

ORDINANCE #71332
Board Bill No. 44
Floor Substitute

An Ordinance for regulation and control of Air Pollution within the City of St. Louis: repealing **Ordinance 68137**, approved October 31, 2008; **Ordinance 70607**, approved July 19, 2017; and **Ordinance 71146**, approved May 7, 2020, pertaining to the regulation and control of air pollution and enacting in lieu thereof a new ordinance for the purposes of clarity pertaining to the same subject matter, and containing a severability clause, a penalty clause and an emergency clause.

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WHEREAS, air pollution affects disadvantaged communities at a disparate rate compared to more fortunate ones and is a critical aspect of environmental justice; and, the environmental aspect of health is a primary contextual and upstream determinant of health, and

WHEREAS, the regional Community Health Improvement Plan identifies these priorities to: 1) Address the social determinants of health as root causes of community health 2) Eliminate the disparities in health and promote health and racial equity, and 3) Improve the local public health system to be able to collectively address the needs of the region, (<http://www.thinkhealthstl.org/tiles/index/display?alias=CHIP>), and

WHEREAS, the City of St. Louis Department of Health's mission statement is: "St. Louis, an equitable community achieving optimal health for all," and

WHEREAS, the City of St. Louis is committed to having safe, clean, breathable air as a fundamental right of every citizen of St. Louis; and

WHEREAS, while all citizens are at risk from exposure to airborne contaminants such as asbestos, those living closest to buildings at risk of collapse and demolition are at greatest risk; and

WHEREAS, those at greatest risk are also our citizens in our most vulnerable neighborhoods and most adversely affect children, elderly and those of already compromised health; and

WHEREAS, over 9 percent of children suffer from the respiratory disease, asthma, which disproportionately affects poor, inner-city dwellers; and

WHEREAS, improving air quality through reasonable measures will likely result in economic, social and environmental benefits that further many goals and objectives of the City of St. Louis Sustainability Plan, including improving public health, strengthening the region's competitiveness and improving the quality of life of citizens; and

WHEREAS, it is an important function of St. Louis government to take appropriate steps to improve air quality in areas that suffer from airborne contaminants; NOW, THEREFORE

BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:

SECTION ONE: Adoption.

The following Ordinance is hereby repealed Ordinance 70607, approved July 19, 2017, and Ordinance 71146, approved May 7, 2020; and in lieu thereof the following Ordinance is hereby adopted.

SECTION TWO: Name

This Ordinance shall be known and may be cited as "Teresa's Law" and/or "The Teresa Page Air Pollution Control Ordinance", an Ordinance for regulation and control of air pollution within the City of St. Louis.

SECTION THREE: Policy Statement.

It is hereby declared to be the public policy of the City of St. Louis, for the Department of Health, Air Pollution Control Program, to preserve, protect and improve the air resources of this City, so as to promote health, safety, and welfare; prevent injury to human health, plant and animal life, and property; foster the comfort and convenience of its inhabitants and, to the greatest degree practicable, facilitate the enjoyment of the attractions of the City by residents and visitors.

SECTION FOUR: Statement of Delegated Authority.

Be it hereby known that the Commissioner of Health has authority to act in the following manner:

- A. As identified in the Sections of this Ordinance, which is designated by the term, "The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health."
- B. In addition to the requirements contained within the Sections of this Ordinance be it hereby known that: The Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, which is designated by the term, "The Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri," may as delegated by the Missouri Department of Natural Resources, enforce any provision of State Air Conservation Law, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, and, as described herein, approve construction and alteration plans as well as occupancy and demolition applications.

- C. The Building Commissioner shall not issue a permit for the demolition, construction, reconstruction, alteration, or occupancy of any building, structure, or business, unless the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health has reviewed applications to which this chapter might apply, and has given approval in writing. No permit shall issue until the prerequisites for asbestos abatement procedures and practices are met and certified under penalty of perjury, including but not limited to necessary current certifications and licenses, and posted for five (5) days with the Commissioner of Health in a manner prominently accessible and searchable on the Commissioner of Health's website.

SECTION FIVE: Continuation of Existing Actions.

The repeal of any Ordinance or portion thereof by this Ordinance shall not affect or impair any act done, or right vested or accrued, or any proceeding suit or prosecution, had or commenced in any cause before such repeal takes effect; but every such act done, or right vested, or accrued, or proceeding suit or prosecution had or commenced shall remain in full force and effect to all intents and purposes, as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty, or forfeiture, either civilly, or criminally incurred prior to the time when any such ordinance, or part thereof shall be repealed or altered by this Ordinance, shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted and proceeded within all respects as if such prior Ordinances or part thereof had not been repealed or altered.

SECTION SIX: Definitions.

This Section defines key words and expressions used in this Ordinance. The following definitions are in addition to those contained in State Rule 10 CSR 10-6.020, as amended.

1. Abandon- shall mean the cessation of the use of the equipment, machines, devices, articles, contrivances or facility for a period in excess of one year. If this definition runs contrary to State Rule 10 CSR 10-6.060, as amended, on permitting decisions affected by that rule, the State Rule will take preference.
2. Adjoining- contiguous, lying next to, or in contact with.
3. Air Pollution Abatement Operation- Any operation which has as its essential purpose a significant reduction in the emission of air contaminants or the effect of such emission.
4. Ash- The incombustible solid matter in coal, wood, oil, refuse or other fuel.
6. BTU- British Thermal Unit(s).
7. CFR- Code of Federal Regulations.
8. CSR- Code of State Regulations.
9. The Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri- The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations.
10. The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health- The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating under provisions of the City Charter, the Sections of this Ordinance, and any Ordinance of St. Louis City applying to this Ordinance.
11. Inadequate Dispersion- Shall pertain to the visible plume from any exhaust stack, duct, vent, impinging upon adjoining property in such a manner that it directly affects or has the potential as determined by the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, to adversely affect the health or well-being of individuals on adjoining property.

12. Open Burning- The burning of any matter in such manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an approved stack, duct, vent or chimney.
13. Performance Based Cost- The total direct and indirect resources allocated to provide services within the Commissioner's Office.
14. Plume- A sensory detectable column or band of smoke and/or odors.
15. Premises- Land, improvements, or the ambient air above such land or improvements.
16. Reasonable Time- A period of time to be determined by the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, after reviewing all pertinent information, which does not cause undue harm to any concerned persons constrained by said time frame.
17. Refuse- Any combustible waste material containing carbon in a free or combined state, other than liquids or gases.
18. Salvage Operation- Any business, trade, industry or other activity conducted in whole or in part for the purpose of salvaging or reclaiming any product or material including but not limited to metals or chemicals.
19. Sensory Detectable- The level at which an air contaminant can be perceived by the sense of sight or smell.
20. Significant Number- This shall be a number determined by the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, based on a case by case basis of those individuals affected by an alleged violating facility, and taking into consideration such facts as geography, population density, location, and any other relevant data.
21. St. Louis Air Quality Control Region- The geographical area composed of St. Louis, St. Charles, Jefferson and Franklin Counties and the City of St. Louis in Missouri, and St. Clair, Madison, and Monroe Counties in Illinois including any counties added herein by Federal and or State government.
22. Uncombined Water - The visible condensed water which is not bound, physically or chemically, to any air contaminant.
23. Vegetation- Any representative of the plant kingdom including but not limited to trees, shrubs, grasses, or vegetables, and any anatomical part of these plants including but not limited to leaves, stems, roots, flowers or fruits.

SECTION SEVEN: Powers and Duties.

In addition to any other powers vested in the Commissioner by law, the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, shall have power to:

- A. Exercise general supervision over the Air Pollution Control Program, and have charge of the enforcement of all ordinances or regulations pertaining to air pollution control and air quality maintenance and initiate prosecutions for the violations thereof.
- B. Investigate complaints of air pollution and air quality maintenance, and make inspections and observations of air pollution conditions within the City.
- C. Hold hearings related to any aspects of, or matters in the administration of this Ordinance.

- D. Issue such orders as may be necessary to implement the purposes of this Ordinance, including but not limited to orders of abatement, stop work orders, and sealing orders. If deemed necessary, can order the facility to set up monitoring and testing at specific locations and enforce the same by all appropriate administrative and judicial proceedings.
- E. Secure necessary scientific, technical, administrative, and operational supplies, materials, equipment and/or services, by contract or otherwise.
- F. Prepare and develop a comprehensive plan or plans for the prevention, abatement, and control of air pollution.
- G. Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this Ordinance.
- H. Encourage and conduct studies, investigations and research, relating to air pollution and its prevention, abatement, and control.
- I. Collect and disseminate information and conduct educational and training programs relating to air pollution.
- J. Advise, consult, and cooperate with other local governmental units, agencies of the state, industries, interstate or regional agencies, and the federal government, and with interested persons and groups.
- K. Appoint such engineers, specialists, technicians, inspectors, stenographers, clerks, and other employees that shall be necessary to perform the duties of the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri. Such appointments shall be made in accordance with the provisions of the Charter and Ordinances of the City.
- L. Accept, receive, and administer grants or other funds or gifts from public and private agencies.
- M. Designate testing methods when a particular method is not specified by this Ordinance from among standards of widely recognized methods, including but not limited to methods of the ASTM, ASME, United States Environmental Protection Agency, and any recognized professional publications.
- N. Take all possible action to secure a high standard of air quality throughout the entire St. Louis Metropolitan area which action may include promotion of the passage and enforcement of air pollution control laws in other political subdivisions.
- O. Whenever the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, may find that sufficient progress is not being made toward abatement or control of a significant source or sources of air pollution located within that portion of the Air Quality Control Region, with the approval of the Director of Health and the Mayor, the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, shall institute efforts to persuade the Governor of the State of Missouri, or the Missouri Air Conservation Commission, to register a formal complaint with the appropriate federal agency as provided by the laws of the United States.
- P. Have a duty with the approval of the Mayor, to initiate or intervene in proceedings before the Missouri Air Conservation Commission, in order to attain standards of air pollution control throughout the Missouri portion of the Air Quality Control Region, which shall be as comprehensive and as restrictive as those created by this Ordinance.
- Q. Unless specifically prohibited by law, the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, may designate department representatives to carry out any or all of these powers and duties.
- R. The Department of Health is encouraged and authorized to carry out these powers and duties of the ordinance set forth herein.

SECTION EIGHT: Variances.

- A. Any person or organization who owns or is in control of any plant, building, structure, process, or equipment may submit a petition to the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, for a variance from this Ordinance governing the quality, nature, duration or extent of

discharges of air pollutants. The petition shall be accompanied by a fee of fifty (\$50) dollars and shall include the following information:

1. The name, address, and telephone number of the petitioner, or other person authorized to receive service of notices;
 2. The type of business or activity involved in the application and the street address at which it is conducted;
 3. A complete comprehensive description of the article, machine, equipment or other contrivance, or process involved in the application and the emissions occurring therefrom;
 4. A petition signed by the petitioner or by some person on the petitioner's behalf, and where the person signing is not the petitioner, it shall set forth his authority to sign;
 5. The Section, rule or order from which a variance is sought;
 6. The facts showing why compliance with the Section, rule or order is unreasonable;
 7. For what period of time the variance is sought and why;
 8. The damage or harm resulting or which would result to petitioner from compliance with such Section, rule or order;
 9. The requirements which petitioner can meet and the date when petitioner can comply with such requirements including the emissions which will result;
 10. The advantages and disadvantages to the residents of the City resulting from requiring compliance or resulting from granting a variance;
 11. Whether operations under such variance, if granted, would constitute a nuisance as defined in Section Twelve of this Ordinance;
 12. Whether any case involving the same identical equipment or process is pending in any court, civil or criminal;
 13. Whether the subject equipment or process is covered by a permit issued by the Commissioner and or his or her designee; and
 14. Such other information and data required by rule or regulation of the Commissioner of Health and or his or her designee enacted in conformity with the terms, conditions, and limitations of this Ordinance.
- B. The Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, shall promptly investigate such petition.
- C. The Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, may grant such variance if he/she finds that:
1. The emission occurring or proposed to occur, does not constitute a hazard to public health or safety; and
 2. Compliance with the terms and limitations of this Ordinance from which variance is sought would result in an arbitrary and unreasonable taking of property, or in the practical closing and eliminating of any lawful business, occupation or activity, in either case without sufficient corresponding benefit or advantage to the people.
- D. No variance shall be granted pursuant to this Section until the Commissioner or his or her designee operating as Delegated Agents of the State of Missouri, has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

1. Notification will be given to the Missouri Department of Natural Resources Air Pollution Control as required by RSMO 643.140 of any variance granted by the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health and will include copies of all relevant materials.
 2. No violation of City Ordinance or State Regulation will be allowed to continue during an appeal from the requirements of that Ordinance or Regulation.
- E. Variances may be granted for such period of time and under such terms and conditions as shall be specified by the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri. Variances may be reviewed by the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, upon application made at least thirty (30) days prior to the expiration of the term. Renewal application shall be considered in the same manner as the initial petition for variance was considered by the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri.
- F. A variance or renewal thereof shall not be a vested right of the applicant or holder thereof.

SECTION NINE:

The Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, shall approve renovation, demolition, and occupancy applications. No renovation, demolition, and/or occupancy application shall be granted until the Commissioner of Health and/or his or her designee asbestos air sampling professional and inspector have tested the facility as the Commissioner of Health deems appropriately necessary for asbestos abatement to competently take place so as to reduce surprise to the extent possible, and make public the test(s) findings and results that are necessary to the relevant asbestos abatement contractors to bid for the project.

Renovation and demolition terms are used as defined in SECTION ELEVEN. The Building Commissioner shall not issue a permit for the demolition, certain alterations that meet the definition of renovation, or occupancy of any building, structure, or business, unless the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health has been given opportunity to review applications to which this Ordinance might apply, and has given approval.

SECTION TEN: Source-Specific Emergency Procedures.

Notwithstanding the provisions of this Ordinance, or any other provisions of law to the contrary, and without necessity of prior administrative procedures or hearings, or at any time during such proceedings, if the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, after investigation, is of the opinion that any person is discharging or causing to be discharged into the atmosphere any air contaminant, and if the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, determines that the discharge under the atmospheric conditions then prevailing, creates a hazardous emergency which requires immediate action to prevent serious damage to the public health, safety or welfare, and that it therefore appears to be prejudicial to the interests of the people of the City to delay action, the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, with the written approval of the Mayor, shall order the person responsible for the emission, in writing, to discontinue immediately the discharge of the contaminants into the atmosphere, whereupon the person shall immediately discontinue the discharge.

In the event that there is a failure to comply with the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, order, then all affected departments of the City government shall take immediate action necessary to protect and preserve the health, safety and welfare of the public. The City Counselor shall be empowered to immediately seek in the Circuit Court or U. S. District Court equitable relief to immediately halt the further emission of the air contaminants.

SECTION ELEVEN: Asbestos:

- A. Asbestos Definitions - For purposes of this ORDINANCE the following words and definitions shall apply.
1. Adequately wet - Sufficiently mix or penetrate with liquid to prevent the release of particles. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

2. Air Pollution Control (APC) - Air Pollution Control of the City of St. Louis Department of Health.
3. Air Sampling Personnel: No one employed by an owner or operator of a demolition or renovation activity, or person, partnership, or corporation performing or managing the demolition, construction, reconstruction, alteration, or occupancy on or at the site, or by or with a person, partnership, or corporation that shares a same, in whole or in part, ownership or control group will be considered air sampling personnel.
 - a. Asbestos air sampling professional - An individual who by qualifications and experience is proficient in asbestos abatement air monitoring. The individual shall conduct, oversee, or be responsible for air monitoring of asbestos projects before, during and after the project has been completed, and is certified in accordance with 10 CSR 10-6.250. An asbestos air sampling professional is an individual with a current certificate of successful completion of the NIOSH course #582e "Sampling and Evaluating Airborne Asbestos Dust" or a course equivalent in length and content together with one of the following: a) a Bachelor's Degree in the life, environmental or physical sciences or in engineering and written verification of 520 hours on-site experience in general indoor air pollution sampling; or b) written verification of 2080 hours on-site experience in air sampling for asbestos on abatement projects under the supervision of a licensed Air Sampling Professional.
 - b. Asbestos air sampling technician - An individual who has been trained by an air sampling professional, and certified in accordance with 10 CSR 10-6.250, to perform air monitoring. That certification in the City of St. Louis requires that the individual must have evidence of working under an air sampling professional in the field for at least forty (40) hours and, if analyzing air samples, have successfully completed a NIOSH 582e course. 7 The air sampling technician may conduct air monitoring of an asbestos project before, during and after the asbestos project has been completed.
4. Asbestos - The asbestiform varieties of chrysotile, crocidolite, amosite, anthophyllite, tremolite and actinolite.
5. Asbestos abatement - The encapsulation, enclosure or removal of asbestos-containing materials, in or from a building, or air contaminant source; or preparation of regulated asbestos-containing material prior to demolition.
6. Asbestos abatement contractor - Any person, registered with the Missouri Department of Natural Resources (MODNR), who by agreement, contractual or otherwise, conducts asbestos abatement projects or asbestos projects at a location other than his/her own place of business. An asbestos abatement contractor and contractor's personnel must have current applicable certifications and licenses including OSHA 10-hour construction standard training, Asbestos Hazard Emergency Response Act (AHERA), Asbestos School Hazard Abatement Reauthorization Act (ASHARA).
7. Asbestos abatement project - An activity undertaken to encapsulate, enclose, or remove 10 square ft and/or 16 linear ft and/or 3 cubic ft or more of regulated asbestos containing materials from buildings, structures, and other air contaminant sources containing 10 square ft and/or 16 linear ft and/or 3 cubic ft or more.
8. Asbestos abatement supervisor - An individual, certified by MODNR, who directs, controls or supervises others in asbestos abatement projects and asbestos projects.
9. Asbestos-containing material (ACM) - Any material or product which contains more than one percent (1%) asbestos in accordance with 40 CFR 61.141.
10. Asbestos project - An activity undertaken to remove, enclose, or encapsulate at least 160 square ft, 260 linear ft, or 35 cubic ft or more of regulated asbestos containing materials (RACM) from buildings, structures, and other air contaminant sources, or to demolish buildings, structures, and other air contaminant sources containing the previously mentioned quantities of asbestos-containing materials.

11. Asbestos removal project - An asbestos abatement project consisting of activities that involve, and are required, to take out regulated asbestos-containing materials from any facility. This definition includes, but is not to, activities associated with the cleanup of loose friable asbestos-containing debris or refuse, or both, from floors and other surfaces.
12. Building - Any structure excluding single-family, owner-occupied dwellings, and vacant public or privately-owned residential structures of four (4) dwelling units or less being demolished for the sole purpose of public health, safety, or welfare. Excluded structures must be geographically dispersed, demolished pursuant to a public safety determination, and must pose a threat to public safety.
13. Category I non-friable asbestos-containing material (ACM) - Asbestos-containing packing, gaskets, resilient floor covering, and asphalt roofing products containing more than 1% asbestos in accordance with 40 CFR 61.141.
14. Category II non-friable ACM - Any material, excluding Category I non-friable ACM, containing more than 1% asbestos, in accordance with 40 CFR 61.141, that when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.
15. Commercial or public project - The demolition of one or more houses as part of an urban renewal project, a highway construction project, or a project to develop a shopping mall, industrial facility, or other private development.
16. Containment - The area where an asbestos abatement project or asbestos project is conducted. The area must be enclosed either by a glove bag or plastic sheeting barriers.
17. Demolition - The wrecking, razing, intentional burning or removing of any load-supporting structural member or portion of a structure together with any related handling operation.
18. Emergency asbestos abatement project - An asbestos abatement project or asbestos project that must be undertaken immediately to prevent imminent human exposure or to restore essential facility operation.
19. Facility - Any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding individual residential buildings having four or fewer dwelling units that do not meet the requirement of an installation and are not part of a commercial or public project); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this Section is not excluded, regardless of its current use or function.
20. Friable ACM - Any material containing more than 1% asbestos in accordance with 40 CFR 61.141, that when dry can be crumbled, pulverized, or reduced to powder by hand pressure.
21. Glove Bag - A manufactured or fabricated device, typically constructed of six (6) mil transparent polyethylene or polyvinyl chloride plastic. This device consists of two (2) inward projecting long sleeves, an internal tool pouch and an attached, labeled receptacle for asbestos waste. The bags are especially designed to contain sections of pipe for the purpose of removing a short length of damaged asbestos containing material without releasing fibers into the air.
22. Installation - Any building or structure or multiple (more than one) buildings or structures at a single demolition or renovation site under the control of the same owner or operator (or owner or operator under common control) that is demolished or renovated within a 12-month period.
23. Inspector - An individual, certified by MODNR, under the U.S. Asbestos Hazard Emergency Response Act (AHERA), who collects and assimilates information used to determine whether asbestos-containing material is present in a building or other air contaminant sources.
24. Leak-tight - Solids or liquids cannot escape or spill out. It also means dust-tight.

25. MODNR - Missouri Department of Natural Resources.
 26. Non-friable ACM - Any material containing more than 1% asbestos in accordance with 40 CFR 61.141, that when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.
 27. Owner or operator of a demolition or renovation activity - Any person, who owns, leases, operates, controls, or supervises a facility, structure, building, or installation being demolished or renovated, or any person who owns, leases, operates, controls, or supervises a demolition or renovation operation, or both.
 28. Regulated asbestos-containing material (RACM) - (a) friable asbestos containing material; (b) category I non-friable ACM that has become friable; (c) category I non-friable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading; or (d) Category II non-friable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this rule.
 29. Renovation - altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.
 30. Site - A site is generally expected to be a city block.
 31. Structure - Any built element, including single-family, owner-occupied dwellings, and vacant public or privately-owned residential structures of four (4) or fewer dwelling units.
- B. Application - This Rule shall apply to:
1. All persons that authorize, design, conduct and work in asbestos abatement projects, asbestos projects, and asbestos removal projects;
 2. All persons (other than City employees) that monitor airborne asbestos or dispose of asbestos waste as a result of asbestos abatement projects;
 3. All persons who inspect buildings to determine the presence or absence of ACM;
 4. All owners or operators of a demolition or renovation activity; and
 5. Business entities that qualify for exemption status under 10 CSR 10-6.250 are not subject to the notification requirements for asbestos abatement projects of a size less than 160 square feet, 260 linear feet, or 35 cubic feet. These business entities are exempt from post-notification requirements, but shall keep records of waste disposal for department inspection.
- C. Asbestos Abatement Procedures and Practices
1. All asbestos abatement contractors prior to engaging in asbestos abatement projects, asbestos projects, and asbestos removal projects shall:
 - a. Use only those individuals that are certified or trained in accordance with sections 10 CSR 643.250 of the Revised Statutes of Missouri, and
 - b. Comply with Asbestos, United States Environmental Protection Agency National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR Part 61; Asbestos Hazard Emergency Response Act (AHERA) 40 CFR Part 763; the standards for worker protection promulgated by the United States Occupational Safety and Health Administration (OSHA) at 29CFR 1910.1001, 1910.1200, 1926.58; the provisions of 643.40 to 643.250 RSMO; the Ordinances of the City; and rules and regulations and orders of the Commissioner of Health and or his or her designee by and for the implementation of this Ordinance.

- c. Any asbestos abatement contractor performing work on a project with a total budget of \$125,000.00 or more must participate in a U.S. Department of Labor registered apprentice program compliant with 29 CFR Part 29 and 29 USC Section 50 that yearly graduates registered apprentices and teaches practices and safety techniques used in asbestos abatement. This requirement does not apply to an excepted "building" or "facility" excluded from those terms' definitions above.
 2. At each asbestos abatement project, asbestos project, and asbestos removal project site, the person shall provide the following information for inspection by APC, which shall be current and on record with the Commissioner of Health in a manner prominently accessible and searchable on the Commissioner of Health's website:
 - a. Proof of current MODNR registration;
 - b. Proof of current MODNR occupational certification for those individuals on the project;
 - c. Most recent available air sampling results;
 - d. Current photo identification for all applicable individuals engaged in the project; and
 - e. Proof of passage of the training course for the air sampling technicians and photo identifications for air sampling technicians.
- D. Notification Requirements
 1. Any person undertaking a demolition project, asbestos abatement project, asbestos project, or asbestos removal project shall submit a notification to APC for review by web portal, in person, by email, or by fax at least ten (10) working days prior to the start of the project.
 - a. Business entities with MODNR -approved exemption status are exempt from notification except for those projects for which notification is required by the EPA's NESHAP.
 - b. APC may waive the ten (10) working day review period upon request for good cause. To apply for this waiver, the person shall complete the appropriate sections of the notification form provided by APC. The person who applies for the ten (10) working day must obtain approval from APC before the project can begin.
 2. The person shall submit the notification form provided by APC.
 3. If an amendment to the notification is necessary, the person shall notify APC immediately by web portal, telephone, email, or fax. APC must receive the written amendment within five (5) working days following the verbal or fax agreement.
 4. All notifications shall state actual dates and times of the project, the on-site asbestos abatement supervisor and a description of work practices. If the person must revise the dates and times of the project, the person shall notify the APC office at least twenty-four (24) hours in advance of the change by web portal, telephone, email, or fax and then immediately follow-up with a written amendment stating the change. APC must receive the written amendment for changes in dates and times of the project within two (2) working days of the phone or fax message.
 5. An inspector shall thoroughly inspect the structure, building, or facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II non-friable ACM. This includes garages and add-on structures.
 6. A representative number of samples must be taken of all suspect ACM before an inspector can report "no ACM present". All sampling should be done in accordance with AHERA requirements and be marked on a facility diagram for the purpose of duplicating the sample testing if necessary. All suspect materials shall be tested. The number of samples may be increased at the APC's direction in the APC's sole discretion. If the facility contains no RACM or the facility contains RACM, but in an amount less than 10 square feet and/or 16 linear feet and/or 3 cubic feet, a demolition/renovation notification form

must be submitted to APC along with the Building Division demolition permit application ten (10) working days prior to demolition. APC will approve the demolition after verification and approval of its findings in writing and certified under penalty of perjury.

7. A complete inspection report, including samples and results, must be submitted to APC.
 - a. If the inspection determines that there are amounts of RACM in excess of 10 square feet and/or 16 linear feet and/or 3 cubic feet, but less than 160 square feet, 260 linear feet, and/or 35 cubic feet, an asbestos abatement contractor must submit a notification to APC ten (10) working days prior to the date asbestos abatement activity is scheduled to begin, and if the asbestos abatement project is associated with a demolition activity the applicable notification fee must accompany the notification.
 - b. If the inspection determines that there are amounts of RACM equal to or in excess of 160 square feet, 260 linear feet, and/or 35 cubic feet, an asbestos abatement contractor must submit a notification to APC, along with the applicable notification fee, ten (10) working days prior to the date asbestos project activity is scheduled to begin.
 - c. Work practices and procedures must be fully described, including but not limited to the methods of removal and containment.
 - d. Asbestos abatement contractors shall not begin any asbestos abatement project, asbestos project, or asbestos removal project activity without a notice of receipt letter from APC. When notification is approved, the asbestos abatement contractor must remove all RACM from the facility in accordance with the notification and asbestos rules and regulations.
 - e. If the structure will be demolished following an asbestos abatement project, asbestos project, or asbestos removal project, a completion letter or post-notification must be submitted to APC prior to receiving a demolition sign-off from APC. (A COMPLETION LETTER IS NOT A POST-NOTIFICATION). A post-notification must still be submitted within 60 days of project completion.
8. If the facilities meet the definition of an installation and/or a commercial or public project, and the project is not followed by a planned demolition, notifications may be submitted in groups by city block when the structures combined contain RACM equal to or in excess of 160 square feet, 260 linear feet, and/or 35 cubic feet. Any single structure that has RACM equal to or in excess of 160 square feet, 260 linear feet and/or 35 cubic feet shall be notified separately.
9. Only a certified asbestos inspector can deem a structure unsafe to enter. If it is unsafe to inspect prior to demolition, and the facility's regulated asbestos content cannot be determined, the presence of asbestos must be assumed unless sampling proves to be negative. If the asbestos abatement contractor wants to segregate ACM from general debris, an asbestos inspector must be on site until the structure has been made safe enough to conduct a thorough inspection. An asbestos abatement supervisor must be on site during the demolition and proof of hire must be submitted with the demolition notification.
10. If the facility is being demolished under an order of a state or local government agency, issued because the facility is structurally unsound and in danger of imminent collapse, a notification shall be submitted to APC as early as possible before, but not later than the following work day after demolition has begun. The name, title, and authority of the state or local government representative who has ordered the demolition, the date that the order was issued, and the date on which the demolition was ordered to begin shall be attached to the notification. APC will sign-off on the demolition notification when all notification requirements have been satisfied. An inspector must be on site during the demolition to observe for suspect materials that were not accessible in collapsed or unsafe buildings. An asbestos abatement supervisor must be on site at all times and proof of hire must be submitted with notification. Destructive sampling should be conducted in areas such as pipe chases. All interior spaces should be inspected.
11. Demolition contractors shall notify using the web portal stlcitypermits.com when they begin work at a demolition site, and when they depart the demolition site each day of activity.

E. Emergency Project

Any person undertaking an emergency asbestos abatement project shall notify APC by web portal, telephone, email, or fax and must receive approval of emergency status. The person must notify APC within twelve (12) hours of the onset of the emergency. Business entities with state-approved exemption status are exempt from emergency notification for state-approved projects that are part of a NESHAP planned renovation annual notification. If the emergency occurs after normal working hours or weekend, the person shall contact APC on the following work day. The notice shall provide:

1. A description of the nature and scope of the emergency;
2. A description of the measures immediately used to mitigate the emergency; and
3. A schedule for removal. Following the emergency notice, the person shall provide APC a notification on the form provided by APC and the person shall submit it within three (3) days of the onset of the emergency. The amendment requirements for notification found in subsection D, 3 and 4 of this section are applicable to emergency projects.

F. Procedures for Asbestos Emission Control Each owner or operator of a demolition or renovation that contains regulated asbestos in excess of 10 square feet and/or 16 linear feet and/or 3 cubic feet shall comply with the following procedures:

1. Remove all RACM from a facility, building, or structure being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal. RACM does not have to be removed before demolition if:
 - a. It is Category I non-friable ACM that is not in poor condition and is not friable, and it will not be made friable by the removal activity.
 - b. It is a facility component that is encased in concrete or other similarly hard material and is adequately wet whenever exposed during demolition.
 - c. It is not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed. If not removed for safety reasons, the exposed RACM and any asbestos-contaminated debris must be treated as asbestos-containing waste material and remain adequately wet at all times until disposed of.
 - d. It is Category II non-friable asbestos containing material and the probability is low that the materials will become crumbled, pulverized, or reduced to powder during demolition.
1. When a facility component that contains, is covered with, or is coated with RACM is being taken out of the facility as a unit or in sections:
 - a. Adequately wet all RACM exposed during cutting or disjoining operations.
 - b. Carefully lower each unit or section to the floor and to ground level, not dropping, throwing, sliding, or otherwise damaging or disturbing the RACM.
1. When RACM is stripped from a facility component while it remains in place in the facility, adequately wet the RACM during the stripping operation.
2. After a facility component covered with, coated with, or containing RACM has been taken out of the facility as a unit or in sections, it shall be contained in leak-tight wrapping.
3. For large facility components such as reactor vessels, large tanks, and steam generators, the RACM is not required to be stripped if the following requirements are met:

- a. The component is removed, transported, stored, disposed of, or reused without disturbing or damaging the RACM;
 - b. The component is encased in a leak-tight wrapping; and
 - c. The leak tight wrapping is labeled during all loading and unloading operations and during storage.
4. For all RACM, including material that has been removed or stripped:
 - a. Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal.
 - b. Carefully lower the material to the ground and floor, not dropping, throwing, sliding, or otherwise damaging or disturbing the material.
 - c. Transport the material to the ground via leak-tight chutes or containers if it has been removed or stripped more than 50 feet above ground level and was not removed as units or in sections.
 5. The person who conducts the demolition of unsafe buildings or parts of buildings containing asbestos may proceed with the demolition until it is safe for the asbestos abatement contractor to take representative samples of debris. It must be assumed that the debris contains regulated asbestos unless it can be proven through sampling that the debris or parts of the debris have asbestos content of less than 1% in accordance with 40 CFR 61.141. If parts of the debris contain 1% or less, and other parts contain greater than 1%, and the various debris can be safely separated, then only those area of debris which contain greater than 1% regulated asbestos must be specially handled. The following procedures on those portions of the buildings that pose imminent danger to public health or safety, or both, may be used:
 - a. The person shall ensure that the debris is wet at all times and stays wet until disposed. The person shall ensure that the project activities generate no visible emissions.
 - b. The person shall ensure that on site at all times during the demolition is an individual who is trained in asbestos removal techniques and who is certified as an asbestos abatement supervisor.
 9. For emergency demolitions being conducted under an order of a state or local government agency:
 - a. Adequately wet the portion of the facility that contains RACM during the wrecking operation.
 - b. In all such cases where there is uncertainty as to the regulated asbestos in the facility, it should be assumed that it contains regulated asbestos until such time that representative samples can be taken of the debris to ascertain if greater than 1% in accordance with 40 CFR 61.141, regulated asbestos content is present.
 - c. An asbestos abatement supervisor must be on site at all times.
 10. Demolition contractors shall employ fugitive dust control measures in accordance with the City of St. Louis Department of Public Safety Building Division Demolition Handbook.
- G. Third Party Air Monitoring
1. No one employed by an owner or operator of a demolition or renovation activity, or person, partnership, or corporation performing or managing the demolition, construction, reconstruction, alteration, or occupancy on or at the site, or by or with a person, partnership, or corporation that shares a same, in whole or in party, ownership or control group will be employed as air sampling personnel.

2. An air sampling professional must be responsible to conduct all air sampling or be the responsible supervisor for air sampling technicians performing the sampling. When conducting the sampling, the air sampling professional is responsible to ensure all samples are analyzed by Phase Contrast Microscopy (PCM) under NIOSH method 7400, or to request analysis under Transmission Electron Microscopy when necessary to distinguish asbestos fibers from other fibrous materials. The air sampling professional is responsible to ensure the following:
 - a. Area sampling shall be conducted using collection media and procedures in accordance with NIOSH method 7400. The following schedule shall be used for air sampling during an asbestos project (as defined by this section) in addition to any OSHA compliance monitoring required to be conducted by the contractor:
 - (1) Background air samples shall be collected and analyzed prior to the start of the asbestos project activities in order to determine background airborne fiber concentrations. Samples shall be taken both inside and outside of the work area to establish existing levels.
 - (2) The following schedule of samples shall be required on a daily basis once asbestos abatement activities begin. The size of the abatement activity will have impact on the number of samples necessary to monitor the contractor's activities. The following are required minimums:
 - (a) Two (2) area samples inside the work area;
 - (b) One personal sample inside the work area;
 - (c) Two area samples outside the work area in uncontaminated areas of the building, including one at the entrance to the worker decontamination enclosure; and
 - (d) One area sample at each discharge from negative pressure ventilation equipment to the outside of the building.
 - (3) Air monitoring results shall be documented and retained on site.
3. Third party continuous air monitoring is required during removal of all ACM if the building is occupied. (Monitoring is not required for demolitions if less than 160 square feet, 260 linear feet, or 35 cubic feet of material is removed prior to demolition.) Final air clearance is required after ACM removal if the building is occupied or will be occupied at a later date. (Final air clearance is not required for demolitions if less than 160 square feet, 260 linear feet, or 35 cubic feet of material is removed prior to demolition).

H. Post Notification

1. Any person undertaking an asbestos abatement project or asbestos removal project that requires notification according to subsection D of this section shall, on the APC provided form, notify APC within thirty (30) days of the completion of the project. This notice shall include a signed and dated receipt for the asbestos waste generated by the project issued by the landfill named on the notification. This notice shall include any final clearance air monitoring results. The air sampling technician performing the analysis shall sign and date all reports of analysis.
2. Business entities that qualify for exemption status are exempt from post-notification requirement, but shall keep records of waste disposal for department inspection.

SECTION TWELVE: Air Pollution Nuisance Prohibited.

The emission or escape into the ambient (outside) air within the City from any source or sources whatsoever of smoke, ashes, dust, soot, cinders, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or elements in such amounts as are detrimental to, or endanger the health, comfort, safety, welfare, property, or the normal conduct of business shall constitute a public nuisance, and it is considered unlawful for any person to cause, permit, or maintain any such public

nuisance. The Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, may give additional consideration to the presence of emissions that cause severe annoyance or discomfort, or are offensive and objectionable to a significant number of citizens as determined by the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health.

SECTION THIRTEEN: Motor Vehicle Idling Prohibited.

- A. No person shall cause or permit the engine of a motor vehicle to operate in idle for longer than five (5) minutes in any hour while parking, standing or stopped as defined by St. Louis City Revised Code Title 17, Vehicles and Traffic. When ambient temperatures are below thirty-two (32) degrees Fahrenheit, a motor vehicle may not operate in idle for longer than ten (10) minutes in any hour.
- B. Exceptions
1. Emergency vehicles.
 2. Vehicles transporting disabled or special needs persons.
 3. Vehicles that provide power for auxiliary purposes.
 4. When operators of a motor vehicle are forced to remain motionless because of traffic or adverse weather conditions affecting the safe operation of the vehicle.
 5. Vehicles that are being repaired or undergoing diagnostics tests.
 6. Vehicles engaged in the delivery of goods, wares, or merchandise.
- C. Enforcement
- Section Thirteen, Subsection A of this ordinance and **Ordinance 68137** shall be enforced by a police officer or any law enforcement officer who is authorized to enforce traffic laws as a non-moving violation.
- D. Penalty for violation
- Any person who violates the provisions in Section Thirteen, Subsection A of this ordinance shall be subject to a fine of up to one hundred dollars (\$100).

SECTION FOURTEEN: Open Burning Restrictions.

- A. No person shall cause, suffer, allow or permit the open burning of refuse.
- B. No person shall conduct, cause or permit the conduct of a salvage operation by open burning.
- C. No person shall conduct, cause or permit the disposal of trade waste by open burning.
- D. No person shall cause or permit the open burning of leaves, trees or the byproducts therefrom, grass, or other vegetation.
- E. It shall be prima-facie evidence that the person who owns or controls property on which open burning occurs, has caused or permitted said open burning.
- F. The following activities are exemptions to Subsections A-E of this Section of this Ordinance.
1. A fire set by or under the supervision of a public officer to prevent or abate a fire hazard.
 2. A fire set for the purpose of instructing persons in firefighting techniques, as long as the requirements of Article 3, of the BOCA National Fire Code for Open Burning are adhered to.
 3. Instructing persons in the proper method for determining the opacity of emissions.

4. The operation of equipment for the control of insects.
5. The preparation of food for residential, organizational, institutional, or commercial use.
6. Recreational fires and fires in proper containers for occupational warmth using only untreated wood, charcoal, propane or natural gas as fuel.
7. Public fireworks displays as permitted by the local authority.
8. Controlled burns for land management subject to notification of the Commissioner of Health and the Chief of the St. Louis Fire Department and of the neighbors in the immediate surrounding communities of the controlled burn.

SECTION FIFTEEN: Right of Inspection, Disclosure, and Submittal of Requested Information.

- A. In the performance of their duties, the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health may enter any premises where they have reason to believe that air contaminants have been or are being emitted, or equipment operations, or processes exist or are being constructed, which they have reason to believe are or will be an air contaminant source, or which are required to be registered as sources of air pollution, or for any facility for which a permit is required.
1. No person shall refuse entry or access to the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, nor shall any person obstruct, hamper, or interfere with any such inspection.
 2. Should the above right of entry be denied, then the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, may present the evidence to the City Counselor and request that the Counselor prosecute said action in Municipal Court or present evidence to the Circuit Attorney for prosecution in Circuit Court. Anytime entry is sought using a search warrant the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, may involve the aid of the Police Department to gain entry to make such inspection as authorized herein.
- B. Any person responsible for the emission of air contaminants within the City of St. Louis shall when requested by the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, supply this office with any requested information in an easily understandable format or on the forms supplied, in any manner or format specifically requested by the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri.

SECTION SIXTEEN: Cooperation of Local Governmental Agencies Required.

The assistance and cooperation of the St. Louis Metropolitan Police Department, the Division of Fire and Fire Prevention, the Building Division and all other Municipal Officials shall be available to the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health as required in the performance of their duties.

SECTION SEVENTEEN: Enforcement.

- A. Whenever the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, determines that any of the terms or conditions of this Ordinance have been or are being violated, the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, may cause to be instituted any or all of the following enforcement actions.
1. At any time that the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, becomes aware that any of the provisions of this Ordinance have been or are being violated, the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, may cause to be issued a "Notice of Violation" (NOV) to the person responsible for the violation. This notice may be personally served by a representative of the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, sent by registered or certified mail to the last known address of the responsible person. This notice shall cite the section of the permit, Section of City Ordinance, or Section of State or Federal

Regulation violated, the date and time the violation occurred, and a brief description of the violation. It shall require that the responsible person abate the violation by a date specified in the notice. Within 14 calendar days of the date of abatement specified in the notice, the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health shall re-inspect the premise and/or file to determine compliance with the permit, regulation, or Ordinance, of which this is a part. This re-inspection shall be known as a "NOV Inspection." If no abatement date is specified in the NOV, the responsible person who has received the NOV shall be exempt from the "NOV Inspection" process. If the NOV is not complied with, the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, shall have the authority to issue an administrative citation to any person responsible for the violation.

2. Administrative Citation Fine

- a. The administrative citation fine amount for a first violation shall be established under the provisions of Ordinance 69821.
- b. The administrative citation fine for repeat violations of the same Ordinance provision and/or state regulation by the same person at the same property within twelve (12) months from the date of the first administrative citation shall be established under the provisions of Ordinance 69821.
- c. Any administrative citation fine which is not paid on or before its due date shall be liable for the payment of any applicable late payment charges set forth in the schedule of late payment filing fees.
- d. The fine shall be paid to the city within thirty (30) days from the date of the administrative citation.
- e. Any administrative citation fine paid pursuant to Subsection 2 of this Section shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.

3. In the event the responsible person fails to abate the violation by the date specified, the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, may take other enforcement actions as specified within this Section, citing the same date and time of violation in these other actions that were set forth in the "Notice of Violation."

4. In the event the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, determines that:

- a. The person is taking all reasonable means available to him to comply with the time limitations and that such compliance is not possible;
- b. The delay is caused by conditions beyond the jurisdiction and control of such person; and
- c. The imposition of the time limitation will cause an undue hardship, then the Commissioner of Health and or his or her designee may grant such additional extensions of time as determined to be necessary and reasonable to achieve compliance.

B. In the event that it becomes necessary and is legally proper, the City Counselor is hereby empowered to institute proceedings in the Circuit Court in the name of the City in order to enforce the terms and conditions of this Ordinance.

SECTION EIGHTEEN: Fee Schedule.

A. Authorization.

The Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, is hereby authorized to collect the following fees based on the costs incurred to provide the services of air pollution control. Said fees are the maximum allowable under this ordinance or constitutional due process, whichever is larger.

B. Fees Non-Refundable.

All fees described in this section are non-refundable. Even if the project is cancelled by the facility, it is determined that a permit is not required, or if a permit is denied or issued with undesirable conditions the fees will not be refunded.

C. Fee Descriptions.

1. Asbestos Fees:

- a. Asbestos Abatement Project and Demolition Notification Fees. Fees for notification referencing terms as defined in Section 11.A of this ordinance.

Fee: \$100 per notification of "Asbestos Abatement Projects" with 10-160 square feet and/or 16-260 linear feet and/or 3-35 cubic feet.

Fee: \$200 per notification of "Asbestos Projects" with >160 square feet or >260 linear feet or 35 cubic feet.

Fee: \$100 per notification of "Demolition", except the "Asbestos Project" fee will also apply when quantities are >160 square feet or >260 linear feet.

- b. Annual Notification fee: An annual notification may be obtained for planned or unscheduled renovation operations involving individual asbestos abatement projects predicted to be a combined additive amount of regulated asbestos containing materials to be removed or stripped during a calendar year (January 1 through December 31). The fee shall be \$200 per Annual Notification per installation. Annual Notification holders are required to notify for activities equal to or greater than ten (10) square feet or sixteen (16) linear feet or three (3) cubic feet.

- c. Structures being demolished under an order of State or Local government agency deemed structurally unsafe shall be an Ordered Demolition. Ordered Demolition asbestos abatement project notification fees shall be \$200 per structure.

- d. Asbestos Abatement Project Inspection Fee. A fee for inspection of an "Asbestos Abatement Project" or "Demolition" as defined in Section 12.A of this ordinance.

Fee: \$200 per inspection. Regardless of the number of inspections made, the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, may only charge for up to two (2) individual, separate inspections of the same "Asbestos Abatement Project," "Demolition" project, or "Asbestos Project."

- e. Notice of Violation "NOV" Inspection as defined in SECTION SEVENTEEN.

Fee: \$200 for each NOV inspection

2. Administrative Fines and Fees:

- a. Administrative Citation Fines.

Administrative citation fines imposed as a result of the recipient of a Notice of Violation (NOV) not abating the violation, as described in Section Seventeen of this ordinance, shall be in accordance with Ordinance 69821.

- b. Late Payment Fees.

All fees incurred based on the provisions of this Ordinance must be submitted to the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, agreed on or before the due date specified on the invoice. Any person, company, installation, or other organization that fails to submit payment in full by the due date shall be subject to the following late fees in addition to the initial fee:

Fee: 5% of original fee if 30-60 days late
 10% of original fee if 61-90 days late
 20% of original fee if more than 90 days late
 Public Notices and Public Hearings.

The expenses incurred in the processing of any type of permit which requires public notice or participation for approval, or the request for a public hearing by a facility under the jurisdiction of the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, will be the responsibility of the applicant. All billings received by the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, agreed for all such expenses will be forwarded to the applicant for payment. Final permit issuance is dependent upon the applicant's payment in full of all expenses incurred.

SECTION NINETEEN: Severability.

The Sections of this Ordinance shall be severable. In the event any Section of this Ordinance is found by a Court of competent jurisdiction to be unconstitutional, 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 presume that the Aldermen would have enacted the valid Sections without the void ones; or unless the Court finds that the valid Sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION TWENTY: Penalty Clause.

Every person convicted of a violation of any Section of this Ordinance shall be punished by a fine of not less than five hundred (\$500) dollars, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each day that any violation shall continue, it shall constitute a separate offense.

SECTION TWENTY-ONE: Emergency Clause.

The passage of this Ordinance being deemed necessary for the immediate preservation of the public health, safety and welfare is hereby declared to be an emergency measure and shall become effective immediately upon its passage and approval by the Mayor.

Approved: April 19, 2021

**ORDINANCE #71333
 Board Bill No. 146
 Committee Substitute**

An ordinance amending **Ordinance 70892** to require certification of network need or proof of other legal exceptions in applications for installations of small wireless facilities on new or modified utility poles in the right-of-way adjacent to the front lot line of single-family lots; and containing an emergency clause and a severability clause.

BE IT ORDAINED BY THE CITY OF SAINT LOUIS AS FOLLOWS:

SECTION ONE: Section Four of **Ordinance 70892**, codified at Section 23.59.040 of the Revised Code of the City of St. Louis is hereby repealed and in its place the following shall become Section 23.59.040 of the Revised Code: 23.59.040 - Permitting provisions.

A. *Permit Requirements-Inside the Right-of-Way.*

1. (a) Any person desiring to collocate small wireless facilities, or install, maintain, modify, operate, or replace utility poles along, across, upon, and under the right-of-way to allow for such collocation is not subject to zoning review or approval; however, the placement of a new utility pole or a modified utility pole (as such terms are defined herein) by a wireless provider or its contractor within a segment of the right-of-way adjacent to the front lot line (as such term is used in Title 26 of the Revised Code) of a parcel in the single-family "A" zoning district shall not be permitted unless the applicant provides substantial evidence of the applicant's network need for a small wireless facility at that pole location or the applicant demonstrates that a denial of the permit otherwise would violate state or federal law. For

the purposes of this Section, "new utility pole" means a utility pole proposed for a location where a utility pole was not previously located, and "modified utility pole" means a utility pole that is either a replacement of an existing utility pole or a modification of such utility pole where the replacement or modified pole has a different width, height, or material than the pole being replaced or modified.

- (b) "Substantial evidence of the applicant's network need" is demonstrated when the permit applicant provides the Network Need Certification and Supporting Technical Documentation as described in this paragraph. A Network Need Certification is a signed certification by the wireless provider explaining how the denial of the proposed new utility pole or a modified utility pole at the proposed location will materially inhibit the filling of a coverage gap, densifying of a wireless network, introduction of new services, or the improvement of service capabilities for that wireless provider in that area, and that there are no other existing utility pole locations on nearby side streets outside of front lot lines or in nearby alleys that are technically feasible for these purposes. Additional cost to the wireless provider to use an alley location shall not, by itself, demonstrate that an alley location is not technically feasible. Supporting Technical Documentation shall provide factual information supporting the wireless provider's Network Need Certification in a form that the Board of Public Service shall specify in advance by Board order or resolution. The Supporting Technical Documentation shall include a map of the area and nearby pole locations considered by the applicant, along with a brief narrative explaining why that particular utility pole was requested. Any claim and evidence that a denial of a permit otherwise would violate state or federal law shall specify the legal and factual basis for such claim in the permit application.
 - (c) For any pole location within a segment of the right-of-way adjacent to the front lot line of a parcel in the single-family "A" zoning district that the Board of Public Service approves based on substantial evidence shown in a Network Need Certification and Supporting Technical Documentation, the Board of Public Service may require that the new utility pole or modified utility pole be placed on or near the intersection of common property lines and out of the direct line of sight of doors and windows of the residence located on the parcel adjoining such segment of the right-of-way.
 - (d) Residents of Zone "A" parcels that adjoin a segment of the right-of-way where an approved new utility pole or modified utility pole is permitted under this Chapter shall be notified via door hanger of any excavation, or pole construction or replacement, no less than seven (7) days prior to the start of excavation or construction.
 - (e) The Alderperson who represents the ward in which the proposed small wireless facility will be installed shall receive advance notice of the installation of the small wireless facility via electronic mail from the applicant or the applicant's representative no less than seven (7) days prior to the start of construction.
2. Small wireless facilities and utility poles shall be installed and maintained so as not to obstruct or hinder the usual travel, including pedestrian travel, or public safety on the right-of-way or obstruct the legal use of the right-of-way by the City or other authorized right-of-way users. A new, replacement, or modified utility pole allowed under this Chapter and installed in the right-of-way shall not exceed the greater of ten feet in height above the tallest existing utility pole in place as of January 1, 2019, located within five hundred (500) feet of the new utility pole in the same right-of-way or fifty feet above ground level. New small wireless facilities in the right-of-way shall not extend more than ten (10) feet above an existing utility pole in place as of August 28, 2018, or for small wireless facilities on a new pole, above the height permitted for a new utility pole under this section.
3. A wireless provider shall be permitted to replace decorative poles when necessary to collocate a small wireless facility, but any replacement pole shall reasonably conform to the design aesthetics of the decorative pole or poles being replaced. The term "reasonably conform," as used herein, shall mean that the replacement pole shall be as nearly identical to the decorative pole replaced as is feasible. The Board of Public Service is authorized to determine if the replacement pole reasonably conforms.

4. The City may require replacement of a City utility pole on a nondiscriminatory basis for reasons of safety and reliability, including a demonstration that the collocation would make the City utility pole structurally unsound, and the replacement must comply with City utility pole standards and specifications in effect and published by the Board of Public Service, at the time the permit application is submitted.
 5. On a nondiscriminatory basis, the City shall not permit more than one small wireless facility per utility pole.
- B. *Permit Requirements-Outside the Right-of-Way.*
1. The City will allow collocation of small wireless facilities on City wireless support structures and City utility poles that are located on City property outside the right-of-way to the same extent, if any, that it allows access to such structures for other commercial projects or uses. Any such collocations shall be subject to reasonable and nondiscriminatory rates, fees and terms as provided in an agreement between the City and the wireless provider, and not otherwise governed by this chapter.
 2. The City shall not enter into an exclusive agreement between the City and a wireless provider concerning City utility poles or City wireless support structures that are located on City property outside the right-of-way, including stadiums and enclosed arenas, unless the agreement meets the following requirements:
 - a. The wireless provider provides service using a shared network of wireless facilities, and makes the shared network available for access by other wireless providers on reasonable and nondiscriminatory rates and terms that shall include use of the entire shared network as to itself, an affiliate, or other entity, or the wireless provider must allow other wireless providers to collocate small wireless facilities on nondiscriminatory rates and terms as to itself, an affiliate or any other entity.
- C. *Permit Process for an Applicant Seeking to Collocate Small Wireless Facilities in the Right-of-Way or on City Wireless Support Structures outside the Right-of-Way, or to Install, Replace, Maintain, or Operate a Utility Pole Inside the Right-of-Way.*
1. An applicant seeking to collocate small wireless facilities in the right-of-way or on City wireless support structures outside the right-of-way, or to install, replace, maintain or operate a utility pole inside the right-of-way, must first submit an application for a permit to the Board of Public Service. The Board of Public Service shall design and make available to applicants a standard application form, consistent with the provisions of this chapter, which all applicants must use in order to accomplish the purposes of this chapter. Except for the requirements in Subsection c.2.b. below, an applicant shall not be required to provide more information to obtain a Permit under this chapter than other communications service providers that are not wireless providers.
 2. An application for a permit shall include the following as per requirements as may be established by the Board of Public Service:
 - a. Construction and engineering drawings as per Board of Public Service requirements;
 - b. An attestation that the small wireless facility complies with the volumetric limitations in the definition of small wireless facility;
 - c. Information on the height of any new, replacement or modified utility pole;
 - d. Applicable indemnity, insurance, performance bond information required in Section 23.59.060;
 - e. An applicant that is not a wireless services provider must provide evidence of agreements or plans demonstrating that the small wireless facilities will be operational for use by a wireless services provider within one year after the permit issuance date, unless the City and the applicant agree to extend this period or if delay is caused by lack of commercial power or communications transport facilities to the site and the applicant notifies the City thereof. An applicant that is a wireless services provider must provide this information by attestation.

- f. Plans and detailed cost estimates for any make-ready work as needed.
 - i. The applicant shall be solely responsible for the cost of any make-ready work.
 - ii. The applicant must seek and approve any make-ready work cost estimates provided by the City and include the approved estimate in the permit application.
 - g. Each permit shall include projected commencement and termination dates, or, if such dates are unknown at the time the permit is issued, a provision requiring the permit holder to provide the Board of Public Service with reasonable advance notice of such dates once they are determined.
 - h. Pursuant to RSMo 67.5113(1), the City shall receive applications for, process, and issue such permits from wireless providers or their agents applying for a permit to collocate a small wireless facility subject to the following requirements:
 - i. An applicant shall not be required to perform services or provide goods unrelated to the permit, such as in-kind contributions to the City, including reserving fiber, conduit or pole space for the City;
 - ii. An applicant shall not be required to provide more information to obtain a permit than communications service providers that are not wireless providers, provided that an applicant shall include construction and engineering drawings and information demonstrating compliance with the criteria of this section and an attestation that the small wireless facility complies with applicable volumetric limitations;
 - iii. An applicant shall not be required to place small wireless facilities on any specific utility pole or category of poles or place multiple antenna systems on a single utility pole;
 - iv. There is no limit as to the placement of small wireless facilities by minimum horizontal separation distances;
 - v. An applicant shall comply with reasonable, objective, and cost-effective stealth concealment or safety requirements as provided herein;
 - vi. An applicant that is not a wireless provider shall provide evidence of agreements or plans demonstrating that the small wireless facilities will be operational for use by a wireless services provider within one year after the permit issuance date, unless the City and the applicant agree to extend this period or if delay is caused by lack of commercial power or communications transport facilities to the site and the applicant notifies the City thereof. An applicant that is a wireless service provider shall provide the information required by this subdivision by attestation.
- D. *Fees and Rates.* Each such application shall be accompanied by payment as designated in this chapter.
- 1. *General Provisions.*
 - a. This section does not limit the City's ability to recover specific removal costs from the attaching wireless provider for abandoned structures. The rates to collocate on City utility poles shall be nondiscriminatory regardless of the services provided by the collocating applicant.
 - b. The City shall not require a wireless provider to pay any rates, fees, or compensation to the City or other person other than what is expressly authorized by RSMo 67.5110 to 67.5131 (while in effect) for the collocation of a small wireless facility; for the use and occupancy of a right-of-way; or for the installation, maintenance, modification, operation, and replacement of utility poles in the right-of-way.

- c. Any fees collected pursuant to this chapter will be used only to reimburse the City for its actual incurred costs and will not be used to generate revenue to the City above such costs.
 - d. The City may not require or accept in-kind services in lieu of any fee.
 - e. The rates to collocate on City utility poles shall be nondiscriminatory regardless of the services provided by the collocating applicant.
 2. *Collocation Rate.* The rate for collocation of a small wireless facility to a City utility pole is \$150.00 per pole per year.
 3. *Application Fee.*
 - a. The fee for an application for the collocation of a small wireless facility on an existing City utility pole is \$100.00 per small wireless facility, not including permit fees required for any make-ready work.
 - b. An applicant filing a consolidated application shall pay \$100.00 per small wireless facility included in the consolidated application.
 - c. The fee for an application for the installation, modification, or replacement of a utility pole and the collocation of an associated small wireless facility is \$500.00 per pole not including the make-ready work associated with the installation, modification or replacement of a utility pole.
- E. *Timing for Processing of an Application.*
 1. Within fifteen (15) days of receiving an application, the City shall determine and notify the applicant in writing whether the application is complete. An application shall not be deemed received unless the application contains all required documentation as outlined and published by the Board of Public Service. If the actual documentation provided is inadequate or incomplete then an application is incomplete, and the City shall specifically identify the missing information in writing. The processing deadline in Subdivision 2 of this subsection is tolled from the time the City sends notice to the applicant and the applicant provides the required information or as agreed upon by the applicant and the City.
 2. The City shall process and approve or deny an application for collocation of a small wireless facility within forty-five (45) days of receipt.
 3. The City shall process and approve or deny an application for installation of a new, modified, or replacement utility pole associated with a small wireless facility within sixty (60) days of receipt.
 4. An applicant may file a consolidated application and receive a single permit for the collocation of multiple small wireless facilities.
 - a. An application may include up to twenty (20) separate small wireless facilities, provided that they are for the same or materially same design of small wireless facility being collocated on the same or materially the same type of utility pole or wireless support structure, and geographically proximate. The application shall provide information sufficient to determine whether the applicant has met the requirements of this section. The City shall have discretion to determine whether the application meets the requirements of this section.
 - b. If the City receives individual applications for approval of more than fifty (50) small wireless facilities or consolidated applications for approval of more than seventy-five (75) small wireless facilities within a fourteen (14) day period, whether from a single applicant or multiple applicants, the City may, upon its own request, obtain an automatic thirty (30) day extension for any additional collocation or replacement or installation application submitted during that fourteen (14) day period or in the fourteen (14) day period immediately following the prior fourteen (14) day period. The City will promptly communicate its request to each and any affected applicant.

- c. The denial of one or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same batch or constitute the basis for denial of other small wireless facilities within the consolidated application or the application as a whole.
 5. The City shall provide a good faith estimate for any make-ready work necessary to enable a City utility pole to support the requested collocation by a wireless provider, including pole replacement if necessary, within sixty (60) days after receipt of a complete application. With the exception of make-ready work for power, make-ready work, including any pole replacement, shall be completed within sixty (60) days of written acceptance of the good faith estimate and advance payment, if required, by the applicant.
 6. An application that is not acted on within the specified time period is deemed approved.
 7. For any application denied:
 - a. The City shall document the complete basis for a denial in writing, and send the documentation to the applicant on or before the day the City denies the application.
 - c. The City shall approve or deny the revised application within thirty (30) days. Any subsequent review shall be limited to the deficiencies cited in the denial.
 8. The City will not institute, either expressly or de facto, a moratorium on filing, receiving, or processing applications or issuing permits or other approvals, if any, for the collocation of small wireless facilities or the installation, modification or replacement of utility poles to support small wireless facilities.
 - a. The City may institute and may impose a temporary moratorium on applications for small wireless facilities and the collocation thereof for no more than thirty (30) days in the event of a major and protracted staffing shortage that reduces the number of personnel necessary to receive, review, process, and approve or deny applications for the collocation of small wireless facilities by more than fifty (50) percent.
- F. *Denial of an Application.* An application for a proposed collocation of a small wireless facility or installation, modification, or replacement of a utility pole otherwise meeting the requirements of this chapter will be denied if the action proposed in the application could reasonably be expected to:
 1. Materially interfere with the safe operation of traffic control equipment or City-owned communications equipment;
 2. Materially interfere with sight lines or clear zones for transportation, pedestrians, or non-motorized vehicles;
 3. Materially interfere with compliance with the Americans With Disabilities Act, or similar federal or state standards regarding pedestrian access or movement;
 4. Materially obstruct or hinder the usual travel or public safety on the right-of-way;
 5. Materially obstruct the legal use of the right-of-way by the City, utility, or other third party;
 6. Fail to comply with applicable codes, including nationally recognized engineering standards for utility poles or wireless support structures;
 7. Fail to comply with the reasonably objective and documented aesthetics of a decorative pole and the applicant does not agree to pay to match the applicable decorative elements;
 8. Fail to comply with reasonable and nondiscriminatory undergrounding requirements contained in City ordinances as of January 1, 2018, or subsequently enacted for new developments, that require all utility facilities in the area to be placed underground and prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval, provided that such requirements include a waiver or other process of addressing requests to install such utility poles and do not prohibit

the replacement or modification of existing utility poles consistent with applicable law for the provision of wireless services;

9. Any other reason not prohibited by applicable law or regulation.

G. *Approval of an Application.*

1. The City shall review each application for a permit and, upon determining that: (1) the applicant has submitted all necessary information; (2) there is no basis under Subsection F above to deny the application, and (3) the applicant has paid the appropriate fee, the City shall issue the permit.
2. If the City approves an application, the applicant is authorized to:
 - a. Undertake the installation or collocation;
 - b. Operate and maintain the small wireless facilities and any associated utility pole covered by the Permit for a period of not less than ten years, which shall be renewed for equivalent durations so long as they are in compliance with this chapter.
3. Installation or collocation for which a permit is granted under this chapter shall be completed within one year after the permit issuance date unless the City and the applicant agree to extend this period, or the applicant notifies the City that the delay is caused by a lack of commercial power or communications transport facilities to the site.
4. The City may approve a permit subject to a reservation to reclaim space in the utility pole, when and if needed, to meet the utility pole owner's core utility purpose or a documented City plan projected at the time of the application.

H. *No Application Required.* No application is required for:

1. Routine maintenance on previously permitted small wireless facilities;
2. The replacement of small wireless facilities with small wireless facilities that are the same or smaller in size, weight, and height; or
3. The installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between utility poles in compliance with applicable codes.
4. The City must be provided with a description of any new equipment installed so that the City may maintain an accurate inventory of the small wireless facilities at a particular location.

SECTION TWO: Severability Clause. If any section, subsection, sentence, clause, phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provisions, and such holding shall not affect the validity of the remaining portions thereof.

SECTION THREE: Emergency Clause. The passage of this ordinance being deemed necessary for immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist within the meaning of Section 20 of Article IV of the Charter, and this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

**BOARD BILL NUMBER 146
COMMITTEE SUBSTITUTE
FISCAL NOTE**

Preparer's Name - Nancy Walsh, Assistant City Counselor

Phone Number or Email Address (will be available publicly)- walshn@stlouis-mo.gov

Bill Sponsor - Alderwoman Heather Navarro

Bill Synopsis:	An ordinance to amend Ordinance 70892 to prohibit small wireless facilities in the right-of-way adjacent to frontage of single-family zoned "A" parcels; and with an emergency clause.
Type of Impact:	Restricting locations of small wireless facilities.
Agencies Affected:	Board of Public Service, Streets Division, Communications Division, Utilities Division

SECTION A

Does this bill authorize:

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? ___ Yes __X__ No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget? ___ Yes __X__ No.
- A commitment of city funding in the future under certain specified conditions? ___ Yes __X__ No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget ___ Yes __X__ No.
- An execution or initiation of an activity as a result of federal or state mandates or requirements? ___ Yes __X__ No.
- A capital improvement project that increases operating costs over the current adopted city budget? ___ Yes __X__ No.
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? ___ Yes __X__ No.

**If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill.
Complete Section B of the form below.**

SECTION B

- Does the bill require the construction of any new physical facilities? ___ Yes __X__ No.
 - If yes, describe the facilities and provide the estimated cost:

- Is the bill estimated to have a direct fiscal impact on any city department or office? ___ Yes __X__ No.
 - If yes, explain the impact and the estimated cost:

- Does the bill create a program or administrative subdivision? ___ Yes __X__ No.
 - If yes, then is there a similar existing program or administrative subdivision? ___ Yes ___ No.

- If yes, explain the how the proposed programs or administrative subdivisions may overlap:

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	N/A	N/A	N/A
Additional Revenue	N/A	N/A	N/A
Net	N/A	N/A	N/A
Financial Estimate of Impact on Special Funds			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	N/A	N/A	N/A
Additional Revenue	N/A	N/A	N/A
Net	N/A	N/A	N/A

- Describe any assumptions used in preparing this fiscal note:

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

- Have the financial estimates of this bill been verified by the City Budget Division? Yes No.
 - If yes, by whom? _____.

Approved: April 19, 2021

**ORDINANCE #71334
Board Bill No. 155**

An ordinance establishing a maximum posted speed limit of twenty (20) miles per hour for all traffic travelling upon sections of roadways in areas zoned A Single Family Residential District, B Two Family Residential Dwelling District, C Multiple Family Residential Dwelling District, D Multiple Family Residential Dwelling District, and E Multiple Family Dwelling District that are within the area defined herein as the 3rd Ward Residential Speed Limit District.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The maximum posted speed limit for all traffic travelling upon sections of roadways in areas zoned A Single Family Residential District, B Two Family Residential Dwelling District, C Multiple Family Residential Dwelling District, D Multiple Family Residential Dwelling District, and E Multiple Family Dwelling District that are within the area beginning at the point of intersection of Page Blvd and N Vandeventer Ave, and proceeding westerly along Page Blvd to north/south alleyway

between Whittier St and Pendleton Ave, and southerly along such alleyway to east/west alleyway between Page Blvd and Cook Ave, and proceeding westerly along such alleyways to N Newstead Ave, and proceeding northerly along N Newstead Ave to Page Blvd, and proceeding westerly on Page Blvd to N Taylor Ave, and proceeding southerly along N Taylor Ave to Newberry Ter, and proceeding westerly along Newberry Ter to Walton Ave, and proceeding northerly along Walton Ave to Newcomb Pl, and proceeding easterly along Newcomb Pl to Marcus Ave, and proceeding northerly along Marcus Ave to Cote Brilliante Ave, and proceeding westerly along Cote Brilliante Ave to N Euclid Ave, and proceeding northerly along N Euclid Ave to Greer Ave, and proceeding easterly along Greer Ave to Marcus Ave, and proceeding northerly along Marcus Ave to an east/west alleyway between Ashland Ct and Lexington Ave, and proceeding westerly along such alleyway to Shreve Ave, and proceeding northerly along Shreve Ave to Palm St, and proceeding easterly along Palm St to Marcus Ave, and proceeding northerly along Marcus Ave to Palm St, and proceeding easterly along Palm St to Cora Ave, and proceeding northerly along Cora Ave to east/west alleyways between Natural Bridge Ave and Lexington Ave, and proceeding easterly along such alleyway to north/south alleyway, and proceeding southerly along such alleyway to Lexington Ave, and proceeding easterly along Lexington Ave to N Newstead Ave, and proceeding northerly along N Newstead Ave to east/west alleyway between Natural Bridge Ave and W Lexington Ave, and proceeding easterly along such alleyway to Harris Ave, and proceeding northerly along Harris Ave to Natural Bridge Ave, and proceeding easterly along Natural Bridge Ave to N Vandeventer Ave proceeding southerly along N Vandeventer Ave to Lincoln Ave, and proceeding easterly along Lincoln Ave to Prairie Ave, and proceeding southerly along Prairie Ave to Cottage Ave, and proceeding easterly on Cottage Ave to N Spring Ave, and proceeding southerly on N Spring Ave to N Market St, and proceeding easterly on N Market St to Bacon St, and proceeding southerly on Bacon St to Cass Ave, and proceeding westerly on Cass Ave to N Grand Ave, and proceeding northerly on N Grand Ave to Aldine Ave, and proceeding westerly on Aldine Ave to Prairie Ave, and proceeding northerly on Prairie Ave to Garfield Ave, and proceeding westerly on Garfield Ave to N Vandeventer Ave, and proceeding southerly along N Vandeventer Ave to Dr Martin Luther King Dr, and proceeding westerly along Dr Martin Luther King Dr to N Vandeventer Ave, and proceeding southerly along N Vandeventer Ave to the point of beginning, shall be twenty (20) miles per hour unless a lower unless a lower speed limit has been posted by the City of St. Louis Department of Streets. Such area shall be known as the 3rd Ward Residential Speed Limit District.

SECTION TWO. Emergency Clause. This being an ordinance for the preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

Approved: April 19, 2021

**ORDINANCE #71335
Board Bill No. 169**

An Ordinance recommend by the Board of Estimate and Apportionment and authorizing the City of St. Louis, by and through the Board of Public Service ("BPS"), to accept Missouri Department of Natural Resources (MDNR) - Air Pollution Control Program Volkswagen Trust ("VW Trust Grant") awards for the VW Trust Grant program of Four Hundred Twenty-Three Thousand Dollars (\$423,000.00). The VW Trust Grant program is a limited purpose competitive award opportunity that is supported by Volkswagen Mitigation Settlement Funds, held in Trust by MDNR. The purpose of the VW Trust Grant program is to support the replacement of old conventional vehicles which are associated with emissions that are harmful to the health of people and the environment. The appropriation is hereby approved to expend the VW Trust Grant funds for the purposes and uses to assist with supporting the purchase of clean emission vehicles, installation of electrical infrastructure at City facilities to integrate the vehicles into the City fleet, and decommissioning of older, non-clean emissions vehicles, and to fulfill the obligations of said Grant; said appropriation is limited to expenditures covered entirely by grant funds; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The BPS, by and through the President of the Board of Public Service, is hereby authorized to accept Missouri Department of Natural Resources (MDNR) - Air Pollution Control Program Volkswagen Trust awards totaling Four Hundred Twenty-Three Thousand Dollars (\$423,000.00). The appropriation is hereby approved to expend the funds of the VW Trust Grant for the purposes and uses to assist with supporting the purchase of clean emission vehicles, installation of electrical infrastructure at City facilities to integrate the vehicles into the City fleet, and decommissioning of older, non-clean emissions vehicles, and to fulfill the obligations of said VW Trust Grant; said appropriation is limited to expenditures covered entirely by grant funds.

SECTION TWO. Emergency Clause. This being an ordinance providing for current expenses of the City government, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and shall become effective immediately upon its passage and approval by the Mayor.

**BOARD BILL NUMBER 169
FISCAL NOTE**

Preparer's Name: Christopher D. Amos - Commissioner of Equipment Services

Phone Number or Email Address (will be available publicly) amosc@stlouis-mo.gov

Bill Sponsor : Alderwoman Sarah Martin

Bill Synopsis:	This bill would authorize the City of St. Louis, by and through the Board of Public Service, to accept Missouri Department of Natural Resources (MDNR) - Air Pollution Control Program Volkswagen Trust ("VW Trust Grant") awards, including \$423,000.00 already approved through said program, and expend the grant funds for the purposes stated in the bill.
Type of Impact:	BPS would receive Missouri Department of Natural Resources (MDNR) - Air Pollution Control Program Volkswagen Trust funding for allowable activities under the grant, which contemplate replacement of polluting vehicles with clean ones, such as electric vehicles.
Agencies Affected:	City of St. Louis, Board of Public Service

SECTION A

Does this bill authorize:

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? ___ Yes __X__ No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget? ___ Yes __X__ No.
- A commitment of city funding in the future under certain specified conditions? ___ Yes __X__ No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget ___ Yes __X__ No.
- An execution or initiation of an activity as a result of federal or state mandates or requirements? ___ Yes __X__ No.
- A capital improvement project that increases operating costs over the current adopted city budget? ___ Yes __X__ No.
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? ___ Yes __X__ No.

If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill.

Complete Section B of the form below.

SECTION B

- Does the bill require the construction of any new physical facilities? ___ Yes __X__ No.
 - If yes, describe the facilities and provide the estimated cost:

- Is the bill estimated to have a direct fiscal impact on any city department or office? ___ Yes __X__ No.
 - If yes, explain the impact and the estimated cost:

- Does the bill create a program or administrative subdivision? Yes No.
 - If yes, then is there a similar existing program or administrative subdivision? Yes No.
 - If yes, explain the how the proposed programs or administrative subdivisions may overlap:

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	Year 1 (current)	Year 2	Year 3
Additional Expenditures	0	0	0
Additional Revenue	0	0	0
Net	0	0	0
Financial Estimate of Impact on Special Funds			
Fiscal Impact	Year 1 (current)	Year 2	Year 3
Additional Expenditures	0	0	0
Additional Revenue	0	0	0
Net	0	0	0

- Describe any assumptions used in preparing this fiscal note:
The grant award is \$47,240.73 for reimbursement of expenditures.
- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

- Have the financial estimates of this bill been verified by the City Budget Division? Yes No.
 - If yes, by whom? _____.

Approved: April 19, 2021

ORDINANCE #71336
Board Bill No. 208

An Ordinance recommended and approved by the Board of Estimate and Apportionment authorizing and directing the Director of Airports and the Comptroller of the City of St. Louis (the "City"), owner and operator of St. Louis Lambert International Airport® (the "Airport") to enter into and execute on behalf of the City the Lease Agreement with The Boeing Company-AL-176 between the City and The Boeing Company, ("Agreement"); the Agreement was approved by the Airport Commission and is attached hereto as ATTACHMENT "1" and made a part hereof, and its terms are more fully described in Section One of this Ordinance; containing a severability clause; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The Director of Airports and the Comptroller of The City of St. Louis (the "City") are hereby authorized and directed to enter into and execute on behalf of the City the Lease Agreement with The Boeing Company-AL-176 between the City and The Boeing Company, ("Agreement"); the Agreement was approved by the City's Airport Commission and is to read in words and figures substantially as set out in **ATTACHMENT "1"**, which is attached hereto and made a part hereof.

SECTION TWO. The sections or provisions of this Ordinance or portions thereof are severable. In the event that any section or provision of this Ordinance or portion thereof is held invalid by a court of competent jurisdiction, such holding will not invalidate the remaining sections or provisions of this Ordinance unless the court finds the valid sections or provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the illegal, unconstitutional or ineffective section or provision that it cannot be presumed that the Board of Aldermen would have enacted the valid sections or provisions without the illegal, unconstitutional or ineffective sections or provisions or unless the court finds that the valid sections or provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION THREE. This being an Ordinance for the preservation of public peace, health, or safety, it is hereby declared an emergency measure as designed in Article IV, Section 20 of the City's Charter and will become effective immediately upon its approval by the City's Mayor.

ATTACHMENT 1

**THE BOEING COMPANY
AIRPORT OFFICE BUILDING LEASE AGREEMENT AL - 176**

**ORDINANCE #71336
Board Bill No. 208
THE BOEING COMPANY
AIRPORT OFFICE BUILDING LEASE AGREEMENT AL - 176
(Is on file in the Register's Office.)**

**BOARD BILL NUMBER 208
FISCAL NOTE**

Preparer's Name Rochelle Pruitt

Phone Number or Email Address (will be available publicly) rapruitt@flystl.com

Bill Sponsor Alderwoman Marlene Davis

Bill Synopsis:	Airport Office Building Lease Agreement
Type of Impact:	N/A Revenue Agreement
Agencies Affected:	Airport Authority

SECTION A

Does this bill authorize:

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? ___ Yes No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget? ___ Yes No.
- A commitment of city funding in the future under certain specified conditions? ___ Yes No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget ___ Yes No.
- An execution or initiation of an activity as a result of federal or state mandates or requirements? ___ Yes No.

- A capital improvement project that increases operating costs over the current adopted city budget? ___ Yes __X__ No.
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? ___ Yes __X__ No.

**If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill.
Complete Section B of the form below.**

SECTION B

- Does the bill require the construction of any new physical facilities? ___ Yes ___ No.
 - If yes, describe the facilities and provide the estimated cost:

- Is the bill estimated to have a direct fiscal impact on any city department or office? ___ Yes ___ No.
 - If yes, explain the impact and the estimated cost:

- Does the bill create a program or administrative subdivision? ___ Yes ___ No.
 - If yes, then is there a similar existing program or administrative subdivision? ___ Yes ___ No.
 - If yes, explain the how the proposed programs or administrative subdivisions may overlap:

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	N/A	N/A	N/A
Additional Revenue	N/A	N/A	N/A
Net	N/A	N/A	N/A
Financial Estimate of Impact on Special Funds			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	N/A	N/A	N/A
Additional Revenue	N/A	N/A	N/A
Net	N/A	N/A	N/A

- Describe any assumptions used in preparing this fiscal note:

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

- Have the financial estimates of this bill been verified by the City Budget Division? ___ Yes ___ No.
 - If yes, by whom? _____.

Approved: April 19, 2021

