

BILL NO.: 25-04112

ORDINANCE NO.: 25-0810

INTRODUCED BY COUNCIL MEMBER(s) T. Webb

AN ORDINANCE AMENDING TITLE VII UTILITIES, CHAPTER 700.010 UTILITY FACILITIES – REGULATIONS FOR LOCATION OR RELOCATION ON COUNTY HIGHWAYS – PERMIT, OF THE CODE OF ORDINANCES OF JEFFERSON COUNTY, MISSOURI; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, on October 16, 1986, the County Commission of Jefferson County, Missouri approved and adopted the general provisions and regulations for the location and relocation of utility facilities on county highways for Jefferson County, Missouri; and,

WHEREAS, on December 29, 2010, the Jefferson County, Missouri, Council enacted Ordinance Number 10-0419 codifying the Ordinances of Jefferson County, Missouri, including the general provisions and regulations for the location and relocation of utility facilities on county highways; and,

WHEREAS, upon enactment of Ordinance Number 10-0419, the general provisions and regulations for the location and relocation of utility facilities on county highways became codified as Title VII, Chapter 700.010 of the Code of Ordinances of Jefferson County, Missouri; and,

WHEREAS, amendments have been prepared to Title VII, Chapter 700.010 of

FILED

MAY 15 2025

JEANNIE GOFF
COUNTY CLERK, JEFFERSON COUNTY, MO

the Code of Ordinances of Jefferson County, Missouri for the location and relocation of utility facilities on county highways; and,

WHEREAS, the proposed amendments to the existing code chapter have the purpose of correcting minor grammatical errors, clarifying intent, adding permit posting requirement onsite of work being performed, fully defining the performance bonding requirement, adjusting requirements for paralleled utility installations, and updating the outdated permit fees; and,

WHEREAS, the Technical Division and the Director of the Jefferson County, Missouri, Department of Public Works recommend that the Jefferson County, Missouri, Council adopt the proposed code chapter amendments; and,

WHEREAS, the Jefferson County, Missouri, Council finds that it is necessary and in the best interests of the citizens of Jefferson County to adopt amendments to the general provisions and regulations for the location and relocation of utility facilities on county highways as recommended by the Technical Division and Director of the Jefferson County, Missouri, Department of Public Works.

**BE IT ENACTED BY THE JEFFERSON COUNTY, MISSOURI,
COUNCIL, AS FOLLOWS:**

Section 1. The Jefferson County, Missouri, Council hereby accepts the recommendations of the Jefferson County, Missouri, Department of Public Works.

Section 2. The Jefferson County, Missouri, Council hereby approves and adopts the proposed amendments to Title VII, Chapter 700.010 of the Code of

Ordinances of Jefferson County, Missouri, for the location and relocation of utility facilities on county highways, said amendments being incorporated by this reference as if fully set out herein and set forth in the attached Exhibit "A."

Section 3. This Ordinance shall be in full force and effect thirty (30) days after it is published in a legal publication in the County and posted in a public place in each Council District and on a County sponsored web page on the internet in electronic form.

Section 4. The Code of Ordinances of Jefferson County, Missouri shall be amended to reflect passage of this Ordinance.

Section 5. If any part of this Ordinance is invalid for any reason, such invalidity shall not affect the remainder of this Ordinance.

**THIS BILL BEING DULY INTRODUCED, THE MEMBERS OF THE
JEFFERSON COUNTY, MISSOURI, COUNCIL VOTED AS FOLLOWS:**

Council Member District 1, Brian Haskins
Council Member District 2, Billy Crow Jr.
Council Member District 3, Lori Arons
Council Member District 4, Charles Groeteke
Council Member District 5, Scott Seek
Council Member District 6, Tim Brown
Council Member District 7, Bob Tullock

Yes
Yes
Yes
Yes
Yes
Yes
Yes

THE ABOVE BILL ON MAY 12, 2025:

✓ **PASSED** **FAILED**

Bob Tullock
Bob Tullock, County Council Chair

Cherlynn Boyer
Cherlynn Boyer, Council Executive Assistant

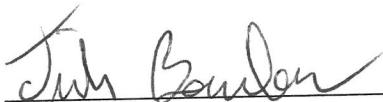
THIS BILL WAS ✓ APPROVED BY THE JEFFERSON COUNTY
EXECUTIVE AND ENACTED AS AN ORDINANCE OF JEFFERSON COUNTY,
MISSOURI, THIS 15 DAY OF May, 2025

THIS BILL WAS _____ VETOED AND RETURNED TO THE
JEFFERSON COUNTY, _____ MISSOURI, COUNCIL WITH WRITTEN
OBJECTIONS BY THE JEFFERSON COUNTY EXECUTIVE, ON
_____.


Dennis J. Gannon, Jefferson County, Missouri, Executive

ATTEST:


Jeannie Goff, County Clerk

BY: 

First Reading: 4/28/2025
Second Reading Date: 5/12/2025
Third Reading Date: 5/12/2025

DELETE FROM SECTION 700.010 Utility Facilities – Regulations For Location or Relocation On County Highways – Permit.

A.1.b. Except as herein described, all work to be performed on right-of-way of the County highway system in connection with the location, relocation or maintenance of utilities, and where the roadway, shoulders or right-of-way will be affected by the work, must be done only under a permit or agreement to be issued by authority of Jefferson County. Application for such permits shall state specifically the location and nature of the work to be performed. A deposit may be required to insure completion in accordance with the permit or easement issued. Replacement of individual poles and attachments or other existing utility facilities where only spot excavation is required and which excavation is not between the shoulder lines of the highway, may be considered as routine maintenance and a permit will not be required. Permits also will not be required for paralleling service connections from established distribution facilities where no pavement cut is involved. The policies prescribed in the documents, which are on file in the County Offices, are intended to reflect general policies of the County and specific application should be made and permit obtained for the completed work rather than to rely fully upon these rules.

A.3.c. *Encasement.* "Encasement", as used in this policy, means the placing of an installation around and outside of an underground facility consisting of a larger conduit, which will permit the removal and replacement of the facility. An alternate to the conduit type encasement would be reinforced concrete poured around the facility.

A.4.a.(2)(b) Underground facilities shall generally be continuously incased under the through roadways, median, ramps and shoulder areas with the casing extending to the toe of the fill slopes or to the ditch line. In curb sections, the encasement shall extend outside the outer curb of the roadway(s) a distance equal to the depth of the encasement at the curb line. Manholes or vent pipes for the casing where necessary shall be located at the right-of-way line or adjacent to an outer road. Exceptions for encasement may be made as follows:

A.4.a.(3) Paralleled installations on the right-of-way will be permitted provided that poles are within two (2) feet of the normal right-of-way line and underground facilities are within six (6) feet of the normal right-of-way line except:

- (a) Existing poles, being relocated, shall be within five (5) feet of the normal right-of-way line.
- (b) Existing overhead facilities that parallel an existing roadway which will be incorporated into the completed roadway may remain in place if their existing location does not interfere with construction, maintenance or operation of the completed highway.
- (c) Existing underground facilities (other than sanitary sewers) that parallel an existing roadway which will be incorporated into the completed roadway may be left in place where it is impractical to relocate the facility provided that maintenance and service can be performed without cutting or damaging the pavement or interfering with the construction, maintenance and operation of the highway.
- (d) Except for multiple facilities at intersections and subject to the approval of the highway engineer, existing steel pipe transmission and distribution facilities for gaseous petroleum products that parallel an existing roadway which will be incorporated into the completed roadway may be left in place subject to an agreement by the utility company that maintenance, service and facility expansion will be performed without cutting or damaging the pavement or interfering with the construction, maintenance or operation of the highway and provided that the facility is catholically protected against corrosion and meets the applicable material requirements.



(e) Careful consideration shall be given to the location of guys, anchors, braces and other supports. Generally, good design procedure will provide that such appurtenances be located at right-of-way jogs, along intersecting road right-of-way or at other similar acceptable locations, so that encroachment is held to an absolute minimum.

A.4.b.(1)(a) Existing paralleled surface installations interfering with construction, maintenance or operation shall be relocated to within five (5) feet of the normal right-of-way line. Poles for new parallel surface installations shall be located within two (2) feet of the normal right-of-way line. Careful consideration shall be given to the location of guys, anchors, braces and other supports. Generally, good design procedure will provide that such appurtenances be located at right-of-way jogs, along intersecting road right-of-way or at other similar acceptable locations, so that encroachment is held to an absolute minimum.

A.5.a.(5) Polyvinyl chloride (PVC) pipe for water transmission shall be of type PVC 1120 material and shall meet the requirements of ASTM D-2241-76 or the latest revision thereof. For sizes one (1) inch and larger, dimensions shall not be less than specified for SDR 26 pipe. For three-fourth ($\frac{3}{4}$) inch size, dimensions shall not be less than specified for SDR 21 pipe. Pipe, fittings and couplings may have integral bell and ring type joint or solvent-weld type joint. The owner shall furnish to the highway engineer a certification by the manufacturer that the pipe supplied will conform to the specified requirements. Such certification shall include substantiating test results representative of the pipe to be furnished.

A.5.a.(6) Asbestos cement pipe shall meet the requirements of AWWA C400-65 for Class 150 or Class 200 pipe or the latest revision thereof or ASTM C296-76, Type II, for Class 150 or Class 200 pipe or latest revision thereof. Uncombined calcium hydroxide shall not exceed one percent (1%). Couplings shall consist of an asbestos cement sleeve of the same composition as the pipe and two (2) rubber rings suitable in size and design for the pipe with which it is used. The rubber rings shall conform to the requirements of ASTM D1869-66 (1972) or the latest revision thereof. The owner shall furnish to the highway engineer a certification by the manufacturer that pipe and rubber rings supplied will conform to the specified requirements. Such certification shall include substantiating test results, including crushing strength, representative of the pipe to be furnished.

A.5.a.(7) Acrylonitrile butadiene styrene (ABS) composite sewer piping for gravity sewer parallel installations shall meet the requirements of AASHTO M264-771 (ASTM2680) or latest revision thereof. The owner shall furnish to the highway engineer a certification by the manufacturer that the pipe supplied will conform to the specified requirements. Such certification shall include substantiating test results representative of the pipe to be furnished.

A.5.d. *General.* The type of material permitted for underground facilities other than that specified in this policy shall conform to that specified in the latest edition of the Missouri State Highway Commission Standard Specifications. Material for installations not covered in the Standard Specifications or in this policy shall be subject to approval by the highway engineer, taking into consideration the applicable industry code.

A.8. Cutting pavements shall not be allowed without a special written permit issued. In the event that permission is granted to cut an existing P.C.C. or A.C. pavement, all cuts, if possible, shall be made with a saw to a minimum depth of two and one-half ($2\frac{1}{2}$) inches. The width of cut shall be determined by the width of required trench plus twelve (12) inches on each side of the trench. In the event that the distance

to any adjacent longitudinal or transverse joint or crack is less than four (4) feet, the pavement shall be removed to that joint or crack.

A.9. *Special conditions.* Special conditions at specific locations which make adherence to this policy impractical may be submitted to the highway engineer for consideration of an acceptable alternate.

A.10.b. *Notice of hearing.* Upon request by the highway engineer, the County Executive or his/her designated hearing examiner shall prepare a notice of hearing. The notice shall be in writing; include a plan of drawing indicating the locations within the right-of-way in which utilities may be located and maintained; state when the County or its contractor is scheduled to begin work on the right-of-way; state the date by which work shall be completed on utilities within the right-of-way; fix the time and place of the administrative hearing; and advise that the purpose of the hearing is to consider the County's proposed plan of utility location and other incidental matters. The highway engineer shall cause the notice of hearing to be served upon each corporation, association or person owning or maintaining utilities within the right-of-way by personal service, with certificate of service or certified mail, with return receipt requested. The notice shall be delivered or mailed at least fifteen (15) days before the date of hearing.

A.10.e. *Evidence, arguments and briefs.* The hearing shall be conducted as provided by Chapter 536, RSMo. The County Engineer shall first present its evidence at the hearing. Then any party may present evidence in opposition. The County Executive or hearing examiner may require written briefs to be filed within the time set by the Executive Council or hearing examiner. The County Executive or hearing examiner may rule on all objections and motions.

B. It is hereby provided that each corporation, association or person owning or maintaining utilities within the right-of-way of the County highways shall utilize a uniform utility map to utilize in establishing the locations of all underground utilities along and across the highways of the County. Such uniform map shall have grind locations indicators for purpose of establishing location of such underground utilities on occasions when the County or other may desire to excavate areas within the County rights-of-way. The County highway engineer and the Jefferson County Highway Division shall establish the map to be so utilized. Upon request all utilities maintaining utility installation along the County highways may be required to provide access to their maps showing all locations of all utilities within County road rights-of-way and to update same as requested by the County highway engineer. The Jefferson County Council and the Jefferson County Highway Division shall provide to the utilities upon request access to its maps of the County highway system including all proposed improvements thereto.

C. It is hereby provided and established that a fee of three dollars (\$3.00) for each and every permit or agreement for utilities to be installed along or across County highways shall be paid by the person, corporation or association requesting such easement, permit or agreement and as a condition precedent to the issuance of such permit or agreement such fees shall be paid.

D. It is provided that any corporation, association or person maintaining an underground utility upon the right-of-way of the County's highway shall within forty-eight (48) hours or in case of an emergency within three (3) hours' notice establish the exact location of such underground utility by meeting representatives of the County at the site at an agreed to established time. No utility lines shall be run through County or private party culverts or within thirty-six (36) inches thereof. All expense incurred in showing the exact location to the County at such points as requested by the County shall be born by the utility.

ADD TO SECTION 700.010 Utility Facilities – Regulations For Location or Relocation On County Highways – Permit.

A.1.b. Except as herein described, all work to be performed on the right-of-way of the County highway system in connection with the location, relocation or maintenance of utilities, and where the roadway, shoulders or right-of-way will be affected by the work, must be done only under a permit or agreement to be issued by authority of Jefferson County. Application for such permits shall state specifically the location and nature of the work to be performed. A performance bond of \$5,000 shall be required to ensure completion in accordance with the permit or easement issued. Replacement of individual poles and attachments or other existing utility facilities where only spot excavation is required and which excavation is not between the shoulder lines of the highway, may be considered as routine maintenance and a permit will not be required. Permits also will not be required for paralleling service connections from established distribution facilities where no pavement cut is involved. The policies prescribed in the documents, which are on file in the County Offices, are intended to reflect the general policies of the County and do not supplant the mandatory application and permit requirements set forth in this section. Any work that receives a permit must be done with a copy of the permit on site at all times.

A.3.c. *Encasement.* "Encasement", as used in this policy, means the placing of an installation around and outside of an underground facility consisting of a larger conduit, which will permit the removal and replacement of the facility. An alternative to the conduit type encasement would be reinforced concrete poured around the facility.

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(b) Existing underground facilities (other than sanitary sewers) that parallel an existing roadway which will be incorporated into the completed roadway may be left in place where it is impractical to relocate the facility provided that maintenance and service can be performed without cutting or damaging the pavement or interfering with the construction, maintenance and operation of the highway.

(c) Except for multiple facilities at intersections and subject to the approval of the County Engineer, existing steel pipe transmission and distribution facilities for gaseous petroleum products that parallel an existing roadway which will be incorporated into the completed roadway may be left in place subject to an agreement by the utility company that maintenance, service and facility expansion will be performed without cutting or damaging the pavement or interfering with the construction, maintenance or operation of the highway and provided that the facility is cathodically protected against corrosion and meets the applicable material requirements.

(d) Careful consideration shall be given to the location of guys, anchors, braces and other supports. Generally, good design procedures will provide that such appurtenances be located at right-of-way jogs, along intersecting road right-of-way or at other similar acceptable locations, so that encroachment is held to an absolute minimum.

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distance to any adjacent longitudinal or transverse joint or crack is less than four (4) feet, the pavement shall be removed to that joint or crack.

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A.10.b. *Notice of hearing.* Upon request by the County Engineer, the County Executive or his/her designated hearing examiner shall prepare a notice of hearing. The notice shall be in writing; include a plan of drawing indicating the locations within the right-of-way in which utilities may be located and maintained; state when the County or its contractor is scheduled to begin work on the right-of-way; state the date by which work shall be completed on utilities within the right-of-way; fix the time and place of the administrative hearing; and advise that the purpose of the hearing is to consider the County's proposed plan of utility location and other incidental matters. The County Engineer shall cause the notice of hearing to be served upon each corporation, association or person owning or maintaining utilities within the right-of-way by personal service, with certificate of service or certified mail, with return receipt requested. The notice shall be delivered or mailed at least fifteen (15) days before the date of the hearing.

A.10.e. *Evidence, arguments and briefs.* The hearing shall be conducted as provided by Chapter 536, RSMo. The County Engineer shall first present the County's evidence at the hearing. Then any party may present evidence in opposition. The County Executive or hearing examiner may require written briefs to be filed within the time set by the County Executive or hearing examiner. The County Executive or hearing examiner may rule on all objections and motions.

B. It is hereby provided that each corporation, association or person owning or maintaining utilities within the right-of-way of the County highways shall utilize a uniform utility map to establish the locations of all underground utilities along and across the highways of the County. Such uniform map shall have grid location indicators for the purpose of establishing location of such underground utilities on occasions when the County or other may desire to excavate areas within the County rights-of-way. The County Engineer and the Jefferson County Highway Division shall establish the map to be utilized. Upon request all utilities maintaining utility installation along the County highways may be required to provide access to their maps showing all locations of all utilities within County road rights-of-way and to update same as requested by the County Engineer. The Jefferson County Council and the Jefferson County Highway Division shall provide to the utilities upon request access to its maps of the County highway system including all proposed improvements thereto.

C. It is hereby provided and established that as a condition precedent for any easement, permit or agreement for installing utilities along or across County highways, a fee of twenty-five dollars (\$25.00) shall be paid by the person, corporation or association requesting such easement, permit or agreement. Said fee shall increase to fifty dollars (\$50.00) beginning on January 1, 2026.

D. It is provided that any corporation, association or person maintaining an underground utility upon the right-of-way of the County's highway shall within forty-eight (48) hours or in case of an emergency within three (3) hours' notice establish the exact location of such underground utility by meeting representatives of the County at the site at an agreed to established time. No utility lines shall be run through County or private party culverts or within thirty-six (36) inches thereof. All expenses incurred in showing the exact location to the County at such points as requested by the County shall be borne by the utility.