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COUNCIL BILL: 2018- 075

GENERAL ORDINANCE: _____

AN ORDINANCE

1 AMENDING Chapter 96 of the City Code for the purposes of removing antiquated
2 language, and resolving duplications and inconsistencies between the
3 “Flood Control and Water Quality Protection Manual” adopted on
4 December 11, 2017, and Chapter 96.
5 _____
6

7 WHEREAS, Chapter 96 of the City Code contains the provisions which establish
8 the minimum requirements for stormwater management within the City; and
9

10 WHEREAS, the purpose of the provisions contained in Chapter 96 is to protect
11 the health, safety, and welfare of the Public, control flooding, and reduce the discharge
12 of pollutants to the City’s municipal separate storm sewer system (“MS4”); and
13

14 WHEREAS, City Council, by passage of General Ordinance 6415, adopted the
15 “Flood Control and Water Quality Protection Manual;” and
16

17 WHEREAS, since the adoption of the “Flood Control and Water Quality
18 Protection Manual” staff has been reviewing Chapter 96 to replace outdated language
19 and to update said Chapter to be consistent with the “Flood Control and Water Quality
20 Protection Manual;” and
21

22 WHEREAS, no new requirements are proposed by the changes contemplated by
23 this Ordinance to Chapter 96 or the “Flood Control and Water Quality Protection
24 Manual.”
25

26 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
27 SPRINGFIELD, MISSOURI, as follows, that:
28

29 Section 1 – Springfield City Code, Chapter 96, ‘Storm Water,’ is hereby amended
30 to read as follows:
31

32 (Note: Language to be added is underlined and language being removed is ~~stricken~~.)
33

34 Chapter 96 - STORM WATER

35

36 ~~ARTICLE I. -- CONTROL OF QUANTITIES~~

37 ARTICLE I. -- FLOOD CONTROL AND WATER QUALITY PROTECTION

38

39 ~~DIVISION 1. -- OBSTRUCTION OF WATERCOURSES~~

40 DIVISION 1. -- GENERAL PROVISIONS

41

42 Sec. 96-1. -- Purpose.

43

44 The purpose of this article is to establish minimum requirements and controls for
45 stormwater management and protection of streams, sinkholes, and other karst features.
46 The minimum requirements and controls are designed to protect the health, safety, and
47 welfare of the public, control flooding, reduce the discharge of pollutants to protect water
48 quality, and establish legal authority necessary to comply with the city's federally-
49 mandated municipal separate storm sewer system ("MS4") permit.

50

51 Sec. 96-2. -- Authority.

52

53 The provisions in this article shall be administered and enforced by the director.
54 The director shall have the authority to develop and implement procedures, forms,
55 policies, and interpretations for administering and enforcing the provisions of this article.

56

57 ~~Sec. 96-1. -- Definitions.~~

58 Sec. 96-3. -- Definitions.

59

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

63

64 *Department* means the city department of public works or the city department of
65 environmental services.

66

67 *Director* means the director, or their authorized representatives, of either the
68 department of public works or environmental services.

69

70 *Drainage easement* means the area of a parcel of land which is legally dedicated
71 or granted for the purpose of conveying, storing, or treating stormwater runoff.

72

73 *Engineer of record* shall have the same meaning as set out in 20 CSR 2030-
74 21.020.

75

76 *Grading* means the movement of soil or rock by motorized equipment, except this
77 definition shall not apply to the farming of land.

78

79 *Motorized equipment* means vehicles or equipment which are motorized except

80 this definition shall not apply to equipment used for the farming of land, regular yard
81 maintenance or regular and customary recreational activities.

82
83 *Municipal separate storm sewer system (MS4)* means a conveyance or system
84 of conveyances (including roads with drainage systems, municipal streets, catch basins,
85 curbs, gutters, ditches, man-made channels, or storm drains):

86
87 (1) Owned or operated by a state, city, town, borough, county, parish, district,
88 association, or other public body (created by or pursuant to state law) having
89 jurisdiction over disposal of sewage, industrial wastes, stormwater or other
90 wastes, including special districts under state law such as a sewer district, flood
91 control district or drainage district, or similar entity, or an Indian tribe or an
92 authorized Indian tribal organization, or a designated and approved management
93 agency under Section 208 of the Clean Water Act that discharges to waters of
94 the United States;

95
96 (2) Designed or used for collecting or conveying stormwater;

97
98 (3) Which is not a combined sewer; and

99
100 (4) Which is not part of a publicly owned treatment works (POTW) as defined at 40
101 CFR 122.2.

102
103 *Person* means any individual, partnership, co-partnership, firm, company,
104 corporation, association, joint stock company, trust, estate, governmental entity, or any
105 other legal entity, or their legal representatives, agents or assigns. The masculine
106 gender shall include the feminine, the singular shall include the plural where indicated
107 by the context.

108
109 *Responsible party* means the fee owner of property or person authorized to act
110 on the property owner's behalf; or any person allowing, causing or contributing to a
111 violation of the Code.

112
113 *Sinkhole cluster area* means any area that contributes surface water to a
114 sinkhole which is located in a group of two or more sinkholes clustering together.

115
116 *Sinkhole* means any closed depression formed by removal (typically
117 underground) of water, surficial soil, rock, or other material. The existence of a sinkhole
118 shall be as indicated by the closed depression contour lines on the topographical maps
119 of the city or as may be determined by a field survey. Its actual limits may, however, be
120 determined by field measurements with concurrence of the director of public works.

121
122 *Sinkhole drainage areas* mean any area that contributes surface water directly to
123 a sinkhole or sinkholes.

124
125 *Sinkhole ponding elevation* means the maximum elevation of either the elevation

126 as determined by using methods described in the flood control and water quality
127 protection manual, the historical elevation, or the published flood elevation. In some
128 cases, overflow conditions will establish the maximum ponding elevation.

129
130 Stormwater means any surface or shallow subsurface flow, runoff, or drainage
131 consisting entirely of water from rainstorm or frozen precipitation events.

132
133 Stormwater control measure ("SCM") refers to non-structural measures and
134 structural controls used to meet the flood control detention and water quality
135 requirements of the flood control and water quality protection manual by managing the
136 long-term quantity and quality of stormwater runoff from development. Water quality
137 SCMs are also sometimes called best management practices.

138
139 Stormwater drainage system means a system designed or used for collecting or
140 conveying stormwater.

141
142 Stream buffer means vegetated areas along and adjacent to natural stream
143 channels, including ephemeral, intermittent, and perennial streams, where the clearing,
144 grading, filling, building of structures, and other activities are limited or prohibited to
145 protect and enhance water quality and stream health.

146
147 Watercourse means land which has a conformation so as to give to surface
148 water flowing from one tract of land to another tract of land a fixed and determinate
149 course so as to uniformly discharge it upon the servient tract at a fixed and definite
150 point. It shall include but shall not be limited to ravines, swales, sinkholes or
151 depressions of greater or less depth extending from one tract and so situated as to
152 gather up the surface water flowing upon the dominant tract and to conduct along a
153 definite course to a definite point of discharge upon the servient tract. It shall not be
154 deemed to be important that the force of water flowing from one tract of land to another
155 has not been sufficient to wear out a channel or canal having definite or well-marked
156 sides or banks. If the surface water, in fact, uniformly or habitually flows over a given
157 course having reasonable limits as to the width of the line of its flow, it shall be
158 considered to have a definite course.

159
160 Sec. 96-4. – Enforcement.

161
162 The director may exercise any of the following enforcement powers as may be
163 necessary to effectively implement and enforce this article.

164
165 (1) Violations deemed a public nuisance. In addition to the penalties provided in
166 section 96-5, any condition caused or permitted to exist in violation of any of the
167 provisions of this article is a threat to the public health, safety or welfare and is
168 herby declared a public nuisance.

169
170 (2) Notice of violation (NOV). Whenever the director finds that any person has
171 violated or is violating this article, or any permit, or order issued hereunder, the

172 director may serve, by personal service, or by registered or certified mail, upon
173 said person a written NOV. The NOV shall specify the deficiencies, what
174 corrective action is necessary, and a specific time frame in which the responsible
175 party is to achieve compliance. Within 10 business days after the deadline
176 established by the director, the responsible party shall submit to the director a
177 letter certifying that the required corrective action has been taken. Submission of
178 this certification shall in no way relieve the person of liabilities for violations
179 occurring before or after receipt of the NOV. Nothing in this section shall limit the
180 authority of the city to take any action, including emergency actions or any other
181 enforcement action without first issuing a notice of violation.

182
183 (3) Stop work order.

184
185 (a) Delivery of order. All stop work orders that are issued by the director must
186 be posted on the property on which the violation is taking place. All stop
187 work orders posted in this manner shall be considered validly delivered. It
188 shall be the responsibility of the owner to ensure that no violation of this
189 article occurs on their property.

190
191 (b) Contents of order. Stop work orders shall specifically state the provisions
192 of this article, permit, or order being violated.

193
194 (c) Effect of order. Issuance of a stop work order shall result in the immediate
195 suspension of all construction activity on the property, except for work
196 related to remediation of the violation, until the violation is resolved to the
197 director's satisfaction. The stop work order shall also suspend the right of
198 the permittee, applicant, owner, contractor, developer or any related entity
199 to build or construct any structure or public improvement on any portion of
200 the property. It shall be unlawful for any person or responsible party to fail
201 to comply with a stop work order. The director and the director of building
202 development services, upon issuance of a stop work order, are authorized
203 to suspend the issuance of building permits and occupancy permits for
204 structures on any portion of the property, terminate utility services to the
205 property, and to suspend all inspections and plan review related to any
206 other work that is taking place on the property, until such time as the
207 violation is resolved to the director's satisfaction.

208
209 (d) Failure to comply with order. Any person who shall continue any work on
210 the property after having been served with a stop work order, except such
211 work related to remediation of the violation, shall be subject to penalties as
212 specified in section 96-5.

213
214 (e) Lifting of stop work order. Said stop work order may be lifted when the
215 violation alleged in the stop work order has been addressed to the
216 director's satisfaction.

217

218 (4) Abatement.

219
220 (a) Police officers, and other employees of the city authorized by the city
221 manager, or the chief of police are hereby authorized and required to go,
222 in the daytime, in and upon any house, building, lot or premises, whether
223 public or private, for the purpose of removing or abating any nuisance,
224 when abatement of a nuisance is ordered under the provisions of this
225 article.

226
227 (b) If a violation has not been corrected pursuant to the requirements set forth
228 in the notice of violation, or in the event of an appeal, within 15 days of the
229 decision of the hearing officer, then the hearing officer shall make an order
230 authorizing the City to abate such nuisance. The abatement shall be
231 subject to appropriated and unencumbered funds being available to
232 perform the abatement. In addition to the city physically abating the
233 nuisance, the city may seek abatement through injunctive relief or any
234 other available legal remedy.

235
236 (5) Costs of abatement. Whenever the city abates a nuisance under the provisions
237 of this article, the owner of the property at the time the nuisance was abated shall
238 be personally liable to the city for the cost of the abatement, which shall be a lien
239 upon the tract of land where the nuisance was abated until paid in full.

240
241 Sec. 96-5. – Penalties for violation.

242
243 Any person who shall violate the provisions of this chapter shall be guilty of an
244 ordinance violation and shall be subject to those penalties set forth in section 1-7, and
245 each and every day of violation shall be deemed a separate offense.

246
247 Sec, 96-6. – Appeals.

248
249 (1) Any person who has been served a notice of violation, stop work order, or other
250 order under this chapter may request in writing an appeal within the time and in
251 the manner as set forth in section 2-162 and the procedures set forth therein
252 shall govern the appeal.

253
254 (2) Any owner of property, lessee, or other person having been authorized on behalf
255 of an owner or lessee to make application for a permit under this chapter who is
256 aggrieved by any permit denial or terms may request a hearing before the
257 director of the department which issued the permit denial or terms, within 30 days
258 of notice of the permit denial or terms. The person requesting the hearing shall
259 at that time submit evidence and plans concerning the subject activity of the
260 permit denial or terms. In the event the director determines that the plans for the
261 subject activity meet the requirements for issuance of a permit, the director shall
262 cause the permit to be issued. In the event the director upholds the permit denial
263 or terms, the director shall enter an order so stating. The owner of the property

264 for which the order has been issued may appeal the decision of the director
265 under this section pursuant to provisions of the Administrative Procedures Act
266 (RSMo Ch. 536).

267
268 Sec. 96-7. – Remedies not exclusive.

269
270 The remedies listed in this article are not exclusive of any other remedies
271 available under any applicable federal, state, or local law, or in equity. The director of
272 public works or environmental services has the power to seek any available remedy, at
273 his discretion, including, but not limited to: an injunction, revocation proceedings for any
274 and all permits, licenses, and termination of utility services.

275
276 Sec. 96-8. – Powers and authority for inspection.

277
278 The director of public works or environmental services may enter and inspect any
279 private property or premise during normal business hours upon reasonable notice to the
280 person owning or occupying said property or premises, unless an emergency situation
281 exists as determined by the director, for the purpose of performing inspections
282 regarding the construction, operation and maintenance of stormwater control measures
283 and stormwater drainage systems to determine compliance with this article. If
284 requested, the owner or occupant of the property or premises may receive a report from
285 the director setting forth the findings of the inspection with respect to compliance status.
286 In the event the director is denied entry to any property or premises upon request, the
287 director, by and through the city attorney, may apply for a search and seizure warrant in
288 the same manner as is provided in section 74-39.

289
290 DIVISION 2. – STORMWATER INFRASTRUCTURE DESIGN, OPERATION, AND
291 MAINTENANCE

292
293 Sec. 96-9. – Purpose.

294
295 The purpose of this division is to establish minimum requirements for the design,
296 operation, and maintenance of stormwater infrastructure necessary to protect the public
297 from flooding and erosion and to protect water quality.

298
299 Sec. 96-10. – Flood control and water quality protection manual.

300
301 The flood control and water quality protection manual, a copy of which shall be
302 on file in the Office of the City Clerk, is hereby adopted. Development of property
303 subject to chapter 36 of the land development code and land disturbance activity
304 subject to chapter 96 article III shall comply with the manual. Where any provision of the
305 manual differs from any provision of this chapter, the manual shall control.

306
307 Sec, 96-11. – Activities requiring a stormwater permit.
308

309 A stormwater permit shall be required for construction of improvements which are
310 necessary to comply with the flood control and water quality protection manual for site
311 plans submitted pursuant to Sec. 36-360. Upon approval of site plans the director of
312 public works shall issue a stormwater permit. No building permit for a site plan subject
313 to the flood control and water quality protection manual shall be issued prior to issuance
314 of a stormwater permit. The director of public works may require that stormwater
315 improvements be constructed prior to issuance of a building permit when necessary to
316 protect downstream properties from adverse stormwater impacts. A stormwater permit
317 shall also be required for any alteration of any portion of an existing privately-owned
318 stormwater control measure or stormwater drainage system, except routine
319 maintenance or repair.

320

321 Sec. 96-12. – Stormwater permit fee.

322

323 The city shall collect a fee for the purpose of recovering the administrative costs
324 associated with conducting inspections and reviewing as-built submittals in connection
325 with any stormwater permit application. Such fees shall be established in a schedule,
326 adopted by ordinance, from time to time.

327

328 Sec. 96-13. –Stormwater plan and report required.

329

330 A stormwater plan and report are required for all activities subject to a
331 stormwater permit and for all stormwater public improvements, unless waived by the
332 director of public works. Stormwater plans and reports shall be prepared and sealed by
333 a qualified design professional licensed in the State of Missouri. Preparation and
334 submittal of the plan and report shall meet the requirements set forth in the flood control
335 and water quality protection manual.

336

337 Sec. 96-14. – Operation and maintenance.

338

339 (1) All stormwater control measures and stormwater drainage systems shall be
340 operated and maintained by the responsible party so as to prevent any nuisance
341 conditions and to ensure full functionality, as designed, and in conformity with
342 any approved stormwater plans and any approved operation and maintenance
343 plan and agreement.

344

345 (2) Operation and maintenance of all stormwater control measures constructed
346 subsequent to the adoption of this article shall be ensured through the creation of
347 an operation and maintenance plan and agreement which shall meet all
348 applicable requirements set forth in the flood control and water quality protection
349 manual and shall be approved prior to construction of the stormwater control
350 measures.

351

352 Sec. 96-15. – Inspection during construction.

353

354 All stormwater control measures constructed pursuant to this section shall be
355 subject to inspection by the director of public works during construction. In the event the
356 director of public works determines that the stormwater control measures are not being
357 constructed according to the approved plans, or in conformance with the provisions of
358 this Article, then the director may require corrective actions and enforcement as
359 authorized in Sec. 96-4. Final certificate of occupancy shall not be issued until as-builts
360 of all stormwater control measures have been submitted and approved by the director of
361 public works.

362
363 Sec. 96-16. – Detention fee in lieu.
364

365 Whenever detention for flood control is required pursuant to the flood control and
366 water quality protection manual, the applicant may propose to pay a fee in lieu of
367 constructing partial or full detention. The criteria and conditions under which a project is
368 eligible for a fee-in-lieu payment are established in the flood control and water quality
369 protection manual. The decision to accept the fee in lieu of detention shall rest solely
370 with the director of public works who may consider, in making such determination, that
371 the discharge of any additional waters at an increased rate onto properties downstream
372 is not desirable due to drainage problems that exist on those properties. The fees shall
373 be used by the city to construct, improve and maintain regional detention and
374 conveyance systems within the drainage basin where the detention would have been
375 constructed. The two major drainage basins in the city are the Sac River and James
376 River basins. The payment in lieu of construction may be revised by the director of
377 public works to reflect the annual percentage change in construction costs by using the
378 construction price index, increase or decrease, from the previous amount. The fee in
379 lieu shall be based on the following rates:

380
381

Volume of Detention	Single and Two-Family Residential	Other Land Uses
0 – 24,000 cubic feet (cf)	\$1.00 per cf	\$2.00 per cf
24,001 – 100,000 cf	\$0.50 per cf	\$1.00 per cf
> 100,000 cf	\$0.50 per cf	\$0.50 per cf

382
383
384
385

386 Whenever a stormwater detention basin is required and the director of public works
387 determines that a regional detention basin can be improved to detain the additional
388 stormwater, the developer may construct improvements to the regional detention basin.
389 The developer or responsible party for the regional detention basin being improved shall
390 submit an operation and maintenance agreement in accordance with Sec. 96-14, unless
391 the regional detention basin is operated and maintained by the City.

392
393 ~~Sec. 96-2. – Obstruction of watercourses prohibited.~~
394 Sec. 96-17. – Obstruction of watercourses prohibited.
395

396 It shall be unlawful for any person to block, obstruct, destroy, cover, fill, fail to
397 maintain, or alter in any way a watercourse or any part thereof so as to cause damage
398 to the property of other persons from surface water.

399
400 ~~Sec. 96-3. – Public nuisance.~~

401
402 A violation of section 96-2 shall be deemed to be a public nuisance. Whenever
403 the director of public works (hereinafter referred to as the director) has determined that
404 a person has blocked, obstructed, destroyed, covered, filled or altered in any way a
405 watercourse so as to cause surface water damage to the property of others, the director
406 is authorized to proceed on behalf of the city manager in accordance with chapter 74 so
407 as to abate the public nuisance.

408
409 ~~Sec. 96-4. - Issuance of building permits.~~

410
411 (a) ~~Whenever the director of building development services of the city has reason to~~
412 ~~believe that work performed pursuant to a building permit be in an area defined~~
413 ~~as a watercourse or that work performed pursuant to a building permit may in~~
414 ~~some way interfere with the use and operation of a watercourse or may violate~~
415 ~~provisions of section 96-2, the director of building development services, before~~
416 ~~issuing a building permit, shall refer the request for a building permit to the~~
417 ~~director of public works for approval.~~

418
419 (b) ~~Upon the matter being referred to the director of public works, the director of~~
420 ~~public works shall determine whether or not the work performed pursuant to the~~
421 ~~building permit will interfere with the use and operation of the watercourse. The~~
422 ~~director may require the person requesting the building permit to submit~~
423 ~~information to the director concerning the capacity of the watercourse, the~~
424 ~~amount of surface water runoff in the drainage area, and the amount of surface~~
425 ~~water runoff that would be caused by the issuance of the building permit. The~~
426 ~~director, before approving the request, shall determine whether or not the~~
427 ~~applicant has made adequate provision for surface water runoff so that the~~
428 ~~project will not interfere with the use and operation of a watercourse, except~~
429 ~~nothing contained herein shall be construed to prohibit the altering of a~~
430 ~~watercourse so long as it is done pursuant to a permit and provided the change~~
431 ~~does not cause damage to others or create a condition which could cause~~
432 ~~damage to others in the opinion of the director.~~

433
434 (c) ~~The building permit may be conditioned upon compliance with standards~~
435 ~~established by the director of public works so as to protect the public health,~~
436 ~~safety and welfare so as to insure that the project will not interfere with the use of~~
437 ~~the watercourse and that adequate provisions are made to protect the~~
438 ~~watercourse from any work being performed pursuant to the building permit.~~

439
440 (d) ~~In the event the director of building development services determines that the~~
441 ~~permit cannot be issued because the director of public works has determined that~~
442 ~~the applicant cannot meet the conditions or has refused to meet the conditions,~~
443 ~~the applicant shall be notified in writing and given an opportunity to present~~
444 ~~alternative plans to protect the watercourse or to guarantee that the work will not~~
445 ~~interfere with the use of the watercourse.~~

446

447 (e) ~~In the event the applicant is aggrieved by the decision of the director, the~~
448 ~~applicant shall have the right to appeal the director's decision to the board of~~
449 ~~appeals, except no permit shall be issued unless the applicant can show that the~~
450 ~~provisions of section 96-2 will not be violated.~~

451
452 (f) ~~The building permit shall also provide the applicant cannot block, obstruct,~~
453 ~~destroy, cover, fill or alter in any way whatsoever a watercourse so as to damage~~
454 ~~adjoining property from surface water and that in the event it is determined that~~
455 ~~adjoining property is damaged, the authority to perform work pursuant to the~~
456 ~~building permit shall be null and void.~~

457
458 ~~Sec. 96-5. Posting of land.~~

459
460 (a) ~~It shall be unlawful for any person to block, obstruct, destroy, cover, fill or alter in~~
461 ~~any way a watercourse when the watercourse has been posted by the city in~~
462 ~~accordance with the procedures established herein.~~

463
464 (b) ~~When the director of public works has determined that a person is blocking,~~
465 ~~obstructing, destroying, covering, filling or altering a watercourse which in the~~
466 ~~opinion of the director will now or in the future cause damage to adjoining~~
467 ~~property, the director is authorized to post private property, which posting shall~~
468 ~~clearly designate that the blocking, obstructing, destroying, covering, filling or~~
469 ~~altering in any way is prohibited. The director of public works shall give notice to~~
470 ~~the owner of the property, pursuant to provisions set forth in subsection 74-33(b),~~
471 ~~that it is unlawful for any person to fill, block, obstruct, cover, destroy or in any~~
472 ~~way alter the watercourse when the director has determined that damage to~~
473 ~~adjoining property might reasonably be caused now or in the future by such~~
474 ~~actions.~~

475
476 (c) ~~The owner of the property may request a hearing before the director at which~~
477 ~~time the owner shall submit information pertaining to the drainage as described in~~
478 ~~section 96-4. The owner may request a hearing in front of the director and the~~
479 ~~owner shall at that time submit evidence concerning the surface water runoff in~~
480 ~~the area and his plans for the watercourse.~~

481
482 (d) ~~In the event the director determines that the owner's plans for the watercourse~~
483 ~~will not cause damage to adjoining property owners, the director shall cause the~~
484 ~~order prohibiting the blocking, obstructing, destroying, filling, covering or altering~~
485 ~~to be removed. Adjoining property owners shall be notified of any hearing held in~~
486 ~~front of the director of public works and such property owner may appear in the~~
487 ~~matter to be heard.~~

488
489 (e) ~~In the event the director determines that no further blocking, obstructing, filling,~~
490 ~~covering or altering of the watercourse can be permitted, the director shall enter~~
491 ~~an order so stating. The owner of property for which a notice has been issued~~

492 may appeal the decision of the director under this section pursuant to provisions
493 of the Administrative Procedure Act (RSMo Ch. 536).

494
495 DIVISION 3. – PROTECTION OF SINKHOLES AND OTHER KARST FEATURES

496
497 Sec. 96-18. – Purpose.

498
499 The purpose of this division is to establish the minimum requirements to protect
500 the public from hazards associated with karst features and to protect water quality.

501
502 Sec. 96-19. – Sinkhole permit.

503
504 (1) A sinkhole permit is required pursuant the flood control and water quality
505 protection manual and any applicable provisions of this Article. Upon review of
506 the information presented by the applicant, the site, and such other information
507 as may be available, the director of public works may issue a permit for work to
508 be performed in the sinkhole area. All work shall be performed in accordance
509 with the permit, the flood control and water quality protection manual, and any
510 applicable provisions of this Article.

511
512 (2) In addition to establishing a plan for grading and use of construction equipment,
513 the director of public works may, based upon the topography, geology, soils, and
514 history of the sinkhole, such as past filling, and the developer's engineer's storm
515 water analysis and plan, establish sinkhole-related non-buildable areas. No
516 buildings, parking areas, grading or other structures shall be permitted within the
517 sinkhole-related non-buildable area.

518
519 (3) The non-buildable area shall generally follow the limits of the sinkhole. However,
520 the non-buildable area may be expanded or contracted by action of the director
521 where warranted, due to the nature of the specific sinkhole, the underlying
522 geology, soils, drainage, and any related information, such as depth to bedrock.
523 In sinkhole cluster areas, the director of public works may require the developer
524 to provide recommendations from a consulting engineer and a consulting
525 hydrogeologist, based upon substantial and state-of-the-art field studies and
526 evaluation of the specific sinkhole system. Such studies shall be submitted to the
527 director of public works.

528
529 (4) No principal or accessory buildings with soil-bearing foundations shall be
530 permitted to be constructed on fill within the limits of any sinkhole unless
531 approved by the director of building development services.

532
533 Sec. 96-20. – Dumping in sinkholes prohibited.

534
535 (1) It shall be unlawful for any person to place, dump or deposit trash, debris,
536 rubbish, brush, leaves, grass clippings, yard waste, or similar materials within a
537 sinkhole.

538
539 (2) Any sinkhole which contains an accumulation of trash, debris, brush, leaves,
540 grass clippings, yard waste or similar materials is hereby declared to be a
541 nuisance within the meaning of section 74-382.

542
543 DIVISION 4. – STREAM BUFFERS

544
545 Sec. 96-21. – Purpose.

546
547 The purpose of this division is to establish the minimum requirements for the
548 preservation of stream buffers. Stream buffers provide numerous benefits as described
549 in the flood control and water quality protection manual.

550
551 Sec. 96-22. – Scope and Authority.

552
553 This division applies to streams shown on the stream buffer map for all new
554 applications for land disturbance permits, building permits, floodplain development
555 permits, public improvements, preliminary plats, subdivisions, and zoning cases with the
556 exception of those streams that have been previously enclosed or converted to an
557 engineered channel as stated in the flood control and water quality protection manual.
558 This division shall also apply to streams located on properties which are annexed after
559 the adoption of the stream buffer map, and have not been added to said stream buffer
560 map, but have a contributing drainage area of 40 acres or greater in accordance with
561 the flood control and water quality protection manual, for all new applications as those
562 listed above. The provisions in this division shall be administered and enforced by the
563 director of public works.

564
565 Sec. 96-23. – Disturbance or development in stream buffers.

566
567 It shall be unlawful for any person to conduct any land disturbance, removal of
568 trees, building of structures, or other practices or activities other than those allowed by
569 the flood control and water quality protection manual in stream buffers subject to this
570 division unless such activity is in accordance with an approved stream buffer plan.

571
572 Sec. 96-24. – Stream buffer maintenance.

573
574 Stream buffers shall be maintained by the responsible party in accordance with
575 the maintenance standards contained in the flood control and water quality protection
576 manual and any applicable provisions of this Article.

577
578 DIVISION 2. - SINKHOLE REGULATION

579
580 Sec. 96-6. – Definitions.

581
582 For purposes of this division, the following definitions shall apply:

583

584 ~~Grading means the movement of soil or rock by motorized equipment, except this~~
585 ~~definition shall not apply to the farming of land.~~

586
587 ~~Motorized equipment means vehicles or equipment which are motorized except~~
588 ~~this definition shall not apply to equipment used for the farming of land, normal yard~~
589 ~~maintenance or normal and customary recreational activities.~~

590
591 ~~Sinkhole means any closed depression formed by removal (typically~~
592 ~~underground) of water, surficial soil, rock, or other material. The existence of a sinkhole~~
593 ~~shall be as indicated by the closed depression contour lines on the topographical maps~~
594 ~~of the city or as may be determined by a field survey. Its actual limits may, however, be~~
595 ~~determined by field measurements with concurrence of the director of public works.~~
596 ~~Sinkholes may be either circular in plan or irregular, depending upon structural control.~~

597
598 ~~Sinkhole cluster area means any area that contributes surface water to a~~
599 ~~sinkhole which is located in a group of two or more sinkholes clustering together.~~

600
601 ~~Sinkhole drainage areas mean any area that contributes surface water directly to~~
602 ~~the sinkhole(s).~~

603
604 ~~Sinkhole ponding elevation means the maximum elevation of either the elevation~~
605 ~~as determined by using currently accepted methods of the soil conservation service to~~
606 ~~calculate the total volume of runoff from the sinkhole drainage area to the sinkhole~~
607 ~~utilizing an eight-inch rainfall and no sink outlet or the historical elevation or the~~
608 ~~published flood elevation. Note: Overflow conditions will establish maximum ponding~~
609 ~~elevation.~~

610
611 ~~Sec. 96-7. Permit requirement.~~

612
613 ~~No person shall engage in the grading of land or the use of motorized equipment~~
614 ~~in a sinkhole without first securing a permit from the director of public works. In order to~~
615 ~~get a permit, the owner of the property or person having an interest therein shall submit~~
616 ~~an application for a permit to the director of public works with a plan, which shall contain~~
617 ~~the following information:~~

- 618
619 (1) ~~Plan requirements. The plan shall show the location of the sinkhole, the sinkhole~~
620 ~~drainage area, a sinkhole cluster area, or portions of such items, along with~~
621 ~~ground contours, a storm water analysis of the sinkhole drainage area and~~
622 ~~significant physical features on the property.~~

623
624 ~~Upon review of the information presented by the applicant, the site, and such~~
625 ~~other information as may be available, the director of public works may issue a~~
626 ~~permit for work to be performed in the sinkhole area. All work shall be performed~~
627 ~~in accordance with the permit. The director of public works may designate certain~~
628 ~~areas where grading or construction equipment is not permitted or is otherwise~~
629 ~~limited.~~

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~~(2) Sinkhole-related non-buildable areas. In addition to establishing a plan for grading and use of construction equipment, the director of public works may, based upon the topography, geology, soils, and history of the sinkhole (such as past filling) and the developer's engineer's storm water analysis and plan, establish sinkhole-related non-buildable areas. No buildings, parking areas, grading or other structures shall be permitted within the sinkhole-related non-buildable area unless otherwise authorized by the director of public works.~~

~~This non-buildable area shall follow the limits of the sinkhole in most cases. However, the non-buildable area may be expanded or contracted by action of the director of public works where warranted, due to the nature of the specific sinkhole, the underlying geology, soils, drainage, and any related information, such as depth to bedrock. In sinkhole cluster areas, the director of public works may require the developer to provide recommendations from a consulting engineer and a consulting hydrogeologist, based upon substantial and state-of-the-art field studies and evaluation of the specific sinkhole system. Such studies shall be submitted to the director of public works.~~

~~(3) Development in sinkhole drainage areas. Development may occur in the immediate sinkhole drainage area if the developer provides alternative surface drainage away from the sinkhole, while keeping the water in the same surface drainage basin; and provided further that the water shall not go into another sinkhole drainage area off the applicant's property, nor into another stream of known flooding problems. The immediate sinkhole drainage area (or portion thereof) which cannot be provided with an alternative drainage system can be deleted from the development area and can be used to meet the normal open space requirements. The developer may request the planning and zoning commission and the city council that the density on the remainder of the developable area be increased, with the total resulting density no greater than if the entire area were developed to the permitted density under the zoning ordinance.~~

~~For portions of the sinkhole drainage area where alternative surface drainage methods cannot be provided, as determined by the director of public works, the developer may propose one of the options described in section 96-8.~~

~~Sec. 96-8. Sinkhole surface drainage analyses.~~

~~A sinkhole can be used for surface runoff drainage of a proposed development if the conditions of either of the following alternatives are met:~~

~~(1) Alternative 1. A sinkhole can be used for surface runoff of a proposed development, with or without retention or detention facilities, as recommended by a consulting engineer and a consulting hydrogeologist, provided that any increase in the quantity of surface runoff due to development of the entire~~

676 sinkhole drainage area in question will not aggravate flooding on the proposed
677 development, adjacent existing development, or connected/adjacent sinkhole
678 subsurface systems. Such engineering and geological reports must be
679 substantive and based on state-of-the-art field studies and evaluation of the
680 specific sinkhole system. The director of public works shall not approve
681 development proposals subject to alternative 1 provisions, unless the study
682 findings meet the requirements of this subsection.

- 683
684 (2) ~~Alternative 2. A sinkhole can be used for surface drainage of a proposed~~
685 ~~development if the following conditions and provisions are met:~~
686
- 687 a. ~~That the runoff from the development area is either completely retained in~~
688 ~~a retention basin or detained in a detention basin. The flow rate out of the~~
689 ~~above basins shall be regulated so that it is no greater than the flow rate~~
690 ~~into the sinkhole of the development area prior to development. The~~
691 ~~outflow rate shall not aggravate flooding on downstream properties.~~
692
 - 693 b. ~~As previously noted in section 96-7, the developer may elect to divert~~
694 ~~enough of the sinkhole drainage area so that the development of the~~
695 ~~remaining area does not increase the total quantity of runoff into the~~
696 ~~sinkhole. Where additional runoff is anticipated, a consulting engineer and~~
697 ~~hydrogeologist shall evaluate and show the effect of any additional~~
698 ~~quantity of runoff to the sinkhole and sinkhole system. The director of~~
699 ~~public works shall review the study findings and make a determination that~~
700 ~~alternative 2 is acceptable.~~
701
 - 702 c. ~~Where the sinkhole outlet is off site, either the runoff leaving the subject~~
703 ~~property must be shown to be no greater in flow or in quantity than that~~
704 ~~which existed before development, or easements must be obtained from~~
705 ~~owners of property where any increase in flow or quantity of water must go~~
706 ~~to reach the sinkhole outlet. Easement areas shall be approved by the~~
707 ~~director of public works based upon the developer's engineer's~~
708 ~~calculations of the proposed ponding elevation.~~
709

710 ~~Sec. 96-9. - Filling in sinkholes and sinkhole drainage areas.~~
711

- 712 (a) ~~No principal or accessory buildings with soil-bearing foundations shall be~~
713 ~~permitted to be constructed on fill within the limits of any sinkhole unless~~
714 ~~approved by the director of building development services.~~
715
- 716 (b) ~~No street shall be placed below an elevation of at least one foot above the~~
717 ~~sinkhole ponding elevation.~~
718
- 719 (c) ~~No increase in the ponding elevation will be allowed by grading or filling without a~~
720 ~~storm water analysis approved by the director of public works.~~
721

722 (d) ~~It shall be unlawful for any person to place, dump or deposit trash, debris,~~
723 ~~rubbish, brush, leaves, grass clippings, yard waste, or similar materials within a~~
724 ~~sinkhole.~~

725
726 (e) ~~Any sinkhole which contains an accumulation of trash, debris, brush, leaves,~~
727 ~~grass clippings, yard waste or similar materials is hereby declared to be a~~
728 ~~nuisance within the meaning of section 74-382. If the throwing, dumping or~~
729 ~~depositing of trash, debris, brush, leaves, grass clippings, yard waste or similar~~
730 ~~materials in a sinkhole was done from a motor vehicle, it shall be presumed that~~
731 ~~the throwing, dumping or depositing was done by the owner of the motor vehicle.~~

732
733 ~~Sec. 96-10. - Required plan notes.~~

734
735 ~~For any land which includes a sinkhole-related non-buildable area or restricted fill~~
736 ~~area, the developer shall place the following notes on the final subdivision plat, if a plat~~
737 ~~is involved, or on the development plan:~~

738
739 (1) ~~Based upon the evidence, there shall be shown sinkhole-related non-buildable~~
740 ~~areas on this plan. However, approval of this plan is not to be interpreted as any~~
741 ~~guarantee that future sinkhole problems will not occur due to either natural or~~
742 ~~human activities.~~

743
744 (2) ~~Any sinkhole-related non-buildable area identified here has been determined to~~
745 ~~be unsuitable for any construction activity, and no buildings, parking areas,~~
746 ~~grading or other structures shall be permitted within this area.~~

747
748 (3) ~~Any sinkhole or restricted fill area identified here has been determined to be~~
749 ~~unsuitable for soil bearing foundation, and the entire structure of any building~~
750 ~~(including the floor system) constructed therein must be founded on solid rock.~~

751
752 (4) ~~No basement or first floor elevations shall be less than 14 inches above the~~
753 ~~sinkhole ponding elevation.~~

754
755 ~~Based upon the facts of each case, additional provisions may be required by the~~
756 ~~director of public works. All preliminary plats shall be referred to the director of~~
757 ~~public works, with a plan prepared by the developer in accordance with~~
758 ~~provisions herein.~~

759
760 ~~Sec. 96-11. - Prosecution of violation.~~

761
762 (a) ~~Any person violating any of the provisions of this ordinance, or failing to comply~~
763 ~~with an approved plan, shall be guilty of a violation of a municipal ordinance; and~~
764 ~~upon conviction thereof, shall be subject to the penalty provisions of section 1-7.~~
765 ~~In addition to such remedies, the city may withhold permits or utilities for~~
766 ~~development of property in a sinkhole that is or may be threatened by~~
767 ~~development that has not been made in accordance with an approved plan.~~

768 Provisions of section 96-4, pertaining to the issuance of building permits, shall
769 apply if there is an appeal from the denial or withholding of a permit or utilities.
770 The city shall have authority to post land, as set forth in section 96-5, when the
771 director of public works believes work is being performed in a sinkhole in violation
772 of this division. Each day that a violation continues after a service of notice, as
773 provided for in this Code, shall be deemed a separate offense.

774
775 (b) The director of public works or his designee is hereby authorized to issue a
776 notice to appear in municipal court in the form of a summons for violations of this
777 division and may also request the city attorney to institute the appropriate legal
778 proceedings to obtain an injunction to restrain, correct or abate such violation of
779 the provisions of this Code.

780
781 ~~Sec. 96-12. - Grading or alteration of land.~~

782
783 The alteration of land in a sinkhole by means of grading or the use of motorized
784 equipment without a permit or in violation of a permit is hereby declared to be a
785 nuisance and the director of public works may require abatement of the nuisance to
786 restore the land to its original condition or to the condition approved in the permit, under
787 the procedures set forth in chapter 74. Alteration of a sinkhole without a permit or in
788 violation of an existing permit shall constitute a continuing violation so that each and
789 every day shall be a separate offense under section 1-7. In addition to the procedures
790 set forth above, city officials may revoke existing city licenses or permits or may refuse
791 to issue or renew city licenses or permits for any business on any such lot or tract which
792 is in violation of this section.

793
794 ~~Sec. 96-13. - Appeal process.~~

795
796 Any property owner who disagrees with the decision of the director of public
797 works denying a permit may appeal such decision to the board of the building and
798 housing appeals in accordance with the procedures set forth in section 36-306.

799
800 ~~DIVISION 3. - DETENTION AND RETENTION OF STORM WATER~~

801
802 ~~Sec. 96-14. - Surface water runoff.~~

803
804 (a) The building official shall review every application for a building permit and
805 determine if the proposed improvement will increase surface water runoff from
806 the premises. During the review of an application, the building official may
807 request, and the owner shall submit plans, drawings, and such other information
808 as the building official may request showing the capacity of existing
809 watercourses, and showing the effect of the proposed improvements on surface
810 water runoff.

811
812 (b) Whenever the building official shall determine that the proposed improvements
813 will increase surface water runoff, he shall so notify the applicant for the building

814 permit, and the applicant shall submit plans in a form acceptable to the building
815 official, showing the proposed design and construction of a storm water detention
816 facility, hereafter called the facility, with the capacity to meet the following
817 standards:

818
819 (1) The facility shall be designed using the most currently accepted methods
820 of the soil conservation service, or the corps of engineers or the
821 nomograph developed by the city such that the flow downstream of the
822 development does not exceed the pre-development peak flow for the two-,
823 ten-, 25- and 100-year storm conditions.

824
825 (2) Any owner who disagrees with the decision of the building official may
826 appeal such decision to the board of building and housing appeals in
827 accordance with the procedures set forth in chapter 36, article III.

828
829 (c) The applicant shall also submit a plan suitable to the building official, to provide
830 that temporary flooding does not occur to other properties during construction.

831
832 (d) The building official in reviewing applications for building permits shall further
833 determine if the work interferes with the use and operation of existing
834 watercourses. If the building official has reason to believe that the work may
835 interfere with the use and operation of existing watercourses, then the building
836 official shall proceed in accordance with provisions of section 96-4.

837
838 (e) Whenever the building official shall accept and approve the plans submitted by
839 the applicant, the building official shall issue a storm water detention facility
840 building permit at the same time and in conjunction with the foundation permit.
841 The storm water detention facility permit shall require construction of storm water
842 detention facilities, sufficient to meet the standards set forth above in subsection
843 (b) and shall require compliance with the plan to prevent floods during
844 construction under subsection (c). No further building permit shall be issued until
845 after storm water detention facilities have been installed and approved by the
846 director of public works, or completion of the improvements is guaranteed by
847 cash escrow as provided in section 36-303.

848
849 (f) The provisions of this section shall not apply to the improvement or modifications
850 of existing single family dwellings and duplexes.

851
852 ~~Sec. 96-15. - Inspection during construction.~~

853
854 All drainage improvements and facilities constructed pursuant to section 96-4 or
855 subsections 96-14(b) or (c) shall be subject to inspection by the building official. In the
856 event the building official determines that such improvements or facilities or approved
857 plans are not being constructed to meet the design standards set forth in subsection 96-
858 14(b) or (c), then the director of building development services may issue an order
859 revoking the building permit in accordance with the building code or may order utilities

860 discontinued until the permittee complies with the order of the director of building
861 development services.

862
863 The permittee shall employ a professional engineer to make the inspections
864 required by this section. The engineer shall certify that the work has been done
865 according to the approved plans and specifications, except that the permittee may
866 contract with the city for such services.

867
868 ~~Sec. 96-16. - Maintenance by owner—Covenants and easements to be filed of record.~~

869
870 (a) ~~When the facility is located on the same lot or tract it is intended to serve, the~~
871 ~~storm water detention improvements shall be maintained at all times by the~~
872 ~~owner of the lot or tract. Unless otherwise approved by the city as set forth more~~
873 ~~fully below, such facility shall not be constructed on separate lots and no building~~
874 ~~permit shall be issued for any such facility if it is located on a lot or tract of land~~
875 ~~other than the lot or tract of land it is intended to serve.~~

876
877 (b) ~~When the facility is designed to serve more than one lot or tract, the director of~~
878 ~~planning may permit the construction of such facilities on a lot other than the lot~~
879 ~~or tract the facility is intended to serve, if he determines that there are sufficient~~
880 ~~easements and covenants filed of record with the county recorder of deeds~~
881 ~~imposing the duty and responsibility to maintain the facilities, together with the~~
882 ~~liability for the costs of such maintenance upon the owners of each of the lots~~
883 ~~served by the facility and further covenanting that the assessed costs of any~~
884 ~~repairs and maintenance work done by the city pursuant to section 96-17 shall be~~
885 ~~a lien enforceable by foreclosure against each of the lots so served. The director~~
886 ~~of building development services shall require as a precondition to the issuance~~
887 ~~of a building permit that the owner of the property file such covenants and~~
888 ~~easements with the Greene County recorder of deeds allocating such obligations~~
889 ~~and liabilities for the cost of the maintenance of the facility, which covenants and~~
890 ~~easements shall secure the right of the city to execute the remedies set forth in~~
891 ~~section 96-17 and the power to assess the costs thereof against each lot served~~
892 ~~by the facility, and to further secure the city's power to collect the assessment by~~
893 ~~foreclosure.~~

894
895 (c) ~~In the event the owners of the lots or tracts served by the facility fail to maintain~~
896 ~~the facility, then the director of building development services, upon ten days~~
897 ~~written notice, may revoke the occupancy permit issued for such premises and in~~
898 ~~addition thereto, or in the alternative, may order utilities disconnected. Any~~
899 ~~aggrieved owner shall have the right to an administrative hearing prior to~~
900 ~~revocation of the occupancy permit or disconnect of utilities, to determine~~
901 ~~whether the storm water detention facility has been maintained so as to meet the~~
902 ~~standards set forth in subsection 96-14(b) provided the owner has filed a written~~
903 ~~demand for hearing with the city manager within ten days after notice has been~~
904 ~~given. The hearing shall be conducted before a hearing officer designated by the~~
905 ~~city manager within 20 days of receipt of the owner's demand for hearing, and at~~

906 the conclusion of the hearing, the hearing officer shall prepare a written decision
907 setting forth his findings of fact and conclusions of law. The decision of the
908 hearing officer shall be final for purposes of RSMo Ch. 536.

909 ~~Sec. 96-17. -- Failure to maintain declared a nuisance -- Assessment of costs as a lien.~~

910
911
912 If the owners of the lots or tracts served by the detention facility fail to adequately
913 maintain the detention facility, the same is hereby declared to be a nuisance and the
914 director of public works may require abatement of the nuisance under the procedures
915 set forth in chapter 74. In addition to the procedures set forth above, or in the
916 alternative, upon determining that a nuisance exists, city officials may refuse to issue or
917 renew city licenses for any business on any lot or tract served by the facility.

918
919 ~~DIVISION 4. -- REGIONAL DETENTION BASINS~~

920
921 ~~Sec. 96-18. -- Detention.~~

922
923 (a) ~~Notwithstanding any other provisions of this article, whenever a storm water~~
924 ~~detention basin is required and the director of public works determines that a~~
925 ~~regional detention basin can be improved to detain the additional storm water,~~
926 ~~the developer may provide to the city sufficient funds to construct the~~
927 ~~improvements to the regional detention basin. The decision to accept or allow~~
928 ~~additional drainage in the regional detention basin shall rest solely with the~~
929 ~~director of public works. The funds for improvement of the regional detention~~
930 ~~basin shall be in an amount determined by the director of public works to be~~
931 ~~reasonable and adequate to accommodate the improvement, and shall be spent~~
932 ~~solely for that purpose by the director of public works.~~

933
934 (b) ~~Notwithstanding any other provisions of this article, the developer of a tract of~~
935 ~~land shall determine the detention volume necessary for the tract of land being~~
936 ~~developed. Whenever the storm water volume analysis presented by the~~
937 ~~developer and accepted by the director of public works shows that detention has~~
938 ~~no reduction in downstream flooding, the developer may pay to the city in lieu of~~
939 ~~constructing storm water detention facilities the amount of \$2.00 for each cubic~~
940 ~~foot of detention volume up to 24,000 cubic feet, \$1.00 for each cubic foot~~
941 ~~between 24,000 cubic feet and 100,000 cubic feet, and \$0.50 for each cubic foot~~
942 ~~in excess of 100,000 cubic feet for developments other than single- or two-family~~
943 ~~residential. For single- and two-family residential developments, the payment~~
944 ~~tiers shall be \$1.00 for each cubic foot up to 24,000 cubic feet and \$0.50 for each~~
945 ~~cubic foot above 24,000 cubic feet. Whenever the storm water volume analysis~~
946 ~~presented by the developer and accepted by the director of public works shows~~
947 ~~that detention will increase downstream flooding, the developer is required to pay~~
948 ~~to the city in lieu of constructing storm water detention facilities the amount of~~
949 ~~\$2.00 for each cubic foot of detention volume up to 24,000 cubic feet, \$1.00 for~~
950 ~~each cubic foot between 24,000 cubic feet and 100,000 cubic feet, and \$0.50 for~~
951 ~~each cubic foot in excess of 100,000 cubic feet for developments other than~~

952 ~~single- or two-family residential. For single- and two-family residential~~
953 ~~developments, the payment tiers shall be \$1.00 for each cubic foot up to 24,000~~
954 ~~cubic feet and \$0.50 for each cubic foot above 24,000 cubic feet. This money~~
955 ~~shall be used by the city to construct and maintain regional detention and~~
956 ~~conveyance systems within the drainage basin where the storm water facilities~~
957 ~~would have been constructed. The two major drainage basins in the city are the~~
958 ~~Sac River basin and the James River basin. A waiver of the detention facility~~
959 ~~construction may not be allowed if the director of public works has made a finding~~
960 ~~that there is a significant drainage problem below the property where the waiver~~
961 ~~is proposed to occur even though the detention facility is marginally efficient. The~~
962 ~~director of public works may consider in making such determination that the~~
963 ~~discharge of any additional waters at an increased rate onto the properties below~~
964 ~~is not desirable due to the significant drainage problems that exist on subservient~~
965 ~~properties. The payment in lieu of construction may be revised by the director of~~
966 ~~public works to reflect the annual percentage change in construction costs by~~
967 ~~using the construction price index, increase or decrease, from the previous~~
968 ~~amount.~~

969
970 DIVISION 5. - RESERVED

971
972 Secs. 96-19-25.10. – Reserved

973
974 ARTICLE II. - DISCHARGE OF POLLUTANTS

975
976 Sec. 96-26. - Definitions.

977
978 For the purposes of this chapter, the following words shall have the definitions
979 hereinafter set forth:

980
981 *Director* means the director of ~~public works~~ environmental services of the city (or
982 the director's authorized representative).

983
984 *Discharge* means any substance disposed, deposited, spilled, poured, injected,
985 seeped, leached, pumped, dumped, leaked, or placed by any means such that it can
986 reasonably be expected to enter, intentionally or unintentionally, into waters of the state
987 or city, or on any area draining directly or indirectly into the MS4 of the city.

988
989 *Discharger* means any person or entity that discharges storm water into the MS4.

990
991 *Illicit connections* means either of the following:

- 992
993 (1) Any drain or conveyance, whether on the surface or subsurface, which
994 allows an illegal discharge to enter the MS4 including but not limited to
995 any conveyances which allow any non-storm water discharge including
996 sewage, process wastewater, or wash water to enter the MS4 and any
997 connections to the MS4 from indoor or exterior drains or sinks, regardless

998 of whether said drain or connection had been previously allowed,
999 permitted, or approved by a government agency; or

- 1000
1001 (2) Any drain or conveyance connected from a commercial or industrial land
1002 use to the MS4 which has not been documented in plans, maps, or
1003 equivalent records and approved by the city.
1004

1005 *Interference* means a discharge which, alone or in conjunction with a discharge
1006 or discharges from other sources, inhibits or disrupts the normal operation of the MS4 or
1007 causes a violation of any requirement of the city's NPDES storm water discharge permit
1008 (including an increase in the magnitude or duration of a violation) or any increase in cost
1009 due to damage to the system or requirements for specialized treatment of storm water
1010 caused by such discharge.
1011

1012 *Municipal separate storm sewer system (MS4)* means a conveyance or system
1013 of conveyances (including roads with drainage systems, municipal streets, catch basins,
1014 curbs, gutters, ditches, man-made channels, or storm drains):
1015

- 1016 (1) Owned or operated by a state, city, town, borough, county, parish, district,
1017 association, or other public body (created by or pursuant to state law)
1018 having jurisdiction over disposal of sewage, industrial wastes, stormwater
1019 or other wastes, including special districts under state law such as a sewer
1020 district, flood control district or drainage district, or similar entity, or an
1021 Indian tribe or an authorized Indian tribal organization, or a designated
1022 and approved management agency under Section 208 of the Clean Water
1023 Act that discharges to waters of the United States;
1024
1025 (2) Designed or used for collecting or conveying stormwater;
1026
1027 (3) Which is not a combined sewer; and
1028
1029 (4) Which is not part of a publicly owned treatment works (POTW) as defined
1030 at 40 CFR 122.2.
1031

1032 ~~*Municipal separate storm sewer system (MS4)* means those artificial and natural~~
1033 ~~facilities within the city, whether publicly or privately owned, by which storm water may~~
1034 ~~be conveyed to a watercourse or waters of the state, including but not limited to any~~
1035 ~~roads with drainage systems, streets, catch basins, natural and artificial channels,~~
1036 ~~aqueducts, stream beds, gullies, curbs, gutters, berms, ditches, swells, open fields,~~
1037 ~~parking lots, impervious surfaces used for parking, or storm drains, however, sanitary~~
1038 ~~sewers are not included in the definition of the city separate storm sewer system.~~
1039

1040 *Non-storm water discharge* means any discharge to the MS4, except as allowed
1041 under section 96-28 hereof.
1042

1043 *Person* means any individual, partnership, co-partnership, firm, company,
1044 corporation, association, joint stock company, trust, estate, governmental entity or any
1045 other legal entity, or their legal representatives, agents or assigns. The masculine
1046 gender shall include the feminine, the singular shall include the plural where indicated
1047 by the context.

1048
1049 *Pollutant* means any physical, chemical, biological or radiological substance
1050 which may when introduced to the waters in sufficient quantities render them harmful,
1051 detrimental or injurious to humans, natural life, vegetation or property, to the public
1052 health, safety and welfare, or otherwise impairs the usefulness or public enjoyment of
1053 waters for any lawful and reasonable purpose, including interference with the proper
1054 functioning of the MS4.

1055
1056 *Pollution* means the human-made or human-induced alteration of the quality of
1057 waters by waste to a degree which unreasonably affects, or has the potential to
1058 unreasonably affect, either the waters of the city or state for beneficial uses or the
1059 facilities which serve these beneficial uses.

1060
1061 *Storm water* means any surface flow, runoff, or drainage consisting entirely of
1062 water from rainstorm or frozen precipitation events.

1063
1064 *Waters of the city* means any and all rivers, streams, creeks, branches, lakes,
1065 reservoirs, ponds, sinkholes, springs, wetlands, wells and channels, and other bodies of
1066 surface or subsurface waters, natural or artificial, lying within the boundaries of the city.

1067
1068 *Waters of the state* means any water, surface or underground, lying within the
1069 boundaries of the city over which the state Department of Natural Resources exercises
1070 primary control with respect to storm water permits.

1071
1072 Sec. 96-27. - Unlawful to discharge other than storm water into city waters, waters of
1073 the state, and city's MS4.

1074
1075 Except as otherwise provided in section 96-28 hereof, it shall be unlawful for any
1076 person to drain, deposit, place or otherwise discharge into the MS4 or waters of the city
1077 or waters of the state or to cause or permit to be drained, deposited, or placed such that
1078 it can reasonably be expected to enter or otherwise be discharged into such waters,
1079 substances which cause or tend to cause pollution.

1080
1081 Polluting substances include, but are not limited to, the following:

- 1082
1083 (1) Petroleum products, including but not limited to oil, gasoline, and grease;
1084 (2) Solid waste (as defined in section 94-1);
1085 (3) Pet waste;
1086 (4) Chemicals;
1087 (5) Paints;
1088 (6) Soaps;

- 1089 (7) Laundry waste;
- 1090 (8) Steam cleaning waste;
- 1091 (9) Pesticides, herbicides or fertilizers;
- 1092 (10) Degreasers, solvents;
- 1093 (11) Heated water;
- 1094 (12) Sanitary sewage, including polluted wastewater;
- 1095 (13) Chemically treated cooling water;
- 1096 (14) Antifreeze, and other automotive products;
- 1097 (15) Lawn clippings, leaves or branches;
- 1098 (16) Animal carcasses;
- 1099 (17) Silt;
- 1100 (18) Acids or alkalis;
- 1101 (19) Recreational vehicle waste;
- 1102 (20) Dyes (without prior approval from EPA/DNR);
- 1103 (21) Construction materials;
- 1104 (22) Toxic or poisonous solids or liquids;
- 1105 (23) Kitchen grease, food scraps;
- 1106 (24) Any discharge causing interference in the MS4.

1107
 1108 Any person owning or occupying premises who has knowledge of any release of
 1109 pollutants or non-storm water discharge from or across those premises which might
 1110 enter the MS4, other than a release or discharge that is permitted by this chapter, shall
 1111 immediately take all reasonable action to contain and abate the release of pollutants or
 1112 non-storm water discharge, and shall notify the director and other authorities required
 1113 under other local, state, or federal laws, rules, or regulations within 24 hours of the
 1114 release of pollutants or non-storm water discharge.

1115
 1116 Sec. 96-28. - Permissible discharges to city storm water system.

1117
 1118 Unless the director has determined a particular discharge to be the source of
 1119 contaminants to the waters of the State or the city or the MS4, the following discharges
 1120 to the storm sewer system are permitted:

- 1121
- 1122 (1) Any discharge or connection regulated under a NPDES permit issued to a
- 1123 discharger and administered by the state, provided that the discharger is in
- 1124 compliance with all requirements of the permit and all other applicable laws and
- 1125 regulations;
- 1126
- 1127 (2) Discharges from the following activities which do not cause or contribute
- 1128 contaminants to the waters of the state or the city or the MS4:
- 1129
- 1130 a. Water line flushing and other discharges from potable water sources;
- 1131 b. Landscape, garden, lawn and agricultural irrigation water;
- 1132 c. Diverted stream flows;
- 1133 d. Rising groundwater or springs;
- 1134 e. Uncontaminated groundwater infiltration;

- 1135 f. Uncontaminated pumped ground water;
- 1136 g. Uncontaminated water from foundation, footing drains, crawl space or
- 1137 basement sump pumps;
- 1138 h. Air conditioning condensate;
- 1139 i. Water from individual residential car washing and non-commercial car
- 1140 washing events;
- 1141 j. Flows from riparian habitats and wetlands;
- 1142 k. Wash waters from street cleaning operations after all visible debris and
- 1143 sediments have been removed prior to washing;
- 1144 l. Wash waters from parking lot and sidewalk cleaning operations after all
- 1145 visible debris and sediments have been removed prior to washing;
- 1146 m. De-chlorinated swimming pool discharges; and
- 1147 n. Discharges or flows from fire-fighting activities.
- 1148

1149 (3) Any discharge which the director determines in writing is necessary for the
1150 protection of the public health and safety;

1151
1152 (4) Any discharge caused by flooding or other natural disaster which could not have
1153 been reasonably foreseen or mitigated for in advance by the discharger, as
1154 determined by the director.

1155
1156 Sec. 96-29. - Municipal separate storm sewer system (MS4) protection.

1157
1158 Every person owning or occupying property through which the MS4 passes shall
1159 keep that part of the MS4 within the property reasonably free of trash, debris, excessive
1160 vegetation, and other obstacles that would pollute, contaminate, or obstruct the flow of
1161 water through the MS4. In addition, the owner or occupier shall maintain existing
1162 privately owned structures within or adjacent to the MS4, so that such structures will not
1163 interfere with the function or physical integrity of the MS4. The owner or occupier shall
1164 not remove healthy bank vegetation so as to cause erosion to the MS4 or remove or
1165 modify any portion of the MS4. The property owner or occupier shall maintain that
1166 portion of the MS4 upon the property sufficiently to protect against erosion and other
1167 degradation of the MS4.

1168
1169 Sec. 96-30. - Prohibition of illicit connections.

1170
1171 The construction, use, maintenance or continued existence of illicit connections
1172 to the storm sewer system (MS4) is prohibited. This prohibition expressly includes,
1173 without limitation, illicit connections made in the past, regardless of whether the
1174 connection was permissible under law or practices applicable or prevailing at the time of
1175 connection.

1176
1177 Sec. 96-31. - Powers and authority for inspection.

1178
1179 The director may enter and inspect any private property or premise during normal
1180 business hours including, but not limited to, any private property or premises which is,

1181 or may be, the site of or source of an illicit connection or the source of a storm water
1182 discharge associated with industrial activity, or the source of a discharge from a site of
1183 industrial activity, upon reasonable notice to the person owning or occupying said
1184 property or premises and during normal business hours, unless an emergency situation
1185 exists as determined by the director, for the purpose of performing investigations,
1186 observations, sampling or testing, monitoring, measurements, photographic or video
1187 documentation, or record examination and copying regarding the existence of an illicit
1188 connection, unlawful discharge or to determine the adequacy of means employed to
1189 comply with this article. No person shall refuse entry or access to the director upon
1190 presentation of a request for entry for the purpose of inspection and presentation of
1191 proper credentials and identification. If requested, the owner or occupant of the property
1192 or premises shall receive a report from the director setting forth the findings of the
1193 inspection with respect to compliance status. In the event the director is denied entry to
1194 any property or premises upon request, the director, by and through the city attorney,
1195 may apply for a search and seizure warrant in the same manner as is provided in
1196 section 74-39.

1197
1198 Sec. 96-32. - Enforcement authority.

1199
1200 The director may exercise any of the following supplemental enforcement powers
1201 as may be necessary to effectively implement and enforce this chapter:

- 1202
- 1203 (1) *Notice of violation ("NOV").* Whenever the director finds that any person owning
1204 or occupying any property or premises has violated or is violating this chapter or
1205 order issued hereunder, the director may serve, by personal service, or by
1206 registered or certified mail, upon said person a written NOV. Within 30 days of
1207 the receipt of this notice, or shorter period as may be prescribed in the NOV, an
1208 explanation of the violation and a plan for the satisfactory correction and
1209 prevention thereof, which shall include specific required actions, shall be
1210 submitted in writing to the director. Submission of this plan shall in no way relieve
1211 the person of liabilities for violations occurring before or after receipt of the NOV.
1212 Nothing in this section shall limit the authority of the city to take any action,
1213 including emergency actions or any other enforcement action without first issuing
1214 a notice of violation.
 - 1215
 - 1216 (2) *Consent orders.* The director is hereby empowered to enter into consent orders,
1217 assurances of voluntary compliance, or other similar documents establishing an
1218 agreement with any person responsible for noncompliance. Such orders will
1219 include specific action to be taken by the person to correct the noncompliance
1220 within a time period also specified by the order. Consent orders shall have the
1221 same force and effect as the administrative orders issued pursuant to
1222 subsections (4) and (5).
 - 1223
 - 1224 (3) *Show cause hearing.* The director may order any person who causes or
1225 contributes to violations of this chapter or orders issued under this section, to
1226 appear before the director and show cause why a proposed enforcement action

1227 should not be taken. Notice shall be served on the person specifying the time
1228 and place for the meeting, the proposed enforcement action, the reasons for
1229 such action, and a request that the person show cause why this proposed
1230 enforcement action should not be taken. The notice of the meeting shall be
1231 served personally or by registered or certified mail, return receipt requested.
1232 Such notice may be served on any authorized representative of the person.
1233 Whether or not the person appears as ordered, immediate enforcement action
1234 may be pursued following the hearing. A show cause hearing shall not be a
1235 prerequisite for taking any other action against the person.
1236

1237 (4) *Compliance orders.* When the director finds that a person has violated or
1238 continues to violate this chapter or orders issued under this article, the director
1239 may issue an order to the person responsible for the discharge directing that the
1240 person come into compliance within a time as specified by the director.
1241 Compliance orders may also contain other requirements to address the
1242 noncompliance, including additional self-monitoring and management practices
1243 designed to minimize the amount of pollutants discharged to the MS4. A
1244 compliance order may not extend the deadline for compliance established for a
1245 state of federal storm water standard or requirement, nor does a compliance
1246 order release the person of liability for any violation, including any continuing
1247 violation. Issuance of a compliance order shall not be a prerequisite to taking any
1248 other action against the discharger.
1249

1250 (5) *Cease and desist orders.* The director may require any person owning or
1251 occupying a premise to cease and desist all activities which may cause or
1252 contribute to a discharge in violation of this chapter. This order may also require
1253 such person to:
1254
1255 a. Comply with the applicable provisions of this chapter within a designated
1256 period of time; or
1257 b. Take appropriate remedial or preventative action to keep the violation from
1258 recurring.
1259

1260 (6) *Notice to clean and abate.* The director may require any person owning or
1261 occupying a premise to clean up and abate any release of pollutants on those
1262 premises which may result in a violation of this chapter. The director may also
1263 order abatement of activities or practices which may reasonably result in such a
1264 violation.
1265

1266 (7) *Mitigation.* The director shall have authority to order the mitigation of
1267 circumstances which may result in or contribute to illegal discharges.
1268

1269 (8) *Storm water pollution prevention plan.* The director shall have the authority to
1270 establish elements of a storm water pollution prevention plan or an accidental
1271 spill prevention plan and to require any person to adopt and implement such a
1272 plan, as may be reasonably necessary to fulfill the purposes of this chapter.

- 1273
1274 (9) *Violations deemed a public nuisance.* In addition to the penalties provided in
1275 section 96-34 hereof, any condition caused or permitted to exist in violation of
1276 any of the provisions of this chapter is a threat to the public health, safety or
1277 welfare and is thus declared a public nuisance subject to provisions of chapter
1278 74.
1279 (10) *Costs of enforcement.* If the city prevails in any administrative, civil, or criminal
1280 proceeding initiated under this chapter, the city shall be entitled to seek
1281 reimbursement for all costs incurred in connection with said proceeding. Such
1282 reimbursable expenses may include, but are not limited to, costs of investigation,
1283 administrative overhead, out-of-pocket expenses, costs of administrative
1284 hearings, and costs of suit.

1285
1286 Sec. 96-33. - Appeal process.

1287
1288 Any person who has been served a notice of violation or other order under this
1289 chapter may request in writing an appeal within the time and in the manner as set forth
1290 in section 74-44 and the procedures set forth therein shall govern the appeal.

1291
1292 Sec. 96-34. - Penalties for violation.

1293
1294 Any person who shall violate the provisions of article II shall be guilty of an
1295 ordinance violation and shall be subject to the penalties set forth in section 1-7, except
1296 that the maximum penalty for such violation shall be in the amount of \$1,000.00 per day
1297 and each and every day shall be deemed a separate offense.

1298
1299 Sec. 96-35. - Reporting requirements.

1300
1301 Any person requiring an NPDES permit which discharges to the MS4 shall
1302 provide the director with a copy of periodic discharge monitoring reports. All sampling
1303 shall be representative of the discharge and handled and analyzed in accordance with
1304 the procedures found in Title 40 of the Code of Federal Regulations, Part 136. A
1305 discharger shall report noncompliance with permit conditions to the director within 24
1306 hours of becoming aware of the noncompliance.

1307
1308 Sec. 96-36. - Records retention.

1309
1310 All dischargers subject to this chapter shall maintain and preserve for no fewer
1311 than five years any records, books, documents, memoranda, reports, correspondence
1312 and any and all summaries thereof, relating to monitoring, sampling and chemical
1313 analysis made by or in behalf of the discharger in connection with its discharge. All
1314 records which pertain to matters which are the subject of any enforcement or litigation
1315 activities brought by the city pursuant hereto shall be retained and preserved by the
1316 discharger until all enforcement activities have concluded and all periods of limitation
1317 with respect to any and all appeals have expired.

1318

1319 Secs. 96-37-96-39. – Reserved.

1320

1321 ARTICLE III. - LAND DISTURBANCE ACTIVITY

1322

1323 Sec. 96-40. - Purpose.

1324

1325 The purpose of this article is to protect the health, safety, and property of the
1326 citizens of the city and waters of the state from pollution resulting from the effects of
1327 erosion and sediment deposition from land disturbances. This article establishes
1328 uniform requirements for land disturbance activities in order to control the occurrence of
1329 erosion and the transportation of sediment to the city municipal separate storm sewer
1330 system (MS4).

1331

1332 Sec. 96-41. - Definitions.

1333

1334 For the purposes of this article, the following words shall have the definitions
1335 hereinafter set forth:

1336

1337 *Accepted or acceptance* means a determination by the director that the
1338 document under review meets the minimum applicable standards.

1339

1340 *BMP* means best management practices.

1341

1342 *Best management practices (BMP)* means any physical, chemical or managerial
1343 practice that reduces soil erosion or reduces the amount of sediment or other pollutants
1344 discharging to or potentially discharging to the MS4. For examples of BMPs, refer to the
1345 city's erosion and sediment control manual.

1346

1347 *City* means the City of Springfield, Missouri.

1348

1349 *Department* means the city department of ~~public works~~ environmental services.

1350

1351 *Director* means the director of ~~public works~~ environmental services of the city, or
1352 the director's authorized representative.

1353

1354 *Discharge* means any substance disposed, deposited, spilled, poured, injected,
1355 seeped, leached, pumped, dumped, leaked, or placed by any means such that it can
1356 reasonably be expected to enter, intentionally or unintentionally, into waters of the state,
1357 or on any area draining directly or indirectly into the MS4.

1358

1359 *Erosion and sediment control manual (manual)* means the manual which
1360 establishes minimum SWPPP requirements, and provides BMP guidelines.

1361

1362 *Erosion* means the wearing away of land due to the action of gravity, wind, water
1363 or other mechanical forces.

1364

1365 *Land disturbance permit* means the document issued by public works approving
1366 the SWPPP and authorizing land disturbance activity in accordance with the SWPPP.

1367
1368 *Land disturbance* means any activity that exposes soil including clearing,
1369 grubbing, grading, excavating, filling and other related activities.

1370
1371 *MEP* means maximum extent practicable.

1372
1373 *MS4* means municipal separate storm sewer system.

1374
1375 *Municipal separate storm sewer system (MS4)* means a conveyance or system
1376 of conveyances (including roads with drainage systems, municipal streets, catch basins,
1377 curbs, gutters, ditches, man-made channels, or storm drains:

1378
1379 (1) Owned or operated by a state, city, town, borough, county, parish, district,
1380 association, or other public body (created by or pursuant to state law) having
1381 jurisdiction over disposal of sewage, industrial wastes, stormwater, or other
1382 wastes, including special districts under state law such as a sewer district, flood
1383 control district or drainage district, or similar entity, or an Indian tribe or an
1384 authorized Indian tribal organization, or a designated and approved management
1385 agency under Section 208 of the Clean Water Act that discharges to waters of
1386 the United States;

1387
1388 (2) Designed or used for collecting or conveying stormwater;

1389
1390 (3) Which is not a combined sewer; and

1391
1392 (4) Which is not part of a publicly owned treatment works (POTW) as defined at 40
1393 CFR 122.2.

1394
1395 *Pollution* means any alteration of the quality of waters of the state to a degree
1396 that they are rendered harmful, detrimental or injurious to humans, natural life,
1397 vegetation or property, to the public health, safety and welfare, or otherwise impairs the
1398 usefulness or public enjoyment of waters for any lawful and reasonable purpose,
1399 including interference with the proper functioning of the MS4.

1400
1401 *Responsible party* means the property owner or person authorized to act on the
1402 property owner's behalf; or any person allowing, causing or contributing to a violation of
1403 the Code.

1404
1405 *Sediment* means mineral or organic matter generated as a result of erosion.

1406
1407 *Stop work order* means that upon notice from the director of public works, or the
1408 director's authorized representative, work on any property that is contrary to the
1409 provisions of this article or in an unsafe and dangerous manner, or in conflict with the
1410 approved construction documents, shall be stopped.

1411
1412 *Storm water* means any surface or shallow subsurface flow, runoff, or drainage
1413 consisting entirely of water from rainstorm or frozen precipitation events.
1414

1415 *Storm Water Pollution Prevention Plan (SWPPP)* means a plan to establish
1416 controls to limit erosion and transport of sediment and other pollutants from the site. The
1417 individual who prepares the SWPPP shall have a thorough and demonstrable
1418 knowledge of SWPPP requirements and erosion, sediment, and stormwater control
1419 practices. The plan shall include BMPs in accordance with the city's erosion and
1420 sediment control manual, ~~storm water design criteria~~ flood control and water quality
1421 protection manual, design standards for public improvements and the general
1422 conditions and technical specifications for public improvements.
1423

1424 *SWPPP* means Storm Water Pollution Prevention Plan.
1425

1426 *Water quality standards* means the standards, required under the Clean Water
1427 Act, which Missouri has adopted to control and remedy water pollution (10 CSR 20-
1428 7.031). Water quality standards have three parts: water use classifications, water quality
1429 criteria, and an antidegradation policy.
1430

1431 *Waters of the state* means all rivers, streams, lakes and other bodies of surface
1432 and subsurface water lying within or forming a part of the boundaries of the state which
1433 are not entirely confined and located completely upon lands owned, leased or otherwise
1434 controlled by a single person or by two or more persons jointly or as tenants in common
1435 and includes waters of the United States lying within the state.
1436

1437 Sec. 96-42. - Scope and authority.
1438

1439 This article is applicable to all land disturbance activity within the city unless
1440 specifically exempted. The provisions in this article shall be administered and enforced
1441 by the director. The director shall have the authority to develop and implement
1442 procedures, forms, policies, design and construction standards and interpretations for
1443 administering the provisions of this article.
1444

1445 Sec. 96-43. - Erosion and sediment control.
1446

1447 The responsible party shall control site erosion and the release of sediment and
1448 other pollutants resulting from land disturbance activities to the maximum extent
1449 practicable (MEP) utilizing best management practices (BMPs). The responsible party
1450 shall ensure that BMPs are designed, constructed and maintained during land
1451 disturbance activities in accordance with the most recent version of the city's erosion
1452 and sediment control manual, ~~storm water design criteria~~ flood control and water quality
1453 protection manual, design standards for public improvements and the general
1454 conditions and technical specifications for public improvements.
1455

1456 Sec. 96-44. - When permit is required.

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A land disturbance permit is required for all land disturbance activity that disturbs one acre or greater, or that disturbs less than one acre when part of a larger common plan of development or sale that will disturb a cumulative total of one or more acres over the life of the project. Nothing shall prevent the department from taking action, including the requirement for issuance of any permits under this article, if any of the operations exempted under section 96-45 should cause pollution of the MS4 or waters of the state or otherwise violate this article. The responsible party shall obtain a land disturbance permit from the department prior to commencing land disturbance activity.

Sec. 96-45. - Work exempt from permit.

- (a) Land disturbance activity as described in 10 CSR 20-6.200(1)(B) and 10 CSR 20-6.010(1)(B).
- (b) Linear, strip, or ribbon construction as defined in 10 CSR 20-6.200(1)(B)8 where water quality standards are not exceeded.
- (c) Sites that disturb less than one acre of total land area as described in 10 CSR 20-6.200(1)(B)7, that are not part of a common plan or sale and that do not cause any violations of water quality standards, and are not otherwise designated by the department as requiring a permit.
- (d) Agricultural stormwater discharges and irrigation return flows as described in 10 CSR 20-6.200(1)(B)6.

Sec. 96-46. - Minimum requirements.

The city's erosion and sediment control manual, as may be updated and modified by the department, sets forth minimum requirements that must be met in order to obtain a land disturbance permit. This document also provides BMP guidance and additional resources to facilitate control of soil erosion and pollutants on land that is undergoing development.

Sec. 96-47. - Permit application and fees.

An application for a land disturbance permit shall be in writing on forms provided by the department and filed with the department. Each land disturbance permit application shall be accompanied by a storm water pollution prevention plan (SWPPP) meeting the provisions of this article, unless the requirement is specifically waived by the director. The responsible party shall install and maintain BMPs in accordance with the land disturbance permit and SWPPP. The responsible party shall maintain a copy of the land disturbance permit and SWPPP on site during normal working hours. The city shall collect a fee for the purpose of recovering administrative costs associated with processing applications, reviewing plans, issuing permits, conducting inspections and enforcing this article.

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Sec. 96-48. - Stormwater pollution prevention plan requirements.

- (a) *General.* The responsible party shall submit a SWPPP with the permit application that shall be prepared in accordance with the city's erosion and sediment control manual, flood control and water quality protection storm water design criteria manual, design standards for public improvements and the general conditions and technical specifications for public improvements. No land disturbance permit shall be issued prior to review and acceptance of the SWPPP by the director. The responsible party shall provide and implement revisions to the SWPPP, as necessary, due to conflicts, omissions, changed conditions or damage resulting in a violation of any part of this article to address and correct the condition causing the violation.
- (b) *SWPPP preparation.* The individual who prepares the SWPPP shall have a thorough and demonstrable knowledge of SWPPP requirements and erosion, sediment, and stormwater control practices.
- (c) *SWPPP personnel.* An individual shall be designated by the permittee as responsible for environmental matters. The individual responsible for environmental matters shall have a thorough and demonstrable knowledge of the site's SWPPP and erosion and sediment control practices in general. The individual responsible for environmental matters or a designated inspector knowledgeable in erosion, sediment, and stormwater control principles shall conduct inspections as required in subsection 96-48(d).
- (d) *SWPPP inspections.* The individual designated to conduct inspections in subsection 96-48(c) shall conduct inspections as required by the SWPPP. The log of such inspections shall be maintained on site and available for review by the city upon request. By applying for a land disturbance permit, the applicant consents to the city inspecting the proposed development site and all work in progress.

Sec. 96-49. - Security requirement.

Upon approval of the SWPPP and prior to issuance of a land disturbance permit, the department shall require the developer to post a security in the form of a cash bond, cash or equivalent, letter of credit, or other appropriate security agreement approved by the director of finance of not less than 150 percent of the value of all erosion and sediment control measures which are part of the SWPPP. For land disturbance permits where other security is established for public improvements, the erosion control security may be added to the security for public improvements. If the bond, letter of credit or other security document is placed in default, then no further permits or approvals, including building permits, shall be issued for the developer's property located in the development for which the security was given, until either the security is restored or replaced in a manner satisfactory to the director of finance, or the improvements are

1549 completed to the satisfaction of the city. The city, upon issuance of a notice of violation,
1550 is further authorized, pursuant to permission expressly granted by the property owner in
1551 a written agreement with the city, to enter the property and correct any and all violations
1552 which the permittee has failed to address, either using city forces or hiring a contractor
1553 to do so. In the event the city, in its discretion, either constructs or contracts for the
1554 construction of any of the required measures after developer's default, the city shall pay
1555 for said construction using the security posted as described herein. If the security is not
1556 sufficient to cover the city's costs of construction, the city's remaining costs shall be
1557 assessed against the property owner, and such charge shall be paid by the owner of
1558 said property within 30 days after receipt of same. Such assessment shall constitute a
1559 lien against the property. Any portion of the deposit not expended or retained by the city
1560 hereunder shall be refunded when soil and drainage conditions are stabilized to the
1561 satisfaction of the city and the land disturbance permit is closed.

1562

1563 Sec. 96-50. - Failure to comply.

1564

1565 Enforcement of this article shall be the responsibility of the department. The party
1566 or parties responsible and liable for actions or non-action in regards to this article,
1567 including responsibility for abating violations of this article, shall be the property owner
1568 or person authorized to act on the property owner's behalf; or any person allowing,
1569 causing or contributing to a violation of this article.

1570

1571 (1) *Finding of non-compliance.* If an investigation or inspection results in a finding of
1572 noncompliance with this article, the director is authorized to issue a notice of
1573 violation (NOV) that may, at the discretion of the director, include a stop work
1574 order. The NOV shall specify the deficiencies, what corrective action is
1575 necessary, and a specific timeframe in which the responsible party is to achieve
1576 compliance. The written NOV, including a stop work order as applicable, shall be
1577 mailed, postage pre-paid, or hand-delivered to both the permittee and owner.
1578 Failure to comply with a notice from the director of public works shall result in the
1579 issuance of a stop work order.

1580

1581 (2) *Stop work order.*

1582

1583 a. *Delivery of order.* All stop work orders that are issued by the director must
1584 be posted on the site on which the land disturbance activity is taking
1585 place, and in reasonable proximity to a location where the land
1586 disturbance activity is taking place. All stop work orders posted in this
1587 manner shall be considered validly delivered. It shall be the responsibility
1588 of the owner to ensure that no violation of this article occurs on his/her
1589 property.

1590

1591 b. *Contents of order.* Stop work orders shall specifically state the provisions
1592 of this article or the land disturbance permit being violated.

1593

1594 c. *Effect of order.* Issuance of a stop work order shall result in a suspension
1595 of all construction activity on the site, except for work related to
1596 remediation of the violation, until the violation is resolved to the city's
1597 satisfaction. The stop work order shall also suspend the right of the
1598 permittee, applicant, owner, contractor, developer or any related entity to
1599 build or construct any structure or public improvement on any portion of
1600 the site. It shall be unlawful for any person or responsible party to fail to
1601 comply with a stop work order. The director and the director of building
1602 development services, upon issuance of a stop work order, are authorized
1603 to suspend the issuance of building permits and occupancy permits for
1604 structures on any portion of the site, terminate utility services to the site,
1605 and to suspend all inspections and plan review related to any other work
1606 that is taking place on the site, until such time as the violation is resolved
1607 to the city's satisfaction.

1609 d. *Failure to comply with order.* Any person, who shall continue any work in
1610 or about the site after having been served with a stop work order, except
1611 such work related to remediation of the violation, shall be subject to
1612 penalties as specified in section 96-52.

1614 e. *Lifting of stop work order.* Said stop work order may be lifted upon the
1615 presentation and construction of an accepted plan to avoid sediment
1616 runoff and the removal of any such sediment as ordered.

1618 (3) *Summons.* If the responsible party fails to comply with an NOV, stop work order,
1619 or there is no immediate settlement, a summons to court may be issued to the
1620 responsible party. The summons to court shall contain all the information
1621 required by the City Code and will be enforced and issued through the municipal
1622 court. The director shall have the option of causing a summons to municipal court
1623 to be issued immediately upon discovery of a violation, in lieu of a NOV.

1624
1625 Sec. 96-51. - Appeals process.

1626
1627 Any person who has been served a notice of violation, stop work order, or other
1628 order under this article or any person who has been denied a land disturbance permit
1629 may request in writing an appeal within the time and in the manner as set forth in
1630 section 74-44 and the procedures set forth therein shall govern the appeal.

1631
1632 Sec. 96-52. - Penalties for violation.

1633
1634 Any person who violates the provisions of this article shall be subject to those
1635 penalties contained in section 1-7 of \$1,000.00 per day and each and every day shall be
1636 deemed a separate offense.

1637
1638 Sec. 96-53. - Remedy to cause removal.

1639

1640 The city attorney may seek any appropriate remedy to cause the removal of such
1641 sediment including, but not limited to, an injunction, revocation proceedings for any and
1642 all permits, licenses, and termination of utility services.

1643
1644 Sec. 96-54. - Conflicts with other ordinances or laws.

1645
1646 This article shall not abrogate or annul any existing city, state or federal law,
1647 ordinance, rule or regulation. Where any provision of these regulations imposes
1648 restrictions different from those imposed by any other regulation, the provision that is
1649 more restrictive or imposes a higher standard shall control.

1650
1651 Sec. 96-55. - Permit fee.

1652
1653 Each applicant shall pay the applicable fee at the time of application. Such fees
1654 shall be established in a schedule adopted by ordinance from time to time.

1655
1656 ~~ARTICLE IV. — FLOOD CONTROL AND WATER QUALITY PROTECTION~~

1657
1658 ~~Sec. 96-56. — Flood control and water quality protection manual.~~

1659
1660 ~~The flood control and water quality protection manual, a copy of which is~~
1661 ~~attached hereto and incorporated herein as “Exhibit A,” is hereby adopted and~~
1662 ~~development of property subject to chapter 36 of the land development code and land~~
1663 ~~disturbance activity subject to chapter 96 article III shall comply with the manual. Where~~
1664 ~~any provision of the manual differs from any provision of this chapter, the manual shall~~
1665 ~~control.~~

1666
1667 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
1668 affect any suit or proceeding now pending in any court or any rights acquired or liability
1669 incurred nor any cause or causes of action occurred or existing, under any act or
1670 ordinance repealed hereby.

1671
1672 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or
1673 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
1674 affect the validity of the remaining portions of this Ordinance. The Council hereby
1675 declares that it would have adopted the Ordinance and each section, subsection,
1676 sentence, clause or phrase thereof, irrespective of the fact that any one or more
1677 sections, subsections, sentences, clauses, or phrases be declared invalid.

1678
1679 Section 4 – This Ordinance shall be in full force and effect from and after
1680 passage.

1681
1682 Passed at meeting: _____

1683
1684 _____
1685 Mayor

1686
1687
1688
1689
1690
1691
1692
1693

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Achala J. Widen, Assistant City Attorney

Approved for Council action: Greg Bennett, City Manager

EXPLANATION TO COUNCIL BILL 2018-075

FILED: 03-20-2018

ORIGINATING DEPARTMENT: Public Works

PURPOSE: To amend Chapter 96 of the City Code for the purposes of removing antiquated language, and resolving duplications and inconsistencies between the “Flood Control and Water Quality Protection Manual” adopted on December 11, 2017, and Chapter 96.

BACKGROUND INFORMATION: Chapter 96 of the City Code contains provisions that establish minimum requirements for stormwater management designed to protect the health, safety, and welfare of the public, control flooding, and reduce the discharge of pollutants to the City’s municipal separate storm sewer system (MS4). Chapter 96 also establishes the legal authority necessary to comply with the City’s federally-mandated MS4 permit.

The *Flood Control and Water Quality Protection Manual* was recently adopted in December 2017. Since that time staff has been working on revisions to Chapter 96 to replace outdated language and align it with the standards contained in the *Flood Control and Water Quality Protection Manual*. Article I of Chapter 96, regarding flood control and water quality protection, was revised in its entirety, whereas only minor updates were made to Articles II and III. No new requirements are proposed by the changes to Chapter 96 or the *Flood Control and Water Quality Protection Manual*. These changes were submitted to the Development Issues Input Group (DIIG) and Springfield Contractors Association (SCA) for comments. No comments were received.

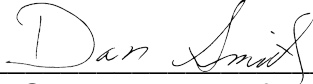
This Ordinance supports the following Field Guide 2030 goal(s): Chapter 3, Economic Development; Major Goal 3, Plan for and develop infrastructure needed for sustainable, quality growth; Objective 3a, Prioritize key infrastructure improvements needed to facilitate private investment. Chapter 6, Growth Management and Land Use; Major Goal 5, Protect and preserve our natural resources for future generations; Objective 5c, Protect our caves and karst ecosystems which contain plants, animals, and natural communities that depend on the surrounding land and water to thrive and survive. Chapter 16, Natural Environment; Major Goal 16, Maintain or restore the pre-development hydrology of our watersheds and protect our waterways from pollution; Objective 16d, Riparian Corridor Restoration – Stabilize stream bank erosion and restore riparian corridors using geomorphic and bioengineering approaches and native plants.

REMARKS: Public Works recommends approval of this council bill.

Submitted by:



Kirk Juranas, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Greg Burris, City Manager