BILL NO. 65-25 **ORDINANCE NO. 2978**

AN ORDINANCE OF THE CITY OF WARRENTON, MISSOURI, AMENDING SECTION 405.050 AND ATTACHMENT A OF CHAPTER 405 OF THE MUNICIPAL CODE OF THE CITY OF WARRENTON, MISSOURI, AND ENACTING A NEW SECTION 405.284 THERETO REGULATING INFORMATION TECHNOLOGY AND DATA PROCESSING FACILITIES AND ENACTING RELATED SUPPLEMENTARY REGULATIONS PERTAINING THERETO

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WARRENTON, MISSOURI, AS FOLLOWS:

SECTION I. That Subsection A of Subsection 4 of Attachment A of Chapter 405 of the Municipal Code of the City of Warrenton, Missouri, titled, "Industrial service manufacturing and production" be and hereby is amended by adding a new Subsection 7 thereto to read as follows:

Appendix A. Listing of Permitted and Conditional Uses
"P" = A permitted use; as site plan per Section 405.390 may be required
"C" = A use that requires a conditional use permit per Section

Use Category	Specific Use Type	Zoning Districts													
		AG	R-1	R-2	R-3	RC-1	RC-2	C-1	C-2	C-3	C-4	M-1	M-2	OPR	Planned Unit Development (PUD)
1. Industrial															
A. Industrial service manufacturing and production	7. Information Technology and Data Processing Facility, with or without storage or use of hazardous materials or liquids											C	C		

SECTION II. That Section 405.050 of the Municipal Code of the City of Warrenton, Missouri, be and hereby is amended by including within its provisions the following new definitions to read as follows:

COLOCATION FACILITY

A facility where one or more entities may install, operate, and maintain their own computer servers, networking equipment, and other digital infrastructure.

COMPUTER NETWORK

A system of interconnected computers, computer servers, or other electronic devices capable of exchanging data, information, or resources.

COMPUTER SERVER

A device designed primarily to provide data, services, applications, or resources to other devices over a network, including local area networks, wide area networks, or the internet.

INFORMATION TECHNOLOGY AND DATA PROCESSING FACILITY

A facility used primarily for the storage, management, processing, or transmission of digital information and data for any purpose. Such facilities typically contain computers, computer servers, digital storage devices, networking equipment, and associated infrastructure, including mechanical and electrical systems such as backup power supplies, cooling systems, and security controls. The term includes, but is not limited to, data centers, cloud computing facilities, web hosting facilities, and colocation facilities. This term does not include telecommunications towers or facilities that contain only incidental computer equipment used for internal business or administrative purposes, such as standard office spaces, small-scale computer repair shops, or similar operations.

DEVICE

Any electronic or mechanical apparatus designed to perform a specific function, including computers, computer servers, storage devices, networking equipment, or other digital processing or communication equipment.

DIGITAL DATA

Electronic representations of information, including text, images, audio, video, software, or any other digitally encoded content, whether stored, transmitted, or processed.

DIGITAL STORAGE DEVICE

Any device that is used to store digital data or information electronically, whether temporarily or permanently, including, but not limited to, hard drives, solid-state drives, storage arrays, and similar media.

LOCAL AREA NETWORK (LAN)

A computer network that interconnects devices within a limited geographic area, such as a single building, campus, or property, allowing them to communicate and share resources.

NETWORKING EQUIPMENT

Any hardware or device used to connect, route, manage, or facilitate communication among computers, computer servers, or other electronic devices within or between computer networks, including routers, switches, hubs, firewalls, and related components.

STANDBY GENERATOR

A stationary, engine-driven mechanical device, affixed to a mounting surface and typically fueled by diesel, natural gas, gasoline, propane, or other combustible material, designed to provide electrical power to a building, facility, or system. The term standby generator shall not include portable generators used in connection with residential purposes or generators temporarily used for construction activities.

WIDE AREA NETWORK (WAN)

A computer network that interconnects devices across broader geographic areas, such as multiple buildings, cities, or regions, enabling communication and resource sharing over long distances.

SECTION III. That Article IV of Chapter 405 of the Municipal Code of the City of Warrenton, Missouri, be and hereby is amended by adding a new Section 405.284 to Article IV of Chapter 405 of the Municipal Code of the City of Warrenton, Missouri, to read as follows:

Section 405.284. Standby Generator Use and Fuel Storage.

A. *Purpose*. The purpose of this section is to establish regulations governing the installation and operation of large-scale standby generators that are located at sites on a long-term basis. This section is also intended to provide regulations related to on-site fuel storage associated with standby generators. These regulations are not intended to apply to small, portable generators associated with residential uses or to generators used temporarily for construction purposes.

B. *Definitions*. The following terms shall be defined, for purpose of this section, as follows:

1. "A-Weighting Sound Level" shall mean "the sound pressure level in decibels as measured on a sound level meter using an A-weighting network. The level so read is designated dB(A)."

2. "Ambient Noise Level" shall mean "the A-weighted sound pressure level of all the encompassing noise associated with a given environment, being usually a composite of sounds from many sources."

3. "Emergency" shall mean "an unforeseen event or condition that results in an interruption of primary power supply, including but not limited to, utility outages, natural disasters, equipment failure, or other circumstances that disrupt the

normal supply of electricity to a structure. This term shall not include a situation where the owner or operator of a property caused the primary power supply interruption."

4. "Emergency Electrical Power" shall mean "electricity required during an emergency."

5. "Fuel" shall mean "diesel, gasoline, natural gas, liquid propane, or any other combustible or flammable material used to operate an internal combustion engine."

6. "Fuel Storage Facility" shall mean "any aboveground or underground tank, container, or similar device designed, installed, and maintained to store fuel on-site for use in one or more emergency generators. This definition includes all tanks, piping, valves, fittings, spill prevention equipment, fire suppression systems, and any other equipment necessary to safely store, contain, deliver fuel to a standby generator, and receive deliveries of fuel from a re-supply truck."

7. "Large-Scale" shall mean "the use of four (4) or more standby generators at any single site."

8. "Long-Term" shall mean "standby generators that are located on a site year-round, in one spot, not regularly transported or moved, specifically dedicated to serving the property during emergencies. Long-term does not preclude removing a standby generator for service or replacement."

9. "Primary Power Supply" shall mean "electrical power that is supplied by Ameren Missouri, Cuivre River Electric Cooperative, or another regulated electric supply company, via transmission lines run to a structure."

10. "Slow Response" shall mean "a metering function to be used in measurement of sound for determination of enforcement of the objective sound standards - allowable levels stated within this section."

11. "Sound" shall mean "an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium resulting in air pressure variations perceptible by the human ear. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency."

12. "Sound Level Meter" shall mean "any instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound pressure levels in a specified manner which complies with Type 2 of better standards established in the ANSI S1.4-1971 'Specification for Sound Level Meters.'"

13. "Sound Source" shall mean "the location or property from which a sound emanates."

14. "Structure" shall mean "any building, facility, property, or system that is constructed, installed, or otherwise established to serve a functional or supportive purpose, including any component parts or improvements thereto."

C. *Standby Generator Use, Generally.*

1. Standby generators may be operated as an accessory use intended to supply a structure with emergency electrical power during times when the primary power supply to such structure is interrupted due to an emergency.

2. Standby generators shall not be used to supplement or replace the primary power supply during non-emergency periods.

D. *Location and Screening Requirements.*

1. A standby generator shall be located as close as practicable to the structure for which it will supply emergency electrical power. Standby generators shall not be placed less than 100 feet from the lot line of any adjacent property.

2. Standby generators shall be installed on a long-term basis and affixed to a paved or concrete surface designed to facilitate normal servicing and routine maintenance checks to ensure there is no hazardous material leaking from the standby generator.

3. Standby generators shall be located and screened to minimize visual and auditory impacts on adjacent properties. Screening with landscaping, fencing, or walls is required where generators are visible from public rights-of-way or from properties used for residential purposes. Screening shall be maintained in good condition and shall not obstruct necessary airflow for standby generator intake or exhaust.

E. *Use, Testing, and Maintenance.*

1. Standby generators shall not operate continuously, except during times when primary power supply is interrupted due to an emergency and emergency electrical power is required. Standby generator use shall terminate not more than two (2) hours following the restoration of the primary power supply.

2. Standby generator testing shall occur only between 8:00 a.m. and 5:00 p.m., Monday through Friday. Written testing schedules and logs indicating when such testing occurred must be maintained on-site and made accessible to the City upon request.

3. The owner or operator of the property on which standby generators are located shall routinely inspect all standby generators, at least quarterly, which inspection shall ensure the generator is in good working order and free of hazardous material discharge. Written inspection schedules and logs indicating when such inspections occurred and the result of such inspections must be maintained on-site and made accessible to the City upon request.

4. A permanent, clearly visible sign shall be posted in the immediate vicinity of each standby generator indicating emergency shutdown procedures, fuel hazards, and contact information for responsible personnel.

F. *Emissions, Noise, and Environmental Compliance.*

1. Standby generators must comply with all federal, state, and local environmental regulations, including air quality and emissions standards.

2. Standby generators shall be screened, situated, or equipped with sufficient noise mitigation devices, such as a muffler, acoustical enclosure, or similar apparatus, to minimize sound emissions in accordance with the standards provided below:

a. Standby generator operation shall not exceed sound levels of 60 dB(A), as measured pursuant to subsection b. below.

b. To determine compliance with the maximum sound level set forth herein, the following techniques for the measurement and reporting of sound shall be implemented:

(1) Measurement Location. Measurement of sound shall be made at the lot line of the complaining party nearest to the sound source that forms the basis of the complaint.

(2) Calibration. All sound level measuring devices must be calibrated by a certified agency or the City.

(3) Sound Level Meter. Sound level measurement shall be made with a sound level meter using the A-weighting sound level scale set on "slow" response. Sound level meters shall be at least Type S1A meeting American National Standard Institute requirements set forth in ANSI/ASA S1.4-1971.

(4) Measurement Procedures. The following procedures must be followed to obtain representative sound level measurements.

(a) Measurements shall be taken at least three (3), but no more than ten (10), feet above the ground.

(b) Measurement shall be taken at location on the complainant's property with a line of sight to the complained of sound source, if possible.

(c) Measurements made in sustained winds over ten (10) knots may be subject to review and considered invalid. Precipitation or other sounds which result in a difference of less than 10 dB(A) between the background or ambient noise level and the sound source being measured may also invalidate measurements.

(d) Measurements must be made with the sound level meters set for "A" weighting and "slow" response.

(e) Measurements are to be made for a fifteen (15) minute period with the sound level meter in the "averaging" or Leq mode. Measurements shall be made over a continuous period, unless a transient event which is easily identified, such as an aircraft overflight, occurs. In this case, the averaging period may be paused for the duration of the transient event and the measurement restarted when the transient event sound level is 10 dB(A) below the sound being measured.

(5) Measurement Documentation. A record of all sound level measurements must be completed and signed by the person taking the measurements. Such record sheet should include:

(a) Date;

(b) Time of measurement;

(c) Location (street address if possible);

(d) Sound source;

(e) Wind speed and direction (measured, estimate, or from airport or weather service records);

(f) Temperature;

(g) Relative humidity;

(h) Make, model, and serial number of sound level meter, date of last certification/calibration;

(i) Field calibration results;

(j) Ambient (background) noise level; and

(k) Name of complainant (if available).

G. *Fuel Storage*. Storing fuel for use in standby generator shall comply with the following regulations.

1. *Fuel Storage Facility Design, Installation, and Maintenance.*

a. A fuel storage facility shall be located as close as practicable to the standby generator(s) for which it will supply fuel. Fuel storage facilities shall comply with the same setback regulations applicable to standby generators provided in Section 405.284(D)(1). Fuel storage facilities shall be located and screened to minimize visual and auditory impacts on adjacent properties. Screening with landscaping, fencing, or walls is required where fuel storage facilities are visible from public rights-of-way or properties used for residential purposes. Screening shall be maintained in good condition and shall not obstruct the operation or safety features of the fuel storage facility.

b. Fuel storage facilities shall be designed, operated, and maintained in compliance with all applicable Missouri and federal laws, rules, and regulations.

c. A permanent, clearly visible sign shall be posted in the vicinity of each fuel storage facility, indicating emergency shutdown procedures, fuel hazards, and contact information for responsible personnel.

d. In any site plan process that includes on-site fuel storage for emergency generators, the applicant shall bear the burden of demonstrating, to the satisfaction of the Board of Aldermen, that the fuel storage facilities are adequately designed to prevent the release of fuel or other hazardous materials into the environment, including groundwater contamination in the event of a spill, leak, or other failure.

2. *Fuel Delivery and Handling.*

a. Fuel delivery to the site shall occur only between 8:00 a.m. and 5:00 p.m., Monday through Friday. Notwithstanding the foregoing, if there exists an emergency requiring emergency electrical power where the primary power supply is completely interrupted, fuel delivery may occur outside of the aforementioned hours. For purposes of these regulations, "fuel delivery" includes both: (1) the act of bringing fuel onto the site for transfer into a fuel storage facility; and (2) any operation involving the pumping of fuel from a fuel storage facility into a transfer vehicle for the purpose of replenishing the facility with fresh fuel. Written fuel delivery schedules and logs must be maintained on-site.

b. Fuel deliveries shall occur only at a designated fueling area shown on an approved site plan.

c. Fuel delivery shall occur, and fueling areas shall be designed, operated, and maintained in compliance with all applicable Missouri and federal laws, rules, and regulations.

d. No fuel tanker trucks shall remain on-site for more than twenty-four (24) hours unless specifically authorized as part of an approved emergency operation.

H. *Site Plan.* The installation of standby generators and related fuel storage facilities shall be subject to the site plan process provided in Section 405.390. In addition to the applicable requirements of Section 405.390, the site plan shall show:

1. The location of all standby generators and associated fuel storage facilities and fueling areas, if applicable, on the proposed site;

2. Details of all required screening, noise mitigation, and fuel storage facility safety measures described herein; and

3. All associated access and servicing areas.

Following approval of a site plan, any increase in the number of standby generators or fuel storage facilities shall be subject to the site plan process provided in Section 405.390, as described herein. Notwithstanding the foregoing, replacement and maintenance of existing standby generators or fuel storage facilities with substantially similar equipment shall not be subject to the site plan process.

SECTION IV. Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

SECTION V. Savings Clause: 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.

SECTION VI. Severability Clause: 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.

READ TWO TIMES AND PASSED by the Board of Aldermen of the City of Warrenton, Missouri, this 16th day of December, 2025.

President of the Board of Aldermen

APPROVED BY THE MAYOR of the City of Warrenton, Missouri, this 16th day of December, 2025.

Mayor

ATTEST:

City Clerk