

CITY OF GRANDVIEW

Bill #7812 – Ord. #7550
Passed/Approved 10/22/2024

BILL NO. 7812

ORDINANCE NO. 7550

AN ORDINANCE AMENDING SECTION 16-86 TO 16-93 OF ARTICLE IV OF CHAPTER 16 OF THE CODE OF LAWS OF THE CITY OF GRANDVIEW, MISSOURI TITLED SOIL EROSION AND SEDIMENT CONTROL, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Grandview is required by federal and state laws to have a current permit related to the discharge of Municipal Separate Storm Sewer Systems, commonly referred to as an MS4 permit; and

WHEREAS, on March 1, 2022, the State of Missouri Department of Natural Resources (MDNR) issued a new Missouri State Operating Permit No. MOR04C083; and

WHEREAS, the new permit required the City's soil and sediment control ordinance to include language requiring construction site runoff control BMPs at construction/land disturbance sites greater than or equal to one (1) acre or less than one acre if the construction activity is part of a larger common plan or development or sale that would disturb one acre or more; and

WHEREAS, the City of Grandview proposed the changes to the MDNR and received approval.

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

Section 1. Code Section 16-86 to 16-93 Amended. Code Section 16-86 to 16-93 of the Code of Laws of the City of Grandview, Missouri is hereby amended to read:

Sec. 16-86. Introduction/purpose.

- (a) The purpose of this local regulation is to safeguard persons, protect property, prevent damage to the environment and promote the public welfare by effectively minimizing soil erosion and sedimentation during land development, building, landscaping or any other type of land disturbance in city. Further, it provides builders, developers and property owners with soil erosion and sedimentation control standards and regulations.
- (b) Facilitation of the regulations and standards contained herein shall accomplish the following:
 - (1) Establish standards for soil erosion and sediment control.
 - (2) Minimize soil erosion and sedimentation during land development, building, landscaping or other land disturbing activities.

- (3) Minimize pollution of streams, ponds and lakes.
- (4) Encourage management of natural resources.
- (5) Preserve the beauty of the community and the value of land.
- (6) Reduce maintenance costs of public and private improvements and services.
- (7) Promote and protect the public's health, safety, comfort and welfare.

Sec. 16-87. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person requesting approval of any application pursuant to this chapter and the erosion and sediment control manual.

APWA means the American Public Works Association.

APWA Erosion and Sediment Control Specifications and Design Criteria means the latest versions of sections 2100, 2150, and 5100 of the Kansas City Metropolitan Chapter of the APWA Standards, Specifications and Design Criteria manual.

Clearing means any activity which removes the vegetative surface cover.

Director means the director of public works of the city.

Drainageway means any channel that conveys surface runoff throughout the site.

Erosion means the wearing away of the land surface by the action of wind, water or gravity.

Erosion and sediment control plan means a set of plans prepared by or under the direction of a licensed professional engineer or a certified professional in erosion and sediment control indicating the specific measures and sequencing to be used controlling sediment and erosion on a development site before, during and after construction.

Erosion control means measures that prevent erosion.

Grading means excavation or fill of material, including the resulting conditions thereof.

Permanent vegetation means grass, sod or ground cover sufficient to prevent erosion.

Phasing means clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.

Sediment means solid material moved by erosion and deposited away from its point of origin.

Sediment control means measures that prevent eroded sediment from leaving the site.

Site means a parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site development means altering terrain, vegetation and/or constructing improvements.

Site development permit means a permit issued by the director or his designee for the construction or alteration of ground, including improvements and structures for the control of erosion, runoff and grading.

Stabilization means the use of practices that prevent exposed soil from eroding.

Start of construction means the first land disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Streambank means the top of the natural incline bordering a stream.

Stripping means any activity by which the vegetative cover is removed or significantly disturbed, including tree removal, clearing, grubbing and storage, or removal of topsoil.

Vegetative cover means any grasses, shrubs, trees and other vegetation that protects and stabilizes soils.

Watercourse means any body of water, including, but not limited to, lakes, ponds, rivers, streams, and bodies of water which are delineated by the director.

Waterway means a channel that directs surface runoff to a watercourse, or to the public storm drain.

Sec. 16-88. Permits.

- (a) No person, firm or corporation may develop, landscape or disturb land in excess of 2,000 square feet without the issuance of a site development permit. Additionally, the approval of an erosion and sediment control plan by the director is required for all sites greater than 1 acre.
 - (1) It is the responsibility of the applicant to apply for a land disturbance permit from the Missouri Department of Natural Resources, if required, and develop a stormwater pollution prevention plan. The approved stormwater pollution prevention plan shall be submitted along with the site development permit to the director.
- (b) No site development permit is required for the following activities:
 - (1) Any land disturbance activity that:
 - a. Involves less than 100 cubic yards of earth movement; or
 - b. Disturbs less than 2,000 square feet of surface area;
 - (2) Existing nursery and agricultural operations conducted as a permitted main or accessory use;
 - (3) Landscaping or home gardening;
 - (4) Reestablishment of lawn areas; or

- (5) Any emergency activity that is immediately necessary for the protection of life, property or natural resources.
- (c) Each application shall bear the names and addresses of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee in the amount as provided in the city fee schedule.
- (d) The issuance of a permit shall constitute authorization to do only that work described or shown on the approved plan. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the erosion and sediment control plan. The permit shall be valid from the time that it is issued until a final certificate of occupancy or completion certificate has been issued. A completion certificate will not be issued until the site is stabilized and erosion and sediment control measures are no longer necessary. A site can be considered finally stabilized when all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 70 percent for the unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been employed.
- (e) If the permittee sells the property before the expiration of the permit, the permit may be assigned to the new owner of the site if the assignment is approved in writing by the director.
- (f) If the permittee sells any portion of the property before the expiration of the permit, the permittee will remain responsible for that portion of the property until the new owners of the property, with respect to property covered by a permit, make all submissions required to obtain a new site development permit.
- (g) Review and approval.
 - (1) The director will review each application for a site development permit to determine its conformance with the provisions of this local regulation. Within 30 days after receiving an application, the director shall, in writing:
 - a. Approve the permit application;
 - b. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 - c. Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.
 - (2) Failure of the director to act on original or revised applications within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and city. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the city.

Sec. 16-89. Erosion and sediment control plan.

- (a) The erosion and sediment control plan must be prepared and certified by a professional engineer or a certified professional in erosion and sediment control on behalf of the developer and must outline the measures he/she will take to ensure soil and sediment is contained on the development site.
- (b) The erosion and sediment control plan shall include:
 - (1) The property owner's name, address and telephone number.
 - (2) A natural resources map, at a scale no smaller than one inch equals 100 feet, identifying the location; soils; forest cover; the surrounding area's watercourses, water bodies and other significant geographic and natural features; and resources protected under other chapters of this Code.
 - (3) A one inch equals 50 feet scale map of the site showing proposed excavation, grading or filling.
 - (4) Existing and proposed contours at two-foot intervals on USGS datum, clearing limits, and delineation of 100-year floodplain and floodway.
 - (5) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; final grading and landscaping; and removal of temporary erosion control devices. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary erosion and sediment measures, installation of storm drainage, paving of streets and parking areas, and establishment of permanent vegetation.
 - (6) All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and permanently, after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
 - (7) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
 - (8) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
 - (9) Location of proposed and existing utility lines.
 - (10) Details of temporary drainage system to direct stormwater runoff from graded portions of the site and details of the permanent drainage plan.
 - (11) Temporary access routes.
 - (12) Any additional items indicated in the APWA Erosion and Sediment Control Specifications and Design Criteria.

- (13) The signature and seal of a professional engineer or a certified professional in erosion and sediment control.
- (c) Additional information or data may be required as deemed appropriate by the director. Requirements for maps, plans, reports or drawings may be waived if the director finds that the otherwise-submitted information, such as the stormwater pollution prevention plan, is sufficient to show that the proposed work will conform to the erosion and sediment control requirements.
- (d) Additional erosion and sedimentation control measures may be imposed by the director.
- (e) Modifications to the plan.
 - (1) Major amendments of the erosion and sediment control plan shall be submitted to the director and shall be processed and approved, or disapproved, in the same manner as the original plans.
 - (2) Field modifications of a minor nature may be authorized by the director by written authorization to the permittee.

Sec. 16-90. Design requirements.

- (a) *Manual adopted.* Grading, erosion control practices, sediment control practices, waterway crossings and construction site access shall meet the design criteria set forth in the most recent version of the APWA Erosion and Sediment Control Specifications and Design Criteria, as adopted by resolution by the board of aldermen, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the city.
- (b) *Clearing and grading.*
 - (1) Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code, including, without limitation, the city zoning regulations.
 - (2) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
- (c) *Erosion control.*
 - (1) Where natural vegetation is removed during grading, revegetation of the site shall be initiated immediately following the initiation of grading work. Vegetation in sufficient density to provide effective erosion control must be reestablished within 30 days following completion of grading work.
 - (2) If vegetative erosion control methods, such as seeding, have not become established within 30 days, the director may require that the site be reseeded, or that a non-vegetative option be employed.
- (d) *Sediment controls.* Erosion and sediment control measures shall be initiated prior to any land disturbance and shall be maintained until vegetative cover is established at a sufficient density to provide erosion control on the site.

(e) *Waterways and watercourses.*

- (1) Buildings, decks, patios, parking lots and other improvements shall be set back a minimum of 50 feet from the top of existing streambanks.
- (2) When a wet watercourse must be crossed regularly during construction, a temporary stream crossing shall be provided, and an approval obtained from the director.

Sec. 16-91. Mud, material or debris on city streets.

- (a) No activities are permitted that cause mud, soil, earth, sand, gravel, rock, stone, concrete, building materials or other materials to be deposited on public streets. Trucks and other construction equipment should be cleaned on site to prevent mud from being deposited on public streets. Other measures may be required at the discretion of the director in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.
- (b) If mud, material or debris is deposited on a public or private street, the responsible party shall abate the violation immediately.
- (c) If the violation is not abated within four hours, a stop work order shall be posted and the city will cause the violation to be abated at property owner's expense. The city may also initiate legal action in municipal court.

Sec. 16-92. Inspection.

- (a) By submitting a development plan or applying for a building permit, the applicant consents to inspections of the proposed development site and all work in progress. The director or designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed.
- (b) A copy of the permit must be available on the site for inspection by authorized representatives of the city.
- (c) The director or designated agent shall make inspection at their discretion, at a minimum of once a month, and shall notify the permittee wherein the work fails to comply with the erosion and sediment control plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the city shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the director at least two working days before the following:
 - (1) Start of construction.
 - (2) Erosion and sediment control measures are in place and stabilized.
 - (3) Site clearing has been completed.
 - (4) Rough grading has been completed.
 - (5) Final grading has been completed.
 - (6) Close of the construction season.

- (7) Removal or substantial modification of any erosion and sediment control measure or practice.
- (8) Final landscaping.
- (d) The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved erosion and sediment control plans and/or stormwater pollution prevention plan. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for additional control measures. All inspections shall be documented in written form and kept on-site. Inspection records shall be made available for authorized representatives of the city to review during regular inspections.
- (e) In the event work does not conform to the permit or conditions of approval or to the approved plan or to any instructions of the director, notice to comply shall be given to the permittee via email. After a notice to comply is given, the permittee or the permittee's contractors shall be required to initiate corrective work immediately and complete them within the time period determined by the director. Should weather conditions prevent corrections from being made, a new deadline will be determined by the director.

Sec. 16-93. Enforcement and penalties.

- (a) *Stop work order; revocation of permit.*
 - (1) In the event that any person holding a site development permit pursuant to this article violates the terms of the permit, does not comply with an approved stormwater pollution prevention plan, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the director may suspend or revoke the site development permit and issue a stop work order.
 - (2) For the purposes of this section, a stop work order is validly posted by posting a copy of the stop work order on the site of the land disturbance activity in reasonable proximity to a location where the land disturbance activity is taking place. A copy of the order, in the case of work for which there is a permit, shall be emailed to the address listed by the permittee on the permit. In the case of work for which there is no permit, a copy of the order shall be mailed to the person listed as the owner of the property on records filed with the county.
 - (3) No person is permitted to continue or permit the continuance of work in an area covered by a stop work order, except work required to correct deficiencies with respect to an erosion or sediment control measure.
 - (4) Ten working days after posting a stop work order, an authorized representative of the city, if the conditions specified in the stop work order to resume work have not been satisfied, may issue a notice to the permittee, owner, or land user of the city's intent to perform work necessary to comply with this regulation. The city may go on the land

and commence work after 14 working days from issuing the notice of intent. If the degree of the violation poses a significant risk to public welfare and/or receiving waters, as determined by the director, the city may go on the land and commence work after 2 working days from issuing the notice of intent. The costs incurred by the city to perform this work shall be paid by the owner or permittee.

(b) *Violation and penalties.* No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this article. Any violation of any provision of this article by any person, partnership, corporation, or other entity shall be punishable by a fine of not more than \$100.00 per violation per day not to exceed \$500.00 and/or 90 days in jail. Each day during which any such violation is committed, continued, or permitted, shall constitute a separate offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this article shall be required to bear the expense of such restoration. The city reserves the right to revoke the building permit for serious and/or repeated violations.

Section 2. Effective Date. The Ordinance shall be effective January 1, 2025.

Passed this 22nd day of October, 2024.

Approved this 22nd day of October, 2024.

LEONARD D. JONES, JR., MAYOR

ATTEST:

MELISSA PAITH, CITY CLERK

Approved as to Form:

CARRIE C.M. REID, CITY ATTORNEY