

ORDINANCE NO. 4237

AN ORDINANCE OF THE CITY OF ST. PETERS, MISSOURI AMENDING SECTIONS 405.100, 405.595 AND 405.620 OF THE ST. PETERS CITY CODE, AND PROVIDING FOR MINIMUM REQUIREMENTS FOR LOT LINE DISTANCES FROM GAS AND/OR HAZARDOUS LIQUID PIPELINES IN RESIDENTIAL DISTRICTS

WHEREAS, numerous gas and/or hazardous liquid pipelines extend through portions of the City of St. Peters; and

WHEREAS, these pipeline facilities, if ruptured or damaged, may pose a significant risk to public safety and the environment due to the high operating pressure and the highly flammable, explosive and toxic properties of the products transported; and

WHEREAS, the National Transportation Safety Board has recognized that third-party damage and pipeline right-of-way encroachment are the biggest threats to pipeline safety; and

WHEREAS, the Board of Aldermen of the City of St. Peters wishes to protect its citizens from the dangers inherent with gas and hazardous liquid pipelines; and

WHEREAS, the City of St. Peters is preempted from regulating the location of interstate pipelines by Federal law, *see Kinley Corp. v. Iowa Utilities Board*, 999 F.2d 354 (8th Cir. 1993); and

WHEREAS, the City of St. Peters desires to adopt policies and regulations intended to reduce the likelihood of accidental damage to the gas and hazardous liquid pipelines and to help reduce adverse impacts in the event of a pipeline failure; and

WHEREAS, the Board of Aldermen of the City of St. Peters, Missouri did refer the proposed amendments to the St. Peters City Code to the City's Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission of the City held a Public Hearing on these proposed amendments to the City Code; and

WHEREAS, at the Public Hearing, all interested persons and citizens were given an opportunity to be heard on these proposed amendments to the City Code; and

WHEREAS, the Planning and Zoning Commission considered the amendments and made a recommendation to the Board of Aldermen; and

WHEREAS, the Board of Aldermen and did hold a Public Hearing on the proposed amendments to the City Code; and

WHEREAS, at the Public Hearing, all interested persons and citizens were given an opportunity to be heard on the proposed amendments to the City Code; and

WHEREAS, the Board of Aldermen of the City of St. Peters now finds and determines that the regulation of future platting of residential property in the proximity of gas and/or hazardous liquid pipelines is desirable to preserve the aesthetic quality and value of the homes near such pipelines in the City of St. Peters; and

WHEREAS, the Board of Aldermen now finds and determines that policies and regulations providing for minimum lot line distance requirements from gas and/or hazardous liquid pipelines in newly platted subdivisions in residentially zoned districts are necessary to enhance the public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. PETERS, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 405.100 of the St. Peters City Code shall be and is hereby amended by adding the following definitions:

GAS PIPELINE means a pipeline designed for the transmission of a “gas” or “petroleum gas”, except a “service line”, as those terms are defined by Title 49, Code of Federal Regulations, Section 192.3.

HAZARDOUS LIQUID PIPELINE means a pipeline designed for the transmission of a “hazardous liquid”, as defined by Title 49, Code of Federal Regulations, Section 195.2.

PIPELINE means the same as is defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3.

PIPELINE FACILITY means the same as is defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3.

SECTION 2. That Section 405.595 of the St. Peters City Code shall be and is hereby amended by adding Subsection 12 thereto, which Subsection shall read as follows:

12. The plat must provide a note that all existing gas and/or hazardous liquid pipelines or pipeline facilities through the subdivision have been shown, or that there are no such existing pipeline facilities within the limits of the subdivision.

SECTION 3. That Section 405.620 of the St. Peters City Code shall be and is hereby amended by adding Subsection 9 thereto, which Subsection shall read as follows:


9. Pipeline setback. All lot lines depicted on plats for residentially zoned districts shall be a minimum of twenty-five (25) feet from the nearest existing gas pipeline and/or hazardous liquid pipeline, as built, measured parallel to and from the center of such pipeline.

SECTION 4. Severability. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 5. Effective Date. This Ordinance shall be in full force and take effect from and after the date of its final passage and approval.

SECTION 6. Savings. Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

Read two times and passed this 10th day of March, 2005.



As Presiding Officer and as Mayor

Attest: 
City Clerk

Approved this _____ day of _____, 2005.

Mayor

Attest: _____
City Clerk