

BILL NO. 2350 - CONTINUED

ORDINANCE NO. 2350

AN ORDINANCE MODIFYING CHAPTER 110, ARTICLE IV, DIVISION 3 – POST CONSTRUCTION STORMWATER CONTROL OF THE LADUE CODE OF ORDINANCES OF THE CITY OF LADUE

WHEREAS, the Code of Ordinances outlines requirements for addressing post construction stormwater control in Chapter 110, Article IV, Division 3 which requires that all increased differential stormwater must be retained on the property for the design storm outlined in the ordinance; and

WHEREAS, in order to meet the requirements to retain all increased differential stormwater, a Stormwater Best Management Practice (BMP) must be installed on the private property, with such BMP's requiring ongoing maintenance; and

WHEREAS, the Code of Ordinances in Section 110-144 currently addresses maintenance agreements for BMP's required by the Metropolitan St. Louis Sewer District (MSD) with no specific references to maintenance agreements required by the City of Ladue where MSD maintenance agreements are not required; and

WHEREAS, the authority for adopting modifications to the Code of Ordinances with respect to police power regulations such as stormwater control are authorized including by Chapter 67 of the Missouri Revised Statutes and this ordinance is enacted to protect the general safety and welfare of Ladue residents; and

WHEREAS, City Council, after careful review, desires to and finds it in the best interests of the community to modify Section 110-144 of the Code of Ordinances; and

WHEREAS, a copy of this bill has been made available for public inspection prior to its consideration by the Council and read by title two times in an open meeting prior to passage.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

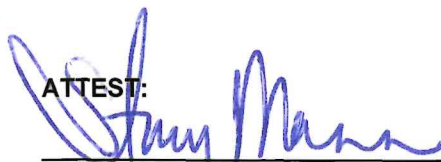
SECTION 1. The City of Ladue hereby modifies Section 110-144 of the Code of Ordinances, as shown on the attached Exhibit A, which is incorporated herein by reference, with proposed new language depicted in red font. All other provisions within Chapter 110 not modified by Exhibit A shall remain in full force and effect.

SECTION 2. This Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED THIS 13TH DAY OF NOVEMBER 2023.


President, City Council

ADOPTED AND APPROVED THIS 13TH DAY OF NOVEMBER 2023.

ATTEST:

Stacey Mann, City Clerk


Nancy Spewak, Mayor

Exhibit A

Sec. 110-144. - Maintenance of stormwater management facilities and stormwater Best Management Practices (BMP's).

- (a) A legally binding maintenance agreement specifying the parties responsible for the proper maintenance of storm water management facilities shall be secured prior to issuance of permits for land disturbance activities. For projects requiring a MSD maintenance agreement, such maintenance agreement shall be secured per the requirements of MSD and a copy of such agreement shall be submitted to the City of Ladue. For projects with stormwater management facilities and Best Management Practices (BMP) required by the City of Ladue, said facilities and BMP's are to be perpetually located within a dimensioned and reserved area as outlined on a maintenance agreement plat. The maintenance agreement shall be between the property owner and the City of Ladue. The maintenance agreement shall be recorded with St. Louis County Recorder of Deeds by the City, the cost of which shall be borne by the property owner and not the City. The maintenance agreement shall include language providing the City of Ladue the authority to enter onto the property to make repairs and corrections and perform such maintenance as it deems necessary and bill the owners of said property for the services performed should the property owner fail to maintain the stormwater management facilities or BMP associated with the agreement. A provision in the agreement shall be included that should the City of Ladue perform services on the property, that the City shall be paid within thirty (30) days and provides the authority to the City to place a lien on the real property with an interest rate of eight percent (8%) should the bill not be paid in full.