

EXHIBIT A to
ORDINANCE AMENDING SECTIONS 1000, 5200 AND 5300 OF THE CITY'S DESIGN AND
CONSTRUCTION MANUAL AS ADOPTED AND MADE A PART OF THE CODE OF
ORDINANCES BY SECTION 22.5-1 OF THE CODE OF ORDINANCES OF THE CITY OF
LEE'S SUMMIT, MISSOURI.

CITY OF LEE'S SUMMIT
DESIGN AND CONSTRUCTION MANUAL
SECTION 1000 - GENERAL PROVISIONS

1001 PURPOSE

The purpose of the City of Lee's Summit Design and Construction Manual ("Manual") is to provide minimum design and construction standards to safeguard life, limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, and location of public and private infrastructure within the City of Lee's Summit.

1002 SCOPE

The Manual is composed of four parts: General Provisions, Design Criteria, Standard Specifications, and Standard Drawings. The provisions of the Manual shall apply to the design and construction of infrastructure including, but not limited to, streets; sidewalks; pavements; water lines; sanitary sewers; storm sewers; and stormwater detention.

Where, in any specific case, different sections of the Manual specify different requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from any provision of these regulations or any other ordinance, rule, or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

- A. Modifications: Wherever there are practical difficulties involved in carrying out the provisions of this Manual, the City Engineer shall have the authority to grant modifications for individual cases, upon application in writing by the property owner or owner's representative, provided the City Engineer shall first find that special individual reasons exist that make the strict letter of this Manual impractical and the modification is in compliance with the intent and purpose of this Manual and that such modification does not lessen health, accessibility, life and safety, or functional requirements. The details of action granting modifications shall be copied to the project file.
- B. Alternative Materials, Design and Methods of Construction and Equipment: The provisions of this Manual are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Manual, provided that any such alternative has been approved. Requests for use of alternative materials shall be submitted in writing to the City. An alternative material, design or method of construction shall be approved where the City Engineer finds that the proposed design is satisfactory and complies with the intent of the provisions of the Manual, and that the

GENERAL PROVISIONS

- material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this manual in quality, strength, effectiveness, durability, and safety.
- C. Tests: Whenever there is insufficient evidence of compliance with the provisions of this Manual, or evidence that a material or method does not conform to the requirements of this Manual, or in order to substantiate claims for alternative materials or methods, the City Engineer shall have the authority to require tests as evidence of compliance to be made at no expense to the City. Test methods shall be as specified in this Manual or by other recognized test standards. In the absence of recognized and accepted test methods, the City Engineer shall be authorized to approve the testing procedures. Tests shall be performed by an independent, accredited testing lab meeting A2LA, AMRL, AASHTO, AWWA, CCRL, or meeting other governing accreditation agencies recognized by the MoDOT, MDNR, or USACE. Reports of such test shall be retained by the City Engineer for the period required for retention of public records.
- D. Appeals: Appeals of orders, decisions or determinations made by the City Engineer relative to the application and interpretation of this Manual shall be made to the Board of Appeals as established by Sec. 7-173 of the City of Lee's Summit Code of Ordinances. The City Engineer's decision shall be final when mailed by U.S. mail postage prepaid to the owner or the owner's representative and may be appealed within ten (10) days from the date of such mailing. The appeal, if any, shall be pursuant to the contested case procedures of Chapter 536, RSMo.

1003 DEFINITIONS

Whenever the following words, phrases or abbreviations appear in this ordinance, they shall have the following meanings:

Bond shall mean performance, payment and/or maintenance bonds and other instruments of security furnished by the Contractor/Developer and his surety in accordance with these specifications.

City shall mean the City of Lee's Summit, a municipal Corporation, acting by and through its duly elected governing body and its duly appointed officials.

City Engineer shall mean the Engineer of the City of Lee's Summit or his/her authorized representative acting on behalf of the City.

Contractor shall mean a person, partnership, or corporation duly licensed to perform construction operations within the City of Lee's Summit.

Contractor/Developer shall mean either a Contractor or Developer who is applying for or has applied for and received approval of engineering plans for infrastructure improvements.

Day shall mean a calendar day of 24 hours measured from midnight to the next midnight unless otherwise defined by specific project contract documents.

Department shall mean the Engineering Division of the Public Works Department or the individual assigned to perform a function for the Engineering Division of the Public Works Department.

GENERAL PROVISIONS

Design Engineer shall mean a registered professional engineer, licensed in the state of Missouri, under contract to the Contractor/Developer or the City of Lee's Summit for the purpose of preparing and sealing engineering studies, design drawings, specifications, etc.

Developer shall mean a person whose intent or function is to bring about any change of land use or improvement on any parcel of land within the City of Lee's Summit.

Development shall mean any change of land use or improvement on any parcel of land within the City of Lee's Summit.

Drainage Facility shall mean a manmade structure or natural watercourse for the conveyance of storm runoff. Examples are open channels, pipes, ditches, swales, catch basins, street gutters, slopes, berms, and other features affecting the flow of water.

Engineering Plans shall mean all engineering drawings including plan and profile drawings, a Master Drainage Plan, engineering details, calculations; and / or reports prepared and sealed by a registered professional engineer, and meeting City standards and good engineering practices.

EPRI Fees shall mean the fees paid to the Lee's Summit Public Works Department for Engineering Plan Review and Inspection.

Final Acceptance shall mean the time when all requirements for the required Improvements have been fully met.

Final Affidavit and Agreement shall mean lien waivers indicating all subcontractors and suppliers have been paid; affidavits certifying all contractors and subcontractors have complied with prevailing wage laws for work subject to prevailing wage; necessary bonds or other financial securities have been provided to the City as required by this Manual

Improvements shall mean the entire construction required to be provided in accordance with the approved Engineering Plans. Improvements include and are the result of performing or providing all labor, services, and documentation necessary to produce such construction, and furnishing, installing, and incorporating all materials and equipment into such construction, all as required by the approved Engineering Plans.

Inspector shall mean an authorized representative of the City of Lee's Summit Public Works Department who has been assigned to monitor conformance to the requirements of this Manual by the Contractor/Developer.

Land Disturbance shall mean an activity including, but not limited to, mechanized clearing, grading, etc., which removes the vegetative ground cover.

Owner shall mean any person having legal title to, or a proprietary interest in real property. Proprietary interest shall include, but not be limited to, estate administration, trusteeship, guardianship, and actions under a valid power of attorney.

Site shall mean the total area of the parcel, tract, lot or ownership of land upon which development or land disturbance is proposed irrespective of the actual limits or size of the proposed development or land disturbance activity.

Substantial Completion shall mean the time at which the Improvements have progressed to the point where, in the opinion of the City Engineer, the Improvements are sufficiently complete, in accordance with the requirements of this Manual, so that the Improvements can be utilized for the purposes for which they are intended.

Abbreviations used throughout the Design Criteria and the Standard Specifications are listed in Appendix A to this Section.

1004 REFERENCED STANDARDS

Whenever references are made to national or industry standards and specifications, methods of testing, materials codes, practices, and requirements, it shall be understood that the latest revision of said references shall govern unless a specific revision is stated. Whenever a reference, standard, or specification is not explicit or not specifically covered by this manual for any engineering and/or construction application, it shall be understood that generally accepted practices, references, standards, and specifications shall govern and shall be approved by the City Engineer.

1005 ENGINEERING SUBMITTALS

- A. Engineering plans for any proposed development (residential, commercial and/or industrial) for improvements that involve the construction of sanitary sewer, storm sewer/detention, waterlines, streets, sidewalks and pavements shall be submitted to the City Engineer to determine if the infrastructure in the proposed development complies with the design criteria in this Manual.
- B. Plan Requirements: Specific plan requirements are contained in the sections of the Design Criteria for various types of infrastructure. Minimum general requirements include the following:
 - 1. Cover sheet shall include the following minimum information:
 - a. Project title
 - b. Vicinity map
 - c. Developer's name, address, phone and fax number, and email address
 - d. Design Engineer's name, address, phone and fax number, and e-mail address
 - e. List of drawings (including revision dates)
 - f. Utility contact information.
 - 2. Plan set shall include:
 - a. Title Sheet
 - b. General Notes
 - c. Survey Control Data
 - d. Summary of bid quantities
 - e. Existing utilities, easements, and right-of-way
 - f. Utility relocations (as required)
 - g. Typical Sections for streets, rights of way, sidewalks, driveways, pavements, slopes, and other features as required.
 - h. Plan views, profiles and details

GENERAL PROVISIONS

- i. street, curb, gutter, sidewalks and pavements
 - ii. traffic signals and pavement markings
 - iii. sidewalks and associated ADA ramp details
 - iv. storm sewers (including detention / retention facilities)
 - v. sanitary sewers
 - vi. water lines
 - c. Temporary traffic control plan (as required)
 - d. Permanent signing and marking plan (as required)
 - e. Drainage area map, mass grading plan, and a Master Drainage Plan (as required) for the entire development in accordance with the requirements in Section 5600.
 - f. Erosion and Sediment Control Plan for the entire development in accordance with the requirements in Sections 5100 and 2100.
3. All infrastructure shall have its own stationing and/or coordinates (i.e. pipelines shall not have road stationing).
4. All drawings, except detail sheets, shall be drawn to an acceptable standard engineering scale and shall include a bar scale.
5. The City's Standard Drawings, necessary to complete the Improvements, shall be incorporated into the plans.
6. Plans shall include at least two written benchmark descriptions and elevations, based on USGS (NAD83) or the City's datum.
7. Minimum font size on all plans shall be 0.125 inch on full size plans.
8. All plans should be oriented so that north is to the top (up) or to the left of the sheet and shall include a north arrow.
9. Legend shall be included showing line weights, symbols, abbreviations, etc.
10. Aerial backgrounds and imagery shall not be allowed.
- C. Submittals
 1. Two sets of sealed engineering drawings on 22" x 34" paper for the initial submittal. One full-size and two half-size (11" x 17") sets for final distribution of the approved plans, and at least one additional set to be stamped and returned to the Contractor upon approval and payment of fees.
 2. One copy of each of the following as applicable:
 - a. All storm water calculations, including detention and/or retention system design.
 - b. All sanitary sewer system calculations for a 50-year rainfall event including hydraulic grade line.
 - c. Water system analysis.
 - d. Traffic impact studies.
 - e. Soil or geotechnical reports.
 - f. Pavement designs.

GENERAL PROVISIONS

- g. Summary of bid quantities. This may be submitted as a separate document accompanying the engineering plans.
 - h. Engineer's Opinion of Probable Construction Costs. This shall be an itemized list by quantity to include all materials, labor, and equipment necessary to complete the entire project and shall be submitted as a separate document. Reference Paragraph 1010, Permits.
 - i. All applicable local, state, federal and private agency permits.
 - j. Stormwater Pollution Prevention Plan (SWPPP).
- 3. Separate (proposed) off-site easement documents as required for easements not dedicated on a plat.
 - 4. Engineering Plan submittals that are inactive may be required to be resubmitted at the discretion of the City Engineer.

1006 OIL AND GAS WELLS AND UNDERMINED AREAS

- A. Engineering drawings for any proposed development shall show the surveyed location of any oil or gas well or undermined area within the development.
- B. Documentation of compliance with the Revised Statutes of Missouri, and the Code of State Regulations shall be provided with the engineering submittal for any oil or gas wells that are plugged and abandoned within the development.
- C. Monumentation of Plugged and Abandoned Oil and Gas Wells
 - 1. The permanent markers shall be placed at all plugged and abandoned oil and gas wells located under pavement in compliance with this section and the Unified Development Ordinance.
 - 2. The permanent marker shall be a "Mark-it" concrete/bench marker Model C/M-SS-3 1/4 B (3 1/4 inch flat/dome top by 3 inch split stem brass marker), with magnet, or an approved equal approved by the Public Works Department.
 - 3. The permanent marker shall be stamped with the identifying number for the well, as issued by the Missouri Department of Natural Resources.

1007 PLAN APPROVAL

Engineering Plan approval can be granted upon review and acceptance by the City Engineer and payment of the EPRI fees. All required submittals must be received in the required number of copies and format in order for approval of Engineering Plans to be granted. Partial approval of Engineering Plans may be granted at the sole discretion of the City Engineer.

Approval of plans does not relieve the Contractor/Developer from complying with the provisions set forth in this Manual. The Design Engineer whose seal appears on the Engineering Plans shall have the ultimate responsibility of ensuring that the engineering complies with the Design Criteria. Resubmission of Engineering Plans will be required for re-review and re-approval if construction has not commenced within one year from the date of plan approval.

1008 POSTING OF SECURITY FOR SUBDIVISION RELATED PUBLIC IMPROVEMENTS

All required subdivision-related public improvements must be completed as a condition precedent to the approval of the final plat, unless security is provided according to Article 16, Division IV – Minimum Public Improvements, Sections 16.330 and 16.340 of the Unified Development Ordinance (UDO). The public improvements covered by the UDO and this Manual include, without limitation, streets, curb and gutter, sidewalks, traffic signals, sanitary sewers, storm drainage facilities, and waterlines.

Whenever security is posted in the manner provided for under the UDO, the Contractor/Developer shall enter into a deposit agreement with the City in a form approved by the City Attorney. The City shall maintain any escrow funds deposited by a Contractor/Developer for the purpose of constructing public improvements in a separate account established for the public improvements. Said account shall earn interest at the rate earned on the City's pooled cash in accordance with the City's investment policy and such interest will be paid to the City to cover administrative and other costs associated with maintaining the cash deposit.

The dollar value of the security shall be based on an estimate of the cost to complete the construction and install the improvements and shall be determined the Design Engineer.

1009 INFRASTRUCTURE UPSIZING

City financial assistance may be made available for upsizing of water lines, sanitary sewers, and/or streets to serve private development. The amount of upsizing assistance shall be based upon City infrastructure planning requirements versus the minimum infrastructure requirements to serve the development. General terms for upsizing of water and sewer projects are covered in Sections 32.5 and 32-8 of the Lee's Summit Code of Ordinances.

- A. During the planning and/or design of a development project, areas of possible upsizing may either be identified by the City Engineer or be proposed by the Contractor/Developer. The Contractor/Developer shall provide the following information to the City Engineer:
 - 1. A cover letter stating the specifics of the upsizing proposal.
 - 2. An Engineer's Opinion of Probable Construction Costs that illustrates the cost of the proposed minimum improvements required to serve the development versus the cost of the proposed improvements generated through the City's CIP construction bids or accepted construction means.
- B. Following the City Engineer's evaluation of the proposal, an upsizing agreement will be drafted by the City Attorney for execution by the City and Contractor/Developer.
- C. After the Contractor/Developer has executed the agreement and returned the originals to the City, the proposal will be presented to the Public Works Committee and City Council for approval of the City's estimated cost share of the project and for approval of the agreement.
- D. Following the City Council action:

GENERAL PROVISIONS

1. Engineering Plan approval will be given in accordance with the procedures outlined in the Design and Construction Manual.
 2. The required improvements of the project shall be constructed by the Contractor/Developer.
- E. Reimbursement will be issued following final acceptance of the entire project. Following the acceptance of the improvements of the entire project by the City Engineer, the Contractor/Developer shall submit a written request for reimbursement in the final dollar amount for the City's cost share.
- F. Reimbursement will be made to the Contractor/Developer in the form of a check, provided the request does not exceed the amount included in the upsizing agreement.
- G. In the event the request does exceed the previously approved amount, the request will be reviewed by the City Engineer and will be presented to the Public Works Committee and City Council for final approval prior to payment.

1010 PERMITS

- A. The Contractor/Developer or Owner is responsible for obtaining all applicable local, state, federal and/or private agency permits.
- B. Nothing in this Section shall be deemed to supersede permitting requirements imposed by any law, rule or regulation of other Federal, State or local agencies, or of the City. In the event of conflict between these requirements and any other such law, rule or regulation, the more restrictive laws, rules or regulations shall apply.
- C. Land Disturbance Permit

All land disturbances, including residential and commercial development projects, shall provide adequate erosion control to protect public streets, public storm sewer systems, adjacent property, streams and surface waters from being polluted with sediment and silt.

1. A Land Disturbance Permit is required for any public or private entity that intends to cause or causes a condition that allows for erosion, including but not limited to stripping vegetation, clearing and grubbing land, or creating any type of land disturbance. The Contractor/Developer or Owner that intends to cause or causes a condition that allows for erosion shall apply for a Land Disturbance Permit.
2. Applications for a Land Disturbance Permit shall be submitted to the City. Applications shall be accompanied by
 - a. An erosion and sediment control plan
 - b. SWPPP
 - c. An application fee
 - d. Other submittals which are listed on the Land Disturbance Permit Application

Where practical, drawings may be combined to contain all of the required plans.

3. The following activities are exceptions and do not require a Land Disturbance Permit:

GENERAL PROVISIONS

- a. Any grading or excavation for a basement, footing, retaining wall, or other structure on a single lot authorized by a valid full building permit.
 - b. Any land disturbance activity of 2000 square feet or less.
 - c. Public landfills.
 - d. Agricultural activities in connection with the production, harvesting, storage, drying, or raising of agricultural products and livestock.
 - e. Mining, quarrying, excavating, processing, and/or stockpiling of rock, sand, aggregate or clay where established and provided for by law.
- D. Infrastructure Permits: An infrastructure permit is required prior to the start of construction.
1. Public Works Inspections will issue the infrastructure permit within 48 hours once the construction drawings have been approved by the City Engineer or their designee and the EPRI fee has been paid.
 2. The EPRI Fees will be calculated using the Engineer's Opinion of Probable Construction Costs or the contract amount from the project contract documents. This must be an itemized list of unit prices and quantities that includes all materials, labor, equipment and incidental work necessary to complete the entire project.
 3. The fee can be found in the City of Lee's Summit, Schedule of Fees.
 4. The Engineer's Opinion of Probable Construction Costs shall include, but not be limited to, the following items:
 - a. Public Infrastructure:
 - i. All public infrastructure (sidewalks, streets, pavements, sanitary system, storm water system, and water system).
 - ii. All grading work
 - iii. All offsite public improvements
 - iv. All erosion and sediment control devices, BMPs, and activities
 - v. All detention/retention facilities
 - vi. All public street signage and lighting
 - vii. All traffic signals
 - viii. Traffic Control
 - ix. Other work required to complete the project
 - b. Private Infrastructure:
 - i. Any water service line larger than 2" in diameter, valves, hydrants, and backflow preventer with vault, if outside the building.
 - ii. All storm water piping 6" and larger, structures, and detention/retention facilities
 - iii. All grading for detention/retention ponds
 - iv. All erosion and sediment control devices, BMPs, and activities

GENERAL PROVISIONS

- v. All private street construction, including parking lots, drive approaches and sidewalks.
 - vi. All site grading
 - vii. All retaining wall structures designed to facilitate site grading
 - viii. All private sanitary sewer laterals, wyes, cleanouts, and connection of the building stub to the public main
 - ix. All traffic control devices
 - x.
- E. Building Permit for Foundation Only: No foundation shall be constructed without first obtaining, at a minimum, a Building Permit for Foundation Only from the Codes Administration Department in accordance with the current building code. No Building Permit for Foundation Only will be issued before:
 - 1. The following facilities, if required by approved Engineering Plans, are complete as indicated:
 - a. The sanitary sewer serving the development is substantially complete. Substantial completion of the sanitary sewer shall include substantial completion of any off-site or outfall sewer serving the development. Any new sewer main serving the building site must be completely connected to the existing system and must be operational.
 - b. A paved road is in place serving the development, unless otherwise approved by the City Engineer and the Fire Department.
 - c. Erosion and sediment control must be installed according to the current rules and regulations according to Sections 2150 and 5100 of the Manual.
 - 2. Conditions of all development agreements covering the development are met, if applicable.
 - 3. If required by Section 5600, the as-graded record drawing(s) of the development's Master Drainage Plan have been submitted to and approved by the City Engineer.

Exception: For a single commercial site (single building/single lot) a building permit will be allowed following issuance of an infrastructure permit, provided there is no impact to any other users. Substantial completion shall be issued prior to any certificate of occupancy.

No water or sanitary sewer service lines shall be permitted to connect to the public mains until the mains are substantially complete.
- F. Full Building Permit: All permits for buildings or structures are issued by the Codes Administration Department in accordance with the current building code. No building permit will be issued before:
 - 1. A Certificate of Substantial Completion for all public infrastructure has been executed.

Exception: For a single commercial site (single building / single lot), a building permit will be allowed following issuance of an infrastructure permit, provided there is no impact to any other users.

GENERAL PROVISIONS

Substantial completion shall be issued prior to any certificate of occupancy.

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 3. If required by Section 5600, the as-graded, record drawing(s) of the development's Master Drainage Plan have been submitted and approved by the City Engineer.
 4. Erosion and sediment control has been installed according to current regulations and Sections 2150 and 5100 of this Manual.
- G. Right of Way Permit: All work within the City right-of-way shall be in accordance with the City's Right of Way Management Ordinance.
- H. Temporary Traffic Control Permit: All activity within the City right-of-way that impacts the flow of vehicular or pedestrian traffic shall be in accordance with the City Right-of-Way Management Ordinance.
- I. Blasting Permit: No Contractor/Developer or person using explosives will conduct blasting within the City limits, without first obtaining a permit from the Public Works Department.
1. Use of Explosives
 - a. Blasting shall only be conducted between the hours of 8 a.m. and 8 p.m. Monday through Saturday.
 - b. Any Contractor/Developer or person using explosives within the City limits shall notify the owner or occupant of any residence or business located within a scaled distance of fifty-five from the site of blasting prior to the start of blasting at any new location. The scaled distance shall be determined by dividing the linear distance, in feet from the blast to a specific location, by the square root of the maximum weight of explosives, in pounds, to be detonated in any eight (8) millisecond period. One notification by mail, telephone, printed notification posted prominently on the premises or the property of the owner or occupant of the residence or business, or delivered in person to any such owner or occupant.
 2. Application Requirements
 - a. Each blasting permit application submitted under this section shall be accompanied by a fee in the amount indicated in the Schedule of Fees.
 - b. The application shall be submitted no less than five (5) days prior to the first use of explosives, unless such use impacts the normal flow of traffic, in which case the application shall be submitted no less than ten (10) days prior thereof.
 3. Blasting Permit Application Must Contain:
 - a. The name, address and telephone number(s) of the person using explosives.
 - b. The name of the individual responsible for the supervision of blasting.
 - c. The date or approximate period over which blasting will be conducted.
 - d. The location where blasting will take place.
 - e. The nature of the project or reason for blasting.

GENERAL PROVISIONS

- f. Specific information about the type of explosives to be used and their storage location at the site where used.
 - g. An acceptable plan for signage or other means of informing the public of blasting in the proximity to public streets or highways. All street closures or lane reductions must be approved by Public Works Engineering and may require a separate permit.
 - h. Proof that the person using explosives is registered with the division of fire safety and that blasting will be conducted by a licensed blaster.
 - i. Proof of commercial general liability insurance in the amount of no less than two million dollars (\$2,000,000).
 - j. Documentation of at least three attempts to contact the owner of any uncontrolled structures within a scaled distance of thirty-five from the blast site in order to conduct a preblast survey of such structures. The scaled distance shall be determined by dividing the linear distance, in feet from the blast to a specific location, by the square root of the maximum weight of explosives, in pounds, to be detonated in any eight (8) millisecond period. A preblast survey is not required if the owner of any such structure does not give permission for a survey to be conducted.
4. Inspection of Blasting Operations: Any authorized representative of the City may:
 - a. Require that any person using explosives to show proof that he or she is registered with the Division of Fire Safety and blasting is being conducted by an individual that is licensed under the provisions of section 319.306 RSMo.
 - b. Request and be allowed access to the site of blasting by the person using explosives and shall be allowed to observe blasting from a safe location as designated by the blaster.
 - c. Examine records to be maintained by sections 319.309 RSMo and 319.315 RSMo.
 - d. Report suspected violations of 319.300RSMo to 319.345 RSMo to the Missouri Division of Fire Safety.
5. Suspension or Revocation of Blasting Permit: Public Works shall have the power to suspend for up to fifteen (15) days or revoke any permit issued under the terms and conditions of this article for any of the following causes.
 - a. Any fraud, misrepresentation or false statement contained in the permit application.
 - b. Failure to rectify any dangerous condition after being ordered to do so by any authorized representative of the City of Lee's Summit.
 - c. Reported or suspected violations of city or state regulations related to blasting, storage of explosives, use or handling of explosives.
 - d. Upon revocation or suspension, no refund of any portion of the license fee shall be made to the permittee and permittee shall cease all blasting operations.
6. Transfer, Assignment, or Sale of Rights Granted Under Permit: No transfer, assignment, or sale of rights granted under any permit granted under the terms and condition of this article shall be made without prior approval of the City Engineer.
7. Penalty: Any person who shall violate any provision of this article shall be subject to the penalties in Section 1-13 of the Code of Ordinances.
8. Exemptions: Any blasting as stated in section 319.342.7 RSMo.
9. Storage of Explosives

GENERAL PROVISIONS

- a. All storage of explosives, in excess of that amount required for one day's use (day box), requires a permit to be issued by the Fire Department. The day box storage of that amount required for one day's use as approved in the Blasting Permit application shall be in accordance with all city, state, and federal regulations. The Lee's Summit Fire Department and the City of Lee's Summit has adopted the NFPA 495, Explosive Materials Code,. 2001 Edition. This information is available upon request.
 - b. A Type 3 magazine shall be a "day box" or portable structure used for the temporary storage of explosives. A type 3 magazine shall be fire resistant, theft resistant, and weather resistant.
 - c. The magazine shall be equipped with one steel padlock (which shall not be protected with a steel hood) having at least five tumblers and a case-hardened steel shackle at least 9.5 mm (3/8 in.) in diameter. Doors shall overlap the sides by at least 25.4 mm (1 in.) Hinges and hasps shall be attached by welding, riveting or bolting (nuts on inside.)
 - d. The magazine shall be constructed of not less than 12-gauge [2.66 mm (0.1046-in.)] steel, lined with at least 12.7-mm (1/2-in.) masonite-type hardboard.
 - e. Type 3 magazines containing explosive materials shall be within line-of site vision of a blaster.
 - f. Detonators shall be stored in a separate magazine for blasting supplies and shall not be stored with other explosives.
- J. Floodplain Development Permit: A floodplain development permit from the City Engineer is required for all work within a regulatory floodplain. Regulatory floodplains are defined on the Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA). Copies of maps and additional floodplain information are available through the Public Works Engineering Division.
- K. The Missouri Department of Transportation (MoDOT) requires a permit for all work to be performed within state highway right-of-way. No work within the state right-of-way shall commence until a permit is obtained and a copy provided to the City. No work will be accepted by the City that has not been accepted or approved as satisfactory by MoDOT.
- L. Railroad companies require permits for all work to be performed within railroad right-of-way. No work within the railroad right-of-way shall commence until a permit is obtained and a copy provided to the City. No work will be accepted by the City that has not been accepted or approved as satisfactory by the affected railroad company.

1011 FEES

EPRI and miscellaneous permit fees are established in the City's current fee schedule adopted by the City Council.

1012 INSURANCE

The Contractor/Developer shall secure and maintain, throughout the duration of the project, insurance of such types and in at least amounts as are required herein. Contractor shall provide certificate(s) of insurance confirming the required protection on forms acceptable to the City. The

GENERAL PROVISIONS

City shall be notified by receipt of written notice from the insurer at least 30 days prior to material modification or cancellation of any policy listed on the certificate(s).

A. Industry Rating

The City will only accept coverage from an insurance carrier who offers proof that it:

- Is licensed to do business in the State of Missouri;
 - Carries a Best's policyholder rating of "A" or better;
 - Carries at least a Class X financial rating.
- OR
- Is a company mutually agreed upon by the City and the Contractor/Developer.

B. Insurance Requirements

1. COMMERCIAL GENERAL LIABILITY POLICY

Limits -

Each Occurrence:	\$ 2,000,000
Personal & Advertising Injury:	\$ 2,000,000
Products/Completed Operations	
Aggregate:	\$ 2,000,000
General Aggregate:	\$ 2,000,000

Policy SHALL include the following conditions:

- Contractual Liability
 - Personal & Advertising Injury
 - Products/Completed Operations
- Certificate must confirm inclusion of "Blasting" coverage, if applicable
- Independent Contractors
 - Broad Form Property Damage

2. AUTOMOBILE LIABILITY

Policy shall protect the Contractor/Developer against claims for bodily injury and/or property damage arising out of the ownership or use of any owned, hired and/or non-owned vehicle and must include protection for either:

- a. Any Auto, OR
- b. All Owned Autos; Hired Autos; and Non-Owned Autos

Limits -

Each Accident, Combined Single Limits, Bodily Injury and Property Damage:	\$ 2,000,000
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3. WORKERS' COMPENSATION

This insurance shall protect the Contractor/Developer against all claims under applicable state Workers' Compensation laws. The Contractor/Developer shall also be protected against claims for injury, disease or death of employees for which, for

GENERAL PROVISIONS

any reason, may not fall within the provisions of a Workers' Compensation law. The policy limits shall not be less than the following:

Workers Compensation:	Statutory
Employers Liability -	
Bodily Injury by Accident:	\$ 100,000 Each Accident
Bodily Injury by Disease:	\$ 500,000 Policy Limit
Bodily Injury by Disease:	\$ 100,000 Each Employee

4. UMBRELLA LIABILITY

An Umbrella or Excess Liability policy in the minimum amount of \$1,000,000 each occurrence, \$1,000,000 aggregate. The umbrella or excess policy shall be at least as broad as the underlying policies and include the following protection:

- a. General Liability
- b. Automobile Liability
- c. Employers Liability

The City of Lee's Summit shall be named as an additional insured. Umbrella, or Excess Liability requirements may be modified or waived at the City's discretion upon written application to and approved by the City's risk manager (or risk management consultant). If the requirement is modified or waived, the risk manager (or risk management consultant) shall place on file with the City their reasoning for such waiver or modification.

1013 DAMAGES

The Contractor/Developer hereby expressly binds himself or itself to indemnify and hold harmless the City and its officers and employees against all suits or actions of every kind and nature brought or which may be brought, or sustained by any person, firm, or corporation, or persons, firms or corporations, in connection with or on account of the Contractor/Developer's work or in consequence of any negligence in connection with same, or on account of any poor workmanship, or on account of any act of commission or omission of the Contractor/Developer or his, its, or their agent or employees, or for any cause arising during the course of construction.

1014 SAFETY

The Contractor/Developer is responsible for complying with all applicable OSHA requirements. The City assumes absolutely no oversight responsibility.

1015 CONSTRUCTION COMMENCEMENT

Construction shall commence only after the following requirements are fully met:

- A. Approval by City Engineer of final Engineering Plans and other required submittals.
- B. Deposits, if applicable, have been deposited with the City.
- C. All applicable permits have been obtained.
- D. Certificate of Insurance has been submitted to City.

GENERAL PROVISIONS

- E. Verification that a business license has been obtained from the City.
- F. All executed offsite easements required for construction but not dedicated by plat have been submitted to the City.
- G. EPRI fee has been paid.
- H. Notification to Public Works Inspectors at least 48 hours prior to anticipated commencement of construction.
- I. Contractor/Developer may be required to provide written verification from a financial institution of the ability to obtain a maintenance bond or other form of security acceptable to the City.

The general contractor and all subcontractors shall maintain a current set of City-approved, stamped construction plans on the site at all times. Public Works Inspectors may, at their discretion, issue a stop work order until approved plans are available at the site.

1016 HOURS OF WORK, WEEKEND OR HOLIDAY WORK

- A. Normal working hours for the City of Lee's Summit Public Works Inspection employees are between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday. Legal holidays observed by the City of Lee's Summit are New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day including the following Friday, Christmas and a holiday before or after Christmas Day. The actual days off for these holidays may vary and in certain situations additional days may be a part of the amount of time granted as an official holiday by the City of Lee's Summit.
- B. The City of Lee's Summit shall be compensated by the Contractor/Developer for inspection services required for work performed prior to 7:00 a.m., between 12:00 p.m. and 1:00 p.m., and after 4:00 p.m. on normal workdays; and on Saturdays, Sundays, and legal holidays. Compensation for inspection services shall be at an appropriate overtime rate , as shown on the Schedule of Fees, based upon the following time frames:
 - 1. Normal Work Days - time actually worked, minimum one hour.
 - 2. Saturday, Sunday, Holidays - Time actually worked (door to door), minimum four (4) hours.
- C. Request to work overtime on a normal work day shall be made directly to the Public Works Inspector by 12:00 noon of that day. Request for a Public Works Inspector to work overtime on Saturdays and Sundays shall be made by 3:00 p.m. on the Thursday before. Request for a Public Works Inspector to work overtime on legal holidays shall be made five (5) working days in advance. Requests will be accommodated if possible based on availability of Public Works Inspectors.

1017 TRAFFIC CONTROL

Temporary traffic control plans shall be in accordance with Section 3000 of the Design and Construction Manual.

1018 CHANGES IN THE WORK

All proposed changes must be submitted in writing by the Design Engineer to the City Engineer. Written approval by the City Engineer shall be received by the Public Works Inspector prior to implementing the change. Any change in the work made without the consent of the City Engineer shall be subject to removal by the Contractor/Developer at no cost to the City.

1019 AUTHORITY OF CITY TO STOP WORK

All construction work may be stopped at any time by the City Engineer when, in the opinion of the City Engineer, the workmanship, materials used, or procedures of work do not meet the requirements or comply with the City codes, ordinances, specifications, and procedures for such work.

1020 WORK NOT MEETING MINIMUM SPECIFICATIONS

Any completed item of work not meeting the requirements of these specifications shall normally be removed and replaced. If the City Engineer determines it is not feasible or necessary to remove substandard items of work, then such items shall be accepted as a lesser product and the Contractor/Developer shall place an appropriate amount of funds as determined by the City Engineer, in a deposit account to compensate the City of Lee's Summit for additional maintenance that would be expected for the life of the product.

1021 PROTECTION OF EXISTING FACILITIES

All construction operations in the vicinity of existing facilities shall be performed with care to prevent damage or obstruction to these facilities. If damage or obstruction occurs, repairs or adjustments shall be made in a manner and time frame approved by the City Engineer and any damaged or obstructed facility shall be repaired with new materials and restored to its original condition, at no cost to the City.

1022 SITE CLEAN UP

The Contractor/Developer shall frequently clean up all refuse, rubbish, scrap materials, and debris created as a result of his operations, so that at all times the work site and adjacent disturbed areas shall present a neat, orderly, and workmanlike appearance in accordance with Chapter 16 of the Code of Ordinances. Upon completion of the work, the Contractor/Developer shall remove from the site and any occupied adjoining property, all plants, building, rubbish, unused materials, form lumber, and other materials belonging to him or his subcontractor. Burning of waste material is prohibited. The Contractor/Developer will restore the work site and adjacent disturbed areas to the condition existing before work began as a minimum. Any costs incurred by the City due to failure by the Contractor/Developer to clean up to the City's satisfaction will be charged to the account of the Contractor/Developer or his surety.

1023 RESTORATION OF PROPERTY

The Department will not accept any construction wherein public or private property has not been restored to a condition at least equal to its condition before commencement of construction. All streets, roads and highways shall be restored as required by the Department or the agency concerned with the highway in question. Work performed on private property shall be confined to the easements obtained and the area shall be properly vegetated (according to Section 2150), landscaping restored and all damaged improvements replaced or restored.

1024 RECORD DRAWINGS

- A. Record Drawings, including As-Graded drawings, must include results of a post construction survey. The post construction survey shall include the following:
 - 1. Final street grades.
 - 2. Final elevations of all sanitary and storm sewer lines and structures including pipe inverts and structure top elevations.
 - 3. Final adjusted stationing and/or coordinates of all streets, sanitary and storm sewer structures, service line connections, and water line valves and hydrants.
 - 4. As Graded contours as shown on the grading and drainage plans (Master Drainage Plan).
 - 5. Actual materials used.
 - 6. Record drawings shall not include any future improvements
- B. All easements or right-of-way revised during construction must be noted on the record plans and recorded easement documents must be submitted.
- C. Electronic files of record drawings must be received by the City before final acceptance of any public improvement project.
- D. Initial submittal shall consist of one full set of all project record drawings on 22" x 34" paper.
- E. Final submittal shall consist of two compact discs (CD), each with a complete set of all project record drawings. Each drawing shall be saved as a tagged image format (TIF). Record drawings must include a signed Engineer's Certification stating that the drawings conform to construction records and post construction survey information and shall be dated and stamped "Record Drawing".

1025 BONDS

- A. Contractor/Developer Projects: A suitable maintenance bond, cash deposit, certified check, or other acceptable form of maintenance security shall be furnished to the City of Lee's Summit guaranteeing the maintenance of the construction involved in the public improvement project. The maintenance bond or other form of maintenance security for public streets (including subgrade), storm sewers, sanitary sewers, and/or water lines shall remain in effect for a period of three years after substantial completion and shall be in an amount equal to 50 percent of the total cost of the improvement. If more than one Contractor performs work on any infrastructure item, a separate bond must be provided by each Contractor for their portion of the work. The warranty period for all bonds will begin at the time of issuance of the Certificate of Substantial Completion by the City for all Improvements.
- B. No project shall be accepted by the City prior to the submittal and acceptance of the maintenance bond(s) by the City Engineer.

1026 PARTIAL ACCEPTANCE OF WORK

The City reserves the right to accept and make use of any completed section of the work without obligating the City to accept the remainder of the work or any portion thereof. However, the warranty period for the accepted section shall not start until the project is complete and the City has issued a Certificate of Substantial Completion.

1027 SUBSTANTIAL COMPLETION AND FINAL ACCEPTANCE

- A. A Certificate of Substantial Completion will be issued by a Public Works Inspector upon satisfactory completion of the Improvements (including an approved as-graded Master Drainage Plan) to a point where they can be used for their intended purposes. At that time, a punch list of all items remaining to be completed prior to final acceptance will be provided to the Contractor/Developer.
- B. The Contractor/Developer has 90 days from the issuance of the Certificate of Substantial Completion to complete all punch list work on the project and submit the following items to the City Engineer.
 - 1. Maintenance Bond or other acceptable form of maintenance security for 50% of the total construction cost for a period of three years after substantial completion.
 - 2. Execution of Final Affidavit and Agreement.
 - 3. Approval from the City for the water line bacteriological test.
 - 4. Record Drawings –electronic files.
 - 5. Compensation for Public Works Inspector overtime, when applicable.
 - 6. Permanent offsite easements shall be recorded and a certified copy provided to the City.

In the event all work is not complete and all items submitted within 90 days, no additional building permits will be issued and inspections on any building permits issued for any building within the property described on the Certificate may be suspended at the discretion of the City.

- C. A Certificate of Final Acceptance for the project will be issued when all requirements are fully met. A Certificate of Final Acceptance must be obtained prior to issuance of temporary or permanent occupancy for any building within the property described on the Certificates.
- D. The City will re-inspect the public improvements prior to the expiration of the warranty period. Any defects noted as a result of this inspection shall be corrected by the Contractor/Developer at his expense upon written notification by the City. A written copy of the final inspection report will be forwarded to the Contractor/Developer.