TO BE PLACED WITHIN ALL UNNUMBERED AND NUMBERED A ZONES, AE, AND AH ZONES, ON THE COMMUNITY'S FIRM SHALL BE REQUIRED TO BE INSTALLED USING METHODS AND PRACTICES THAT MINIMIZE FLOOD DAMAGE. FOR THE PURPOSES OF THIS REQUIREMENT, MANUFACTURED HOMES MUST BE ELEVATED AND ANCHORED TO RESIST FLOTATION, COLLAPSE, OR LATERAL MOVEMENT. METHODS OF ANCHORING MAY INCLUDE, BUT ARE NOT LIMITED TO, USE OF OVER-THE-TOP OR FRAME TIES TO GROUND ANCHORS.

2. REQUIRE MANUFACTURED HOMES THAT ARE PLACED OR SUBSTANTIALLY IMPROVED WITHIN UNNUMBERED OR NUMBERED A ZONES, AE, AND AH ZONES, ON THE COMMUNITY'S FIRM ON SITES:

A. OUTSIDE OF MANUFACTURED HOME PARK OR SUBDIVISION;

B. IN A NEW MANUFACTURED HOME PARK OR SUBDIVISION;

C. IN AN EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION; OR

D. IN AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION ON WHICH A MANUFACTURED HOME HAS INCURRED SUBSTANTIAL DAMAGE AS THE RESULT OF A FLOOD.

BE ELEVATED ON A PERMANENT FOUNDATION SUCH THAT THE LOWEST FLOOR OF THE MANUFACTURED HOME IS ELEVATED TO 441 FOOT MEAN SEA LEVEL AND BE SECURELY ATTACHED TO AN ADEQUATELY ANCHORED FOUNDATION SYSTEM TO RESIST FLOTATION, COLLAPSE, AND LATERAL MOVEMENT.

3. REQUIRE THAT MANUFACTURED HOMES TO BE PLACED OR SUBSTANTIALLY IMPROVED ON SITE IN AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION WITHIN ALL UNNUMBERED AND NUMBERED A ZONES, AE, AND AH ZONES, ON THE COMMUNITY'S FIRM THAT ARE NOT SUBJECT TO THE PROVISIONS OF ARTICLE 4, SECTION C(2) OF THIS ORDINANCE, BE ELEVATED SO THAT EITHER:

A. THE LOWEST FLOOR OF THE MANUFACTURED HOME IS 441 FOOT ABOVE MEAN SEA LEVEL; OR

B. THE MANUFACTURED HOME CHASSIS IS SUPPORTED BY REINFORCED PIERS OR OTHER FOUNDATION ELEMENTS OF AT LEAST EQUIVALENT STRENGTH THAT ARE NO LESS THAN THIRTY-SIX (36) INCHES IN HEIGHT ABOVE GRADE AND BE SECURELY ATTACHED TO AN ADEQUATELY ANCHORED FOUNDATION SYSTEM TO RESIST FLOTATION, COLLAPSE, AND LATERAL MOVEMENT.

SECTION D AREAS OF SHALLOW FLOODING (AO AND AH ZONES)

LOCATED WITHIN THE AREAS OF SPECIAL FLOOD HAZARD AS DESCRIBED IN ARTICLE 2, SECTION A ARE AREAS DESIGNATED AS AO ZONES. THESE AREAS HAVE SPECIAL FLOOD HAZARDS ASSOCIATED WITH BASE FLOOD DEPTHS OF ONE (1) TO THREE (3) FEET WHERE A CLEARLY DEFINED CHANNEL DOES NOT EXIST AND WHERE THE PATH OF FLOODING IS UNPREDICTABLE AND INDETERMINATE. THE FOLLOWING PROVISIONS APPLY:

1. A0 ZONES

A. ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS OF RESIDENTIAL STRUCTURES, INCLUDING MANUFACTURED HOMES, SHALL HAVE THE LOWEST FLOOR, INCLUDING BASEMENT, ELEVATED ABOVE THE HIGHEST ADJACENT GRADE AT LEAST AS HIGH AS THE DEPTH NUMBER SPECIFIED IN FEET ON THE COMMUNITY'S FIRM (AT LEAST TWO (2) FEET IF NO DEPTH NUMBER IS SPECIFIED).

B. ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS OF ANY COMMERCIAL, INDUSTRIAL, OR OTHER NON-RESIDENTIAL STRUCTURES, INCLUDING MANUFACTURED HOMES, SHALL HAVE THE LOWEST FLOOR, INCLUDING BASEMENT, ELEVATED ABOVE THE HIGHEST ADJACENT GRADE AT LEAST AS HIGH AS THE DEPTH NUMBER SPECIFIED IN FEET ON THE COMMUNITY'S FIRM (AT LEAST TWO (2) FEET IF NO DEPTH NUMBER IS SPECIFIED), OR TOGETHER WITH ATTENDANT UTILITIES AND SANITARY FACILITIES BE COMPLETELY FLOODPROOFED TO THAT LEVEL SO THAT THE STRUCTURE IS WATERTIGHT WITH WALLS SUBSTANTIALLY IMPERMEABLE TO THE PASSAGE OF WATER AND WITH STRUCTURAL COMPONENTS HAVING THE CAPABILITY OF RESISTING HYDROSTATIC AND HYDRODYNAMIC LOADS AND EFFECTS OF BUOYANCY.

C. ADEQUATE DRAINAGE PATHS SHALL BE REQUIRED AROUND STRUCTURES ON SLOPES, IN ORDER TO GUIDE FLOODWATERS AROUND AND AWAY FROM PROPOSED STRUCTURES.

SECTION E FLOODWAY

LOCATED WITHIN AREAS OF SPECIAL FLOOD HAZARD ESTABLISHED IN ARTICLE 2, SECTION A ARE AREAS DESIGNATED AS FLOODWAYS. SINCE THE FLOODWAY IS AN EXTREMELY HAZARDOUS AREA DUE TO THE VELOCITY OF FLOOD WATERS THAT CARRY DEBRIS AND POTENTIAL PROJECTILES, THE FOLLOWING PROVISIONS SHALL APPLY;

1. THE COMMUNITY SHALL SELECT AND ADOPT A REGULATORY FLOODWAY BASED ON THE PRINCIPAL THAT THE AREA CHOSEN FOR THE REGULATORY FLOODWAY MUST BE DESIGNED TO CARRY THE WATERS OF THE BASE FLOOD WITHOUT INCREASING THE WATER SURFACE ELEVATION OF THAT FLOOD MORE THAN ONE (1) FOOT AT ANY POINT.

2. THE COMMUNITY SHALL PROHIBIT ANY ENCROACHMENTS, INCLUDING FILL, NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS, AND OTHER DEVELOPMENT WITHIN THE ADOPTED REGULATORY FLOODWAY UNLESS IT HAS BEEN DEMONSTRATED THROUGH HYDROLOGIC AND HYDRAULIC ANALYSES PERFORMED IN ACCORDANCE WITH STANDARD ENGINEERING PRACTICE THAT THE PROPOSED ENCROACHMENT WOULD NOT RESULT IN ANY INCREASE IN FLOOD LEVELS WITHIN THE COMMUNITY DURING THE OCCURRENCE OF THE BASE FLOOD DISCHARGE.

3. IF ARTICLE 4, SECTION E(2) IS SATISFIED, ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS SHALL COMPLY WITH ALL APPLICABLE FLOOD HAZARD REDUCTION PROVISIONS OF ARTICLE 4.

4. IN UNNUMBERED A ZONES, THE COMMUNITY SHALL OBTAIN, REVIEW, AND REASONABLY UTILIZE ANY BASE FLOOD ELEVATION OR FLOODWAY DATA CURRENTLY AVAILABLE FROM FEDERAL, STATE, OR OTHER SOURCES AS SET FORTH IN ARTICLE 4, SECTION A(2).

ARTICLE 5 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

SECTION A ESTABLISHMENT OF APPEAL BOARD

THE BOARD OF ADJUSTMENT AS ESTABLISHED BY THE CITY OF PORTAGE DES SIOUX SHALL HEAR AND DECIDE APPEALS AND REQUESTS FOR VARIANCES FROM THE FLOODPLAIN MANAGEMENT REQUIREMENTS OF THIS ORDINANCE.

SECTION B RESPONSIBILITY OF APPEAL BOARD

WHERE AN APPLICATION FOR A FLOODPLAIN DEVELOPMENT PERMIT OR REQUEST FOR A VARIANCE FROM THE FLOODPLAIN MANAGEMENT REGULATIONS IS DENIED BY THE FLOODPLAIN CONTROL OFFICER THE APPLICANT MAY APPLY FOR SUCH FLOODPLAIN DEVELOPMENT PERMIT OR VARIANCE DIRECTLY TO THE APPEAL BOARD, AS DEFINED IN ARTICLE 5, SECTION A.

THE BOARD OF ADJUSTMENT SHALL HEAR AND DECIDE APPEALS WHEN IT IS ALLEGED THAT THERE IS AN ERROR IN ANY REQUIREMENT, DECISION, OR DETERMINATION MADE BY THE FLOODPLAIN CONTROL OFFICER IN THE ENFORCEMENT OR ADMINISTRATION OF THIS ORDINANCE.

SECTION C FURTHER APPEALS

ANY PERSON AGGRIEVED BY THE DECISION OF THE BOARD OF ADJUSTMENT OR ANY TAXPAYER MAY APPEAL SUCH DECISION TO THE CIRCUIT COURT AS PROVIDED IN SECTION 89.110 RSMO.

SECTION D FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

IN PASSING UPON SUCH APPLICATIONS OR VARIANCES, THE BOARD OF ADJUSTMENT SHALL CONSIDER ALL TECHNICAL DATA AND EVALUATIONS, ALL RELEVANT FACTORS, STANDARDS SPECIFIED IN OTHER SECTIONS OF THIS ORDINANCE, AND THE FOLLOWING CRITERIA:

1. THE DANGER TO LIFE AND PROPERTY DUE TO FLOOD DAMAGE;

2. THE DANGER THAT MATERIALS MAY BE SWEPT ONTO OTHER LANDS TO THE INJURY OF OTHERS;

3. THE SUSCEPTIBILITY OF PROPOSED FACILITY AND ITS CONTENTS TO FLOOD DAMAGE AND THE EFFECT OF SUCH DAMAGE ON THE INDIVIDUAL OWNER;

4. THE IMPORTANCE OF THE SERVICES PROVIDED BY THE PROPOSED FACILITY TO THE COMMUNITY;

5. THE NECESSITY TO THE FACILITY OF A WATERFRONT LOCATION, WHERE APPLICABLE;

6. THE AVAILABILITY OF ALTERNATIVE LOCATIONS, NOT SUBJECT TO FLOOD DAMAGE, FOR THE PROPOSED USE;

7. THE COMPATIBILITY OF THE PROPOSED WITH EXISTING AND ANTICIPATED DEVELOPMENT;

8. THE RELATIONSHIP OF THE PROPOSED USE TO THE COMPREHENSIVE PLAN AND FLOODPLAIN MANAGEMENT PROGRAM FOR THAT AREA;

9. THE SAFETY OF ACCESS TO THE PROPERTY IN TIMES OF FLOOD FOR ORDINARY AND EMERGENCY VEHICLES;

10. THE EXPECTED HEIGHTS, VELOCITY, DURATION, RATE OF RISE AND SEDIMENT TRANSPORT OF THE FLOOD WATERS, IF APPLICABLE, EXPECTED AT THE SITE; AND

11. THE COSTS OF PROVIDING GOVERNMENTAL SERVICES DURING AND AFTER FLOOD CONDITIONS INCLUDING MAINTENANCE AND REPAIR OF PUBLIC UTILITIES AND FACILITIES SUCH AS SEWER, GAS, ELECTRICAL, AND WATER SYSTEMS, STREETS, AND BRIDGES.

SECTION E CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

1. GENERALLY, VARIANCES MAY BE ISSUED FOR NEW CONSTRUCTION TO BE ERECTED ON A LOT OF ONE-HALF (1/2) ACRE OR LESS IN SIZE CONTIGUOUS TO AND SURROUNDED BY LOTS WITH EXISTING STRUCTURES CONSTRUCTED BELOW THE BASE FLOOD LEVEL, PROVIDING ITEMS 2 THROUGH 6 BELOW HAVE BEEN FULLY CONSIDERED. AS THE LOT SIZE INCREASES BEYOND THE ONE-HALF (1/2) ACRE, THE TECHNICAL JUSTIFICATION REQUIRED FOR ISSUING THE VARIANCE INCREASES.

2. VARIANCES MAY BE ISSUED FOR THE RECONSTRUCTION, REHABILITATION OR RESTORATION OF STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES, THE STATE INVENTORY OF HISTORIC PLACES, OR LOCAL INVENTORY OF HISTORIC PLACES UPON DETERMINATION.

3. VARIANCES SHALL NOT BE ISSUED WITHIN ANY DESIGNATED FLOODWAY IF ANY SIGNIFICANT INCREASE IN FLOOD DISCHARGE WOULD RESULT.

4. VARIANCES SHALL ONLY BE ISSUED UPON A DETERMINATION THAT THE VARIANCE IS THE MINIMUM NECESSARY, CONSIDERING THE FLOOD HAZARD, TO AFFORD RELIEF.

5. VARIANCES SHALL ONLY BE ISSUED UPON (A) A SHOWING OF GOOD AND SUFFICIENT CAUSE, (B) A DETERMINATION THAT FAILURE TO GRANT THE VARIANCE WOULD RESULT IN EXCEPTIONAL HARDSHIP TO THE APPLICANT, AND (C) A DETERMINATION THAT THE GRANTING OF A VARIANCE WILL NOT RESULT IN INCREASED FLOOD HEIGHTS, ADDITIONAL THREATS TO PUBLIC SAFETY, EXTRAORDINARY PUBLIC EXPENSE, CREATE NUISANCES, CAUSE FRAUD ON OR VICTIMIZATION OF THE PUBLIC, OR CONFLICT WITH EXISTING LOCAL LAWS OR ORDINANCES.

6. A COMMUNITY SHALL NOTIFY THE APPLICANT, IN WRITING, OVER THE SIGNATURE OF A COMMUNITY OFFICIAL THAT (1) THE ISSUANCE OF A VARIANCE TO CONSTRUCT A STRUCTURE BELOW BASE FLOOD LEVEL WILL RESULT IN INCREASED PREMIUM RATES FOR FLOOD INSURANCE UP TO AMOUNTS AS HIGH AS $25.00 FOR $100.00 OF INSURANCE COVERAGE AND (2) SUCH CONSTRUCTION BELOW THE BASE LEVEL INCREASES RISKS TO LIFE AND PROPERTY. SUCH NOTIFICATION SHALL BE MAINTAINED WITH THE RECORD OF ALL VARIANCE ACTIONS AS REQUIRED BY THIS ORDINANCE.

SECTION F CONDITIONS FOR APPROVING VARIANCES FOR AGRICULTURAL STRUCTURES

ANY VARIANCE GRANTED FOR AN AGRICULTURAL STRUCTURE SHALL BE DECIDED INDIVIDUALLY BASED ON A CASE BY CASE ANALYSIS OF THE BUILDING'S UNIQUE CIRCUMSTANCES. VARIANCES GRANTED SHALL MEET THE FOLLOWING CONDITIONS AS WELL AS THOSE CRITERIA AND CONDITIONS SET FORTH IN ARTICLE 5, SECTIONS D AND E OF THIS ORDINANCE.

IN ORDER TO MINIMIZE FLOOD DAMAGES DURING THE 100 YEAR FLOOD AND THE THREAT TO PUBLIC HEALTH AND SAFETY, THE FOLLOWING CONDITIONS SHALL BE INCLUDED FOR ANY VARIANCE ISSUED FOR AGRICULTURAL STRUCTURES THAT ARE CONSTRUCTED AT-GRADE AND WET-FLOODPROOFED.

1. ALL AGRICULTURAL STRUCTURES CONSIDERED FOR VARIANCE FROM THE FLOODPLAIN MANAGEMENT REGULATIONS OF THIS ORDINANCE SHALL DEMONSTRATE THAT THE VARIED STRUCTURE IS LOCATED IN WIDE, EXPANSIVE FLOODPLAIN AREAS AND NO OTHER ALTERNATE LOCATION OUTSIDE OF THE SPECIAL FLOOD HAZARD AREA EXISTS FOR THE AGRICULTURAL STRUCTURE. RESIDENTIAL STRUCTURES, SUCH AS FARM HOUSES, CANNOT BE CONSIDERED AGRICULTURAL STRUCTURES.

2. USE OF THE VARIED STRUCTURES MUST BE LIMITED TO AGRICULTURAL PURPOSES IN ZONE A ONLY AS IDENTIFIED ON THE COMMUNITY'S FLOOD INSURANCE RATE MAP (FIRM).

3. FOR ANY NEW OR SUBSTANTIALLY DAMAGED AGRICULTURAL STRUCTURES, THE EXTERIOR AND INTERIOR BUILDING COMPONENTS AND ELEMENTS (I.E., FOUNDATION, WALL FRAMING, EXTERIOR AND INTERIOR FINISHES, FLOORING, ETC.) BELOW THE BASE FLOOD ELEVATION, MUST BE BUILT WITH FLOOD-RESISTANT MATERIALS IN ACCORDANCE WITH ARTICLE 4, SECTION A(4)(B) OF THIS ORDINANCE.

4. THE AGRICULTURAL STRUCTURES MUST BE ADEQUATELY ANCHORED TO PREVENT FLOTATION, COLLAPSE, OR LATERAL MOVEMENT OF THE STRUCTURES IN ACCORDANCE WITH ARTICLE 4, SECTION A(4)(A) OF THIS ORDINANCE. ALL OF THE BUILDING'S STRUCTURAL COMPONENTS MUST BE CAPABLE OF RESISTING SPECIFIC FLOOD-RELATED FORCES INCLUDING HYDROSTATIC, BUOYANCY, AND HYDRODYNAMIC AND DEBRIS IMPACT FORCES.

5. ANY MECHANICAL, ELECTRICAL, OR OTHER UTILITY EQUIPMENT MUST BE LOCATED ABOVE THE BASE FLOOD ELEVATION OR FLOODPROOFED SO THAT THEY ARE CONTAINED WITHIN A WATERTIGHT, FLOODPROOFED ENCLOSURE THAT IS CAPABLE OF RESISTING DAMAGE DURING FLOOD CONDITIONS IN ACCORDANCE WITH ARTICLE A, SECTION A(4)(D) OF THIS ORDINANCE.

6. THE AGRICULTURAL STRUCTURES MUST MEET ALL NATIONAL FLOOD INSURANCE PROGRAM (NFIP) OPENING REQUIREMENTS. THE NFIP REQUIRES THAT ENCLOSURE OR FOUNDATION WALLS, SUBJECT TO THE 100 YEAR FLOOD, CONTAIN OPENINGS THAT WILL PERMIT THE AUTOMATIC ENTRY AND EXIT OF FLOODWATERS IN ACCORDANCE WITH ARTICLE 4, SECTION B(1)(C) OF THIS ORDINANCE.

7. THE AGRICULTURAL STRUCTURES MUST COMPLY WITH THE FLOODPLAIN MANAGEMENT FLOODWAY ENCROACHMENT PROVISIONS OF ARTICLE 4, SECTION E(2) OF THIS ORDINANCE. NO VARIANCES MAY BE ISSUED FOR AGRICULTURAL STRUCTURES WITHIN ANY DESIGNATED FLOODWAY, IF ANY INCREASE IN FLOOD LEVELS WOULD RESULT DURING THE 100 YEAR FLOOD.

8. MAJOR EQUIPMENT, MACHINERY, OR OTHER CONTENTS MUST BE PROTECTED FROM ANY FLOOD DAMAGE.

9. NO DISASTER RELIEF ASSISTANCE UNDER ANY PROGRAM ADMINISTERED BY ANY FEDERAL AGENCY SHALL BE PAID FOR ANY REPAIR OR RESTORATION COSTS OF THE AGRICULTURAL STRUCTURES.

10. A COMMUNITY SHALL NOTIFY THE APPLICANT IN WRITING OVER THE SIGNATURE OF A COMMUNITY OFFICIAL THAT (1) THE ISSUANCE OF A VARIANCE TO CONSTRUCT A STRUCTURE BELOW BASE FLOOD LEVEL WILL RESULT IN INCREASED PREMIUM RATES FOR FLOOD INSURANCE UP TO AMOUNTS AS HIGH AS $25.00 FOR $100.00 OF INSURANCE COVERAGE AND (2) SUCH CONSTRUCTION BELOW THE BASE FLOOD LEVEL INCREASES RISK TO LIFE AND PROPERTY. SUCH NOTIFICATION SHALL BE MAINTAINED WITH THE RECORD OF ALL VARIANCE ACTIONS AS REQUIRED BY THIS ORDINANCE.

11. WET-FLOODPROOFING CONSTRUCTION TECHNIQUES MUST BE REVIEWED AND APPROVED BY THE COMMUNITY AND A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT PRIOR TO THE ISSUANCE OF ANY FLOODPLAIN DEVELOPMENT PERMIT FOR CONSTRUCTION.

SECTION G CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES

ANY VARIANCE GRANTED FOR AN ACCESSORY STRUCTURE SHALL BE DECIDED INDIVIDUALLY, BASED ON A CASE BY CASE ANALYSIS OF THE BUILDING'S UNIQUE CIRCUMSTANCES. VARIANCES GRANTED SHALL MEET THE FOLLOWING CONDITIONS AS WELL AS THOSE CRITERIA AND CONDITIONS SET FORTH IN ARTICLE 5, SECTION D AND E OF THIS ORDINANCE.

IN ORDER TO MINIMIZE FLOOD DAMAGES DURING THE 100 YEAR FLOOD AND THE THREAT TO PUBLIC HEALTH AND SAFETY, THE FOLLOWING CONDITIONS SHALL BE INCLUDED FOR ANY VARIANCE ISSUED FOR ACCESSORY STRUCTURES THAT ARE CONSTRUCTED AT-GRADE AND WET-FLOODPROOFED.

1. USE OF THE ACCESSORY STRUCTURES MUST BE SOLELY FOR PARKING AND LIMITED STORAGE PURPOSES IN ZONE A ONLY AS IDENTIFIED ON THE COMMUNITY'S FLOOD INSURANCE RATE MAP (FIRM).

2. FOR ANY NEW OR SUBSTANTIALLY DAMAGED ACCESSORY STRUCTURES, THE EXTERIOR AND INTERIOR BUILDING COMPONENTS AND ELEMENTS (I.E., FOUNDATION, WALL FRAMING, EXTERIOR AND INTERIOR FINISHES, FLOORING, ETC.) BELOW THE BASE FLOOD ELEVATION, MUST BE BUILT WITH FLOOD-RESISTANT MATERIALS IN ACCORDANCE WITH ARTICLE 4, SECTION A(4)(B) OF THIS ORDINANCE.

3. THE ACCESSORY STRUCTURES MUST BE ADEQUATELY ANCHORED TO PREVENT FLOTATION, COLLAPSE, OR LATERAL MOVEMENT OF THE STRUCTURES IN ACCORDANCE WITH ARTICLE 4, SECTION A(4)(A) OF THIS ORDINANCE. ALL OF THE BUILDING'S STRUCTURAL COMPONENTS MUST BE CAPABLE OF RESISTING SPECIFIC FLOOD-RELATED FORCES INCLUDING HYDROSTATIC, BUOYANCY, AND HYDRODYNAMIC AND DEBRIS IMPACT FORCES.

4. ANY MECHANICAL, ELECTRICAL, OR OTHER UTILITY EQUIPMENT MUST BE LOCATED ABOVE THE BASE FLOOD ELEVATION OR FLOODPROOFED SO THAT THEY ARE CONTAINED WITHIN A WATERTIGHT, FLOODPROOFED ENCLOSURE THAT IS CAPABLE OF RESISTING DAMAGE DURING FLOOD CONDITIONS IN ACCORDANCE WITH ARTICLE A, SECTION A(4)(D) OF THIS ORDINANCE.

5. THE ACCESSORY STRUCTURES MUST MEET ALL NATIONAL FLOOD INSURANCE PROGRAM (NFIP) OPENING REQUIREMENTS. THE NFIP REQUIRES THAT ENCLOSURE OR FOUNDATION WALLS, SUBJECT TO THE 100 YEAR FLOOD, CONTAIN OPENINGS THAT WILL PERMIT THE AUTOMATIC ENTRY AND EXIT OF FLOODWATERS IN ACCORDANCE WITH ARTICLE 4, SECTION B(1)(C) OF THIS ORDINANCE.

6. THE ACCESSORY STRUCTURES MUST COMPLY WITH THE FLOODPLAIN MANAGEMENT FLOODWAY ENCROACHMENT PROVISIONS OF ARTICLE 4, SECTION E(2) OF THIS ORDINANCE. NO VARIANCES MAY BE ISSUED FOR AGRICULTURAL STRUCTURES WITHIN ANY DESIGNATED FLOODWAY, IF ANY INCREASE IN FLOOD LEVELS WOULD RESULT DURING THE 100 YEAR FLOOD.

7. EQUIPMENT, MACHINERY, OR OTHER CONTENTS MUST BE PROTECTED FROM ANY FLOOD DAMAGE.

8. NO DISASTER RELIEF ASSISTANCE UNDER ANY PROGRAM ADMINISTERED BY ANY FEDERAL AGENCY SHALL BE PAID FOR ANY REPAIR OR RESTORATION COSTS OF THE ACCESSORY STRUCTURES.

9. A COMMUNITY SHALL NOTIFY THE APPLICANT IN WRITING OVER THE SIGNATURE OF A COMMUNITY OFFICIAL THAT (1) THE ISSUANCE OF A VARIANCE TO CONSTRUCT A STRUCTURE BELOW BASE FLOOD LEVEL WILL RESULT IN INCREASED PREMIUM RATES FOR FLOOD INSURANCE UP TO AMOUNTS AS HIGH AS $25.00 FOR $100.00 OF INSURANCE COVERAGE AND (2) SUCH CONSTRUCTION BELOW THE BASE FLOOD LEVEL INCREASES RISK TO LIFE AND PROPERTY. SUCH NOTIFICATION SHALL BE MAINTAINED WITH THE RECORD OF ALL VARIANCE ACTIONS AS REQUIRED BY THIS ORDINANCE.

10. WET-FLOODPROOFING CONSTRUCTION TECHNIQUES MUST BE REVIEWED AND APPROVED BY THE COMMUNITY AND A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT PRIOR TO THE ISSUANCE OF ANY FLOODPLAIN DEVELOPMENT PERMIT FOR CONSTRUCTION.

ARTICLE 6 PENALTIES FOR VIOLATION

VIOLATION OF THE PROVISIONS OF THIS ORDINANCE OR FAILURE TO COMPLY WITH ANY OF ITS REQUIREMENTS (INCLUDING VIOLATIONS OF CONDITIONS AND SAFEGUARDS ESTABLISHED IN CONNECTION WITH GRANTING OF VARIANCES) SHALL CONSTITUTE A MISDEMEANOR. ANY PERSON WHO VIOLATES THIS ORDINANCE OR FAILS TO COMPLY WITH ANY OF ITS REQUIREMENTS SHALL, UPON CONVICTION, THEREOF, BE FINED NOT MORE THAN $1,000.00, AND IN ADDITION, SHALL PAY ALL COSTS AND EXPENSES INVOLVED IN THE CASE. EACH DAY SUCH VIOLATION CONTINUES SHALL BE CONSIDERED A SEPARATE OFFENSE. NOTHING HEREIN CONTAINED SHALL PREVENT THE CITY OF PORTAGE DES SIOUX OR OTHER APPROPRIATE AUTHORITY FROM TAKING SUCH OTHER LAWFUL ACTION AS IS NECESSARY TO PREVENT OR REMEDY ANY VIOLATION.

ARTICLE 7 AMENDMENTS

1. THE REGULATIONS, RESTRICTIONS, AND BOUNDARIES SET FORTH IN THIS ORDINANCE MAY FROM TIME TO TIME BE AMENDED, SUPPLEMENTED, CHANGED, OR APPEALED TO REFLECT ANY AND ALL CHANGES IN THE NATIONAL FLOOD DISASTER PROTECTION ACT OF 1973, PROVIDED, HOWEVER, THAT NO SUCH ACTION MAY BE TAKEN UNTIL AFTER A PUBLIC HEARING IN RELATION THERETO, AT WHICH PARTIES OF INTEREST AND CITIZENS SHALL HAVE AN OPPORTUNITY TO BE HEARD. NOTICE OF THE TIME AND PLACE OF SUCH HEARING SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF PORTAGE DES SIOUX, MISSOURI. AT LEAST TWENTY (20) DAYS SHALL ELAPSE BETWEEN THE DATE OF THIS PUBLICATION AND THE PUBLIC HEARING. A COPY OF SUCH AMENDMENTS WILL BE PROVIDED TO THE REGION VII OFFICE OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). THE REGULATIONS OF THIS ORDINANCE ARE IN COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) REGULATIONS.

2. ALL ORDINANCES, SECTIONS, OR PARTS OF PREVIOUS ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

ARTICLE 8 DEFINITIONS

UNLESS SPECIFICALLY DEFINED BELOW, WORDS OR PHRASES USED IN THIS ORDINANCE SHALL BE INTERPRETED SO AS TO GIVE THEM THE SAME MEANING THEY HAVE IN COMMON USAGE AND TO GIVE THIS ORDINANCE ITS MOST REASONABLE APPLICATION.

"**100 YEAR FLOOD**" SEE "BASE FLOOD"

"**ACCESSORY STRUCTURE**" MEANS THE SAME AS "APPURTENANT STRUCTURE"

"**ACTUARIAL RATES**" SEE "RISK PREMIUM RATES"

"**ADMINISTRATOR**" MEANS THE FEDERAL INSURANCE ADMINISTRATOR

"**AGENCY**" MEANS THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

"**AGRICULTURAL COMMODITIES**" MEANS AGRICULTURAL PRODUCTS AND LIVESTOCK.

"**AGRICULTURAL STRUCTURES**" MEANS ANY STRUCTURE USED EXCLUSIVELY IN CONNECTION WITH THE PRODUCTION, HARVESTING, STORAGE, DRYING, OR RAISING OF AGRICULTURAL COMMODITIES.

"**APPEAL**" MEANS A REQUEST FOR A REVIEW OF THE FLOODPLAIN ADMINISTRATOR'S INTERPRETATION OF ANY PROVISION OF THIS ORDINANCE OR A REQUEST FOR A VARIANCE.

"**APPURTENANT STRUCTURE**" MEANS A STRUCTURE THAT IS ON THE SAME PARCEL OF PROPERTY AS THE PRINCIPLE STRUCTURE TO BE INSURED AND THE USE OF WHICH IS INCIDENTAL TO THE USE OF THE PRINCIPAL STRUCTURE.

"**AREA OF SHALLOW FLOODING**" MEANS A DESIGNATED AO OR AH ZONE ON A COMMUNITY'S FLOOD INSURANCE RATE MAP (FIRM) WITH A ONE PERCENT (1%) OR GREATER ANNUAL CHANCE OF FLOODING TO AN AVERAGE DEPTH OF ONE (1) TO THREE (3) FEET WHERE A CLEARLY DEFINED CHANNEL DOES NOT EXIST, WHERE THE PATH OF FLOODING IS UNPREDICTABLE AND WHERE THE VELOCITY FLOW MAY BE EVIDENT. SUCH FLOODING IS CHARACTERIZED BY PONDING OR SHEET FLOW.

"**AREA OF SPECIAL FLOOD HAZARD**" IS THE LAND IN THE FLOODPLAIN WITHIN A COMMUNITY SUBJECT TO A ONE PERCENT (1%) OR GREATER CHANCE OF FLOODING IN ANY GIVEN YEAR.

"**BASE FLOOD**" MEANS THE FLOOD HAVING A ONE PERCENT (1%) CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR.

"**BASEMENT**" MEANS ANY AREA OF THE STRUCTURE HAVING ITS FLOOR SUBGRADE (BELOW GROUND LEVEL) ON ALL SIDES.

"**BUILDING**" SEE "STRUCTURE"

"**CHIEF EXECUTIVE OFFICER**" OR "**CHIEF ELECTED OFFICIAL**" MEANS THE OFFICIAL OF THE COMMUNITY WHO IS CHARGED WITH THE AUTHORITY TO IMPLEMENT AND ADMINISTER LAWS, ORDINANCES, AND REGULATIONS FOR THAT COMMUNITY.

"**COMMUNITY**" MEANS ANY STATE OR AREA OR POLITICAL SUBDIVISION THEREOF, WHICH HAS AUTHORITY TO ADOPT AND ENFORCE FLOODPLAIN MANAGEMENT REGULATIONS FOR THE AREAS WITHIN ITS JURISDICTION.

"**DEVELOPMENT**" MEANS ANY MAN-MADE CHANGE TO IMPROVED OR UNIMPROVED REAL ESTATE, INCLUDING BUT NOT LIMITED TO BUILDINGS OR OTHER STRUCTURES, LEVEES, LEVEE SYSTEMS, MINING, DREDGING, FILLING, GRADING, PAVING, EXCAVATION OR DRILLING OPERATIONS OR STORAGE OF EQUIPMENT OR MATERIALS.

"**ELEVATED BUILDING**" MEANS FOR INSURANCE PURPOSES, A NON-BASEMENT BUILDING WHICH HAS ITS LOWEST ELEVATED FLOOR RAISED ABOVE GROUND LEVEL BY FOUNDATION WALLS, SHEAR WALLS, POSTS, PIERS, PILINGS, OR COLUMNS.

"**ELIGIBLE COMMUNITY**" OR "**PARTICIPATING COMMUNITY**" MEANS A COMMUNITY FOR WHICH THE ADMINISTRATOR HAS AUTHORIZED THE SALE OF FLOOD INSURANCE UNDER THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP).

"**EXISTING CONSTRUCTION**" MEANS FOR THE PURPOSES OF DETERMINING RATES, STRUCTURES FOR WHICH THE "START OF CONSTRUCTION" COMMENCED BEFORE THE EFFECTIVE DATE OF THE FIRM OR BEFORE JANUARY 1, 1975, FOR FIRM'S EFFECTIVE BEFORE THAT DATE. "EXISTING CONSTRUCTION" MAY ALSO BE REFERRED TO AS "EXISTING STRUCTURES".

"**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**" MEANS A MANUFACTURED HOME PARK OR SUBDIVISION FOR WHICH THE CONSTRUCTION OF FACILITIES FOR SERVICING THE LOTS ON WHICH THE MANUFACTURED HOMES ARE TO BE AFFIXED (INCLUDING, AT A MINIMUM, THE INSTALLATION OF UTILITIES, THE CONSTRUCTION OF STREETS, AND EITHER FINAL SITE GRADING OR THE POURING OF CONCRETE PADS) IS COMPLETED BEFORE THE EFFECTIVE DATE OF THE FLOODPLAIN MANAGEMENT REGULATIONS ADOPTED BY A COMMUNITY.

"EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" MEANS THE PREPARATION OF ADDITIONAL SITES BY THE CONSTRUCTION OF FACILITIES FOR SERVICING THE LOTS ON WHICH THE MANUFACTURED HOMES ARE TO BE AFFIXED (INCLUDING THE INSTALLATION OF UTILITIES, THE CONSTRUCTION OF STREETS, AND EITHER FINAL SITE GRADING OR THE POURING OF CONCRETE PADS).

"FLOOD" OR **"FLOODING"** MEANS A GENERAL AND TEMPORARY CONDITION OF PARTIAL OR COMPLETE INUNDATION OF NORMALLY DRY LAND AREAS FROM (1) THE OVERFLOW OF INLAND AND/OR (2) THE UNUSUAL AND RAPID ACCUMULATION OR RUNOFF OF SURFACE WATERS FROM ANY SOURCE.

"FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)" MEANS AN OFFICIAL MAP OF A COMMUNITY, ON WHICH THE ADMINISTRATOR HAS DELINEATED BOTH SPECIAL FLOOD HAZARD AREAS AND THE DESIGNATED REGULATORY FLOODWAY.

"FLOOD ELEVATION DETERMINATION" MEANS A DETERMINATION BY THE ADMINISTRATOR OF THE WATER SURFACE ELEVATIONS OF THE BASE FLOOD, THAT IS, THE FLOOD LEVEL THAT HAS A ONE PERCENT OR GREATER CHANCE OF OCCURRENCE IN ANY GIVEN YEAR.

"FLOOD ELEVATION STUDY" MEANS AN EXAMINATION, EVALUATION AND DETERMINATION OF FLOOD HAZARDS.

"FLOOD FRINGE" MEANS THE AREA OUTSIDE THE FLOODWAY ENCROACHMENT LINES, BUT STILL SUBJECT TO INUNDATION BY THE REGULATORY FLOOD.

"FLOOD HAZARD BOUNDARY MAP (FHBM)" MEANS AN OFFICIAL MAP OF A COMMUNITY, ISSUED BY THE ADMINISTRATOR, WHERE THE BOUNDARIES OF THE FLOOD AREAS HAVING SPECIAL FLOOD HAZARDS HAVE BEEN DESIGNATED AS (UNNUMBERED OR NUMBERED) A ZONES.

"FLOOD INSURANCE RATE MAP (FIRM)" MEANS AN OFFICIAL MAP OF A COMMUNITY, ON WHICH THE ADMINISTRATOR HAS DELINEATED BOTH THE SPECIAL FLOOD HAZARD AREAS AND THE RISK PREMIUM ZONES APPLICABLE TO THE COMMUNITY.

"FLOOD INSURANCE STUDY (FIS)" MEANS AN EXAMINATION, EVALUATION AND DETERMINATION OF FLOOD HAZARDS AND, IF APPROPRIATE, CORRESPONDING WATER SURFACE ELEVATIONS.

"FLOODPLAIN" OR **"FLOOD-PRONE AREA"** MEANS ANY LAND AREA SUSCEPTIBLE TO BEING INUNDATED BY WATER FROM ANY SOURCE (SEE "FLOODING").

"**FLOODPLAIN MANAGEMENT**" MEANS THE OPERATION OF AN OVERALL PROGRAM OF CORRECTIVE AND PREVENTIVE MEASURES FOR REDUCING FLOOD DAMAGE, INCLUDING BUT NOT LIMITED TO EMERGENCY PREPAREDNESS PLANS, FLOOD CONTROL WORKS, AND FLOODPLAIN MANAGEMENT REGULATIONS.

"**FLOODPLAIN MANAGEMENT REGULATIONS**" MEANS ZONING ORDINANCES, SUBDIVISION REGULATIONS, BUILDING CODES, HEALTH REGULATIONS, SPECIAL PURPOSE ORDINANCES (SUCH AS FLOODPLAIN AND GRADING ORDINANCES) AND OTHER APPLICATIONS OF POLICE POWER. THE TERM DESCRIBES SUCH STATE OR LOCAL REGULATIONS, IN ANY COMBINATION THEREOF, THAT PROVIDE STANDARDS FOR THE PURPOSE OF FLOOD DAMAGE PREVENTION AND REDUCTION.

"**FLOODPROOFING**" MEANS ANY COMBINATION OF STRUCTURAL AND NONSTRUCTURAL ADDITIONS, CHANGES, OR ADJUSTMENTS TO STRUCTURES THAT REDUCE OR ELIMINATE FLOOD DAMAGE TO REAL ESTATE OR IMPROVED REAL PROPERTY, WATER AND SANITARY FACILITIES, OR STRUCTURES AND THEIR CONTENTS.

"**FLOODWAY**" OR "**REGULATORY FLOODWAY**" MEANS THE CHANNEL OF A RIVER OR OTHER WATERCOURSE AND ADJACENT LAND AREAS THAT MUST BE RESERVED IN ORDER TO DISCHARGE THE BASE FLOOD WITHOUT CUMULATIVELY INCREASING THE WATER SURFACE ELEVATION MORE THAN ONE (1) FOOT.

"**FLOODWAY ENCROACHMENT LINES**" MEANS THE LINES MARKING THE LIMITS OF FLOODWAYS ON FEDERAL, STATE AND LOCAL FLOODPLAIN MAPS.

"**FREEBOARD**" MEANS A FACTOR OF SAFETY USUALLY EXPRESSED IN FEET ABOVE A FLOOD LEVEL FOR PURPOSES OF FLOODPLAIN MANAGEMENT. "FREEBOARD" TENDS TO COMPENSATE FOR THE MANY UNKNOWN FACTORS THAT COULD CONTRIBUTE TO FLOOD HEIGHTS GREATER THAN THE HEIGHT CALCULATED FOR A SELECTED SIZE FLOOD AND FLOODWAY CONDITIONS, SUCH AS BRIDGE OPENINGS, AND THE HYDROLOGICAL EFFECT OF URBANIZATION OF THE WATERSHED.

"**FUNCTIONAL DEPENDENT USE**" MEANS A USE THAT CANNOT PERFORM ITS INTENDED PURPOSE UNLESS IT IS LOCATED OR CARRIED OUT IN CLOSE PROXIMITY TO WATER. THIS TERM INCLUDES ONLY DOCKING FACILITIES AND FACILITIES THAT ARE NECESSARY FOR THE LOADING AND UNLOADING OF CARGO OR PASSENGERS, BUT DOES NOT INCLUDE LONG-TERM STORAGE OR RELATED MANUFACTURING FACILITIES.

"**HIGHEST ADJACENT GRADE**" MEANS THE HIGHEST NATURAL ELEVATION OF THE GROUND SURFACE PRIOR TO CONSTRUCTION NEXT TO THE PROPOSED WALLS OF A STRUCTURE.

"**HISTORIC STRUCTURE**" MEANS ANY STRUCTURE THAT IS (A) LISTED INDIVIDUALLY IN THE NATIONAL REGISTER OF HISTORIC PLACES (A LISTING MAINTAINED BY THE DEPARTMENT OF THE INTERIOR) OR PRELIMINARILY DETERMINED BY THE SECRETARY OF THE INTERIOR AS MEETING THE REQUIREMENTS FOR INDIVIDUAL LISTING ON THE NATIONAL REGISTER; (B) CERTIFIED OR PRELIMINARILY DETERMINED BY THE SECRETARY OF THE INTERIOR AS CONTRIBUTING TO THE HISTORICAL SIGNIFICANCE OF A REGISTERED HISTORIC DISTRICT OR A DISTRICT PRELIMINARILY DETERMINED BY THE SECRETARY TO QUALIFY AS A REGISTERED HISTORIC DISTRICT; (C) INDIVIDUALLY LISTED ON A STATE INVENTORY OF HISTORIC PLACES IN STATES WITH HISTORIC PRESERVATION PROGRAMS WHICH HAVE BEEN APPROVED BY THE SECRETARY OF THE INTERIOR; OR (D) INDIVIDUALLY LISTED ON A LOCAL INVENTORY OF HISTORIC PLACES IN COMMUNITIES WITH HISTORIC PRESERVATION PROGRAMS THAT HAVE BEEN CERTIFIED EITHER: (1) BY AN APPROVED STATE PROGRAM AS DETERMINED BY THE SECRETARY OF THE INTERIOR OR (2) DIRECTLY BY THE SECRETARY OF THE INTERIOR IN STATES WITHOUT APPROVED PROGRAMS.

"**LOWEST FLOOR**" MEANS THE LOWEST FLOOR OF THE LOWEST ENCLOSED AREA, INCLUDING BASEMENT. AN UNFINISHED OR FLOOD RESISTANT ENCLOSURE, USABLE SOLELY FOR PARKING OF VEHICLES, BUILDING ACCESS OR STORAGE, IN AN AREA OTHER THAN A BASEMENT AREA, IS NOT CONSIDERED A BUILDING'S LOWEST FLOOR, PROVIDED THAT SUCH ENCLOSURE IS NOT BUILT SO AS TO RENDER THE STRUCTURE IN VIOLATION OF THE APPLICABLE FLOODPROOFING DESIGN REQUIREMENTS OF THIS ORDINANCE.

"**MANUFACTURED HOME**" MEANS A STRUCTURE, TRANSPORTABLE IN ONE OR MORE SECTIONS, WHICH IS BUILT ON A PERMANENT CHASSIS AND IS DESIGNED FOR USE WITH OR WITHOUT A PERMANENT FOUNDATION WHEN ATTACHED TO THE REQUIRED UTILITIES. THE TERM "MANUFACTURED HOME" DOES NOT INCLUDE "RECREATIONAL VEHICLE".

"**MANUFACTURED HOME PARK OR SUBDIVISION**" MEANS A PARCEL (OR CONTIGUOUS PARCELS) OF LAND DIVIDED INTO TWO OR MORE MANUFACTURED HOME LOTS FOR RENT OR SALE.

"**MAP**" MEANS THE FLOOD HAZARD BOUNDARY MAP (FHBM), FLOOD INSURANCE RATE MAP (FIRM), OR THE FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) FOR A COMMUNITY ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

"**MARKET VALUE**" OR "**FAIR MARKET VALUE**" MEANS AN ESTIMATE OF WHAT IS FAIR, ECONOMIC, JUST AND EQUITABLE VALUE UNDER NORMAL LOCAL MARKET CONDITIONS.

"**MEAN SEA LEVEL**" MEANS, FOR PURPOSES OF THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), THE NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929 OR OTHER DATUM, TO WHICH BASE FLOOD ELEVATIONS SHOWN ON A COMMUNITY'S FLOOD INSURANCE RATE MAP (FIRM) ARE REFERENCED.

"**NEW CONSTRUCTION**" MEANS, FOR THE PURPOSE OF DETERMINING INSURANCE RATES, STRUCTURES FOR WHICH THE "START OF CONSTRUCTION" COMMENCED ON OR AFTER THE EFFECTIVE DATE OF AN INITIAL FIRM OR AFTER DECEMBER 31, 1974, WHICHEVER IS LATER, AND INCLUDES ANY SUBSEQUENT IMPROVEMENTS TO SUCH STRUCTURES. FOR FLOODPLAIN MANAGEMENT PURPOSES, "NEW CONSTRUCTION" MEANS STRUCTURES FOR WHICH THE "START OF CONSTRUCTION" COMMENCED ON OR AFTER THE EFFECTIVE DATE OF THE FLOODPLAIN MANAGEMENT REGULATION ADOPTED BY A COMMUNITY AND INCLUDES ANY SUBSEQUENT IMPROVEMENTS TO SUCH STRUCTURES.

"**NEW MANUFACTURED HOME PARK OR SUBDIVISION**" MEANS A MANUFACTURED HOME PARK OR SUBDIVISION FOR WHICH THE CONSTRUCTION OF FACILITIES FOR SERVICING THE LOT ON WHICH THE MANUFACTURED HOMES ARE TO BE AFFIXED (INCLUDING AT A MINIMUM, THE INSTALLATION OF UTILITIES, THE CONSTRUCTION OF STREETS, AND EITHER FINAL SITE GRADING OR THE POURING OF CONCRETE PADS) IS COMPLETED ON OR AFTER THE EFFECTIVE DATE OF FLOODPLAIN MANAGEMENT REGULATIONS ADOPTED BY THE COMMUNITY.

"**(NFIP)**" MEANS THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP).

"**PARTICIPATING COMMUNITY**" ALSO KNOWN AS "ELIGIBLE COMMUNITY", MEANS A COMMUNITY IN WHICH THE ADMINISTRATOR HAS AUTHORIZED THE SALE OF FLOOD INSURANCE.

"**PERSON**" INCLUDES ANY INDIVIDUAL OR GROUP OF INDIVIDUALS, CORPORATION, PARTNERSHIP, ASSOCIATION, OR ANY OTHER ENTITY, INCLUDING FEDERAL, STATE, AND LOCAL GOVERNMENTS AND AGENCIES.

"**PRINCIPALLY ABOVE GROUND**" MEANS THAT AT LEAST 51 PERCENT (51%) OF THE ACTUAL CASH VALUE OF THE STRUCTURE, LESS LAND VALUE, IS ABOVE GROUND.

"**RECREATIONAL VEHICLE**" MEANS A VEHICLE WHICH IS (A) BUILT ON A SINGLE CHASSIS; (B) 400 SQUARE FEET OR LESS WHEN MEASURED AT THE LARGEST HORIZONTAL PROJECTIONS; (C) DESIGNED TO BE SELF-PROPELLED OR PERMANENTLY TOWABLE BY A LIGHT DUTY TRUCK; AND (D) DESIGNED PRIMARILY NOT FOR USE AS A PERMANENT DWELLING BUT AS TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, TRAVEL, OR SEASONAL USE.

"**REMEDY A VIOLATION**" MEANS TO BRING THE STRUCTURE OR OTHER DEVELOPMENT INTO COMPLIANCE WITH FEDERAL, STATE, OR LOCAL FLOODPLAIN MANAGEMENT REGULATIONS; OR, IF THIS IS NOT POSSIBLE, TO REDUCE THE IMPACTS OF ITS NONCOMPLIANCE.

"**RISK PREMIUM RATES**" MEAN THOSE RATES ESTABLISHED BY THE ADMINISTRATOR PURSUANT TO INDIVIDUAL COMMUNITY STUDIES AND INVESTIGATIONS WHICH ARE UNDERTAKEN TO PROVIDE FLOOD INSURANCE IN ACCORDANCE WITH SECTION 1307 OF THE NATIONAL FLOOD DISASTER PROTECTION ACT OF 1973 AND THE ACCEPTED ACTUARIAL PRINCIPLES. "RISK PREMIUM RATES" INCLUDE PROVISIONS FOR OPERATING COSTS AND ALLOWANCES.

"**SPECIAL FLOOD HAZARD AREA**" SEE "AREA OF SPECIAL FLOOD HAZARD".

"**SPECIAL HAZARD AREA**" MEANS AN AREA HAVING SPECIAL FLOOD HAZARDS AND SHOWN ON AN FHBM, FIRM OR FBFM AS ZONES (UNNUMBERED OR NUMBERED) A, AO, AE, OR AH.

"**START OF CONSTRUCTION**" INCLUDES SUBSTANTIAL IMPROVEMENTS, AND MEANS THE DATE THE BUILDING PERMIT WAS ISSUED, PROVIDED THE ACTUAL START OF CONSTRUCTION, REPAIR, RECONSTRUCTION, REHABILITATION, ADDITION PLACEMENT, OR OTHER IMPROVEMENTS WERE WITHIN 180 DAYS OF THE PERMIT DATE. THE **ACTUAL START** MEANS EITHER THE FIRST PLACEMENT OF PERMANENT CONSTRUCTION OF A STRUCTURE ON A SITE, SUCH AS THE POURING OF SLABS OR FOOTINGS, THE INSTALLATION OF PILES, THE CONSTRUCTION OF COLUMNS, ANY WORK BEYOND THE STAGE OF EXCAVATION, OR THE PLACEMENT OF A MANUFACTURED HOME ON A FOUNDATION. PERMANENT CONSTRUCTION DOES NOT INCLUDE LAND PREPARATION, SUCH AS CLEARING, GRADING AND FILLING, THE INSTALLATION OF STREETS AND/OR WALKWAYS, EXCAVATION FOR A BASEMENT, FOOTINGS, PIERS, OR FOUNDATIONS, THE ERECTION OF TEMPORARY FORMS, NOR INSTALLATION ON THE PROPERTY OF ACCESSORY BUILDINGS, SUCH AS GARAGES OR SHEDS NOT OCCUPIED AS DWELLING UNITS OR NOT PART OF THE MAIN STRUCTURE. FOR A SUBSTANTIAL IMPROVEMENT, THE **ACTUAL START OF CONSTRUCTION** MEANS THE FIRST ALTERATION OF ANY WALL, CEILING, FLOOR, OR OTHER STRUCTURAL PART OF A BUILDING, WHETHER OR NOT THAT ALTERATION AFFECTS THE EXTERNAL DIMENSIONS OF THE BUILDING.

"**STATE COORDINATING AGENCY**" MEANS THAT AGENCY OF THE STATE GOVERNMENT, OR OTHER OFFICE DESIGNATED BY THE GOVERNOR OF THE STATE OR BY STATE STATUTE AT THE REQUEST OF THE ADMINISTRATOR TO ASSIST IN THE IMPLEMENTATION OF THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) IN THAT STATE.

"**STRUCTURE**" MEANS, FOR FLOODPLAIN MANAGEMENT PURPOSES,' A WALLED AN ROOFED BUILDING, INCLUDING A GAS OR LIQUID STORAGE TANK, THAT IS PRINCIPALLY ABOVE GROUND, AS WELL AS MANUFACTURED HOME. "STRUCTURE" FOR INSURANCE PURPOSES, MEANS A WALLED AND ROOFED BUILDING, OTHER THAN A GAS OR LIQUID STORAGE TANK, THAT IS PRINCIPALLY ABOVE GROUND AND AFFIXED TO A PERMANENT SITE, AS WELL AS A MANUFACTURED HOME ON A PERMANENT FOUNDATION. FOR THE LATTER PURPOSE, THE TERM INCLUDES A BUILDING WHILE IN THE COURSE OF CONSTRUCTION, ALTERATION OR REPAIR, BUT DOES NOT INCLUDE BUILDING MATERIALS OR SUPPLIES INTENDED FOR USE IN SUCH CONSTRUCTION, ALTERATION OR REPAIR, UNLESS SUCH MATERIALS OR SUPPLIES ARE WITHIN AN ENCLOSED BUILDING ON THE PREMISES.

"**SUBSTANTIAL DAMAGE**" MEANS DAMAGE OF ANY ORIGIN SUSTAINED BY A STRUCTURE WHEREBY THE COST OF RESTORING THE STRUCTURE TO ITS PRE-DAMAGED CONDITION WOULD EQUAL OR EXCEED FIFTY PERCENT (50%) OF THE MARKET VALUE OF THE STRUCTURE BEFORE THE DAMAGE OCCURRED.

"**SUBSTANTIAL IMPROVEMENT**" MEANS ANY RECONSTRUCTION, REHABILITATION, ADDITION, OR OTHER IMPROVEMENT OF A STRUCTURE, THE COST OF WHICH EQUALS OR EXCEEDS FIFTY PERCENT (50%) OF THE MARKET VALUE OF THE STRUCTURE BEFORE "START OF CONSTRUCTION" OF THE IMPROVEMENT. THIS TERM INCLUDES STRUCTURES WHICH HAVE INCURRED "SUBSTANTIAL DAMAGE", REGARDLESS OF THE ACTUAL REPAIR WORK PERFORMED. THE TERM DOES NOT, HOWEVER, INCLUDE EITHER (1) ANY PROJECT FOR IMPROVEMENT OF A STRUCTURE TO CORRECT EXISTING VIOLATIONS OF STATE OR LOCAL HEALTH, SANITARY, OR SAFETY CODE SPECIFICATIONS WHICH HAVE BEEN IDENTIFIED BY THE LOCAL CODE ENFORCEMENT OFFICIAL AND WHICH ARE THE MINIMUM NECESSARY TO ASSURE SAFE LIVING CONDITIONS, OR (2) ANY ALTERATION OF A "HISTORIC STRUCTURE", PROVIDED THAT THE ALTERATION WILL NOT PRECLUDE THE STRUCTURE'S CONTINUED DESIGNATION AS A "HISTORIC STRUCTURE".

"**TEMPORARY STRUCTURE**" MEANS A STRUCTURE PERMITTED IN A DISTRICT FOR A PERIOD NOT TO EXCEED 180 DAYS AND IS REQUIRED TO BE REMOVED UPON THE EXPIRATION OF THE PERMIT PERIOD. TEMPORARY STRUCTURES MAY INCLUDE RECREATIONAL VEHICLES, TEMPORARY CONSTRUCTION OFFICES, OR TEMPORARY BUSINESS FACILITIES USED UNTIL PERMANENT FACILITIES CAN BE CONSTRUCTED, **BUT AT NO TIME SHALL IT INCLUDE MANUFACTURED HOMES USED AS RESIDENCES.**

"**VARIANCE**" MEANS A GRANT OF RELIEF BY THE COMMUNITY FROM THE TERMS OF A FLOODPLAIN MANAGEMENT REGULATION. FLOOD INSURANCE REQUIREMENTS REMAIN IN PLACE FOR ANY VARIED USE OR STRUCTURE AND CANNOT BE VARIED BY THE COMMUNITY.

"**VIOLATION**" MEANS THE FAILURE OF A STRUCTURE OR OTHER DEVELOPMENT TO BE FULLY COMPLIANT WITH THE COMMUNITY'S FLOODPLAIN MANAGEMENT REGULATIONS. A STRUCTURE OR OTHER DEVELOPMENT WITHOUT THE ELEVATION CERTIFICATE, OTHER CERTIFICATIONS, OR OTHER EVIDENCE OF COMPLIANCE REQUIRED BY THIS ORDINANCE IS PRESUMED TO BE IN VIOLATION UNTIL SUCH TIME AS THAT DOCUMENTATION IS PROVIDED.

"**WATER SURFACE ELEVATION**" MEANS THE HEIGHT, IN RELATION TO THE NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929 (OR OTHER DATUM WHERE SPECIFIED) OF FLOODS OF VARIOUS MAGNITUDES AND FREQUENCIES IN THE FLOODPLAIN.

ARTICLE 9

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN. THIS ORDINANCE HAS RECEIVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED, SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIE, DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE ALDERMEN TO TAKE IMMEDIATE STEPS TO PREVENT OR TO REMEDY CONDITIONS OR SITUATIONS WHICH ARE OF SUCH A NATURE THAT IT DEMANDS ATTENTION AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DEMAND TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE.

Passed and approved this 1st day of December, 1997.

Mark D. Warner
Mayor Mark D. Warner

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 233 ORDINANCE NO. 233

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH THE ST. CHARLES COUNTY SHERIFF'S DEPRATMENT FOR PROVISION OF POLICE PROTECTION TO THE CITY OF PORTAGE DES SIOUX.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

That the proposed contract between the City of Portage des Sioux and the St. Charles County Sheriff's Department be accepted and the Mayor be authorized to sign said contract. Further, the Mayor is instructed to sign said contract as soon as possible upon receipt. Contract not to exceed $1.00 per resident per year.

SECTION II

All ordinances or parts of ordinances in conflict with this ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION III

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. This ordinance has received all of the required readings at the same meeting at which the Bill is introduced, so that it can be passed at one meeting. This ordinance is prima facie, deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or to remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety, and welfare.

Passed and approved this 7th day of April, 1997.

George R. Combs
Mayor George R. Combs

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 233 ORDINANCE NO. 233

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, ADOPTING COUNTY ORDINANCES NO. 93-162 (ANIMAL CONTROL ORDINANCE) ANY AMENDMENTS TO THIS ORDINANCE AND AMENDMENTS THE COUNTY MAY ENACT IN THE FUTURE AND; NO. 93-178 (FEES FOR SERVICES UNDER THE ANIMAL CONTROL ORDINANCE) ANY AMENDMENTS TO THIS ORDINANCE AND AMENDMENTS THE COUNTY MAY ENACT IN THE FUTURE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

St. Charles County Ordinance No. 93-162 (attached) and all amendments to this ordinance including future amendments enacted and St. Charles County Ordinance No. 93-178 (attached) and all amendments to this ordinance including future amendments enacted are hereby adopted by the City of Portage Des Sioux, Missouri for the purpose of Animal Control Service and Fees for this service with the following amendments:

1) Article IV, Section 2a shall be replaced with:

   Zoning Compliance. The applicant for an original kennel registration shall present to the (Deputy) Director a written statement from the Portage Des Sioux Zoning Commissioner stating that the establishment of a kennel at the proposed site is not in violation of the City of Portage Des Sioux's zoning regulations or is permissible either as a legal non-conforming use or under conditional use permit.

2) Article VI, Section 3 shall be replaced with:

   Legal enforcement of this ordinance shall be the responsibility of the City of Portage Des Sioux, which may engage the services of the St. Charles County Counselor's Office by separate agreement.

SECTION II

If any provisions of this Ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION III

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. This ordinance has received all of the required readings at the same meeting at which the Bill is introduced, so that it can be passed at one meeting. This ordinance is prima facie, deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or to remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety, and welfare.

Passed and approved this 2nd day of June, 1997.

Mark D. Warner
Mayor Mark D. Warner

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 235 ORDINANCE NO. 235

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND CITY CLERK OF PORTAGE DES SIOUX TO SIGN AN AGREEMENT WITH THE ST. CHARLES COUNTY ANIMAL CONTROL FOR ANIMAL CONTROL IN THE CITY OF PORTAGE DES SIOUX.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

That the agreement between the City of Portage des Sioux and St. Charles County Animal Control (attached) be accepted and the Mayor and City Clerk be authorized to sign said agreement.

SECTION II

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. This ordinance has received all of the required readings at the same meeting at which the Bill is introduced, so that it can be passed at one meeting. This ordinance is prima facie, deemed an emergency ordinance because it allows the aldermen to take immediate steps to prevent or to remedy conditions or situations which are of such a nature that it demands attention and to postpone action would result in serious injury or demand to the people, the government, or the municipality. The public urgency constituting the emergency involves the preservation of the public peace, health, safety, and welfare.

Passed and approved this 2nd day of June, 1997.

Mark D. Warner
Mayor Mark D. Warner

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 235 ORDINANCE NO. 235

AGREEMENT TO ENFORCE
ST. CHARLES COUNTY'S ANIMAL CONTROL ORDINANCE

This agreement, made this day of , 1997, by ST. CHARLES COUNTY, MISSOURI (hereinafter "COUNTY") and CITY OF PORTAGE DES SIOUX , a municipal corporation (hereinafter "MUNICIPALITY"), is subject to the following terms and conditions.

ARTICLE ONE - GENERAL TERMS

A. In consideration for the MUNICIPALITY'S covenants hereinafter expressed, the COUNTY agrees to enforce its Animal Control Ordinance within the territorial limits of the MUNICIPALITY, subject to the provisions of this Agreement.

B. The MUNICIPALITY agrees:

1. to adopt the COUNTY'S Animal Control Ordinance, as provided in Article Two of this Agreement; and
2. to adopt the COUNTY'S fees for services performed under the Animal Control Ordinance, as provided in Article Two of this Agreement.

C. The MUNICIPALITY further agrees that the COUNTY shall retain one hundred (100) percent of all fees collected for services performed under the Animal Control Ordinance.

ARTICLE TWO - PARTICULAR TERMS AND CONDITIONS

A. The MUNICIPALITY shall adopt the COUNTY'S Animal Control Ordinance (St. Charles County Ordinance No. 93-162, attached hereto as Exhibit "A"), but shall also:

1. amend Article IV, Section 2a of the Animal Control Ordinance so adopted as follows: "Zoning Compliance. The applicant for an original kennel registration shall present to the (Deputy) Director a written statement from the MUNICIPALITY'S zoning officer that the establishment of a kennel at the proposed site is not in violation of the MUNICIPALITY'S zoning regulations or is permissible either as a legal non-conforming use or under conditional use permit"; and
2. amend Article VI, Section 3 of the Animal Control Ordinance so adopted as follows: "Legal enforcement of this ordinance shall be the responsibility of the MUNICIPALITY, which may engage the services of the St. Charles County Counselor's Office by separate agreement."

B. The MUNICIPALITY shall adopt the COUNTY'S ordinance authorizing the COUNTY'S Department of Community Health and the Environment to collect fees for services under the Animal Control Ordinance (St. Charles County Ordinance No. 93-178, attached hereto as Exhibit "B").

C. The MUNICIPALITY shall adopt any amendments to the Animal Control Ordinance (St. Charles County Ordinance No. 93-162, attached hereto as Exhibit "A") that the COUNTY may enact in the future.

D. The MUNICIPALITY shall adopt any amendments to the COUNTY'S ordinance authorizing fees for services under the Animal Control Ordinance (St. Charles County Ordinance No. 93-178, attached hereto as Exhibit "B") that the COUNTY may enact

in the future, subject to the Constitution and laws of the State of Missouri.

E. The MUNICIPALITY shall certify copies of its acts adopting the COUNTY'S Animal Control Ordinance, the COUNTY'S ordinance authorizing fees for services under the Animal Control Ordinance, and any amendments to those ordinances, to:

1. the County Clerk of the County; and
2. the COUNTY'S Department of Community Health and the Environment.

ARTICLE THREE - LIMITATIONS

The contract hereby given is not assignable and is to be exercised soley by the COUNTY and the MUNICIPALITY as provided herein.

The MUNICIPALITY shall comply with all applicable laws, ordinances, rules, regulations and requirements now in force or enacted in the future.

ARTICLE FOUR - LIABILITY

The MUNICIPALITY shall indemnify, protect and hold harmless the COUNTY from and against the loss, cost, claims, demands, damage and/or expense arising out of any demand, claim, suit or judgement for damages to property or injury to or death of persons, including the officers, agents and employees of either party herein, and including payment under any workmen's compensation law, or under any plan for employee's disability or death benefit, which may arise out of or be caused in whole or in part by the fault, failure, neglience or alleged negligence of the MUNICIPALITY, its agents, servents or employees in performing its obligations under this contract.

The COUNTY shall indemnify, protect and hold harmless the MUNICIPALITY from

and against the loss, cost, claims, demands, damage and/or expense arising out of any demand, claim, suit or judgement for damages to property or injury to or death of persons, including the officers, agents and employees of either party herein, and including payment under any workmen's compensation law, or under any plan for employee's disability or death benefit, which may arise out of or be caused in whole or in part by the fault, failure, negligence or alleged negligence of the COUNTY, its agents, servents or employees in performing its obligations under this contract.

ARTICLE FIVE - TERMINATION

This Agreement terminates on December 31, 199 . This Agreement shall automatically be renewed unless either party gives written notice on or before December 1 of each year.

This Agreement may be terminated by either party hereto at any time, by giving forty five (45) days prior written notice to the other party at the address shown on the signature page.

THE CITY OF PORTAGE DES SIOUX
P. O. Box 118
Portage Des Sioux, Mo. 63373

Mark Warner
Mark Warner,
Mayor

ATTEST:
Susie A. Cissell
Susie Cissell,
City Clerk

ST. CHARLES COUNTY, MISSOURI
100 North Third Street
St. Charles, Missouri 63301

Joe Ortwerth,
County Executive

ATTEST:

Jim Primm
County Clerk

BILL NO. 236 ORDINANCE NO. 236

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, PROVIDING FOR THE VOLUNTARY ANNEXATION OF A CERTAIN TRACT OF LAND OWNED BY GERALD AND DELORIS SIMON, TO THE CITY OF PORTAGE DES SIOUX, MISSOURI, UNDER THE PROVISIONS OF SECTION 71.014 REVISED MISSOURI STATUTES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

That Missouri cities located within a county which borders a first class county with a charter form of government with population in excess of nine hundred thousand, Portage Des Sioux being such, have the authority under Section 71.014 R.S.Mo. 1978, to annex unincorporated areas which are contiguous to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interest of record.

SECTION II

That a verified petition for annexation (Attachment 1) has been filed with the City of Portage Des Sioux by the fee owners of the following described tract:

"EXHIBIT A"

A tract of land being part of U. S. Survey 136 of the Portage Des Sioux Commonfields in Township 48 North, Range 6 East and being particularly described as follows:

Commencing at the point at which the Western City limits line intersects with the South line of Second Street of the City of Portage Des Sioux, Missouri; thence from said point North 60° 24' West a distance of 50 feet more or less, to the beginning point of the tract herein described; thence North 60° 24' West 287 feet to a point East 287 feet to a point; thence South 23° 19' West 160 feet to the point of beginning. Containing 1.06 acres, more or less.

The above tract of land is bounded on the North and East by the City limits of Portage Des Sioux, Missouri. The tract to be zoned C-1 (Commercial).

SECTION III

All ordinances or parts of ordinances in conflict with this ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION V

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. The above described tract is to be incorporated within the city forthwith, and the City Clerk is hereby to notify the St. Charles County Assessor's and Recorder's offices.

Passed and approved this 8th day of September, 1997.

Mark D. Warner
Mayor Mark D. Warner

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 236 ORDINANCE NO. 236

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

I, Suzie A. Cissell, the duly appointed, qualified and acting City Clerk of the City of Portage Des Sioux, Missouri, hereby certify the foregoing to be a true and correct copy of Ordinance No. 236 of said City and that the same has not been modified or revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 8th day of September, 1997.

Suzie A. Cissell
Suzie A. Cissell
City Clerk

City Seal

BILL NO. 236 ORDINANCE NO. 236

PETITION FOR ANNEXATION

Gerald & DeLoris Simon being the sole owners of a tract of land being more particulary described below, request annexation by the City of Portage Des Sioux, Missouri , with a zoning of C-1 (Commercial)

A tract of land being part of U.S. Survey 136 of the Portage Des Sioux Commonfields in Township 48 North, Range6 East and being more particularly described as follows:

Commencing at the point at which the Western City limits line intersects with the South line of Second Street of the City of Portage Des Sioux, Missouri; thence from said point North 60° 24' West a distance of 50 feet more or less, to, the beginning point of the tract herein described; thence North 60° 24' West 287 feet to a point thence North 23° 19' East 160 feet to a point; thence South 60° 24' East 287'feet to a point; thence South 23° 19' West 160 feet to the point of beginning. Containing 1.06 acres, more or less.

The above tract of land is bounded on the North and East by the City limits of Portage Des Sioux, missouri.

State of Missouri
County of St. Charles

Subscribed and sworn to (or affirmed) before me this twenty-ninth day of September, 1997 by Gerald Simons and Deloris Simon who is personally known to me.

Burma L. Wilkins
BURMA L. WILKINS

my commission expires

"NOTARY SEAL"
Burma L. Wilkins, Notary Public
St. Charles County, State of Missouri
My Commission Expires 11/19/2000

Gerald Simon

DeLoris Simon

Attachment 1

BILL NO. 237 ORDINANCE NO. 237

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, ESTABLISHING WAGES TO BE PAID FOR SEWER AND WATER PLANT MAINTENANCE AND WATER METER READER.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

THAT THE POSITION OF SEWER PLANT MAINTENANCE WORKER BE PAID AT THE RATE OF TEN DOLLARS ($10.00) PER HOUR.

THAT THE POSITION OF WATER PLANT MAINTENANCE WORKER BE PAID AT THE RATE OF SIX DOLLARS ($6.00) PER HOUR.

THAT THE POSITION OF WATER METER READER BE PAID AT THE RATE OF $100.00 PER READING.

AFTER ONE YEAR OF CONTINUOUS EMPLOYMENT IN ANY OF THE ABOVE POSITIONS, THE BOARD OF ALDERMEN WILL REVIEW THE SALARY TO DETERMINE IF AN INCREASE IS WARRANTED. ANY SALARY INCREASE SHALL BE MADE ONLY UPON A MAJORITY VOTE OF THE BOARD OF ALDERMEN.

SECTION II

ALL ORINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE OR WITH ANY OF ITS PROVISIONS ARE, TO THE EXTENT OF SUCH CONFLICT, HEREBY REPEALED.

SECTION III

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

BILL NO. 237 ORDINANCE NO. 237

BILL NO. 237 ORDINANCE NO. 237

PASSED AND APPROVED THIS 4th DAY OF January, 1999.

Mark D. Warner
Mayor Mark D. Warner

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 237 ORDINANCE NO. 237

BILL NO. 238 ORDINANCE NO. 238

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AMENDING ORDINANCE NO. 232 REV A, FLOOD PLAIN MANAGEMENT ORDINANCE

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

THE FOLLOWING TO BE ADDED TO ORDINANCE 232 REV A AS ARTICLE 4. PROVISIONS OF FLOOD HAZARD REDUCTIONS:

SECTION F. RECREATIONAL VEHICLES

1. REQUIRE THAT RECREATIONAL VEHICLES PLACED ON SITES WITHIN ALL UNNUMBERED AND NUMBERED A ZONES, AO, AE, AND AH ZONES ON THE COMMUNITY'S FIRM EITHER:

   a. BE ON THE SITE FOR FEWER THAN 180 CONSECUTIVE DAYS, AND BE FULLY LICENSED AND READY FOR HIGHWAY USE*; OR

   b. MEET THE PERMITTING, ELEVATING, AND THE ANCHORING REQUIREMENTS FOR MANUFACTURED HOMES OF THIS ORDINANCE.

* A RECREATIONAL VEHICLE IS READY FOR HIGHWAY USE IF IT IS ON ITS WHEELS OR JACKING SYSTEM, IS ATTACHED TO THE SITE ONLY BY QUICK-DISCONNECT TYPE UTILITIES AND SECURITY DEVICES, AND HAS NO PERMANENTLY ATTACHED ADDITIONS.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

BILL NO. 238 ORDINANCE NO. 238

PASSED AND APPROVED THIS 1ST DAY OF February, 1999.

Mark D. Warner, Mayor
Mayor Mark D. Warner

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 238 ORDINANCE NO. 238

BILL NO. 239 ORDINANCE NO. 239

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, CREATING WRITTEN ADMINISTRATIVE PROCEDURES FOR LOCAL FLOODPLAIN REGULATIONS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

WRITTEN ADMINISTRATIVE PROCEDURES FOR THE CITY OF PORTAGE DES SIOUX, MISSOURI'S FLOODPLAIN ORDINANCE

1. KNOW WHICH CITY OF PORTAGE DES SIOUX ORDINANCES AND REGULATIONS IMPLEMENT AND IMPACT THE FLOODPLAIN

The actual floodplain management authority has been established through Ordinance 232 Rev. A of the City of Portage Des Sioux that specifically deals with floodplain management.

FLOODPLAIN ORDINANCE - The legislative authority for the Administrative Procedures is the floodplain ordinance adopted by Portage Des Sioux. The Comprehensive Floodplain Ordinance will regulate:

- Development under provisions of the NFIP, (Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.)

- The placement of structures, methods of construction, types of structures which are classified as substantial improvements;

- Additions, repairs or renovations to existing structures which are classified as substantial improvements;

- Installation of water and sewer utilities;

- Filling, grading, channelizing, and excavating within the floodplain;

and

- Any related activities which may affect the level of the 100-year flood event.

As the agent for implementing the Floodplain Ordinance, the Floodplain Manager is the Building Official responsible for:

- Understanding the regulations governing the floodplain;
- Reviewing the flood development permit applications for development;
- Conducting inspections;
- Taking enforcement actions when necessary;
- Interacting in variance and appeal process;
- Keeping records of all floodplain development;
- Collecting fees;
- Investigating complaints of violations;
- Maintaining and updating administrative forms;
- Coordinating map appeals and revisions;
- Maintaining floodplain maps and flood data;
- Disseminating floodplain management information;
- Complete Bi-Annual Report (FEMA)

2. ESTABLISH AND MAINTAIN A FLOODPLAIN DEVELOPMENT PERMITTING SYSTEM.

Whereas the building permit is concerned solely with structures, the floodplain development permit includes buildings and alterations to landscape (such as excavation or use of fill) that would affect drainage patterns or the flood carrying capacity of the watercourse. This system should be structured to make retrieval and review easy. Floodplain Development Permit Applications shall be submitted to Floodplain Manager c/o Building Official. No fees are involved. Documentation will be

required for all permits. Such documentation will vary depending on the proposed improvement. Such documentation may range from survey and elevation data by licensed surveyor or engineer, applicable plans to floodproofing certificates, pressure design, construction materials and methods specified.

In reviewing an application, the key to remember is that the proposed activity itself must be safe from flooding and it must not increase the flood hazard to other areas.

FLOODPLAIN DEVELOPMENT PERMIT PROCESS

1) Review the Floodplain Development Permit Application Package for completeness.

The Floodplain Manager will conduct the review and must be able to assess the accuracy and completeness of the floodplain permit application package and evaluate site plans, topographic data and building design plans. Special flood-related considerations during permit review are:

- Floodplain Development Permits
- Technical documentation
- Any additional reviews
- Elevation Certificates
- Floodproofing Certificates
- Plans and blueprints
- Any additional permits
- Cost analysis for substantial improvements/ damages

An exclusive listing is continued on the Floodplain Development Application/Review Checklist of Items.

Plans and Blueprints

Examine the sit data. Site plans with base flood elevations and location of improvements, grading and excavation plans, and building design plans will be reviewed against the following factors:

- Completeness and clarity;
- Existing and proposed topographic information, including spot elevations;
- Boundaries of the floodway and the floodplain;
- Building elevations for all structures showing the level of the base flood elevation (BFE);
- Proposed obstructions in the floodway;
- Professional registered architect, engineer or land surveyor seal, if prepared by same;

- Illustration of all proposed development;
- Other considerations:
  - -- Anchoring requirements
  - -- Construction materials and methods
  - -- Utilities
  - -- Subdivisions
  - -- Encroachments
  - -- Elevation of the lowest floor
  - -- Floodways

Technical Documentation:

- Elevation/Floodproofing Certificates as detailed below:
  - -- NFIP Elevation Certification: Provides a record of the as-built elevation of the lowest floor.
  - -- NFIP Floodproofing Certificate: Provides a record of the height of floodproofing.
- Ensure all necessary technical documents are included and properly certified
- Three conditions that necessitate the filing of certified documentation:

1) Floodway Encroachment/"No-Rise" Certificate - If any part of the proposed project is to be located in a designated floodway, the applicant must submit engineering documentation demonstrating that the proposed encroachment would not result in any increase in base flood heights. There is no form or special format for a "No-Rise" certificate. It may be a written statement, supported by hydraulic computations, signed by a registered professional engineer, who certifies that the development will result in no increase in flood heights.

2) Watertight Floodproofing - In the event a nonresidential structure is to be floodproofed according to the NFIP standards, the applicant must submit a statement or floodproofing certificate from a registered professional engineer or architect certifying that the design and methods of construction meet these standards. Note: To receive a flood insurance rate based on 100-year flood protection, the nonresidential structure must be dry floodproofed

to an elevation at least one (1) foot above the base flood elevation rate (i.e. one foot of free-board).

3) Enclosures Below the Lowest Floor -
When an applicant designs an enclosure below the lowest floor using an alternative to the minimum standard for openings prescribed in the NFIP requirements, a registered professional architect or engineer must certify the design accounts for the effects of hydrodynamic loads and buoyancy.

4) Wet Floodproofing -
Wet Floodproofing without a variance is limited to enclosed areas that are solely for parking, building access, or limited storage. These areas must: (1) be used for parking, building access, or limited storage; (2) be designed to allow for the automatic entry and exit of flood waters through the use of openings; and (3) construction must be of flood resistant materials.

Additional Review

Depending on the size and complexity of the community's organization, the Floodplain Manager may include additional review by other community departments that also have regulatory control over development. Additional review will be invoked when the sanitary sewer system is involved and stormwater detention regulations exist. Plans, Specs, and Engineer's Calculations will be required.

- If the project involves an alteration or relocation of a watercourse, the Floodplain Manager must notify adjacent communities and the State NFIP coordinating agency and the FEMA Regional Office.

- A proposal to change a floodway delineation or a floodplain-boundary must be reviewed and approved by FEMA as well as by the community.

2) Review the Floodplain Development Application Package for compliance with the Technical Requirements of the Ordinance

- Examine Site Information in detail

The site plan should show: (prepared by licensed surveyor):
- Location of property lines and proposed development;
- Streets;
- Watercourses;
- Existing and proposed structures;
- Topographic information;
- Floodway and floodplain boundaries;
- References to any special regulations due to location of property

- Assess the ELEVATION DATA provided in the application by a licensed surveyor
  - Scrutinize the elevations using the elevation data contained in the Flood Insurance Study (FIS) and other available local data.
  - The flood-related delineations must be consistent with the FIS data.
  - No elevation data provided in unnumbered A zones: The developer, as a cost of doing business must provide.elevations for development in unnumbered A zones (See Appendices for additional guidance).
  - All elevation information should be accurate as the application package will serve as the record substantiating the issuance of the permit.
  - NFIP requirements also stipulate that the lowest flood elevations be recorded.

- Review BUILDING DESIGN PLANS
  - Building plans are required and provide the basis for determining which regulations apply to the placement and construction of the proposed building

  - Building plans should be prepared by an A/E and contain the following:
    - Type of structure and proposed use,
    - The placement and elevation of the lowest floor,
    - The type of foundation system,
    - The existence of an enclosure below the lowest floor, if any,
    - The elevation of the lowest floor in relation to the base flood elevation,
    - The kind and potential use of the structure,

- The height to which a nonresidential structure is to be floodproofed,
- Anchoring systems to stabilize the structure during flooding.

- Have ENGINEERING DOCUMENTS reviewed by the City Engineer
  - Four separate engineering documents linked to the applicable NFIP requirements are required.

1) Hydrologic and hydraulic calculations concerning proposed floodway encroachments.

2) Loading calculations and methods of construction relative to floodproofing.

3) Alternative designs for meeting the minimum opening requirements for enclosures below the lowest floor.

4) Design and methods of Construction for breakaway walls that exceed SOP loading resistance of twenty pounds per square foot.

3) Determine Compliance/Noncompliance, Acting on the Floodplain Development Permit Application: Approve/Deny the Application.

When review of a floodplain development permit application is complete, there are three options for action:

1) Approve the permit application;
2) Conditionally approve the permit application;
3) Deny the permit.

The Floodplain Development Permit Application will be marked as to the outcome, a copy provided to the owner and then filed in the Floodplain File in the Floodplain Cabinet.

APPROVAL OF THE PROPOSAL/PERMIT

- If the proposal is found to be compliant, then the Floodplain Manager must issue the permit.

The floodplain development permit becomes the official authorization from the community allowing the applicant to proceed based on the information submitted in the application package

CONDITIONALLY APPROVE THE PERMIT

- The Floodplain Manager may elect to approve a floodplain development permit only when certain development conditions are met. These conditions should be clearly indicated on all records of the floodplain development permit approval.

DENIAL OF THE PROPOSAL

- If the proposal fails to comply with the regulations, then a floodplain development permit must be denied.
    - It is helpful to the applicant to have the major area(s) of noncompliance pointed out so the appropriate correction(s) can be made.
    - Clarification of deficiencies can help reduce the number of unnecessary appeals to administrative and regulatory decisions.

4) ESTABLISH AN ON-SITE INSPECTION PROCESS

The Floodplain Manager shall perform periodic and timely on-site inspections to confirm that the line between design and actual construction/development is made in compliance with the approved plans. Site inspections serve to minimize and prevent violations.

Inspection of the Site Work

Inspection One:

With plans in hand:
- Determine that the site identified on the plan is consistent with actual ground conditions
- Verify the location of floodplain and floodway boundaries, if applicable

This inspection will be performed immediately after completion of surveyor's location of base flood elevation and precise construction location in the field. (The inspection results will be entered on the "Floodplain Development Inspection Form:. The permit holder will be provided with the Inspection results and a copy of the inspection form at the time of inspection or at a subsequent in person meeting.)

Inspection Two:

- Where an elevated floodproofed structure is involved, this inspection should be scheduled just prior to the placement of the lowest floor of the building to:
  - Determine whether the lowest floor will be situated to the height stipulated in the permit application
  - Ensure that the type of foundation used is the type specified in the plans
  - Check floodway encroachments, if applicable

This inspection will be performed immediately after foundation is formed and prior to placement of concrete.

Inspection Three:

At or near the completion of the development, inspect to:

- Determine whether the placement of fill, if used, meets the necessary slope and protection standards contained in local regulation
- Inspect enclosures below the lowest floors to ensure adequately sized openings exist
- Check breakaway walls
- Check for floodway encroachments, if applicable
- Check anchoring system used in securing manufactured homes

This inspection will be performed after the improvements are fully completed.

Future/Additional Inspections

- The property must remain in compliance with floodplain management regulations and the Floodplain Manager should periodically check to ensure that the property remains so.

- Subsequent inspections are particularly important when a structure contains enclosures below the lowest floor as these areas can be easily modified and made into habitable spaces in violation of regulations.
- Inspecting new construction serves to field verify "as built" conditions.
- Routine inspections of special flood hazard areas can serve to check for unpermitted development.
- Inspections are useful in identifying unpermitted substantial improvements.

5) INSTITUTIONALIZE ENFORCEMENT ACTIONS

The National Flood Insurance Program (NFIP) stipulates that participating communities must have legally enforceable regulations. To do this, the regulations must contain enforcement procedures and penalties that are derived from State enabling statutes.

- Usually these enforcement tools are:
  - Administrative Methods
  - Injunctions
  - Fines
  - Imprisonment

- Administrative Methods
  - If the infraction is found during an inspection of ongoing construction, the Floodplain Manager can take initial steps to correct the problem by pointing out the deficiency to the developer and following up with another timely visit to ensure compliance.

- If the violation is serious or if the problem continues after follow-up inspection, the city will issue a stop work order. The stop work order will be hand delivered in the field and followed with a letter via certified mail. The letter will state the violation, reference the ordinance and allow 30 days to initiate corrective actions. Failure to initiate corrective actions or continuously pursue such actions result in matters being referred to legal consult for formal legal action. Such actions may be:

  - Injunction
    Most often in the form of a temporary restraining order, injunctive relief is the court directed order to the defendant to cease

any further noncompliant conduct. The activity is usually shown to be of danger to the public and that immediate irreparable harm can occur. Once the illegal activity is stopped, the community can proceed to request a mandatory injunction to abate the violations as a public nuisance.

- Fines
  Fines are commonly cited penalties through adopted community ordinance(s). A maximum fine of $1,000.00 is established per offense, and each day a violation is a separate offense. (See Ordinance 232 Rev. A Article 6)

- Imprisonment
  The court may invoke imprisonment of the applicant's failure to pay the required fines in addition thereto for not more than 30 days.

6) CREATE, SUPPORT, AND INTERACT IN VARIANCE AND APPEALS PROCESS

The Floodplain Manager should be well versed in the community's floodplain regulations including established variance and appeals procedures and requirements.

- Variances
  A variance is a waiver of one or more of the specific standards required in ordinances. It represents a community's approval to set aside floodplain regulations that were adopted to reduce loss of life and property damages due to flood. When the impact of a single variance on a flood hazard may not be significant, the cumulative impact of several variances may be severe. Therefore, variances should be discouraged when possible. Variance applications are heard in front of the Board of Adjustment for the City of Portage Des Sioux, Missouri.

  The applicant must submit a completed Floodplain Management Variance Request Form or a letter containing the identical information. Variance request fees are $50.00. Request forms should be submitted to the City's Building Official.

When a variance is granted by the community, the Floodplain Manager should properly document the justification for the variance which will include detailed minutes of meetings where specific justifications are delineated. This will be required by FEMA when the community is audited.

The primary criteria for granting a variance is predicated on the clear establishment of an unnecessary hardship created for the property owner. The following is a list of demonstrated unnecessary hardships.

- Unnecessary Hardships
  - Defined as:
    - Loss of all beneficial or productive use
    - Deprivation of reasonable return on property
    - Deprivation of all or any reasonable use
    - Rendering property valueless
    - Inability to develop property in compliance with the regulations
    - Reasonable use cannot be made consistent with regulations

  - Insufficient Reasons:
    - Less that a drastic depreciation of property
    - Convenience of property owner
    - Additional costs to build in conformance with codes
    - Circumstances of owner not the land
    - To obtain better financial return
    - Property similar to others in neighborhood
    - Hardship created by owner's own actions

If a variance is approved, the community must send a letter to the applicant, in accordance with the floodplain management ordinance, stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest

floor elevation which may be as high as $25.00 for one hundred dollar ($100.00) of insurance coverage.

- Appeals
  Once the request for a variance is heard, it must be either granted or denied. If the variance is denied, the property owner has the legal right to appeal that administrative decision directly to the Circuit Court of St. Charles County, Missouri. Before the case can be presented to the court, all administrative and legislative remedies must be exhausted.

7) KEEP RECORDS OF ALL FLOODPLAIN DEVELOPMENT PERMITS

The Floodplain Manager has established a standard numbered procedure for floodplain development permits for filling, construction, and other development located in the floodplain.

- The type of flood-related information that should be retained includes:
  - Floodplain Development Permits/Applications (Includes all elevations and floodproofing certificates.)
  - Recorded "As-built" elevations
  - Findings of facts relative to variance and appeals
  - NFIP Biennial Report forms
  - Other NFIP correspondence
  - Floodplain Management data
  - "No-rise" Certifications in cases of floodway development
  - Copies of "Submit for Rate" on all structures built below 100 year flood levels

8) COLLECT FEES

The only fee involved is the variance request fee of $50.00. This fee is payable at the time of the request and collected by the Floodplain Manager.

9) INVESTIGATE COMPLAINTS

Most communities rely on public complaints to augment their routine inspection and enforcement process. The Floodplain Manager may be called on to investigate these ad hoc

inquiries. The Floodplain Manager should use these opportunities to monitor any encroachments that may have occurred in the floodway (including fill, construction, placement of mobile homes, etc.). Additionally, by developing professional relationships with other community staff and instructing them periodically on what types of violations may occur, the Floodplain Manager can increase this floodplain monitoring capacity at no additional cost the community.

Complaints may be filed to the Floodplain Manager through Mayor's office. The Floodplain Manager will investigate and take any appropriate action merited and make a written record thereof.

10) MAINTAIN AND UPDATE ADMINISTRATIVE FORMS

Once published, administrative forms should be periodically revised to reflect legislative changes within the community

- Form management should include these considerations:
  - Forms should include a listing of the application information outlined in the administrative provisions of the ordinance.
  - Forms should reflect the technical provisions of the ordinance by requiring information relative to those provisions.
  - The forms should be revised periodically to remain current with the changes in the floodplain management ordinance and to include pertinent informational need.
  - Floodplain development permit applications, variances requests, and other administrative forms should be kept current and in sufficient supply.
  - A good administrative form can serve as a checklist for identifying the other kinds of information that should accompany the application submission.
  - Specific forms include: Floodplain Development Permit Application Form, Floodplain Development Permit Application/Review Checklist, Floodplain Development Inspection Form, Floodplain Management Variance Request Form, Elevation Certificate, No-Rise Certificate, and Floodproofing Certificate.

11) COORDINATE MAP APPEALS AND REVISIONS

While the Federal Insurance Administration (FIA) is continually updating and revising the flood maps, the local Floodplain Manager is directly aware of development changes within the community. The Floodplain Manager coordinates map appeals and revisions between the community and FEMA.

- Any official revision of the flood maps accomplished through either a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) will be appended to the official community floodplain map for permanent record. Maps are maintained in the Floodplain Manager's Office.

12) MAINTAIN FLOODPLAIN MAPS AND FLOOD DATA

The Floodplain Manager is the singular contact for the community to determine the extent of the floodplain. As such, the Floodplain Manager will:

- Maintain an adequate supply of FEMA maps for administrative purposes
- Record all map corrections and notices of map revision and attach same to the official map(s)
- Maintain other sources of known flood date for approximate floodplain areas in the Floodplain Manager's Office
- Ensure that accurate floodplain maps are displayed an appropriate public place

13) UNNUMBERED A ZONES

When a community has entered the Regular Phase of the NFIP through a special conversion of their Flood Hazard Boundary Map (FHBM) over to a Flood Insurance Risk Map (FIRM), the flood areas designated as "Zone A" may be the only flood zone designations. These zones do not have base flood elevations provided. The lack of elevations on the map does not remove the requirement for elevating structures. In this case, the community is required to obtain, review any reasonable use and any base flood elevations data or floodway data available from a Federal, State, or other source. The City requires that Zone A flood elevation be determined by a licensed surveyor or engineer.

14) BIENNIAL REPORTS

Every two years, FEMA sends a pre-printed form to the community floodplain administrators that should be completed and returned within thirty days. It requests information concerning any changes to the community's flood hazard area, development activities that have taken place in the floodplain, and verification of the number of floodplain residents and structures.

- The report must be completed and signed by the Floodplain Manager and returned to FEMA at the address provided. A copy of the completed report will be retained in the community's files for future reference.

- The Biennial Report indicates to FEMA the degree of development pressure on the floodplain. Variances issued in the floodplain are of particular interest to FEMA.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 1st DAY OF March, 1999.

Mark D Warner, Mayor
Mayor Mark D. Warner

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 240 ORDINANCE NO. 240

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, PROVIDING FOR THE VOLUNTARY ANNEXATION OF A CERTAIN TRACT OF LAND OWNED BY CURT W. AND DENISE R. TUSLER, HUSBAND AND WIFE, TO THE CITY OF PORTAGE DES SIOUX, MISSOURI, UNDER THE PROVISIONS OF SECTION 71.014 REVISED MISSOURI STATUTES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

That Missouri cities located within a county which borders a first class county with a charter form of government with population in excess of nine hundred thousand, Portage Des Sioux being such, have the authority under Section 71.014 R.S.Mo. 1978, to annex unincorporated areas which are contiguous to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interest of record.

SECTION II

That a verified petition for annexation has been filed with the City of Portage Des Sioux by the fee owners of the following described tract:

"EXHIBIT A"

1390 Payne Road, St. Charles, Mo.

Parcel 2: Part of Survey One Hundred Two (102) of the Portage des Sioux Common Fields within Township 48 North, Range 6 East, and being more particularly described as follows: Beginning at a point marking the Southeast corner of Lot Eleven (11) of the South side Addition to the Village of Portage des Sioux, Missouri, (now Town of Portage des Sioux, Missouri); thence South 22 degrees 06 minutes 49 seconds West 32.01 feet to a point marking the Northeastern corner of the tract of land hereby described; thence South 22 degrees 41 minutes 35 seconds West 395.38 feet to a point and which point is North 66 degrees 37 minutes 40 seconds West 4.00 feet from an iron pipe; then North 66 degrees 37 minutes 40 seconds West 377.09 feet to an old stone on the Eastern right of way line of Payne Road being a County Road 40 feet wide; thence North 23 degrees 05 minutes 20 seconds east and along the Eastern line of said right of way of Payne Road 395.88 feet to an iron pipe on said right of way; thence South 66 degrees 33 minutes 16 seconds East and with the Southern right of way line of a street 32 feet wide, 374.37 feet to the place of beginning, all as per survey and plat made by St. Charles County Engineering & Surveying, Inc., dated August 12, 1975.

SECTION III

All ordinances or parts of ordinances in conflict with this ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION V

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. The above described tract is to be incorporated within the city forthwith, and the City Clerk is hereby to notify the St. Charles County Assessor's and Recorder's offices.

Passed and approved this 12th day of July, 1999.

Mark D Warner
Mayor Mark D. Warner

BILL NO. 240 ORDINANCE NO. 240

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

I, Suzie A. Cissell, the duly appointed, qualified and acting City Clerk of the City of Portage Des Sioux, Missouri, hereby certify the foregoing to be a true and correct copy of Ordinance No. 231 of said City and that the same has not been modified or revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 12th day of July, 1999.

Suzie A. Cissell
City Clerk

City Seal

BILL NO. 240 ORDINANCE NO. 240

To: City of Portage Des Sioux

Date: May 2, 1999

Re: Application for annexation of 1390 Payne Rd.

We are applying for annexation of 1390 Payne Rd. from St. Charles County residential zoning. If further information is needed, please feel free to call Curt Tusler at 899-0430 (home) or 946-3449 (office).

Thank You,
Curt Tusler
Denise R. Tusler
Curt and Denise Tusler

State of Missouri
County of St. Charles

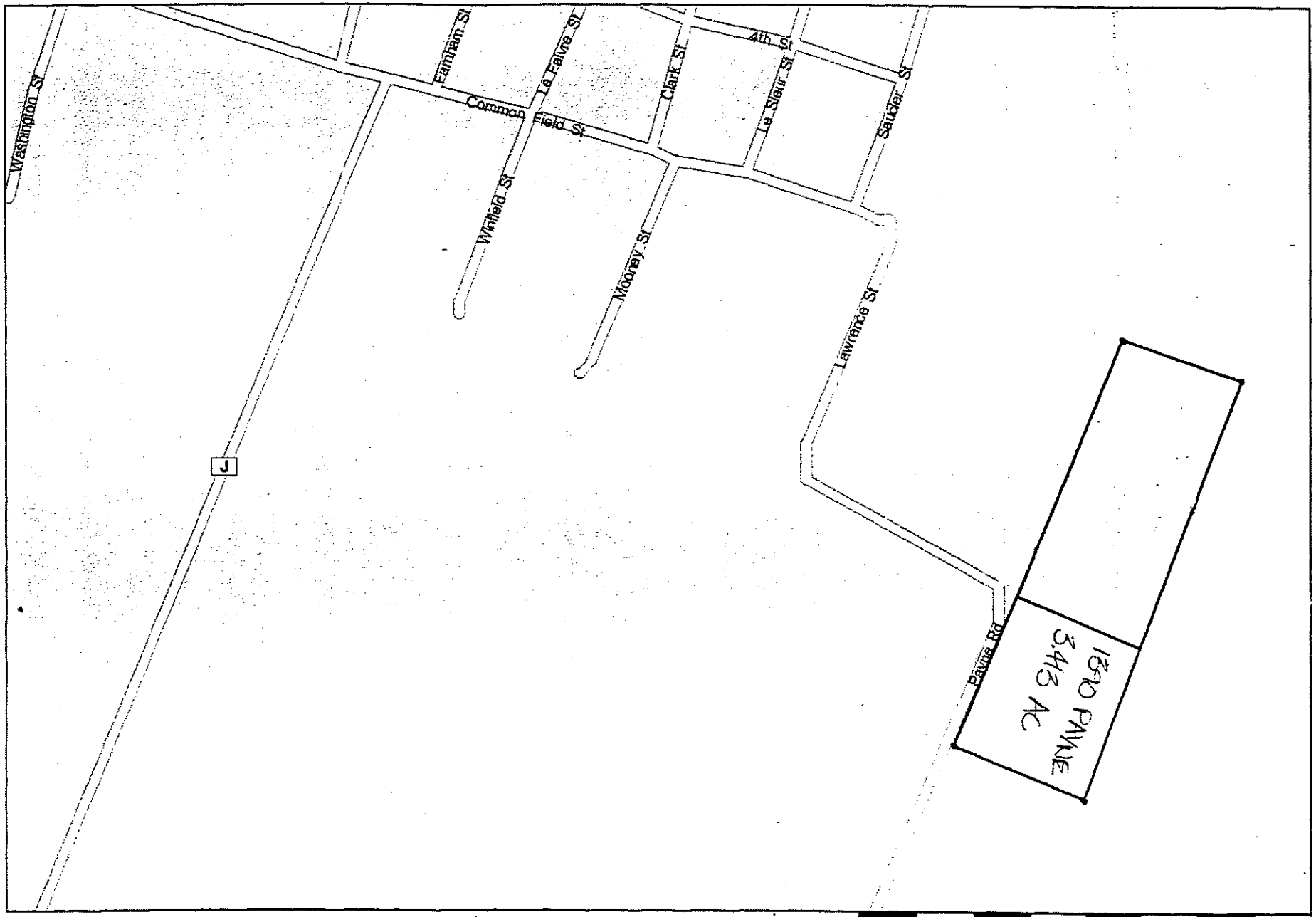
On this 2nd day of May, 1999, before me personally appeared Curt Tusler and Denise R. Tusler, husband and wife, to me known to be the person or persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

In testimony whereof, I have set my hand and affixed my official seal in the State aforesaid, the day and year first above written

Aerin Kaiser
Aerin Kaiser Notary Pub

My term expires:

AERIN KAISER
Notary Public – Notary Seal
State of Missouri
County of St. Charles
My Commission Expires 09/02/2002



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BILL NO. 241 ORDINANCE NO. 241

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AMENDING ORDINANCE NO. 232, FLOOD PLAIN MANAGEMENT ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

THE FOLLOWING SHALL BE SUBSTITUED FOR THE FOLLOWING EXISTING ORDINANCE 232 , ARTICLE 4 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A GENERAL STANDARDS

7. ACCESSORY STRUCTURES

STRUCTURES USED SOLELY FOR PARKING AND LIMITED STORAGE PURPOSES, NOT ATTACHED TO ANY OTHER STRUCTURE ON THE SITE, OF LIMITED INVESTMENT VALUE, AND NOT LARGER THAN 750 SQUARE FEET; MAY BE CONSTRUCTED AT GRADE AND WET FLOODPROOFED. PROVIDED THERE ARE NO HUMAN HABITATION OR OCCUPANCY OF THE STRUCTURE. A VARIANCE HAS BEEN GRANTED FROM THE STANDARD FLOODPLAIN MANAGEMENT REQUIREMENTS OF THIS ORDINANCE; AND A FLOODPLAIN DEVELOPMENT PERMIT HAS BEEN ISSUED.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 9th DAY OF August, 1999.

Mayor Mark D. Warner

Attest:
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 242 ORDINANCE NO. 242

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AUTHORIZING TEMPORARY PARKING RESTRICTIONS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

THAT THE MAYOR IS HEREBY AUTHORIZED DURING TIMES OF EMERGENCY OR OTHER PRESSING NEED, FOR PURPOSES OF PUBLIC SAFETY, TO PROHIBIT OR RESTRICT PARKING ON ANY OF THE CITY STREETS. SUCH RESTRICITON SHALL TERMINATE WITHIN SEVENTY-TWO HOURS AFTER ISSUANCE OF THE ORDER UNLESS CONTINUED RESTRICTION IS APPROVED BY THE BOARD OF ALDERMEN.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 12th DAY OF July, 1999.

_____
Mayor Mark D. Warner

Attest:_____
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 242 ORDINANCE NO. 242

BILL NO. 243 ORDINANCE NO. 243

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AMENDING ORDINANCE NO. 213 (PROVIDING FOR MAJOR STOP SIGNS).

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

ADDITION OF THE FOLLOWING SECTION:

SECTION XX

A major stop sign shall be established at the intersection of Main and LeSieur Streets. All traffic coming from the east or west on Main Street and all traffic coming from the north or south on LeSieur Street shall come to a complete stop upon reaching said signs at the intersecion of Main and LeSieur Streets.

SECTION XX to become SECTION XXI.

SECTION XXI to become SECTION XXII

SECTION XXII to become SECTION XXIII

This ordinance shall take effect and be in full force from and after its passage and approval by the mayor and the board of Aldermen.

Passed and approved this 6th day of December, 1999.

Mark D Warner

Mayor Mark D. Warner

BILL NO. 243 ORDINANCE NO. 243

Attest: Suzie A. Cissell
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 245 ORDINANCE NO. 245

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AUTHORIZING AND ESTABLISHING WATER AND SEWER TAP FEES AND WATER AND SEWER MAIN EXTENSION REQUIREMENTS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

Water tap fees: 3/4" residential tap will be $375.00 for single and $475.00 for double. All water tap fees larger than 3/4" and commercial taps will be quoted.

Sewer tap fees: $520.00 for residential (single family). All others will be quoted.

SECTION II

Water main extension will be a minimum of 4 inch diameter and main gate valves as requested by water department or engineering firm for project. Fire hydrants will be every 250 feet with gate vales at each hydrant.

Mains will be of Series 200 PVC (Schedule 40) in 20 foot lengths. No taps to be allowed within 24 inches of fittings or connections. Additional material specifications to be obtainable from water department. Inspection required by city prior to burial of all said materials.

SECTION III

Sewer main extensions will be a minimum of 8 inch diameter. Mains will be PVC gasketed SDR 35 pipe. (Hub upstream of flow line.) Manholes to be every 200 feet and at the end of line as well as every change of direction of flow line. No laterals will be allowed to enter a manhole. Additional material specifications to be obtainable from the sewer department. Inspection required by city prior to burial of all said material.

SECTION IV

Property owner will provide all materials and labor. City will take over maintenance of lines after final inspection.

SECTION V

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

Passed and approved this 7TH day of May, 2001.

Mayor Mark D. Warner

Attest:
City Clerk - Suzie A. Cissell

City Seal

BILL NO. 246 ORDINANCE NO. 246

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AMENDING ORDINANCE 157, ZONING ORDINANCE, REGULATING THE PLACEMENT OF MANUFACTURED HOMES WITHIN THE CITY LIMITS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

ARTICLE 4.03 No manufactured homes shall be permitted outside the area designated Zone R1A.

SECTION II

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE OR WITH ANY OF ITS PROVISIONS ARE, TO THE EXTENT OF SUCH CONFLICT, HEREBY REPEALED.

SECTION III

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 2ND DAY OF JULY, 2001.

_____

MARK D. WARNER, MAYOR

ATTEST:_____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 246 ORDINANCE NO. 246

BILL NO. 247 ORDINANCE NO. 247

WHEREAS, Article V, §23 Missouri Constitution provides that Associate Circuit Judges shall hear and determine violations of municipal ordinances upon the request of the governing body of any municipality with a population of under four hundred thousand within the circuit.

WHEREAS, Portage des Sioux is a municipality within the Eleventh Judicial Circuit (St. Charles County) with a population of less than four hundred thousand which does not have a municipal court system.

WHEREAS, Portage des Sioux has violations of municipal ordinances which require judicial enforcement.

NOW, THEREFORE, the governing body of Portage des Sioux hereby elects:

(a) to have all violations of Portage des Sioux's municipal ordinances heard and determined by an Associate Circuit Judge of the Eleventh Circuit; and

(b) respectfully requests that the presiding judge consent to the Associate Circuit Judge commencing hearings and determining violations at the earliest possible date.

The City Clerk is hereby directed to deliver a certified copy of this ordinance to the Presiding Judge and Circuit Clerk of the Eleventh Circuit.

Passed and approved this 7th day of August, 2000.

_____

Mayor Mark D. Warner

Attest:_____

City Clerk - Suzie A. Cissell

City Seal

BILL NO. 247 ORDINANCE NO. 247

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

I, Suzie A. Cissell, the duly appointed, qualified and acting City Clerk of the City of Portage Des Sioux, Missouri, hereby certify the foregoing to be a true and correct copy of Ordinance 247.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 7th day of August, 2000.

Suzie A. Cissell
City Clerk

City Seal

Bill No. 248 Ordinance No. 248

AN ORDINANCE CALLING A SPECIAL ELECTION ON A GENERAL OBLIGATION BOND QUESTION IN PORTAGE DES SIOUX, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

Section 1. The Board of Aldermen finds it necessary and hereby declares its intent to borrow $100,000 for the purpose of extending and improving the waterworks system (the "Project") and to evidence such borrowing by the issuance of general obligation bonds (the "Bonds") of the City in the amount of $100,000.

Section 2. A special bond election is hereby ordered to be held in Portage Des Sioux, Missouri, on Tuesday, November 6, 2001, on the following question:

QUESTION

Shall Portage Des Sioux, Missouri, issue its general obligation bonds in the amount of $100,00 for the purpose of extending and improving the waterworks system?

The authorization of the Bonds will authorize the levy and collection of an annual tax in addition to the other taxes provided for by law on all taxable tangible property in the City sufficient to pay the interest and principal of the Bonds as they fall due and to retire the same within twenty years from the date thereof.

Section 3. The form of Notice of Special Election showing said question, a copy of which is attached hereto and made a part hereof, is hereby approved.

Section 4. The City clerk is hereby authorized and directed to notify the County Clerk of St. Charles County, Missouri, of the passage of this Ordinance no later than 5:00 P.M. on Tuesday, August 28, 2001, and to include in said notification all of the terms and provisions required by Chapter 115, RSMo, as amended.

Section 5. The City expects to make expenditures on and after the date of passage of this Ordinance in connection the Project, and the City intends to reimburse itself for such expenditures with the proceeds of the Bonds. The maximum principal amount of Bonds expected to be issued fo the Project is $100,000.

Section 6. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the Board of Aldermen and **APPROVED** by the Mayor this 22nd day of August, 2001.

(SEAL)

May or

ATTEST:

City Clerk

BILL NO. 249 ORDINANCE NO. 249

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH MECO ENGINEERING CO.. FOR THE PURPOSE OF AN ENGINEERING STUDY FOR THE WATER PLANT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH MECO ENGINEERING CO.. FOR THE PURPOSE OF AN ENGINEERING STUDY FOR THE WATER PLANT. THIS CONTRACT TO HAVE A NOT TO EXCEED LIMIT OF $10,000.00.

SECTION II

THIS ORDINANCE IS PRIMA FACIE DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE ALDERMEN TO TAKE IMMEDIATE STEPS TO PREVENT OR TO REMEDY CONDITIONS OR SITUATIONS WHICH ARE OF SUCH A NATURE THAT IT DEMANDS ATTENTION AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DEMAND TO THE PEOPLE, THE GOVERNMENT, OR THE MUNIFIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE. THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

READ THE FIRST, SECOND AND THIRD TIME AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS 23rd DAY OF January, 2002.

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MARK D. WARNER, MAYOR

BILL NO. 249 ORDINANCE NO. 249

ATTEST: _____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 252 ORDINANCE NO. 252

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN AN AGREEMENT WITH ROCK VALLEY FOR EQUIPMENT TO BE INSTALLED IN THE WATER PLANT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THAT THE AGREEMENT BETWEEN THE CITY OF PORTAGE DES SIOUX AND ROCK VALLEY (ATTACHED) BE ACCEPTED AND THE MAYOR AND CITY CLERK BE AUTHORIZED TO SIGN SAID AGREEMENT.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN. THIS ORDINANCE HAS RECEIVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED, SO THAT IT CAN BE PASSED AT ONE MEETING.

PASSED AND APPROVED THIS 1st DAY OF April, 2002.

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MARK D. WARNER, MAYOR

ATTEST:_____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 252 ORDINANCE NO. 252

BILL NO. 253 ORDINANCE NO. 253

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN AN AGREEMENT WITH MEL MOUSTY TO REBUILD THE PAVILION IN COMBS PARK.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THAT THE AGREEMENT BETWEEN THE CITY OF PORTAGE DES SIOUX AND MEL MOUSTY (ATTACHED) BE ACCEPTED AND THE MAYOR AND CITY CLERK BE AUTHORIZED TO SIGN SAID AGREEMENT.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN. THIS ORDINANCE HAS RECEIVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED, SO THAT IT CAN BE PASSED AT ONE MEETING.

PASSED AND APPROVED THIS 1st DAY OF April, 2002.

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MARK D. WARNER, MAYOR

ATTEST: _____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 253 ORDINANCE NO. 253

BILL NO. 255 ORDINANCE NO. 255

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH PITTSBURGH TANK & TOWER FOR MAINTENANCE OF THE WATER TOWER.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THAT THE CITY OF PORTAGE DES SIOUX AND PITTSBURGH TANK & TOWER ENTER INTO A CONTRACT FOR MAINTENANCE OF THE WATER TOWER. THE MAYOR AND CITY CLERK SHALL BE AUTHORIZED TO SIGN SAID CONTRACT.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN. THIS ORDINANCE HAS RECEIVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED, SO THAT IT CAN BE PASSED AT ONE MEETING.

PASSED AND APPROVED THIS 9th DAY OF September, 2002.

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MARK D. WARNER, MAYOR

ATTEST:_____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 255 ORDINANCE NO. 255

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF VARIOUS FEE'S FOR PERMITS, INSPECTIONS, HEARINGS AND COMPENSATION FOR SERVICES**;** AS SET BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MO.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MO. AS FOLLOWS:

SECTION I

The fee for each examination, building permit and inspection shall be paid in accordance with the following schedule:

Building Permit Fees:

(Site Plan Review Included)

(Example of building costs: BOCA 2001 Cost of Const. Pole Shed, Deck, $15.00/sq ft.— Garage $20.00/sq ft. — House $49.00/sq ft., etc..)

Fence	$25.00
Deck (More than 50 sq ft.)	$25.00
Shed (Less than 120 sq ft.)	$25.00
Shed, Detached Garage, Accessory Structure	Cost x .005
(More than 120 sq ft.)	Min. $35.00
New Residence	Cost x .005
	Min. $50.00
Additions — Room/Attached Garage	Cost x .005
	Min. $50.00
Electrical — Residential	
Addition/Rework	$40.00
Meter Set	$25.00
Electrical — Commercial	
Addition/Rework	Cost x .005/Min. $50.00
Meter Set	$25.00
Plumbing —Residential	
Addition/Rework	$40.00
Plumbing — Commercial	
Addition/Rework	Cost x .005/Min $50.00
Pools	
Above Ground	$25.00
In ground	$50.00

Dredge Permit (Include Floodplain Permit)	$35.00
Demolition	
Structure Less than 750 sq ft.	$25.00
Structure More than 750 sq ft.	$50.00

SECTION II

The fee to establish a Board to hear a cause shall be as follows:

Board Fees:	
Board of Appeal	$125.00
Board of Adjustment	$125.00
Planning & Zoning Comm. — Rezoning Application	$135.00
Planning & Zoning Comm. — Conditional Use Permit	$135.00
Planning & Zoning Comm. — Annexation	$175.00
Planning & Zoning Comm — Site Plan Review	$35.00

SECTION III

This ordinance shall supersede all ordinances or parts of ordinances in conflict with this ordinance or with any of its provisions.

This ordinance shall take effect and be in full force from and after its passage and approval by the mayor and the board of aldermen. This ordinance has received all of the required readings at the same meeting at which the bill is introduced, so that it can be passed at one meeting.

PASSED AND APPROVED THIS____ DAY OF _____, 2002.

Attested: _____ Signed: _____

Suzie A. Cissell, City Clerk Mark D. Warner, Mayor

CITY SEAL

BILL NO. 257 ORDINANCE NO. 257

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH ZAMBRANA ENGINEERING INC. FOR ENGINEERING AND SURVEYING SERVICES FOR THE NATURAL AREA.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THAT THE CITY OF PORTAGE DES SIOUX AND ZAMBRANA ENGINEERING INC. ENTER INTO A CONTRACT FOR ENGINEERING AND SURVEYING OF THE NATURAL AREA TO BE DEVELOPED WITHIN THE CITY LIMITS. THE MAYOR AND CITY CLERK SHALL BE AUTHORIZED TO SIGN SAID CONTRACT.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN. THIS ORDINANCE HAS RECEIVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED, SO THAT IT CAN BE PASSED AT ONE MEETING.

PASSED AND APPROVED THIS 2ND DAY OF DECEMBER, 2002.

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MARK D. WARNER, MAYOR

ATTEST:_____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 257 ORDINANCE NO. 257

BILL NO. 258 ORDINANCE NO. 258

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GOVERNING THE COLLECTION OF SEWER AND WATER TAP FEES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE CITY OF PORTAGE DES SIOUX SHALL COLLECT ALL WATER AND SEWER TAP FEES AS ESTABLISHED BY THE CITY, WHERE REQUIRED, AT THE TIME OF GRANTING OF BUILDING PERMITS.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 3RD DAY OF FEBRUARY, 2003.

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MARK D. WARNER, MAYOR

ATTEST:_____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 258 ORDINANCE NO. 258

BILL NO. 259 ORDINANCE NO. 259

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH ST. CHARLES COUNTY GOVERNMENT FOR MOSQUITO CONTROL IN THE CITY.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THAT THE CITY OF PORTAGE DES SIOUX AND ST. CHARLES COUNTY GOVERNMENT ENTER INTO A CONTRACT FOR MOSQUITO CONTROL IN THE CITY. THE MAYOR AND CITY CLERK SHALL BE AUTHORIZED TO SIGN SAID CONTRACT.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 7th DAY OF April, 2003.

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MARK D. WARNER, MAYOR

ATTEST: _____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 259 ORDINANCE NO. 259

BILL NO. 260 ORDINANCE NO. 260

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH DEMIEN CONSTRUCTION COMPANY FOR CONSTRUCTION IN THE NATURAL AREA.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THAT THE CITY OF PORTAGE DES SIOUX AND DEMIEN CONSTRUCTION COMPANY ENTER INTO A CONTRACT FOR CONSTRUCTION IN THE NATURAL AREA. MAYOR AND CITY CLERK SHALL BE AUTHORIZED TO SIGN SAID CONTRACT.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 7th DAY OF April, 2003.

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MARK D. WARNER, MAYOR

ATTEST: _____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 260 ORDINANCE NO. 260

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, RELATING TO THE REGULATION, CONTROL, MAINTENANCE, BREWING, SALE, POSSESSION, TRANSPORTATION, AND DISTRIBUTION OF INTOXICATING LIQUOR; DEFINING INTOXICATING LIQUOR AND OTHER TERMS USED IN THIS ORDINANCE. PROVIDING FOR THE MANUFACTURE AND SALE, BOTH AT WHOLESALE AND RETAIL OF INTOXICATING LIQUOR.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THIS ORDINANCE MAY BE CITED AS THE "LIQUOR CONTROL ORDINANCE".

SECTION II

CITY COUNCIL DEFINED. THE TERM "CITY COUNCIL" AS USED IN THIS ORDINANCE SHALL MEAN AND INCLUDE THE MAYOR AND FULL BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI.

PERSON DEFINED. THE TERM "PERSON" AS USED IN THIS ORDINANCE SHALL MEAN AND INCLUDE ANY INDIVIDUAL, FIRM, ASSOCIATION, STOCK COMPANY, PARTNERSHIP OR CORPORATION.

INTOXICATING LIQUOR DEFINED. THE TERM "INTOXICATING LIQUOR: AS USED IN THIS ORDINANCE SHALL MEAN AND INCLUDE ALCOHOL FOR BEVERAGE PURPOSES, ALCOHOLIC, SPIRITUOUS, ARDENT SPIRITS, MALT, VINOUS, OR FERMENTED, AND ALL PREPARATIONS OR MIXTURES FOR BEVERAGE PURPOSES, ALCOHOLIC CONTENTS IN EXCESS OF THREE AND TWO-TENTHS PERCENT (3.2%) BY WEIGHT.

SECTION III

LICENSES REQUIRED. IT SHALL BE UNLAWFUL FOR ANY PERSON, FIRM, PARTNERSHIP, OR CORPORATION TO MANUFACTURE, SELL OR EXPOSE FOR SALE, EITHER AT WHOLESALE OR RETAIL, IN THE CITY OF PORTAGE DES SIOUX, MISSOURI, INTOXICATING LIQUOR, AS HEREIN DEFINED, IN ANY QUANTITY WITHOUT FIRST HAVING OBTAINED A LICENSE FROM THE CITY, EXCEPT AS OTHERWISE HEREIN PROVIDED.

SECTION IV

AMOUNT OF LICENSE. THE LICENSE REQUIRED AND IMPOSED UNDER THIS

ORDINANCE SHALL BE AS FOLLOWS:

(a) FOR MANUFACTURING, DISTILLING, OR BLENDING OF INTOXICATING LIQUOR IN EXCESS OF FIVE PERCENT (5%) OF ALCOHOL BY WEIGHT THE SUM OF TWO HUNDRED FIFTY DOLLARS ($250.00).

(b) FOR MANUFACTURING, DISTILLING, OR BLENDING OF INTOXICATING LIQUOR NOT IN EXCESS OF FIVE PERCENT (5%) OF ALCOHOL BY WEIGHT THE SUM OF ONE HUNDRED DOLLARS ($100.00).

(c) FOR THE SALE OF INTOXICATING LIQUOR BY WHOLESALE IN EXCESS OF FIVE PERCENT (5%) OF ALCOHOL BY WEIGHT THE SUM OF TWO HUNDRED DOLLARS ($200.00).

(d) FOR THE SALE OF INTOXICATING LIQUOR NOT IN EXCESS OF FIVE PERCENT (5%) OF ALCOHOL BY WEIGHT BY WHOLESALE THE SUM OF ONE HUNDRED DOLLARS ($100.00).

(e) FOR THE SALE OF INTOXICATING LIQUOR IN EXCESS OR NOT IN EXCESS OF FIVE PERCENT (5%) OF ALCOHOL BY WEIGHT BY RETAIL IN THE ORIGINAL PACKAGE NOT FOR CONSUMPTION ON THE PREMISES FIFTY DOLLARS ($50.00).

(f) FOR THE SALE OF INTOXICATING LIQUOR IN EXCESS OF FIVE PERCENT (5%) BY WEIGHT BY RETAIL OR BY THE DRINK FOR CONSUMPTION ON THE PREMISES THE SUM OF TWO HUNDRED DOLLARS ($200.00).

(g) FOR THE SALE OF INTOXICATING LIQUOR NOT IN EXCESS OF FIVE PERCENT (5%) BY WEIGHT BY RETAIL OR BY THE DRINK FOR CONSUMPTION ON THE PREMISES THE SUM OF ONE HUNDRED FIFTY DOLLARS ($150.00).

SECTION V

LICENSE NON-TRANSFERRABLE. NO LICENSE USED UNDER THIS ORDINANCE SHALL BE TRANSFERRABLE OR ASSIGNABLE.

SECTION VI

DURATION OF LICENSE. EACH LICENSE ISSUED IN COMPLIANCE WITH THIS ORDINANCE SHALL BE FOR ONE YEAR FROM DATE OF ISSUE, UNLESS REVOKED FOR CAUSE HEREIN PROVIDED.

SECTION VII

RESTRICTIONS TO DAYS OF SALE. NO PERSON HAVING A LICENSE UNDER THE PROVISIONS OF THIS ORDINANCE SHALL SELL, GIVE AWAY, OR OTHERWISE DISPOSE OF OR SUFFER THE SAME TO BE DONE UPON OR ABOUT HIS PREMISES, ANY INTOXICATING LIQUOR IN ANY QUANTITY UPON ANY DATE SO PROHIBITED BY STATE LAW.

SECTION VIII

RESTRICTIONS TO TIME OF SALE. NO PERSON HAVING A LICENSE UNDER THE PROVISIONS OF THIS ORDINANCE SHALL SELL, GIVE AWAY, OR OTHERWISE DISPOSE OF OR SUFFER THE SAME TO BE DONE, UPON OR ABOUT HIS PREMISES, ANY INTOXICATING LIQUOR IN ANY QUANTITY BETWEEN THE HOURS PROHIBITED BY STATE LAW.

SECTION IX

PROHIBITIONS CONCERNING DRUNKARDS AND MINORS. NO PERSON OR HIS EMPLOYEE SHALL SELL OR SUPPLY INTOXICATING LIQUOR OR PERMIT SAME TO BE SOLD OR SUPPLIED TO A HABITUAL DRUNKARD OR TO ANY PERSON WHO IS UNDER OR APPARENTLY UNDER THE INFLUENCE OF INTOXICATING LIQUOR. INTOXICATING LIQUOR SHALL NOT BE GIVEN, SOLD OR OTHERWISE SUPPLIED TO ANY PERSON UNDER THE AGE OF TWENTY-ONE YEARS BUT THIS SHALL NOT APPLY TO SUPPLYING OF INTOXICATING LIQUOR TO A PERSON UNDER SAID AGE FOR MEDICINAL PURPOSES ONLY, OR BY THE PARENT OR GUARDIAN OF SUCH PERSON, OR TO ADMINISTERING OF SAID INTOXICATING LIQUOR TO SAID PERSON BY A PHYSICIAN. NO PERSON UNDER THE AGE OF TWENTY-ONE YEARS SHALL SELL OR ASSIST IN THE SALE OR DISPENSING OF INTOXICATING LIQUOR.

SECTION X

APPLICATION OF LICENSE. ALL APPLICATIONS FOR LICENSES UNDER THE PROVISIONS OF THIS ORDINANCE, SHALL BE MADE IN WRITING TO THE CITY COUNCIL. NO LICENSE SHALL BE GRANTED AT THE SAME MEETING OF THE CITY COUNCIL AT WHICH THE APPLICATION IS PRESENTED EXCEPT BY UNANIMOUS VOTE OF THE COUNCIL. PROVIDED, HOWEVER, THAT SAID APPLICATION MAY BE PASSED ON BY THE COUNCIL AT THE FIRST MEETING OF THE CITY COUNCIL AT WHICH THE APPLICATION IS PRESENTED, IF SAID APPLICANT HAS FIRST SERVED NOTICE, IN WRITING, OF HIS INTENTION TO PRESENT SAID APPLICATION UPON EACH MEMBER OF THE COUNCIL AT LEAST FIVE DAYS BEFORE THE MEETING OF THE CITY COUNCIL AT WHICH SAID APPLICATION IS TO BE PRESENTED.

SECTION XI

GRANTING A LICENSE. ON APPROVAL OF THE APPLICATION BY THE CITY COUNCIL AND PAYMENT OF THE LICENSE TAX HEREIN PROVIDED, THE CITY CLERK SHALL GRANT APPLICANT AN INTENTION TO LICENSE. THIS INTENTION WILL BE PRESENTED TO COUNTY AND STATE LICENSING AUTHORITIES. IF THE APPLICANT IS APPROVED BY STATE AND COUNTY AUTHORITIES THE CLERK SHALL GRANT APPLICANT A LICENSE TO CONDUCT

BUSINESS IN THE CITY FOR ONE YEAR FROM THE DATE OF ISSUANCE OF SAID LICENSE. A SEPARATE LICENSE SHALL BE REQUIRED FOR EACH PLACE OF BUSINESS. EVERY LICENSE ISSUED UNDER THE PROVISIONS OF THIS ORDINANCE SHALL PARTICULARLY DESCRIBE THE PREMISES AT WHICH INTOXICATING LIQUOR MAY BE SOLD THEREUNDER, AND SUCH LICENSE SHALL NOT BE DEEMED TO AUTHORIZE OR PERMIT THE SALE OF INTOXICATING LIQUOR AT ANY PLACE OTHER THAN THAT DESCRIBED THEREIN.

SECTION XII

REGULATION OF SALE IN ORIGINAL PACKAGES. INTOXICATING LIQUOR SHALL BE SOLD AT RETAIL IN THE ORIGINAL PACKAGE, ONLY UPON A LICENSE GRANTED BY THE CITY COUNCIL, AND SAID INTOXICATING LIQUOR SO SOLD SHALL NOT BE CONSUMED UPON THE PREMISES WHERE SOLD, NOR THE ORIGINAL PACKAGE OPENED ON SAID PREMISES OF THE VENDOR, EXCEPT AS OTHERWISE PROVIDED IN THIS ORDINANCE. PROVIDED, FURTHER, THAT NO INTOXICATING LIQUOR PURCHASED IN THE ORIGINAL PACKAGE SHALL BE CONSUMED OR PERMITTED TO BE CONSUMED UPON ANY PREMISES WHERE INTOXICATING LIQUOR IS AUTHORIZED LEGALLY TO BE SOLD.

SECTION XIII

QUALIFICATION OF APPLICANT. NO PERSON SHALL BE GRANTED A LICENSE UNDER THIS ORDINANCE, UNLESS SUCH PERSON IS OF GOOD MORAL CHARACTER AND A NATIVE BORN OR NATURALIZED CITIZEN OF THE UNITED STATES OF AMERICA, AND A QUALIFIED LEGAL VOTER AND TAX PAYING CITIZEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI; AND NO PERSON SHALL BE GRANTED A LICENSE OR PERMIT HEREUNDER, WHOSE LICENSE AS SUCH DEALER HAS BEEN REVOKED, OR WHO HAS BEEN CONVICTED, SINCE THE RATIFICATION OF THE TWENTY-FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, OF A VIOLATION OF THE PROVISIONS OF ANY LAW APPLICABLE TO THE MANUFACTURE OR SALE OF INTOXICATING LIQUOR OR WHO EMPLOYS OR HAS EMPLOYED IN HIS BUSINESS AS SUCH DEALER, ANY PERSON WHOSE LICENSE HAS BEEN REVOKED OR WHO HAS BEEN CONVICTED OF VIOLATING THE PROVISIONS OF ANY SUCH LAW SINCE THE DATE AFORESAID.

SECTION XIV

REVOCATION OF LICENSE. THE CITY COUNCIL OF PORTAGE DES SIOUX MAY, ON HEARING, REVOKE ANY LICENSE ISSUED UNDER THE PROVISIONS OF THIS ORDINANCE FOR GOOD CAUSE SHOWN, FIRST HAVING GIVEN SUCH LICENSEE NOT LESS THAN TEN (10) DAYS NOTICE, IN WRITING, OF THE

INTENT TO REVOKE HIS LICENSE PRIOR TO THE ORDER OF REVOCATION BEING ISSUED. THIS NOTICE SHALL CONTAIN THE GROUND OR GROUNDS FOR SUCH REVOCATION SET OUT THEREIN, WHICH NOTICE SHALL COMMAND THE LICENSEE TO BE PRESENT AT THE REGULAR OR CALLED MEETING OF THE CITY COUNCIL AND SHOW CAUSE, IF ANY, WHY SUCH LICENSE SHOULD NOT BE REVOKED. PROVIDED, THAT SAID LICENSEE SHALL HAVE FULL RIGHT TO BE PRESENTED BY COUNSEL AT SAID HEARING. PROVIDED FURTHER, THAT SUCH NOTICE OF REVOCATION HEARING SHALL BE SERVED BY A REGULAR COUNCIL MEMBER OR BY CERTIFIED MAIL TO THE LICENSEE, OR ANY PERSON OR EMPLOYEE IN CHARGE OF THE PLACE OF BUSINESS OF SAID LICENSEE. UPON REVOCATION OF ANY LICENSE UNDER THE PROVISION OF THIS ORDINANCE THE CITY CLERK SHALL INFORM THE COUNTY AND STATE LICENSING AUTHORITIES IMMEDIATELY OF THE REVOCATION.

SECTION XV

REVOCATION SHALL FORFEIT LICENSE FEE. IN CASE OF REVOCATION OR FORFEITURE OF ANY LICENSE GRANTED AND ISSUED UNDER THE PROVISIONS OF THIS ORDINANCE FOR CAUSE OR OTHERWISE, THE CITY SHALL IN NO EVENT RETURN ANY PART OF THE LICENSE FEE PAID FOR SUCH LICENSE.

SECTION XVI

UNCONSTITUTIONALITY CLAUSE. SHOULD ANY SECTION, PARAGRAPH, SENTENCE, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED UNCONSTITUTIONAL OR INVALID FOR ANY REASON, THE REMAINDER OF SAID ORDINANCE SHALL NOT BE AFFECTED THEREBY.

SECTION XVII

REPEAL CLAUSE. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE SHALL HEREBY BE REPEALED.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE BY THE BOARD OF ALDERMEN AND APPROVAL BY THE MAYOR.

PASSED AND APPROVED THIS 2nd DAY OF June, 2003.

MARK D. WARNER, MAYOR

ATTEST: _____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, RATIFYING PAST ORDINANCES OF THE CITY.

WHEREAS, The Board of Aldermen has done a systematic and careful review of all City ordinances; and

WHEREAS, The Board of Aldermen has determined that the City records contain the following ordinances: 2-9, 12, 14, 15, 16, 18-35, 40, 41, 50, 51, 53-93, 101-141, 150, 152-232, 233-243, 245, 246-261

WHEREAS, It is the desire of the Board of Aldermen to ratify all of the above ordinances; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS;

SECTION I

ALL OF THE ORDINANCES CITED ABOVE, PLUS RESOLUTIONS, ORDERS AND REGULATIONS AT THE TIME OF THIS ORDINANCE SHALL REMAIN AND BE IN FORCE UNTIL ALTERED, MODIFIED, OR REPEALED.

SECTION II

ALL JUDICIAL PROCEEDINGS OF ANY KIND OR CHARACTER AND ALL CONDEMNATION PROCEEDINGS FOR THE TAKING OR DAMAGING OF PRIVATE PROPERTY FOR PUBLIC USE, AND ALL PROCEEDINGS TO INCUR DEBT AND ISSUE BONDS BEGUN OR PENDING, AND ALL CONTRACTS FOR THE DOING OF ANY KIND OF PUBLIC WORKS NOT COMPLETED AND PERFORMED SHALL IN NO WISE BE AFFECTED; BUT THE SAME MAY BE COMPLETED IN EVERY RESPECT AS NEARLY AS MAY BE IN ACCORDANCE WITH THE LAW.

SECTION III

ALL RIGHTS OF ACTION, CONTRACTS, TITLES, FINES, PENALTIES, AND FORFEITURES ACCRUED TO AND IN FAVOR OF THE CITY OR AGAINST THE CITY SHALL REMAIN IN EXISTENCE AND IN FULL FORCE AND EFFECT AS FULLY IN EVERY RESPECT AS IF THIS ORDINANCE HAD NOT TAKEN EFFECT. ALL RECOGNIZANCES AND CONTRACTS LAWFULLY ENTERED INTO OR EXECUTED BY OR TO THE CITY AND THE LIEN THEREOF, AND ALL WRITS, PROSECUTIONS, ACTIONS AND USES OF ACTION SHALL CONTINUE AND REMAIN UNAFFECTED.

SECTION IV

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 2nd DAY OF June, 2003.

MARK D. WARNER, MAYOR

ATTEST:

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 263 ORDINANCE NO. 263

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH TURFMASTER FOR SEEDING TO BE DONE IN THE NATURAL AREA.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH TURFMASTER FOR THE SEEDING TO BE DONE IN THE NATURAL AREA OF SAID CITY.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 7th DAY OF July, 2003.

_____

MARK D. WARNER, MAYOR

ATTEST:_____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 263 ORDINANCE NO. 263

BILL NO. 264 ORDINANCE NO. 264

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, CHANGING THE CURRENT CITY OFFICIALS FEE SCHEDULE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE FOLLOWING FEE SCHEDULE IS ADOPTED FOR PAYMENT TO CITY EMPLOYEES:

City Official Fee Schedule

	Current Rate	New Rate
Mayor	$60.00/Quarter	$150.00/Quarter
Aldermen	$45.00/Quarter	$75.00/Quarter
City Clerk	$100.00/Month	$130.00/Month
Sewer Clerk	Minimum Wage/Hour	Minimum Wage x 1.5
Water Clerk	Minimum Wage/Hour	Minimum Wage x 1.5
Treasurer	$20.00/Month + 2% tax	$50.00 + 3% Commons Rent
Zoning Comm.	-0-	$50.00/Quarter
Zoning Board	-0-	$30.00/Quarter
Floodplain Mgr.	-0-	$40.00/Quarter

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

BILL NO. 264 ORDINANCE NO. 264

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2003.

MARK D. WARNER, MAYOR

ATTEST:

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 264 ORDINANCE NO. 264

BILL NO. 265 ORDINANCE NO. 265

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH ST. CHARLES COUNTY GOVERNMENT FOR THE BILLING AND COLLECTION OF THE CITY'S REAL ESTATE AND PERSONAL PROPERTY TAX.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH ST. CHARLES COUNTY GOVERNMENT FOR THE BILLING AND COLLECTION OF THE CITY'S REAL ESTATE AND PERSONAL PROPERTY TAX.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 4th DAY OF August, 2003.

_____

MARK D. WARNER, MAYOR

ATTEST: _____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 265 ORDINANCE NO. 265

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, PROVIDING FOR THE VOLUNTARY ANNEXATION OF A CERTAIN TRACTS OF LAND OWNED BY DONALD E. AND JOAN M. TWILLMAN, HUSBAND AND WIFE, TO THE CITY OF PORTAGE DES SIOUX, MISSOURI, UNDER THE PROVISIONS OF SECTION 71.014 REVISED MISSOURI STATUTES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

That Missouri cities located within a county which borders a first class county with a charter form of government with population in excess of nine hundred thousand, Portage Des Sioux being such, have the authority under Section 71.014 R.S.Mo. 1978, to annex unincorporated areas which are contiguous to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interest of record.

SECTION II

That a verified petition for annexation has been filed with the City of Portage Des Sioux by the fee owners of the following described tracts:

"EXHIBIT A"

A parcel of land identified as Map ID Number 5-112-0008-00-0006.82 in Saint Charles County and also identified as Tract B on a survey completed by Bax Engineering Company, Inc. on October 27, 1988.

A parcel of land identified as Map ID Number 5-112-0008-00-0006.83 in Saint Charles County and also identified as Tract C on a survey completed by Bax Engineering Company, Inc. on October 27, 1988.

Two parcels of land identified as Map ID Numbers 5-112-0008-00-6.8 and 5-112-0008-00-6.84 in Saint Charles County and also identified as Tract D on a survey completed by Bax Engineering Company, Inc. on October 27, 1988.

SECTION III

All fees charged by Saint Charles County Recorder of Deeds concerning this annexation are to be reimbursed to the City Portage des Sioux by the owners of the property, Ronald E. and Joan M. Twillman.

SECTION IV

All ordinances or parts of ordinances in conflict with this ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION V

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. The above described tract is to be incorporated within the city forthwith, and the City Clerk is hereby to notify the St. Charles County Assessor's and Recorder's offices.

Passed and approved this 5th day of April, 2004.

_____

Mark D. Warner, Mayor

Attest:

_____

Suzie A. Cissell, City Clerk

City Seal

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

I, Suzie A. Cissell, the duly appointed, qualified and acting City Clerk of the City of Portage Des Sioux, Missouri, hereby certify the foregoing to be a true and correct copy of Ordinance No. 266 of said City and that the same has not been modified or revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 5th day of April, 2004.

Suzie A. Cissell
City Clerk

City Seal

BILL NO. 267 ORDINANCE NO. 267

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AMENDING ORDINANCE 261, THE LIQUOR CONTROL ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

ORDINANCE 261, SECTION IV SHALL BE AMENDED AS FOLLOWS:

(g) FOR THE SALE OF INTOXICATING LIQUOR NOT IN EXCESS OF FIVE PERCENT (5%) BY WEIGHT BY RETAIL OR BY THE DRINK FOR CONSUMPTION ON THE PREMISES THE SUM OF ONE HUNDRED FIFTY DOLLARS ($150.00).

SHALL BE CHANGED TO:

(g) FOR THE SALE OF INTOXICATING LIQUOR NOT IN EXCESS OF FIVE PERCENT (5%) BY WEIGHT BY RETAIL OR BY THE DRINK FOR CONSUMPTION ON THE PREMISES THE SUM OF FIFTY DOLLARS ($50.00).

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 7th DAY OF June, 2004.

_____

MARK D. WARNER, MAYOR

ATTEST:_____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 267 ORDINANCE NO. 267

BILL NO. 268 ORDINANCE NO. 268

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN AN AGREEMENT WITH ST. CHARLES COUNTY GOVERNMENT FOR REPAIR AND MAINTENANCE OF THE STREETS IN THE CITY LIMITS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH ST. CHARLES COUNTY GOVERNMENT FOR REPAIR AND MAINTENANCE OF THE STREETS IN THE CITY LIMITS.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 13th DAY OF September, 2004.

_____

MARK D. WARNER, MAYOR

ATTEST:_____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 268 ORDINANCE NO. 268

BILL NO. 269 ORDINANCE NO. 269

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AUTHORIZING PERMITS FOR EVENTS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

ANY INDIVIDUAL, GROUP, OR ENTITY WISHING TO USE CITY PROPERTY FOR AN EVENT MUST FIRST OBTAIN PERMISSION FROM THE CITY.

EVENTS OF LESS THAN FIFTY PEOPLE REQUIRE ONLY PRIOR PERMISSION OF THE MAYOR AND SHALL BE GRANTED ON A FIRST-COME, FIRST-SERVED BASIS.

EVENTS INVOLVING MORE THAN FIFTY PEOPLE OR CLOSURE OF A CITY STREET WILL REQUIRE PRIOR PERMISSION FROM THE BOARD OF ALDERMEN. PERMISSION SHALL BE FREELY GRANTED UPON MAJORITY VOTE OF THE BOARD OF ALDERMEN.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 7th DAY OF March, 2005.

_____

MARK D. WARNER, MAYOR

ATTEST:_____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 269 ORDINANCE NO. 269

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, PROVIDING FOR THE VOLUNTARY ANNEXATION OF A CERTAIN TRACTS OF LAND OWNED BY CAMCOR PROPERTIES, LLC TO THE CITY OF PORTAGE DES SIOUX, MISSOURI, UNDER THE PROVISIONS OF SECTION 71.014 REVISED MISSOURI STATUTES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

That Missouri cities located within a county which borders a first class county with a charter form of government with population in excess of nine hundred thousand, Portage Des Sioux being such, have the authority under Section 71.014 R.S.Mo. 1978, to annex unincorporated areas which are contiguous to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interest of record.

SECTION II

That a verified petition for annexation has been filed with the City of Portage Des Sioux by the fee owners of the following described tracts:

"EXHIBIT A"

A tract of land in part of and situated in U.S. Survey's 136 and 172 of the Portage des Sioux Common Fields, Township 48 north Range 6 East, St. Charles County, Missouri and further described as follows:

Beginning at a found railroad spike at the intersection of the West line of the town of Portage Des Sioux as recorded in Surveyor's Plat Book 10 Page 20 of the St. Charles County Land Records Office, St. Charles, Missouri, and the center line of Portage Road, said railroad spike also being located South 22 degrees 07 minutes 49 seconds west a distance of 463.56 feet from north line of common fields street (33' wide) from which a found stone with cross bears 0.95 feet west, thence westerly along the center line of Portage Road North 68 degrees 00 minutes 00 seconds West a distance 685.00 feet to a set railroad spike from which a set 24 inch concrete monument (typical) bears North 22 degrees 05 minutes 40 second East 25.00 feet, thence from said railroad spike North 22 degrees 05 minutes 40 seconds East a distance of 1753.78 feet to a

set concrete monument, said monument being located on the South line of Second Street 50.00 feet wide thence continuing in a easterly direction along the south line of Second Street South 60 degrees 25 minutes 32 seconds east a distance of 357.00 feet to a set concrete monument, thence departing from said second street, South 23 degrees 19 minutes 00 seconds West a distance of 170.71 feet to a set concrete monument, thence 62 degrees 33 minutes 31 seconds east a distance of 286.03 feet to a point from which a found iron pipe bears south 70 degrees 59 minutes east 1.9 feet thence south 70 degrees 59 minutes 31 seconds east a distance of 50.91 feet to a set concrete monument from which a found ½ inch pipe bears north 63 degrees 27 minutes East a distance of 2.3 feet, thence along the Western line of town of Portage Des Sioux as recorded in Surveyor's Plat Book 10 Page 20 of the said St. Charles County land Recorders Office; South 22 degrees 07 minutes 49 seconds West a distance of 1511.59 feet to the point of beginning and also containing 1,116,188.76 square feet or 25.62 acres more or less as surveyed by Marler Surveying Co., Inc. During the month of June 2005, inclusive of that portion of roadways embraced within, subject to easements and/or restrictions of record, if any

SECTION III

All fees charged by Saint Charles County Recorder of Deeds concerning this annexation are to be reimbursed to the City Portage des Sioux by the owners of the property, Camcor Properties LLC.

SECTION IV

All ordinances or parts of ordinances in conflict with this ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION V

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen. The above described tract is to be incorporated within the city forthwith, and the City Clerk is hereby to notify the St. Charles County Assessor's and Recorder's offices.

Passed and approved this 2nd day of May, 2005.

Mark D. Warner, Mayor

ORDINANCE NO. 270

Attest:

_____

Suzie A. Cissell, City Clerk

City Seal

ORDINANCE NO. 270

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

I, Suzie A. Cissell, the duly appointed, qualified and acting City Clerk of the City of Portage Des Sioux, Missouri, hereby certify the foregoing to be a true and correct copy of Ordinance No. 270 of said City and that the same has not been modified or revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 2nd day of May, 2005.

Suzie A. Cissell
City Clerk

City Seal

BILL NO. 271 ORDINANCE NO. 271

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN AN AGREEMENT WITH MISSOURI RURAL WATER ASSOCIATION FOR MAPPING OF THE CITY UTILITIES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH MISSOURI RURAL WATER ASSOCIATION FOR MAPPING OF THE CITY UTILITIES.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 6th DAY OF June, 2005.

_____

MARK D. WARNER, MAYOR

ATTEST:_____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 271 ORDINANCE NO. 271

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, PROVIDING FOR A CONDITIONAL USE PERMIT FOR THE PROPERTY AT 1850 MAIN STREET OWNED BY JOHN AND MARY GROENIER FOR A HOME BASED BUSINESS, WHICH WOULD BE A RESTAURANT TYPE BUSINESS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

This conditional use permit is issued exclusively to John and Mary Groenier and is non-transferrable to other owners or managers. This permit will expire upon change of ownership of the property.

SECTION II

The property is located in a residential area so the following restrictions must be strictly complied with:

1. No liquor license will be issued for the business.
2. The hours of operation must be limited with nearby residents in mind.
3. Maximum capacity limits set by the Fire Inspector and Health Department must be strictly adhered to.
4. Parking must be off street with ample access due to operating in a dark area and closer quarters than normal parking facilities. The amount of parking will have to closely follow the maximum capacity permit.
5. Outside lighting must be controlled to prevent annoyance to the surrounding area.
6. Music of any kind and noise must be closely controlled.

SECTION III

All ordinances or parts of ordinances in conflict with this ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION IV

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

Passed and approved this 12th day of September, 2005.

Mark D. Warner, Mayor

Attest:

Suzie A. Cissell, City Clerk

City Seal

BILL NO. 273 ORDINANCE NO. 273

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH JONES AIR & WATER/WATER TECHNOLOGY OF THE OZARKS FOR OPERATION AND MAINTENANCE OF THE WATER PLANT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH JONES AIR & WATER/WATER TECHNOLOGY OF THE OZARKS FOR OPERATION AND MAINTENANCE OF THE WATER PLANT.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER, 2005.

_____

MARK D. WARNER, MAYOR

ATTEST:_____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 273 ORDINANCE NO. 273

BILL NO. 274 ORDINANCE NO. 274

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH CLIFFORD W. WOLF FOR OPERATION AND MAINTENANCE OF THE SEWER PLANT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH CLIFFORD W. WOLF FOR OPERATION AND MAINTENANCE OF THE SEWER PLANT.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER, 2005.

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MARK D. WARNER, MAYOR

ATTEST:_____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 274 ORDINANCE NO. 274

BILL NO. 276 ORDINANCE NO. 276

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH AMERENUE TO SELL WATER TO THE SIOUX PLANT ON HIGHWAY 94 NORTH.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE MAYOR AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX ARE HEREBY AUTHORIZED TO SIGN A CONTRACT WITH AMERENUE TO SELL WATER TO THE SIOUX PLANT ON HIGHWAY 94.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 1st DAY OF May, 2006.

_____

MARK D. WARNER, MAYOR

ATTEST:_____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 276 ORDINANCE NO. 276

BILL NO. 277 ORDINANCE NO. 277

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, ADDING STOP SIGNS AT INTERSECTIONS WITHIN THE CITY, AN ORDINANCE PROVIDING FOR AMENDING STOP SIGN ORDINANCES ALREADY IN FORCE IN THE CITY OF PORTAGE DES SIOUX, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

A major stop sign shall be established at the intersection of Commonfield and Lewis Streets. All traffic coming north on Lewis Street shall come to a complete stop upon reaching said sign at the intersection of Commonfield and Lewis Streets.

SECTION II

A major stop sign shall be established at the intersection at Commonfield Street and Dumond Streets. All traffic coming east or west on Commonfield shall come to a complete stop upon reaching said signs at the intersection of Commonfield and Dumond Streets. This now becomes a three way stop.

SECTION III

A major stop sign shall be established at the intersection of LeClaire and Second Streets. All traffic coming east or west on Second Street shall come to a complete stop upon reaching said signs at the intersection of LeClaire and Second Streets. This now becomes a three way stop.

SECTION IV

A major stop sign shall be established on Clark Street going north at Second Street. All traffic coming north on Clark Street shall come to a complete stop upon reaching said sign at the intersection of Clark and Second Streets. (Yield sign to be removed.)

BILL NO. 277 ORDINANCE NO. 277

BILL NO. 277 ORDINANCE NO. 277

SECTION V

A major stop shall be established on Dumond Street going north at Main Street. All traffic coming north on Dumond Street shall come to a complete stop upon reaching said sign at the intersection of Dumond and Main Streets.

SECTION VI

A major stop shall be established on Dumond Street going north and south at Second Street. All traffic coming north or south on Dumond Street shall come to a complete stop upon raching said sign at the intersection of Dumond and Second Streets.

SECTION VII

If any section , subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION VIII

All ordinances or parts of ordinances conflicting with this ordinance are hereby revoked.

SECTION IX

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

Passed and approved this 4th day of December , 2006. .

_____

Mayor Mark D. Warner

Attest:_____

City Clerk - Suzie A. Cissell

City Seal

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, PROVIDING FOR THE VOLUNTARY ANNEXATION OF A CERTAIN TRACT OF LAND OWNED BY JACQUELINE JEAN WEBER AND JOHN JOSEPH WEBER, TO THE CITY OF PORTAGE DES SIOUX, MISSOURI, UNDER THE PROVISIONS OF SECTION 71.014 REVISED MISSOURI STATUTES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THAT MISSOURI CITIES LOCATED WITHIN A COUNTY WHICH BORDERS A FIRST CLASS COUNTY WITH A CHARTER FORM OF GOVERNMENT WITH POPULATION IN EXCESS OF NINE HUNDRED THOUSAND, PORTAGE DES SIOUX BEING SUCH, HAVE THE AUTHORITY UNDER SECTION 71.014 R.S.MO. 1978, TO ANNEX UNINCORPORATED AREAS WHICH ARE CONTIGUOUS TO THE EXISTING CORPORATED LIMITS UPON VERIFIED PETITION REQUESTING SUCH ANNEXATION SIGNED BY THE OWNERS OF ALL FEE INTEREST OF RECORD.

SECTION II

THAT A VERIFIED PETITION FOR ANNEXATION HAS BEEN FILED WITH THE CITY OF PORTAGE DES SIOUX BY THE FEE OWNERS OF THE FOLLWING DESCRIBED TRACT:

"EXHIBIT A"

A tract of land in Survey #102 of the Portage des Sioux Common Field, Township 48 North, Range 6 East, St. Charles County, Missouri, and more particularly described as follows; Beginning at an old stone at the Northeast corner of said Survey 102; thence South 68° 00' East 200 feet along the North line of said Survey 102 to an iron pipe; thence South 21° 37' West 110 feet to an iron pipe on the east line of Payne Road, being a County Road, 40 feet wide; thence along the East line of said road North 21° 37' East 110 feet to the place of beginning and containing 0.505 acres, more or less. All as per survey executed by William G. Van Clave Jr., during September 1964.

SECTION III

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE OR WITH ANY OF ITS PROVISIONS ARE TO THE EXTENT OF SUCH CONFLICT, HEREBY REPEALED.

SECTION IV

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND BOARD OF ALDERMEN. THE ABOVE DESCRIBED TRACT IS TO BE INCORPORATED WITHIN THE CITY FORTHWITH, AND THE CITY CLERK IS HEREBY TO NOTIFY THE ST. CHARLES COUNTY ASSESSOR'S AND RECORDER'S OFFICES.

PASSED AND APPROVED THIS 7TH DAY OF MAY, 2007.

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MARK D. WARNER, MAYOR

ATTEST:_____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

I, Suzie A. Cissell, the duly appointed, qualified and acting City Clerk of the City of Portage Des Sioux, Missouri, hereby certify the foregoing to be a true and correct copy of of the city Ordinance No. 278.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 8th day of May, 2007.

Suzie A. Cissell
City Clerk

City Seal

BILL NO. 279 ORDINANCE NO. 279

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH MECO ENGINEERING.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE MAYOR AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX ARE HEREBY AUTHORIZED TO SIGN A CONTRACT WITH MECO ENGINEERING TO PREPARE A PRELIMINARY ENGINEERING STUDY FOR REPLACEMENT OF THE CITY'S EXISTING WASTEWATER TREATMENT PLANT.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 8TH DAY OF November, 2006.

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MARK D. WARNER, MAYOR

ATTEST:_____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 279 ORDINANCE NO. 279

BILL NO. 280 ORDINANCE NO. 280

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, PROVIDING FOR THE COLLECTION OF ATTORNEY FEES IN CIVIL CAUSES OF ACTION.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THAT FOURTH CLASS CITIES IN MISSOURI BRINGING CIVIL CAUSES, WHICH INCLUDE ABATEMENT OF NUISANCES CREATED BY THE ACCUMULATION OF UNSIGHTLY, DANGEROUS OR NOXIOUS PERSONAL PROPERTY, MAY BE AWARDED REASONABLE ATTORNEY'S FEES PURSUANT TO §79.383 RSMO.

SECTION II

THE CITY OF PORTAGE DES SIOUX ENACTS THIS ORDINANCE TO ALLOW FOR THE COLLECTION OF REASONABLE ATTORNEY'S FEES WHENEVER A CIVIL CAUSE OF ACTION IS FILED WHICH INCLUDES THE ABATEMENT OF NUISANCE.

SECTION III

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE OR WITH ANY OF ITS PROVISIONS ARE, TO THE EXTENT OF SUCH CONFLICT, HEREBY REPEALED.

SECTION IV

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 1st DAY OF October, 2007.

MARK D. WARNER, MAYOR

ATTEST:

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 280 ORDINANCE NO. 280

BILL NO. 281 ORDINANCE NO. 281

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH ST. CHARLES COUNTY CATHOLIC CHURCH REAL ESTATE CORPORATION.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE MAYOR AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX ARE HEREBY AUTHORIZED TO SIGN A CONTRACT WITH ST. CHARLES COUNTY CATHOLIC CHURCH REAL ESTATE CORPORATION FOR LEASING THE CATHOLIC SCHOOL BUILDING AT 1360 FARNHAM STREET.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 5th DAY OF November, 2007.

_____

MARK D. WARNER, MAYOR

ATTEST:_____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 281 ORDINANCE NO. 281

BILL NO. 282 ORDINANCE NO. 282

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH *THE LOWEST BIDDER ($12,500)*.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE MAYOR AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX ARE HEREBY AUTHORIZED TO SIGN A CONTRACT WITH *THE LOWEST BIDDER ($12,500)* FOR THE DEMOLITION AND REMOVAL OF ALL STRUCTURES ON THE PROPERTY OF KLAUS LAMBERT/CONSTANCE ALT AT 1265 CHURCH STREET ON OR ABOUT THE 6th DAY OF December, 2007 AS ORDERED BY THE CIRCUIT COURT OF ST. CHARLES COUNTY ON SEPTEMBER 24, 2007.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 5th DAY OF November, 2007.

_____

MARK D. WARNER, MAYOR

ATTEST: _____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 282 ORDINANCE NO. 282

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, PROVIDING FOR THE REGULATION OF TEMPORARY SIGNS INCLUDING: THE MAXIMUM NUMBER OF SIGNS, SIZE AND HEIGHT REQUIREMENTS, LOCATION RESTRICTIONS, DISPLAY DURATION, PERMISSION REQUIREMENTS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

APPLICATION

This ordinance shall apply to all temporary signs, including but not limited to: political signs, real estate signs including "Open House" signs and "For Sale" signs, "Garage Sale" signs and signs offering services.

SECTION II

DEFINITIONS

SIGN - A sign is any device including letters, words, numerals, figures, emblems, pictures or any part or combination used for visual communication that attracts the attention of the public and is visible from public or private streets or other properties.

TEMPORARY SIGN - A sign not permanently anchored to the ground or permanently affixed to a structure.

RIGHT OF WAY - Right of way refers to areas dedicated for public streets (including drainage ditches), sidewalks and public utility easements.

REAL ESTATE SIGN - A sign advertising the sale of real property, including directional, "Open House" signs and "For Sale by Owner" signs.

POLITICAL SIGN - A sign advertising or informing the public of candidates for public office, proposals and legislation or other political views.

GARAGE SALE - A sale conducted by a residential inhabitant of the City in which he or she offers for sale to the general public items of personal property belonging to such inhabitant or members of his or her immediate family and conducted in such a manner as to not constitute an ongoing commercial enterprise.

SECTION III

PLACEMENT OF SIGN

All signs, other than street signs, are prohibited in the public right of way. No signs may be placed on city owned property, except signs posted by the City for City events.

Signs placed during approved activities in the City's park are allowed during that activity but must be removed upon conclusion of the event.

Signs may not be affixed to any light pole, street pole, electrical box or other similar structure.

No sign may be placed on another person's property without prior permission from the property owner.

No signs are to be placed at the corner or within the sight triangle of an intersection.

No sign shall be placed within five (5) feet of a public street.

For Sale, Lease or Rent signs can only be displayed on the property for sale, lease or rent.

SECTION IV

NUMBER ALLOWED

A maximum of two temporary signs are allowed per property, there is no limit on small (four foot (4') X four (4') or smaller) political signs for the period allowed (see DISPLAY DURATION) prior to an election.

SECTION V

SIZE AND HEIGHT REQUIREMENTS

Freestanding or wall signs may be one (1) square foot for every 10 linear feet of street frontage. Signs may neither exceed a maximum size of six (6)square feet or the maximum height of five (5) feet.

Window signs may be up to ten (10) percent of the window size, with a maximum sign size of six (6) square feet.

SECTION VI

DISPLAY DURATION

A single property may display a temporary sign for a maximum of 30 days total during any calendar year.

For Sale, Lease or Rent signs may be displayed on the property during the time the property is being sold, let or rented and must be removed upon sale, rental or lease.

Open House signs may only be displayed the day of the open house and are to be removed at its conclusion.

Political signs may be displayed for a period of two (2) months prior to the election date and must be removed within 5 days after the election date.

All temporary signs must be removed at the conclusion of the event or sale of the item advertised.

SECTION VII

PERMITS

There are no permits required for the placement of temporary signs conforming to the requirements of this ordinance.

SECTION VIII

VIOLATIONS

Each day a violation of this ordinance shall be continued after notice by the City shall constitute a separate offense under this ordinance. Any city official or person directed by the City may at any time remove a temporary sign in violation of this ordinance. Any expense incurred by the City in removing and disposing of a sign removed will be billed to the owner.

SECTION IX

If any section , subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

All ordinances or parts of ordinances in conflict with this ordinance or with any of its provisions are in the extent of such conflict hereby repealed.

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 10th DAY OF November, 2008.

_____

MARK D. WARNER, MAYOR

ATTEST: _____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 284 ORDINANCE NO. 284

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING ST. CHARLES BROADBAND A CABLE TELEVISION FRANCHISE UPON THE TERMS AND CONDITIONS ESTABLISHED IN ORDINANCE 156.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

CHANGES TO ORDINANCE 156

01. This ordinance grants to Heartland Cable TV with offices at 927 W. Terra Ln., O'Fallon, MO. a nonexclusive franchise. . . . . .

TO

01. This ordinance grants to St. Charles Broadband, P.O. Box 547, O'Fallon, MO. 63366 a nonexclusive franchise. . . . . .

02. DEFINITIONS

F. "GRANTEE" Heartland Cable TV

TO

02. DEFINITIONS

F. "GRANTEE" St. Charles Broadband

SECTION II

All ordinances or parts of ordinances in conflict with this ordinance or with any of its provisions are in the extent of such conflict hereby repealed.

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 10th DAY OF November, 2008.

MARK D. WARNER, MAYOR

BILL NO. 284 ORDINANCE NO. 284

BILL NO. 284 ORDINANCE NO. 284

ATTEST: _____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

ST. CHARLES BROADBAND hereby accepts the franchise to install, maintain and operate a cable system in the City as set forth in the ordinance above, including all the terms and conditions thereof and agrees to become an active member of DigRite as required by law.

By: _____ Date: _____

BILL NO. 285 ORDINANCE NO. 285

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, SETTING THE FISCAL YEAR.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THIS ORDINANCE SHALL HEREBY SET THE FISCAL YEAR FOR THE CITY OF PORTAGE DES SIOUX TO ENCOMPASS THE PERIOD BEGINNING MAY 1ST THROUGH APRIL 30TH.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 13TH DAY OF July, 2009.

MARK D. WARNER, MAYOR

ATTEST:

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 285 ORDINANCE NO. 285

BILL NO. 286 ORDINANCE NO. 286

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH THE STATE OF MISSOURI/MISSOURI WATER PATROL ALLOWING ANTENNA AND EQUIPMENT TO BE INSTALLED ON AND AROUND THE WATER TOWER FOR EMERGENCY COMMUNICATIONS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE MAYOR AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX ARE HEREBY AUTHORIZED TO SIGN A CONTRACT WITH THE STATE OF MISSOURI/MISSOURI WATER PATROL ALLOWING FOR THE INSTALLATION OF ANTENNA AND EQUIPMENT ON AND AROUND THE WATER TOWER FOR EMERGENCY COMMUNICATIONS.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 2ND DAY OF August, 2010.

MARK D. WARNER, MAYOR

ATTEST:

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 286 ORDINANCE NO. 286

BILL NO. 287 ORDINANCE NO. 287

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, CHANGING ZONING ON PORTIONS OF THE PROPERTY OWNED BY CAMCOR PROPERTIES, LLC.

WHEREAS, THE FEE OWNER OF CAMCOR PROPERTIES, LLC IS REQUESTING THAT PORTIONS OF PROPERTY LOCATED WITHIN THE CITY OF PORTAGE DES SIOUX, MISSOURI BE ZONED COMMERCIAL; AND

WHEREAS, THE BOARD OF ALDERMEN HAS AGREED, AFTER GOING OVER THE PLANS AND HOLDING THREE (3) PUBLIC HEARINGS TO CONSIDER ANY QUESTIONS OR OBJECTIONS, TO COMPLY WITH THIS REQUEST; AND

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS;

SECTION I

CAMCOR PROPERTIES, LLC HAVING REQUESTED THAT PORTIONS OF PROPERTY OWNED BY THEM AND LOCATED WITHIN A FIRST CLASS COUNTY OF ST. CHARLES WITHIN THE CITY LIMITS OF PORTAGE DES SIOUX, MISSOURI, HEREAFTER KNOWN AS 'THE TREATY OF PORTAGE' BE ZONED COMMERCIAL.

SECTION II

THE FOLLOWING DESCRIBED TRACTS SHALL HEREAFTER BE ZONED COMMERCIAL PROPERTY:

'EXHIBIT A'
DESCRIPTION FOR LOTS 1, 2 AND 3

A TRACT OF LAND IN PART OF AND SITUATED IN US SURVEY'S 136 AND 172 OF THE PORTAGE DES SIOUX COMMON FIELDS, TOWNSHIP 48 NORTH, RANGE 6 EAST, ST. CHARLES COUNTY MISSOURI, BEING ALSO KNOW AS LOTS 1, 2 AND 3 OF THE TREATY OF PORTAGE AND FURTHER DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND RAILROAD SPIKE AT THE INTERSECTION OF THE WEST INE OF THE TOWN OF PORTAGE DES SIOUX AS RECORDED IN SURVEYOR'S PLAT BOOK 10 PAGE 20 OF THE ST. CHARLES COUNTY LAND RECORDS OFFICE, ST. CHARLES, MISSOURI, AND THE CENTER LINE OF PORTAGE ROAD, SAID RAILROAD SPIKE ALSO BEING LOCATED SOUTH 22°07'49" WEST A DISTANCE OF 463.56 FEET FROM THE NORTH LINE OF COMMONFIELD STREET (33' WIDE) FROM WHICH A FOUND STONE WITH CROSS BEARS 0.95 FEET WEST, THENCE WESTERLY ALONG THE CENTER LINE OF PORTAGE ROAD NORTH 68°00'00" WEST A DISTANCE 685.00 FEET TO A SET

BILL NO. 287 ORDINANCE NO. 287

RAILROAD SPIKE FROM WHICH A SET 24 INCH CONCRETE MONUMENT (TYPICAL) BEARS NORTH 22°05'40" EAST A DISTANCE OF 854.92 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED: THENCE NORTH 22°05'40" EAST A DISTANCE 873.89 FEET TO A CONCRETE MONUMENT, SAID MONUMENT BEING LOCATED ON THE SOUTH LINE OF SECOND STREET 50.00 FEET WIDE THENCE CONTINUING IN A EASTERLY DIRECTION ALONG THE SOUTH LINE OF SECOND STREET SOUTH 60°25'32" EAST A DISTANCE OF 357.00 FEET TO A SET CONCRETE MONUMENT, THENCE DEPARTING FROM SAID SECOND STREET. SOUTH 23°19'00" WEST A DISTANCE 170.70 FEET TO A SET CONCRETE MONUMENT, THENCE SOUTH 62°33'31" EAST A DISTANCE OF 286.03 FEET TO A POINY FROM WHICH A FOUND IRON PIPE BEARS SOUTH 70°59' EAST 1.9 FEET, THENCE SOUTH 22°07'49" WEST A DISTANCE OF 305.43 FEET TO A REBAR, THENCE NORTH 62°33'45" WEST A DISTANCE OF 294.47 FEET TO A REBAR, THENCE SOUTH 23°33'57" WEST A DISTANCE OF 50.11 FEET TO A REBAR,THENCE SOUTH 62°33'45" EAST A DISTANCE OF 345.94 FEET TO A CONCRETE MONUMENT, THENCE SOUTH 22°07'49" WEST A DISTANCE OF 269.11 FEET TO A REBAR, THENCE NORTH 68°00'00" A DISTANCE OF 685.56 FEET TO THE POINT OF BEGINNING.

'EXHIBIT B'
DESCRIPTION FOR LOT 5

A TRACT OF LAND IN PART OF AND SITUATED IN US SURVEY'S 136 AND 172 OF THE PORTAGE DES SIOUX COMMON FIELDS, TOWNSHIP 48 NORTH, RANGE 6 EAST, ST. CHARLES COUNTY, MISSOURI, BEING ALSO KNOWN AS LOT 5 OF THE TREATY OF PORTAGE AND FURTHER DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND RAILROAD SPIKE AT THE INTERSECTION OF THE WEST LINE OF THE TOWN OF PORTAGE DES SIOUX AS RECORDED IN SURVEYOR'S PLAT BOOK 10 PAGE 20 OF THE ST. CHARLES COUNTY LAND RECORDS OFFICE, ST. CHARLES , MISSOURI, AND THE CENTER LINE OF PORTAGE ROAD, SAID RAILROAD SPIKE ALSO BEING LOCATED SOUTH 22°07'49" WEST A DISTANCE OF 463.56 FEET FROM THE NORTH LINE OF COMMONS FIELD STREET (33' WIDE) FROM WHICH A FOUND STONE WITH CROSS BEARS 0.95 FEET WEST, THENCE WESTERLY ALONG THE CENTER LINE OF PORTAGE ROAD NORTH 68°00'00" WEST A DISTANCE 685.00 FEET TO A SET RAILROAD SPIKE FROM WHICH A SET 24 INCH CONCRETE MONUMENT (TYPICAL) BEARS NORTH 22°05'40" EAST A DISTANCE OF 25.00, THENCE FROM SAID SET RAILROAD SPIKE SOUTH 68°00'00" EAST A DISTANCE OF 300.02 FEET TO A REBAR. THENCE SOUTH 68°00'00" EAST A DISTANCE OF 360.00 FEET TO A REBAR, THENCE NORTH 22°07'49" EAST A DISTANCE OF 286.00 FEET TO A REBAR, THENCE NORTH 68°00'00" WEST A DISTANCE OF 360.00 FEET TO A REBAR, THENCE SOUTH 22°07'49" WEST A DISTANCE OF 286.00 FEET TO THE POINT OF BEGINNING.

SECTION III

ALL FEES CHARGED BY ST. CHARLES COUNTY RECORDER OF DEEDS CONCERNING THIS ZONING CHANGE ARE TO BE REIMBURSED TO THE CITY OF PORTAGE DES SIOUX BY THE OWNERS OF CAMCOR PROPERTIES, LLC.

SECTION IV

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE OR WITH ANY OF ITS PROVISIONS ARE, TO THE EXTENT OF SUCH CONFLICT, HEREBY REPEALED.

SECTION V

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN. THE ABOVE DESCRIBED CHANGE IS TO INCORPORATED WITHIN THE CITY FORTHWITH, AND THE CITY CLERK IS HEREBY TO NOTIFY THE ST. CHARLES COUNTY ASSESSOR'S AND RECORDER'S OFFICES.

PASSED AND APPROVED THIS 13th DAY OF September, 2010.

_____

MARK D. WARNER, MAYOR

ATTEST: _____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, PROVIDING FOR THE VOLUNTARY ANNEXATION OF A CERTAIN TRACT OF LAND OWNED BY RICHARD AND DEBORAH HANFF, TO THE CITY OF PORTAGE DES SIOUX, MISSOURI, UNDER THE PROVISIONS OF SECTION 71.014 REVISED MISSOURI STATUTES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THAT MISSOURI CITIES LOCATED WITHIN A COUNTY WHICH BORDERS A FIRST CLASS COUNTY WITH A CHARTER FORM OF GOVERNMENT WITH POPULATION IN EXCESS OF NINE HUNDRED THOUSAND, PORTAGE DES SIOUX BEING SUCH, HAVE THE AUTHORITY UNDER SECTION 71.014 R.S.MO. 1978, TO ANNEX UNINCORPORATED AREAS WHICH ARE CONTIGUOUS TO THE EXISTING CORPORATED LIMITS UPON VERIFIED PETITION REQUESTING SUCH ANNEXATION SIGNED BY THE OWNERS OF ALL FEE INTEREST OF RECORD.

SECTION II

THAT A VERIFIED PETITION FOR ANNEXATION HAS BEEN FILED WITH THE CITY OF PORTAGE DES SIOUX BY THE FEE OWNERS OF THE FOLLOWING DESCRIBED TRACT:

"EXHIBIT A"

A tract of land in Survey #102 of the Portage des Sioux Common Field, Township 48 North, Range 6 East, St. Charles County, Missouri, and more particularly described as follows: Beginning at a wooden post at the Northeast corner of Survey 98 of the Portage des Sioux Common Field, Township 48 North, Range 6 East; thence North 68 degrees 00' West 1989.24 feet to an old stone on the East line of Payne Road, being a County Road 40 feet wide, thence along the East line of said road, South 21 degrees 37' West 110 feet to an iron pipe, and which iron pipe marks the beginning point of the tract of land hereby described; thence South 68 degrees 00' East 200 feet to an iron pipe, thence South 21 degrees 37' West 125 feet to an iron pipe, thence North 68 degrees 00' West 200 feet to an iron pipe on the East line of Payne Road; thence along the East line of said road, North 21 degrees 37' East 125 feet to the place of beginning. All as per Survey executed by William G. Van Cleve Jr., during February, 1968.

SECTION III

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE OR WITH ANY OF ITS PROVISIONS ARE TO THE EXTENT OF SUCH CONFLICT, HEREBY REPEALED.

SECTION IV

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND BOARD OF ALDERMEN. THE ABOVE DESCRIBED TRACT IS TO BE INCORPORATED WITHIN THE CITY FORTHWITH, AND THE CITY CLERK IS HEREBY TO NOTIFY THE ST. CHARLES COUNTY ASSESSOR'S AND RECORDER'S OFFICES.

PASSED AND APPROVED THIS 1st DAY OF AUGUST, 2011.

_____

MARK D. WARNER, MAYOR

ATTEST: _____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

I, Suzie A. Cissell, the duly appointed, qualified and acting City Clerk of the City of Portage Des Sioux, Missouri, hereby certify the foregoing to be a true and correct copy of of the city Ordinance No. 288.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 1st day of August, 2011.

_____

Suzie A. Cissell
City Clerk

City Seal

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, CALLING A BOND ELECTION AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI (THE "CITY"), FINDS IT NECESSARY AND HEREBY DECLARES ITS INTENT TO BORROW UP TO $ 1,300,000.00 FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EXTENDING AND IMPROVING THE CITY'S SEWER SYSTEM, INCLUDING THE ACQUISITION OF REAL ESTATE AND EASEMENTS RELATED THERETO (THE "PROJECT"), AND TO EVIDENCE SUCH BORROWING BY THE ISSUANCE OF SEWER SYSTEM REVENUE BONDS OF THE CITY IN THE AMOUNT OF UP TO $ 1,300,000.00 .

SECTION II

A BOND ELECTION IS HEREBY ORDERED TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 8, 2011, ON THE FOLLOWING QUESTION:

QUESTION

SHALL THE CITY OF PORTAGE DES SIOUX, MISSOURI ISSUE ITS SEWER SYSTEM REVENUE BONDS IN THE AMOUNT OF UP TO ONE MILLION THREE HUNDRED THOUSAND DOLLARS ($1,300,000) FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EXTENDING AND IMPROVING THE CITY'S SEWER SYSTEM, INCLUDING THE ACQUISITION OF REAL ESTATE AND EASEMENTS RELATED THERETO, THE COST OF OPERATION AND THE PRINCIPAL OF AND INTEREST ON SAID REVENUE BONDS TO BE PAYABLE SOLELY FROM THE REVENUES DERIVED BY THE CITY FROM THE OPERATION OF ITS SEWER SYSTEM, INCLUDING ALL FUTURE EXTENSIONS AND IMPROVEMENTS THERETO?

THE AUTHORIZATION OF THE BONDS WILL AUTHORIZE THE CITY TO FIX, ESTABLISH, MAINTAIN AND COLLECT RATES AND CHARGES FOR SUCH SERVICES PROVIDED BY LAW, AS WILL PRODUCE INCOME AND REVENUES SUFFICIENT TO PROVIDE FUNDS TO PAY THE COSTS OF OPERATION AND MAINTENANCE OF SAID SEWER SYSTEM AND THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE AND TO PROVIDE FOR THE ESTABLISHMENT OF REASONABLE RESERVES THEREFOR.

SECTION III

THE FORM OF NOTICE OF BOND ELECTION SHOWING SAID QUESTION, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF, IS HEREBY APPROVED.

SECTION IV

THE CITY CLERK IS HEREBY AUTHORIZED AND DIRECTED TO NOTIFY THE DIRECTOR OF ELECTIONS OF SAINT CHARLES COUNTY, MISSOURI OF THE PASSAGE OF THIS ORDINANCE NO LATER THAN 5:00 P.M. ON TUESDAY, AUGUST 30, 2011 AND TO INCLUDE IN SAID NOTIFICATION ALL OF THE TERMS AND PROVISIONS REQUIRED BY CHAPTER 115 OF THE REVISED STATUTES OF MISSOURI, AS AMENDED.

SECTION V

THE CITY EXPECTS TO MAKE EXPENDITURES ON AND AFTER THE DATE OF PASSAGE OF THIS ORDINANCE IN CONNECTION WITH THE PROJECT AND THE CITY INTENDS TO REIMBURSE ITSELF FOR SUCH EXPENDITURES WITH THE PROCEEDS OF THE BONDS. THE MAXIMUM PRINCIPAL AMOUNT OF BONDS EXPECTED TO BE ISSUED FOR THE PROJECT IS $1,300,000.00.

SECTION VI

THE CITY HEREBY ENGAGES THE FIRM OF MCLINEY AND COMPANY, KANSAS CITY, MISSOURI AS UNDERWRITER AND THE FIRM OF GILMORE & BELL, P.C., KANSAS CITY, MISSOURI AS BOND COUNSEL WITH RESPECT TO THE BONDS.

SECTION VII

THE MAYOR, THE CITY CLERK AND OTHER OFFICERS AND REPRESENTATIVES OF THE CITY ARE HEREBY AUTHORIZED AND DIRECTED TO TAKE SUCH OTHER ACTION AS MAY BE NECESSARY TO CARRY OUT THE PURPOSE AND INTENT OF THIS ORDINANCE.

SECTION VIII

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL

PASSED AND APPROVED THIS 22nd DAY OF AUGUST, 2011.

BILL NO. 289 ORDINANCE NO. 289

MARK D. WARNER, MAYOR

ATTEST:

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 289 ORDINANCE NO. 289

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

I, Suzie A. Cissell, the duly appointed, qualified and acting City Clerk of the City of Portage Des Sioux, Missouri, hereby certify the foregoing to be a true and correct copy of of the City Ordinance No. 289.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 22nd day of August, 2011.

_____

Suzie A. Cissell
City Clerk

City Seal

BILL NO. 290 ORDINANCE NO. 290

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, REVISING CHARGES FOR THE USE OF THE SANITARY SEWER SYSTEM.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

IN ORDER TO COVER THE COSTS OF OPERATION AND A NECESSARY RESERVE THE CHARGE FOR SANITARY SEWER SYSTEM IS HEREBY INCREASED TO SIXTY-THREE DOLLARS AND EIGHTY-NINE CENTS ($63.89) PER MONTH FOR EACH LOT OR PARCEL OF LAND. IF THERE IS MORE THAN ONE RESIDENCE AND/OR BUSINESS ON A LOT OR PARCEL OF LAND EACH SINGLE FAMILY RESIDENCE OR INDIVIDUAL BUSINESS SHALL PAY SIXTY-THREE DOLLARS AND EIGHTY-NINE CENTS ($63.89) PER MONTH.

SECTION II

CHARGES WILL BE REDUCED BY TEN PERCENT (10%) TO SIX HUNDRED NINETY DOLLARS ($690) IF PAYMENT IS MADE IN ADVANCE BY NO LATER THAN FEBRUARY 28TH OF THAT YEAR. THE NOTICE OF THIS ANNUAL PAYMENT WILL BE ON THE JANUARY BILLING RECEIVED IN FEBRUARY.

SECTION III

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE OR WITH ANY OF ITS PROVISIONS ARE TO THE EXTENT OF SUCH CONFLICT, HEREBY REPEALED.

SECTION IV

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 5TH DAY OF DECEMBER, 2011.

MARK D. WARNER, MAYOR

BILL NO. 290 ORDINANCE NO. 290

ATTEST: _____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

CONTRACT WITH AMEREN FOR STREET LIGHTS

SEE ORIGINAL

BILL NO. 292 ORDINANCE NO. 292

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH BOONSLICK REGIONAL PLANNING COMMISSION FOR ADMINISTRATION OF THE SEWER PLANT PROJECT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE MAYOR AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX ARE HEREBY AUTHORIZED TO SIGN A CONTRACT WITH BOONSLICK REGIONAL PLANNING COMMISSION FOR THE ADMINISTRATION OF THE SEWER PLANT PROJECT.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 5TH DAY OF MARCH, 2012.

_____

MARK D. WARNER, MAYOR

ATTEST:_____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 292 ORDINANCE NO. 292

BILL NO. 293 ORDINANCE NO. 293

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH MECO ENGINEERING COMPANY, INC. FOR ENGINEERING OF THE SEWER PLANT PROJECT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE MAYOR AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX ARE HEREBY AUTHORIZED TO SIGN A CONTRACT WITH MECO ENGINEERING COMPANY, INC. FOR THE ENGINEERING OF THE SEWER PLANT PROJECT.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 5th DAY OF MARCH, 2012.

MARK D. WARNER, MAYOR

ATTEST:

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 293 ORDINANCE NO. 293

BILL NO. 294 ORDINANCE NO. 294

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN LEASES WITH TRANSCANADA KEYSTONE PIPELINE L.P.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE MAYOR AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX ARE HEREBY AUTHORIZED TO SIGN LEASES WITH TRANSCANADA KEYSTONE PIPELINE L.P.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 7th DAY OF MAY, 2012.

_____

MARK D. WARNER, MAYOR

ATTEST: _____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 294 ORDINANCE NO. 294

BILL NO. 295 ORDINANCE NO. 295

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH ST. CHARLES COUNTY HIGHWAY DEPARTMENT FOR FULL GENERAL ROAD MAINTENANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE MAYOR AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX ARE HEREBY AUTHORIZED TO SIGN A CONTRACT WITH ST. CHARLES COUNTY HIGHWAY DEPARTMENT FOR FULL GENERAL ROAD MAINTENANCE.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 8th DAY OF OCTOBER, 2012.

_____

MARK D. WARNER, MAYOR

ATTEST: _____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 295 ORDINANCE NO. 295

BILL NO. 296 ORDINANCE NO. 296

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, APPROVING THE ATTACHED DEVELOPMENT ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE ATTACHED COMPREHENSIVE DEVELOPMENT ORDINANCE, PLANNING AND ZONING REGULATIONS, PLANNING AND ZONING ORDINANCE WHICH CONTAINS 167 PAGES AND SUPERSEDES ALL PREVIOUS ZONING ORDINANCES.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 3rd DAY OF DECEMBER, 2012.

MARK D. WARNER, MAYOR

ATTEST:

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 296 ORDINANCE NO. 296

BILL NO. 297 ORDINANCE NO. 297

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE SEWER PROJECT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE MAYOR AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX ARE HEREBY AUTHORIZED TO SIGN A CONTRACT WITH COMMUNITY DEVELOPMENT BLOCK GRANT FOR CITY SEWER IMPROVEMENT PROJECT.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 6th DAY OF OCTOBER, 2014.

MARK D. WARNER, MAYOR

ATTEST:

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 297 ORDINANCE NO. 297

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, STATING THE PROCUREMENT POLICY OF THE CITY REGARDING CDBG.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE CITY OF PORTAGE DES SIOUX SHALL FOLLOW THE FOLLOWING PROCUREMENT POLICY FOR THE SEWER PROJECT:

1. **Small Purchases**

Formal bid solicitation procedures are not required under the Regulation for the purchase of items that cost less than $25,000. However, three written quotes should be obtained for all purchases in excess of $250. What is being purchased, either goods or services, should be clearly written. For purchases of less than $250, the purchasing officer may obtain informal price quotes by telephone or face-to-face inquiry. Price quote must be obtained from at least three qualified vendors. Prices obtained orally should be documented for the files.

2. **Competitive Sealed Bids**

Competitive Sealed Bids (formal advertising) are used when the goods or services are expected to be over $25,000 in cost. The invitation shall be publicly advertised for a period NOT less than three consecutive weeks (21 days) to allow sufficient time prior to the opening of bids. CDBG suggests allowing a period of 7 days between the final advertisement and designated bid opening. Bids shall be solicited from an adequate number of known suppliers. The invitation, including specifications and attachments, must clearly describe the goods or scope of services required permitting bidders to be responsive to the invitation. All bids must be opened publicly at the time and place stated in the invitation for bids. A firm-fixed price contract award must be made in writing to the responsive bidder whose bid is lowest, most responsible and responsive. All unsuccessful bidders must be notified in writing.

3. **Procurement by Competitive Proposals**

Procurement by competitive proposals may be used if conditions are not appropriate for the use of formal advertising. This type of procurement is most commonly used for professional services. The only area in which price is not used as a selection factor is in procurement of professional architectural or engineering (A/E) services. A/E firms may also be procured under qualifications for surveying and other services that require A/E degree. **Price must be a selection factor in the purchase of other types of services, such as easement acquisition, archeological services, legal, etc.** Only fixed price (a specified price to be paid when the items or services are delivered and accepted) or cost-reimbursement (price is usually reimbursed as costs are incurred) may be awarded. When using procurement by competitive proposals, the following requirements apply:

a. Proposals must be obtained from three or more qualified sources.

b. A Request for Qualifications/Proposals, which identifies all the factors that will be used to evaluate proposals and qualifications, including the importance that price or cost will play in the selection, must be issued and publicized. A period of at least 7 days to respond to an RSP or RFQ should be allowed.

c. For administration services, in order to comply with CDBG policy, a copy of the RFP must be made available to the area Regional Planning Commission as well as ALL grant administrators on the most current CDBG Administrators List in addition to all other procurement procedures. Failure to follow required procurement will either disallow the use of CDBG funds to pay for the service, or the process will have to be repeated correctly.

d. All proposals received must be evaluated. A written method for evaluation, which includes the significant factors used to determine the contract selection award, must be prepared and publicized along with the Request for Proposals.

e. The award may be made to the respondent whose proposal would be most advantageous to the recipient, considering prices and other factors identified in the Request for Proposals.

f. Unsuccessful respondents must be notified promptly in writing.

4. **Procurement by Noncompetitive Proposals**

A noncompetitive proposal is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Circumstances under which a contract may be awarded by noncompetitive proposals are limited to the following: (a) after solicitation from a number of sources, competition is determined inadequate; (b) the items or services required are available only from one source; (c)the State authorizes the noncompetitive method; or (d)a public emergency is such that the urgency will not permit a delay beyond the time needed to employ one of the other medthods described above. The mere fact that a contractor is performing other consultant services for the grantee is not in itself an adequate justification for a noncompetitive proposal award. **DED must approve the method of procurement prior to contract award where fewer than three qualifications/proposals/bids have been obtained**.

Construction Projects
All construction procurements should follow the competitive sealed bid (formal advertisement)procurement method. A number of firms are generally able to supply these services. To facilitate competitive bidding, a list of prospective contractors for each type of activity should be assembled. The list should include reputable firms or persons who have a good performance record, including minority and project area contractors. Prospective contractors from the appropriate category should be invited to bid. DED,HUD, and the Department of Labor maintain a list of excluded bidders. Recipients are required to contact DED to ensure that contractors are eligible. (See the Labor Standards Chapter.)

Missouri Reciprocity Law
Missouri State Statute 34.076 says the Missouri communities are legally compelled to award contracts to Missouri bidders when the bid is with the percentage of bid preference established by another state's reciprocity law. This law applies to all bids over $500.00. Specific inquiries regarding this requirement should be directed to the Missouri Office of Administration, Division of Purchasing, at (573)751-2387.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 1st DAY OF December, 2014.

MARK D. WARNER, MAYOR

ATTEST:

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, TO ADOPT THE STANDARD OF CONDUCT INVOLVING CONFLICT OF INTEREST FOR THE MISSOURI BLOCK GRANT PROGRAM.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE FOLLOWING RULES WILL BE FOLLOWED BY THE CITY REGARDING THE STANDARD OF CONDUCT INVOLVING CONFLICT OF INTEREST FOR THE MISSOURI BLOCK GRANT PROGRAM:

1) Persons Covered: The conflict of interest provisions of this policy shall apply to any person who is an employee, elected or appointed official, agent, consultant, officer, or any immediate family member* or business partner of the above, of the recipient, or of any designated public agencies, or sub-recipients which are receiving funds from the Missouri Block Grant program.

***Immediate family is defined as husband, wife, son, daughter, stepchild, adopted child, foster child and wards.**

2) Applicability:

   a) In the area of procurement of supplies, equipment, construction and services by recipients, sub-recipients or designated public agencies, the conflict of interest provisions in 24 CFR 85.36 or OMB Circular A-110, as applicablle, shall apply.
   b) In all cases not governed by 24 CFR 85.36, the provisions of this policy shall apply. Such cases include the acquisition and disposition of real property and the provisions of assistance by the recipient or sub-recipient to individuals, business and other private entities in the form of grants, loans, or other assistance through eligible activities of the program which authorize assistance.

3) Conflicts Prohibited: Except for approved eligible administrative or personnel cost, no persons described in 1; above who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under the State program or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. For the State CDBG Economic Development Program, the above restrictions shall apply to all activities that are a part of the funding approval for all projects, and shall cover any such interest or benefit during, or at any time after, such person’s tenure.

4) Exception: The State may, on a case by case basis, grant an exception to

Section 3 above after a determination has been made by the State that the exception will serve the purpose of the Housing and Community Development Act of 1974 and the State's adopted Final Statement for each year therefor only after the recipient has provided to the State the following written documentation:

a) A disclosure of the nature of the conflict accompanies by an assurance that there has been a public disclosure of the conflict and description of how the disclosure was made; (which may include either a public hearing or an appropriate comment period) and

b) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

Standard of Determining Exception

In determining whether to grant an exception, after the above two items have been received, the State shall consider the following factors, where applicable:

1) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;

2) Whether an opportunity was provided for open competitive bidding or negotiation;

3) Whether the person affected is a member of a group or class of low or moderate income persons intended to be the beneficiaries of the assisted activity and the exception will permit such person to receive generally the same interest or benefits as are being made available or provided to the group or class;

4) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;

5) Whether the interest or benefit was present before the affected person was in a position as described in Section 3;

6) Whether undue hardship will result either to the recipient or the person affected when weighted against the public interest served by avoiding the prohibited conflict; and

7) Any other relevant considerations.

If after all considerations, determination is made to grant an exception, the State shall issue a waiver noting such exception and the conditions and basis of the issuance of same.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 1st DAY OF December, 2014.

MARK D. WARNER, MAYOR

ATTEST:

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 300 ORDINANCE NO. 300

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AMEDNDING STOP SIGN ORDINANCES ALREADY IN FORCE WITHIN THE CITY OF PORTAGE DES SIOUX, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

Ordinance No. 213 Section XVIII regarding the intersection of Dumond and Second Streets has typograhical error. Last sentence in this Section written: "intersection of Church and Saucier Streets." should be: "intersection of Dumond and Second Streets."

SECTION II

Ordinance No. 243 shall be revoked in it's entirety, reverting this stop sign back to two way stop when coming east or west on Main at LeSieur Street as stated in Ordinance No. 213 Section IV.

SECTION III

Ordinance No. 277 Section II regarding the intersection of Commonfield and Dumond Streets shall be revoked, reverting this stop sign back to stop when coming south on Dumond Street at Commonfield as stated in Ordinance No. 213 Section I.

SECTION IV

A major stop sign shall be established at the intersection of Fourth Street and Dumond Street. All traffic coming west on Fourth Street shall come to a complete stop when reaching said sign at the intersection of Fourth and Dumond Streets.

SECTION V

If any section , subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

BILL NO. 300 ORDINANCE NO. 300

SECTION VI

All ordinances or parts of ordinances conflicting with this ordinance are hereby revoked.

SECTION VII

This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and the Board of Aldermen.

Passed and approved this 11th day of May, 2015.

Mayor Mark D. Warner

Attest:

City Clerk - Suzie A. Cissell

City Seal

BILL NO. 301 ORDINANCE NO. 301

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, PROVIDING FOR THE SEWER LINE EXTENSION FROM 1390 PAYNE ROAD TO THE MANHOLE NEAR 1570 LAWRENCE STREET.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THIS AGREEMENT IS MADE BETWEEN THE CITY OF PORTAGE DES SIOUX AND DENISE AND CURT TUSLER ALLOWING THE PLACEMENT OF A FORCED SEWER LINE FROM THEIR PROPERTY AT 1390 PAYNE ROAD TO THE MANHOLE AT ABOUT 1570 LAWRENCE STREET. THE LINE IS RUN IN THE DITCH ON THE NORTH AND EAST SIDE OF THE ROAD WITHIN THE STREET RIGHT OF WAY.

SECTION II

ALL OF EXPENSE OF INSTALLATION IS PAID BY THE TUSLER'S. THE PIT WITH THE PUMP IS LOCATED ON THE 1390 PAYNE ROAD PROPERTY THE LINE IS ON CITY PROPERTY. AS PER THE FOLLOWING;

1. ALL NECESSARY EQUIPMENT LINES AND FIXTURES WILL BE FURNISHED AND INSTALLED BY THE TUSLER'S AS PER THE SPECIFICATIONS APPROVED BY MECO ENGINEERING AND THE ZONING BOARD.

2. THE EQUIPMENT AND LINE UP TO THE MANHOLE SHALL BE OWNED BY THE TUSLER'S. IF ADDITIONAL CONNECTIONS ARE APPROVED, A PRORATED CHARGE OF $1.35 PER FOOT IS TO BE PAID TO THE CURT TUSLER FAMILY.

3. IF IN THE FUTURE ADJACENT PROPERTY OWNERS RECEIVE CITY APPROVAL TO CONNECT TO THE FORCED MAIN LINE, EACH ADJACENT PROPERTY WILL BE REQUIRED TO CONNECT DIRECTLY TO THE LINE USING THEN CURRENT PLUMBING CODES AND BEST PRACTICES. IN NO INSTANCE ARE PROPERTY OWNERS ALLOWED TO SHARE THE PUMPING EQUIPMENT. THE CAPACITY OF THE LOW PRESSURE FORCED MAIN LINE CANNOT BE EXCEEDED. CURRENTLY THIS IS THREE SINGLE FAMILY RESIDENCES FOR THE 2" LINE.

4. ALL ELECTRIC BILLS, CLEAN OUTS, MOTOR REPLACEMENTS AND GENERAL MAINTENANCE WILL BE PERFORMED BY THE PROPERTY OWNER(S).

5. THE MONTHLY SEWER RATE IS THE ESTABLISHED RATE THAT ALL RESIDENTS PAY.

6. THE CITY AGREES TO ALLOW CURT TUSLER, HEIRS, OR SUCCESSORS TO PLACE THIS 2" LINE WITHIN THE STREET RIGHT OF WAY AND HAVE REASONABLE ACCESS AS NEEDED TO MAINTAIN THE LINE.

7. THIS AGREEMENT EXTENDS TO ANY FUTURE OWNER(S) UNTIL THERE IS NO LONGER A NEED FOR THE FORCED LOW PRESSURE SEWER LINE.

SECTION III

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE OR WITH ANY OF ITS PROVISIONS ARE TO THE EXTENT OF SUCH CONFLICT, HEREBY REPEALED.

SECTION IV

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL THE MAYOR AND BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 9th DAY OF January, 2017.

AGREED TO BY:

_____

CURT TUSLER

_____

DENISE TUSLER

BILL NO. 301 ORDINANCE NO. 301

MARK D. WARNER, MAYOR

SUZIE A. CISSELL, CLERK

CITY SEAL

BILL NO. 301 ORDINANCE NO. 301

CITY of PORTAGE DES SIOUX

FLOODPLAIN MANAGEMENT ORDINANCE

The following ordinance pertains to the special flood hazard areas in Portage Des Sioux that participate in the Regular Program Phase of the National Flood Insurance Program. It has been designed to meet minimum Federal requirements as published in Title 44 of the Code of Federal Regulations.

This ordinance does not prohibit development in the special flood hazard areas. It does set forth minimum performance standards for new construction or substantially improved structures.

FLOODPLAIN MANAGEMENT ORDINANCE

ARTICLE 1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Missouri has in RSMo 79.110 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the Board of Aldermen of the City of Portage Des Sioux, Missouri ordains as follows:

SECTION B. FINDINGS OF FACT

1. *Flood Losses Resulting from Periodic Inundation*

   The special flood hazard areas of the City of Portage Des Sioux, Missouri are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

2. *General Causes of the Flood Losses*

   These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

3. *Methods Used To Analyze Flood Hazards*

   The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

   a. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this ordinance is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for St. Charles County dated January 20, 2016 as amended, and any future revisions thereto.

   b. Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

c. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.

d. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.

e. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare; to minimize those losses described in Article 1, Section B (1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this ordinance to:

1. restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;

2. require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and

3. protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

ARTICLE 2 GENERAL PROVISIONS

SECTION A. LANDS TO WHICH ORDINANCE APPLIES

This ordinance shall apply to all lands within the jurisdiction of the City of Portage Des Sioux, Missouri identified as numbered and unnumbered A zones and AE zones, on the Flood Insurance Rate Map (FIRM) for St. Charles County on map panel 29183C0150G, dated January 20, 2016 as amended, and any future revisions thereto. In all areas covered by this ordinance, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article 4.

SECTION B. FLOODPLAIN ADMINISTRATOR

The Zoning Commissioner is hereby designated as the Floodplain Administrator under this ordinance.

SECTION C. COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION D. ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

SECTION E. INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

SECTION F. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create a liability on the part of the City of Portage Des Sioux, any officer or employee thereof, for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION G. SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

ARTICLE 3 ADMINISTRATION

SECTION A. FLOODPLAIN DEVELOPMENT PERMIT **(REQUIRED)**

A floodplain development permit shall be required for all proposed construction or other development,

including the placement of manufactured homes, in the areas described in Article 2, Section A. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

SECTION B. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Zoning Commissioner is hereby appointed to administer and implement the provisions of this ordinance.

SECTION C. DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

Duties of the Zoning Commissioner shall include, but not be limited to:

1. review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;

2. review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;

3. review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;

4. issue floodplain development permits for all approved applications;

5. notify adjacent communities and the Missouri State Emergency Management Agency (Mo SEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

6. assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.

7. verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;

8. verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;

9. when floodproofing techniques are utilized for a particular non-residential structure, the Zoning Commissioner shall require certification from a registered professional

engineer or architect.

SECTION D. APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

1. describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;

2. identify and describe the work to be covered by the floodplain development permit;

3. indicate the use or occupancy for which the proposed work is intended;

4. indicate the assessed value of the structure and the fair market value of the improvement;

5. specify whether development is located in designated flood fringe or floodway;

6. identify the existing base flood elevation and the elevation of the proposed development;

7. give such other information as reasonably may be required by the Zoning Commissioner;

8. be accompanied by plans and specifications for proposed construction; and

9. be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

ARTICLE 4 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

1. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones and AE zones, unless the conditions of this section are satisfied.

2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.

3. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A zone or AE zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when

combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

4. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:

   a. design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

   b. construction with materials resistant to flood damage;

   c. utilization of methods and practices that minimize flood damages;

   d. all electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

   e. new or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and

   f. subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:

      (1) all such proposals are consistent with the need to minimize flood damage;

      (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

      (3) adequate drainage is provided so as to reduce exposure to flood hazards; and

      (4) all proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

5. *Storage, material, and equipment*

   a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

   b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

6. *Accessory Structures*

Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 750 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the struc

ture is of single-wall design; a variance has been granted from the standard floodplain management requirements of this ordinance; and a floodplain development permit has been issued.

7. *Agricultural Structures*

Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this ordinance; and a floodplain development permit has been issued.

SECTION B. SPECIFIC STANDARDS

1. In all areas identified as numbered and unnumbered A zones and AE zones, where **base flood elevation** data have been provided, as set forth in Article 4, Section A(2), the following provisions are required:

a. *Residential Construction*

New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to 441 feet above mean sea level.

b. *Non-Residential Construction*

New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to 441 feet above mean sea level or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 3, Section C(9).

c. Require, for all new construction and substantial-improvements that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and

(2) the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

SECTION C. MANUFACTURED HOMES

1. All manufactured homes to be placed within all unnumbered and numbered A zones and AE zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

2. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones and AE zones, on the community's FIRM on sites:

a. outside of manufactured home park or subdivision;

b. in a new manufactured home park or subdivision;

c. in an expansion to and existing manufactured home park or subdivision; or

d. in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial-damage as the result of a flood,

be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to 441 feet above mean sea level and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones and AE zones, on the community's FIRM, that are not subject to the provisions of Article 4, Section C(2) of this ordinance, be elevated so that either:

a. the lowest floor of the manufactured home is at 441 feet above mean sea level; or

b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

SECTION D. FLOODWAY

Located within areas of special flood hazard established in Article 2, Section A are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.

2. The community shall prohibit any encroachments, including fill, new construction, substantial-improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in **any** increase in flood levels within the community during the occurrence of the base flood discharge.

3. If Article 4, Section D(2) is satisfied, all new construction and substantial-improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

4. In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Article 4, Section A(2).

SECTION E. RECREATIONAL VEHICLES

1. Require that recreational vehicles placed on sites within all unnumbered and numbered A zones and AE zones on the community's FIRM either:

a. be on the site for fewer than 180 consecutive days,

b. be fully licensed and ready for highway use*; or

c. meet the permitting, elevation, and the anchoring requirements for manufactured homes of this ordinance.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

ARTICLE 5 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

SECTION A. ESTABLISHMENT OF APPEAL BOARD

The Board of Adjustment as established by the City of Portage Des Sioux shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

SECTION B. RESPONSIBILITY OF APPEAL BOARD

Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Zoning Commissioner, the applicant may apply for such floodplain development permit or variance directly to the Board of Adjustment, as defined in Article 5, Section A.

The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Commissioner in the enforcement or administration of this ordinance.

SECTION C. FURTHER APPEALS

Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the St. Charles County Circuit Court as provided in RSMo 89.110.

SECTION D. FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

1. the danger to life and property due to flood damage;

2. the danger that materials may be swept onto other lands to the injury of others;

3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. the importance of the services provided by the proposed facility to the community;

5. the necessity to the facility of a waterfront location, where applicable;

6. the availability of alternative locations, not subject to flood damage, for the proposed use;

7. the compatibility of the proposed use with existing and anticipated development;

8. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. the safety of access to the property in times of flood for ordinary and emergency vehicles;

10. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if

applicable, expected at the site; and,

11. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

SECTION E. CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

1. Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination ***provided the proposed activity will not preclude the structure's continued historic designation.***

3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

6. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

SECTION F. CONDITIONS FOR APPROVING VARIANCES FOR AGRICULTURAL STRUCTURES

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article 5, Sections D and E of this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

1. All agricultural structures considered for a variance from the floodplain management regulations

of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures.

2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (4)(b) of this ordinance.

4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Article 4, Section A (4)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is

capable of resisting damage during flood conditions in accordance with Article 4, Section A (4)(d) of this ordinance.

6. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article 4, Section B (1)(c) of this ordinance.

7. The agricultural structures must comply with the floodplain management floodway encroachment provisions of Article 4, Section D(2) of this ordinance. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.

8. Major equipment, machinery, or other contents must be protected from any flood damage.

9. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.

10. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

11. Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

SECTION G. CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES

Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article 5, Sections D and E of this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.

1. Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (4)(b) of this ordinance.

3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Article 4, Section A (4)(a) of this ordinance. All of

   the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

4. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (4)(d) of this ordinance.

5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article 4, Section B (1)(c) of this ordinance.

6. The accessory structures must comply with the floodplain management floodway encroachment provisions of Article 4, Section D(2) of this ordinance. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.

7. Equipment, machinery, or other contents must be protected from any flood damage.

8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.

9. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of

insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

10. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

ARTICLE 6 PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $ 1,000.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City of Portage Des Sioux or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 7 AMENDMENTS

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended,

supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Portage Des Sioux least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this ordinance are in compliance with the National Flood Insurance Program (NFIP) regulations.

ARTICLE 8 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning they have in common usage and to give this ordinance its most reasonable application.

"100-year Flood" *see "base flood."*

"Accessory Structure" means the same as *"appurtenant structure."*

"Actuarial Rates" *see "risk premium rates."*

"Administrator" means the Federal Insurance Administrator.

"Agency" means the Federal Emergency Management Agency (FEMA).

"Agricultural Commodities" means agricultural products and livestock.

"Agricultural Structure" means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

"Appeal" means a request for review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

"Appurtenant Structure" means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the structure having its floor subgrade (below ground level) on all sides.

"Building" *see "structure."*

"Chief Executive Officer" or "Chief Elected Official" means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

"Community" means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Elevated Building" means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Eligible Community" or "Participating Community" means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program

(NFIP).

"Existing Construction" means for the purposes of determining rates, structures for which the *"start of construction"* commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *"Existing construction"* may also be referred to as *"existing structures."*

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards.

"Flood Fringe" means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source *(see "flooding").*

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

"Floodplain Management Regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police
power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

"Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floodway Encroachment Lines" means the lines marking the limits of floodways on Federal, State and local floodplain maps.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. *"Freeboard"* tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are

necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to

qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, **provided** that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *"manufactured home"* **does not include** a *"recreational vehicle."*

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

"Market Value" or "Fair Market Value" means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

"Mean Sea Level" means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

"New Construction" means, for the purposes of determining insurance rates, structures for which the *"start of construction"* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *"new construction"* means structures for which the *"start of construction"*

commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain

management regulations adopted by the community.

"(NFIP)" means the National Flood Insurance Program (NFIP).

"Participating Community" also known as an *"eligible community,"* means a community in which the Administrator has authorized the sale of flood insurance.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

"Recreational Vehicle" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light- duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Remedy A Violation" means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

"Repetitive Loss" means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

"Risk Premium Rates" means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. *"Risk premium rates"* include provisions for operating costs and allowances.

"Special Flood Hazard Area" *see "area of special flood hazard."*

"Special Hazard Area" means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A and AE.

"Start of Construction" includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or

other improvements were within 180 days of the permit date. The ***actual start*** means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation

for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the ***actual start of construction*** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

"Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *"Structure"* for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

"Substantial-Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

For the purposes of this definition, “repair” is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or

b.) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”, or

c.) Any improvement to a building.

"Substantial Improvement" means any combination of reconstruction, alteration, or improvement to a building, in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures,

which have incurred “repetitive loss” or “substantial damage”, regardless of the actual repair work done**.**

The term does not apply to:

a.) any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or

b.) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” Or

c.) Any building that has been damaged from any source or is categorized as repetitive loss.

** Recommend development of written and adopted policy and procedure.

"Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

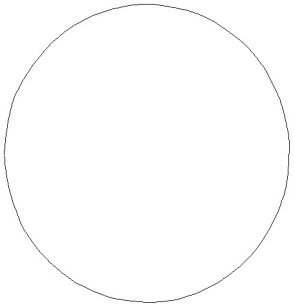
ARTICLE 9 CERTIFICATE OF ADOPTION

This Floodplain Management Ordinance for the community of the City of Portage Des Sioux, Missouri.

ADOPTED AND APPROVED by the Board of Aldermen of the City of Portage Des Sioux, Missouri.

This 14th day of December , 20 15 .

Place seal here.



_____

Mayor (Signature)

Mark D. Warner Mayor
Name Title
Chief Executive Officer/Chief Elected Official (Typed/printed)

ATTEST:

_____

City Clerk (Signature)

Suzie A. Cissell City Clerk
Name (Typed/printed) Title

NOTES

BILL NO. 303 ORD NO. 303

An ordinance of the city of Portage des Sioux, Missouri amending the city Floodplain Ordinance No. 302 dated December 14, 2015.

ARTICLE 8 DEFINITIONS

> "Mean Sea Level" means, for purposes of the National Flood Insurance Program (NFIP), the North American Vertical Datum (NAVD) of 1988 to which base flood elevation shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

This ordinance shall take effect and be in full force from and after its passage by the Mayor and the Board of Aldermen.

Passed and approved this 4th day of January, 2016.

_____

Mayor Mark D. Warner

Attest: _____

City Clerk Suzie A. Cissell

City Seal

BILL NO. 303 ORD NO. 303

BILL NO. 304 ORDINANCE NO. 304

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, GRANTING AUTHORITY TO THE MAYOR AND THE CITY CLERK OF PORTAGE DES SIOUX TO SIGN A CONTRACT WITH DONALD HOPKINS FOR BACKUP OPERATOR FOR SEWER AND WATER DEPARTMENTS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE MAYOR AND CITY CLERK OF THE CITY OF PORTAGE DES SIOUX ARE HEREBY AUTHORIZED TO SIGN A CONTRACT WITH DONALD HOPKINS TO ACT AS BACKUP OPERATOR FOR THE SEWER AND WATER DEPARTMENT.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 11th DAY OF JANUARY, 2016.

_____

MARK D. WARNER, MAYOR

ATTEST: _____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 304 ORDINANCE NO. 304

AN ORDINANCE OF THE CITY OF OF PORTAGE DES SIOUX, MISSOURI IMPOSING A USE TAX AT THE RATE OF ONE PERCENT (1.00%) PURSUANT TO THE AUTHORITY GRANTED BY AND SUBJECT TO PROVISIONS OF RSMO SECTIONS 144.600 THROUGH 144.761; PROVIDING FOR USE TAX TO BE REPEALED, REDUCED OR RAISED IN THE SAME AMOUNT AS THE CITY SALES TAX IS REPEALED, REDUCED OR RAISED; AND PROVIDING FOR THE SUBMISSION OF THE PROPOSAL (PROPOSITION 1) TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE MUNICIPAL ELECTION TO BE HELD APRIL 5, 2016.

WHEREAS, the city has imposed local sales taxes, as defined in RSMO Section 32.085 at the rate of one percent 1.00%, and

WHEREAS, the city is authorized under RSMO Section 144.757 to impose a local use tax at a rate equal to the rate of the local sales taxes in effect in the city, and

WHEREAS, the use tax is only paid on certain out-of-state purchases and sales tax is paid on certain in-state-purchases; therefore consumers will never pay both use and sales tax on any purchase, and

WHEREAS, the proposed city use tax cannot become effective until approved by the voters at a municipal election.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF PORTAGE DES, MISSOURI AS FOLLOWS:

SECTION 1: Pursuant to the authority granted by, and subject to, the provisions of RSMo Sections 144.600 through 144.761, a use tax is imposed for the privilege of storing, using, or consuming within the city any article of tangible personal property. This tax does not apply with respect to the storage, use, or consumption of any article of tangible personal property purchased, produced, or manufactured outside this state until the transportation of the article has finally come to rest within this city or until the article has become commingled with the general mass of property in this city.

SECTION 2: The rate of the tax shall be one percent (1.00%). If any city sales tax is repealed or the rate thereof is reduced by voter approval, the city use tax rate also shall be deemed to be repealed, reduced, or raised by the same action repealing, reducing or raising the city sales tax.

SECTION 3: This tax shall be submitted to the qualified voters of the City of Portage des Sioux, Missouri for their approval, as required by the provisions of RSMo Section 144.757 at the

municipal election call and to be held in the city on the 5th day of April, 2016. The ballot submission shall contain substantially the following language:

NOTICE OF MUNICIPAL ELECTION
CITY OF PORTAGE DES SIOUX, MISSOURI

In an attempt to eliminate the unfair advantage enjoyed by out-of-state vendors over local vendors, shall the City of Portage des Sioux discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in a reduction of local revenue to provide for vital services for the City of Portage des Sioux and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats and trailers..

[ ] YES [ ] NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

SECTION 4: Within ten (10) days after the approval of this Proposition by the qualified voters of the City of Portage des Sioux, Missouri the City Clerk shall forward to the Director of Revenue of the State of Missouri by United States Registered mail or certified mail, a certified copy of this ordinance together with certifications of the election returns and accompanied by a map of the city clearly showing the boundaries thereof.

SECTION 5: JUDGES. The Election shall be conducted by several judges appointed to serve at the Election.

SECTION 6: POLLING PLACES. The said polling places shall be open on the day of the Election at the hour of 6:00 o'clock a.m. and shall remain open until the hour of 7:00 o'clock p.m. on said date. The said Election shall be held and conducted and the results thereof shall be certified, canvassed and declared in all respects in conformity with the Constitution and laws of the State of Missouri governing elections in the City of Portage des Sioux and in accordance with the ordinances of the City of Portage des Sioux.

SECTION 7: The County Clerk is hereby authorized and directed to furnish the judges and clerks of said Election with all poll books, tally sheets, ballots, ballot boxes and other supplies necessary for the conduct of said Election.

SECTION 8. That the City Clerk shall be and is hereby directed to transmit a certified copy of this Ordinance and Notice of Election with Sample Ballot to the St. Charles County Election Authority and that said St. Charles County Election Authority is hereby requested to take such action as may be required of them by law in the premises.

SECTION 9: This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Approved and adopted this 22nd day of January, 2016.

_____
Mayor

_____
City Clerk

City Seal

BILL NO. 305A **ORDINANCE NO. 305A**

This ordinance was written to replace Ordinance 305 signed on 22nd day of January, 2016.

AN ORDINANCE OF THE CITY OF OF PORTAGE DES SIOUX, MISSOURI TO DISCONTINUE THE APPLICATION AND COLLECTION OF A LOCAL SALES TAX PURSUANT TO THE AUTHORITY GRANTED BY AND SUBJECT TO PROVISIONS OF RSMO SECTION 32.087 AND PROVIDING FOR THE SUBMISSION OF THE PROPOSAL (PROPOSITION 1) TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT MUNICIPAL ELECTION TO BE HELD APRIL 5, 2016.

WHEREAS, the city has imposed local sales taxes, as defined in RSMO Section 32.087 at the rate of one percent 1.00%, and

WHEREAS, the city is required under the provisions of RSMO Section 32.087 to submit to the qualified voters of the City the question of repealing the application of the local sales tax to the titling of motor vehicles, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer,

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF PORTAGE DES, MISSOURI AS FOLLOWS:

SECTION 1: The rate of local sales tax is one percent (1.00%). If any City sales tax is discontinued or the rate thereof is reduced by voter approval, the city tax rate also shall be deemed to be repealed , reduced, or raised by same action repealing, reducing or raising the city sales tax.

SECTION 2: This proposition shall be submitted to the qualified voters of the City of Portage des Sioux, Missouri for their approval or disapproval, as required by the provisions of RSMo Section 32.087 at the municipal election called and to be held in the City on 5th day of April, 2016. The ballot submission shall contain substantially the following language:

SECTION 3: If the ballot question set forth in this ordinance receives a majority of the votes cast in favor of the proposal, the local sales tax shall cease to apply to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer. The effective date of the cessation shall be the first day of the second calendar quarter after the election. If a majority of the votes cast are opposed to the ballot question then the local sales tax shall continue to apply to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

BILL NO. 305A **ORDINANCE NO. 305A**

NOTICE OF MUNICIPAL ELECTION
CITY OF PORTAGE DES SIOUX, MISSOURI

PROPOSITION 1

In an attempt to eliminate the unfair advantage enjoyed by out-of-state vendors over local vendors, shall the City of Portage des Sioux discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in a reduction of local revenue to provide for vital services for the City of Portage des Sioux and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats and trailers..

[ ] YES [ ] NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

SECTION 4: Within ten (10) days after the approval of this Proposition by the qualified voters of the City of Portage des Sioux, Missouri the City Clerk shall forward to the Director of Revenue of the State of Missouri by United States Registered mail or certified mail, a certified copy of this ordinance together with certifications of the election returns and accompanied by a map of the city clearly showing the boundaries thereof.

SECTION 5: JUDGES. The Election shall be conducted by several judges appointed to serve at the Election.

SECTION 6: POLLING PLACES. The said polling places shall be open on the day of the Election at the hour of 6:00 o'clock a.m. and shall remain open until the hour of 7:00 o'clock p.m. on said date. The said Election shall be held and conducted and the results thereof shall be certified, canvassed and declared in all respects in conformity with the Constitution and laws of the State of Missouri governing elections in the City of Portage des Sioux and in accordance with the ordinances of the City of Portage des Sioux.

SECTION 7: The County Clerk is hereby authorized and directed to furnish the judges and clerks of said Election with all poll books, tally sheets, ballots, ballot boxes and other supplies necessary for the conduct of said Election.

SECTION 8. That the City Clerk shall be and is hereby directed to transmit a certified copy of this Ordinance and Notice of Election with Sample Ballot to the St. Charles County Election Authority and that said St. Charles County Election Authority is hereby requested to take such action as may be required of them by law in the premises.

SECTION 9: This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Approved and adopted this 6th day of February, 2017.

_____
Mayor

_____
City Clerk

City Seal

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, BANNING LEAD IN PUBLIC AND PRIVATE DRINKING WATER PLUMBING.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

A. Purpose. The purpose of this ordinance is:

1) To ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and

2) To protect city residents from lead contamination in the city's public drinking water system and their own private plumbing systems.

B. Application. This ordinance shall apply to all premises served by the public drinking water system of the City of Portage des Sioux.

C. Policy. This ordinance will be reasonably interpreted by the water purveyor. It is the purveyors intent to ban the use of lead based material in the construction or modification of the city's drinking water system or private plumbing connected to the city system. The cooperation of all consumers is required to implement the lead ban.

If, in the judgement of the water purveyor or his authorized reprensentative, lead based materials have been used in construction or modifications after January 1, 1989, due notice shall be given to the consumer. The consumer shall immediately comply by having the lead base materials removed from the plumbing system and replaced with lead free materials. If the lead base materials are not removed from the plumbing system, the water purveyor shall have the right to discontinue water service to the premises.

SECTION II

Definitions

A. The following definitions shall apply in the interpretation and enforcement of this ordinance.

1) "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system.

2) "Lead base materials" means any material containing lead in excess of the quantities specified in Section II, A. 3;

3) "Lead free" means:

A. In General.

1) When used with respect to solder and flux, refers to solders and flux containing not more than 0.2 percent (0.2%)lead; and

2) When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than 0.25 percent (0.25%)lead.

B. Calculation
The weighted averaqge lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with paragraph (A)(2). For lead content of materials that are provided as range, the maximum content of the range shall be used.

4) "Public drinking water system" means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestc purposed and meets the requirements of the Missouri Department of Natural Resources; and

5) "Water purveyor" means the owner, operator, or individual in responsible charge of a public water system.

6) "Exemptions"

A. Pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for non-potable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

B. Toilets, bidets, urinals, fill valves, flush-o-meter valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

SECTION III

Lead Banned from Drinking Water Plumbing

A. No water service connection shall be installed or maintained to any premises where lead base materials were used in new construciton or modifications of the drinking water plumbing after January 1, 1989.

B. If a premises is found to be in violation of Section III. A., water service shall be discontinued until such time that the drinking water plumbing is lead free.

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 5th DAY OF November, 2018.

MARK D. WARNER, MAYOR

ATTEST:

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI FOR CONTROL OF CROSS CONNECTION (BACKFLOW).

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI AS FOLLOWS:

SECTION I

Cross Connection Control - General Policy

A. Purpose. The purpose of this ordinance is:

1. To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.

2. To promote the elimination, containment, isolation, or control of existing cross connections, actual or potential, between the public or consumer's potable water system and non-potable water system, plumbing fixtures, and industrial-process systems.

3. To provide for the maintenance of continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. Application. This ordinance shall apply to all premises served by the public potable water system of the City of Portage des Sioux.

C. Policy. This ordinance will be reasonably interpreted by the water purveyor. It is the water purveyor's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

The water purveyor shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow of contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross connections. The water purveyor and consumer are jointly responsible for preventing contamination of the water system.

If, in the judgement of the water purveyor or his authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention assembly, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at his own expense; and failure refusal, or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided.

SECTION II

Definitions

A. The definitions listed in Appendix A shall apply in the interpretation and enforcement of this ordinance.

SECTION III

Cross Connections Prohibited

A. No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public potable or consumer's water system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the water purveyor, and as required by the laws and regulation of the Missouri Department of Natural Resources.

B. No connection shall be installed or maintained whereby an auxillary water supply may enter a public potable or consumer's water system unless such auxillary water supply and the method of connection and use of such supply shall have been approved by the water purveyor and the Missouri Department of Natural Resources.

C. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using acceptable plumbing practices considered by the water purveyor as necessary for the protection of health and safety.

SECTION IV

Survey and Investigations

A. The consumer's premises shall be open at all reasonable times to the water purveyor, or his authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.

B. On request by the water purveyor or his authorized representative, the consumer shall furnish information on water use practices within his premises.

C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his premises to determine whether there are actual or potential cross connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system.

SECTION V

Type of Protection Required

The type of protection required by this ordinance shall depend on the degree of hazard which exists, as follows:

A. An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.

B. An approved air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public potable system may be contaminated with a substance that could cause a system or health hazard.

C. An approved air gap separation or an approved reduced pressure principle backflow prevention assembly or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollutional hazard not dangerous to health.

SECTION VI

Where Protection is Required

A. An approved backflow prevention assembly shall be installed on each service line to a consumer's water system serving premises where, in the judgement of the water purveyor or the Missouri Department of Natural Resources, actual or potential hazards to the public potable water system exit. The type and degree of protection required shall be commensurate with the degree of hazard.

B. An approved air gap separation or reduced pressure principle backflow prevention assembly shall be installed at the service connection or within any premises where, in the judgement of the water purveyer or the Missouri Department of Natural Resources, the nature and extent of activities on the premises, or the materials used in connection with the activities, or material stored on the premises, would present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connecion may not exist at the time the backflow prevention assembly is required to be installed. This includes but is not limited to the following situations:

1. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the water purveyor and the Missouri Department of Natural Resources.

2. Presmises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.

3. Premises where entry is restricted so that inspection for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.

4. Premises having a repeated history of cross connections being established or reestablished.

5. Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.

6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross connection could reasonably be expected to occur. This shall include the handling or process waters and cooling waters.

7. Premises where materials of a toxic or hazardous nature are handled such that if backsiphonage or backpressure should occur, a serious health hazard may result.

C. The types of facilities listed in Appendix B fall into one or more of the categories of premises where an approved air gap separation or reduced pressure principle ackflow prevention assembly is required by the water purveyor and the Missouri Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the water purveyor and the Missouri Department of Natural Resources.

D. The type of facility listed in Appendix C are premises where an approved double check valve assembly is required by the water purveyor and the Missouri Department of Natural Resources as the minimum level of protection for the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the water purveyor and the Missouri Department of Natural Resources.

E. Customer facilities not list in Appendix B or C may be disingnated a backflow hazard by written notification from the water purveyor. The notice shall specify the nature of the customer activity that necessitates designation of the facility as a backflow hazard, the type of backflow protection required and the date by which the customer shall install or construct the required assembly.

SECTION VII

Backflow Prevention Assemblies

A. Any backflow prevention assembly required to protect the facilities listed in Appendix B and C shall be a model or construction approved by the water purveyor and the Missouri Department of Natural Resources.

   1. Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the receiving vessel, but in no case less than one inch.

   2. A double check valve assembly for Class II hazards or a reduced pressure principle backflow prevention assemble for Class I hazards shall be approved by the water purveyor, and shall appear on the current list of approved backflow prevention assemblies maintained by the Missouri Department of Natural Resources (Double Check Valve Assemblies and Reduced Pressure Backflow Prevention Assemblies approved by the University of Southern California’s Foundation for Cross Connection Control and Hydraulic Research.).

SECTION VIII

Installation

A. Backflow prevention assemblies required by this ordinancce shall be installed at a location and in a manner approved by the water purveyor and shall be installed at the expense of the water consumer.

B. Backflow prevention assemblies shall be installed and in an orientation as specified by the manufacturer. The Department of Natural Resources maintains a list of approved backflow prevention assemblies and the orientation allowed for each assembly.

C. Modification to an assembly using spare parts other than those of the original manufacturer invalidates the approval of the device.

D. No bypass piping shall be allowed around a backflow prevention assembly unless the bypass is equipped with the same degree of backflow prevention protection and is tested annually.

E. Backflow prevention assemblies installed on the service line to customer's water system shall be located so as to be readily accessible for maintenance and testing and protected from freezing. No reduced pressure principle backflow prevention assembly shall be located where it will be submerged or subject to flooding by any fluid.

F. No plug or additional piping shall be affixed to the pressure differential relief port valve (except for specifically-designed funnel apparatus available from the manufacturer). The pressure differential relief port must be a minimum of twelve (12) inches above the floor level.

SECTION IX

Testing of Backflow Prevention Assemblies

A. It shall be the duty of the consumer at any premises on which backflow prevention assemblies required by this ordinance are installed to have inspections, tests, and overhauls made in accordance with the following schedule or more often where test results indicate a need. The water purveyor may establish the annual test date based on the nature of the customer's water use requirements.

   1. Air gap separations shall be inspected at the time of installation and at least every twelve months thereafter.

   2. Double check valve assemblies shall be inspected and tested for proper operation at the time of installation and at least every twelve months thereafter.

   3. Reduced pressure backflow prevention assemblies shall be inspected and tested for proper operation at the time of installation and at least every twelve months thereafter.

B. Inspections, tests, and overhauls of backflow prevention assemblies shall be made at the expense of the water consumer and shall be performed by a State of Missouri certified backflow prevention assembly tester.

C. Whenever backflow prevention assemblies required by this ordinance are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.

D. Modification to an assembly using spare parts other than those of the original manufacturer invalidates the approval of the device.

E. The water consumer must maintain a complete record of each backflow prevention assembly from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. Records of inspection, tests, repairs, and overhauls shall be made available to the water purveyor upon request.

F. Backflow prevention assemblies shall not be bypassed, made inoperative, removed, or otherwise made ineffective.

SECTION X

Violations

A. The water purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention assembly required by this ordinance is not installed, tested, and maintained in a manner acceptable to the water purveyor, or if it is found that the backflow prevention assembly has been removed or bypassed, or if an unprotected cross connection exists on the premises.

B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects with this ordinance to the satisfaction of the water purveyor.

APPENDIX A

DEFINITIONS

1. "Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixure, or other device and the overflow level rim of the rceptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.

2. "Auxiliary water supply" means any water source or system, other than the public water supply, that may be available to the building or premises.

3. "Backflow" means the flow other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of a public water supply.

4. "Backflow prevention assembly" means any double check valve or reduced pressure principle backflow preventer having resilient-seated shut-off valves on both the upstream and downstream end and the necessary test cocks as integral parts of the assembly.

5. "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system.

6. "Containment" means protection of the public water supply by installing a backflow prevention assembly or air gap separation on the main service line to a facility.

7. "Contamination" means an impairment of the quality of the water by sewage, process fluids, or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

8. "Cross connection" means any physical link between a potable water supply and any other substance, fluid, or source, which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

9. "Hazard, Degree of" means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

    a. Hazard, Health - any condition, device, or practice in the water supply system and its operataion which could create or may create a danger to the health and well-being of the water consumer.

    b. Hazard, Plumbing - a plumbing type cross connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap sparation or backflow prevention assembly.

    c. Hazard, Pollutional - an actual or potential threat to the physical properties of the water system or to the potability of the public or consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

d. Hazard, System - an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

10. "Isolation" means protection of a facility's internal plumbing system by installing a backflow prevention assembly, air gap separation, or other backflow prevention device on an individual fixture, appurtenance, or system.

11. "Pollution" means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonable affect such waters for domestic use.

12. "Public potable water system" means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Missouri Department of Natural Respources.

13. "Service connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

14. "Water purveyor" means the owner, operator, or individual in responsible charge of a public water system.

APPENDIX B

TYPES OF FACILITIES REPRESENTING HIGH HAZARD CROSS CONNECTIONS

1. Aircraft and missile manufacturing plants;
2. Automotive plants including those plants which manufacture motorcycles, automobiles, trucks, recreational vehicles and construction and agricultural equipment;
3. Potable water dispensing stations which are served by a public water system;
4. Beverage bottling plants including dairies and breweries;
5. Canneries, packing houses and reduction plants;
6. Car washes;
7. Chemical, biological and radiological laboratories including those in high schools, trade schools, colleges, universities and research institutions;
8. Hospital, clinics, medical buildings, autopsy facilities, morgues, mortuaries, dental clinics, veterinary facilities and other medical facilities;
9. Metal or plastic manufacturing, fabrication, cleaning, plating or processing facilities;
10. Plants manufacturing paper and paper products;
11. Plants manufacturing, refining, compounding or processing fertilizer, film, herbicides, natural or synthetic rubber, pesticides, petroleum or petroleum products, pharmaceuticals, radiological materials or any chemical which would be a contaminant to the public water system;
12. Commercial facilities that use herbicides, pesticides, fertilizers or any chemical which would be a contaminant to the public water system;
13. Plants processing, blending or refining animal, vegetable or mineral oils;
14. Commercial laundries and dye works;
15. Sewage, storm water and industrial waste treatment plants and pumping stations;
16. Waterfront facilities including piers, docks, marinas and shipyards;
17. Industrial facilities which recycle water;
18. Restricted or classified facilities or other facilities closed to the supplier of water or the department;

19. Fire sprinkler systems using any chemical additives;

20. Auxiliary water systems;

21. Irrigation systems with facilities for injection of pesticides, herbicides or other chemicals or with provisions for creating back pressure;

22. Portable tanks for transporting water taken from a public water system; and

23. Facilities which have pumped or repressurized cooling or heating systems that are served by a public water system, including all boiler systems.

APPENDIX C

TYPES OF FACILITIES REPRESENTING LOW HAZARD CROSS CONNECTIONS

1. Tanks to store water from the public water system for fire fighting only, unless the tanks meet the requirements of the department for construction to maintain bacteriological quality of the water;

2. Fire sprinkler systems not using chemical additives. This only applies to new fire sprinkler systems or fire sprinkler systems scheduled for modifications;

3. Irrigation systems without facilities for injection of pesticides or other chemicals. The backflow prevention assembly may be installed between the customer service line and the irrigation system; and

4. Cross-connections that could permit introduction of contaminants into the public or customer water system and create a nuisance, be aesthetically objectionable, or cause minor damage to the water distribution system or its appurtenances.

THIS ORDINANCE WILL TAKE EFFECT AND BE IN FULL FORCE UPON APPROVAL BY THE MAYOR AND BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 7th DAY OF January , 20 19 .

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MARK D. WARNER, MAYOR

ATTEST: _____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, BANNING LEAD IN PUBLIC AND PRIVATE DRINKING WATER PLUMBING.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

A. Purpose. The purpose of this ordinance is:

1) To ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and

2) To protect city residents from lead contamination in the city's public drinking water system and their own private plumbing systems.

B. Application. This ordinance shall apply to all premises served by the public drinking water system of the City of Portage des Sioux.

C. Policy. This ordinance will be reasonably interpreted by the water purveyor. It is the purveyors intent to ban the use of lead based material in the construction or modification of the city's drinking water system or private plumbing connected to the city system. The cooperation of all consumers is required to implement the lead ban.

If, in the judgement of the water purveyor or his authorized reprensentative, lead based materials have been used in construction or modifications after January 1, 1989, due notice shall be given to the consumer. The consumer shall immediately comply by having the lead base materials removed from the plumbing system and replaced with lead free materials. If the lead base materials are not removed from the plumbing system, the water purveyor shall have the right to discontinue water service to the premises.

SECTION II

Definitions

A. The following definitions shall apply in the interpretation and enforcement of this ordinance.

1) "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system.

2) "Lead base materials" means any material containing lead in excess of the quantities specified in Section II, A. 3;

3) "Lead free" means:

A. In General.

1) When used with respect to solder and flux, refers to solders and flux containing not more than 0.2 percent (0.2%)lead; and

2) When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than 0.25 percent (0.25%)lead.

B. Calculation

The weighted averaqge lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with paragraph (A)(2). For lead content of materials that are provided as range, the maximum content of the range shall be used.

4) "Public drinking water system" means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources; and

5) "Water purveyor" means the owner, operator, or individual in responsible charge of a public water system.

6) "Exemptions"

A. Pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for non-potable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

B. Toilets, bidets, urinals, fill valves, flush-o-meter valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

SECTION III

Lead Banned from Drinking Water Plumbing

A. No water service connection shall be installed or maintained to any premises where lead base materials were used in new construction or modifications of the drinking water plumbing after January 1, 1989.

B. If a premises is found to be in violation of Section III. A., water service shall be discontinued until such time that the drinking water plumbing is lead free.

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

BILL NO. 308 ORDINANCE NO. 308

PASSED AND APPROVED THIS 5TH DAY OF November, 2018 .

MARK D. WARNER, MAYOR

ATTEST:

SUZIE A. CISSELL, CITY CLERK

CITY SEAL

BILL NO. 308 ORDINANCE NO. 308

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AMENDING THE CITY'S 60.3(d) FLOODPLAIN MANAGEMENT ORDINANCE NO. 302 DATED DECEMBER 14, 2015.

ARTICLE 1. STATUTORY AUTHORIZATION, FINDING OF FACT, AND PURPOSES

SECTION B. FINDINGS OF FACT

3. *Methods Used To Analyze Flood Hazards*

The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

a. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and depth of inundation. The base flood selected for this ordinance is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for St. Charles County dated March 9, 2020 as amended, and any future revisions thereto.

This Floodplain Management Ordinance for the City of Portage des Sioux, Missouri ADOPTED AND APPROVED this 5th day of October, 2020 .

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Mark D. Warner, Mayor

City Seal

Attest:_____

Suzie A. Cissell, City Clerk