

**AN ORDINANCE AMENDING TITLE IX BUILDING AND CONSTRUCTION ORDINANCE OF THE CITY OF GLADSTONE, MISSOURI, CODE OF ORDINANCES BY REPEALING CERTAIN PROVISIONS CONTAINED THEREIN AND ENACTING IN LIEU THEREOF, NEW PROVISIONS DESIGNATED AS TITLE IX BUILDING AND CONSTRUCTION ORDINANCE RELATING TO THE EROSION AND SEDIMENT CONTROL AND POST-CONSTRUCTION STORMWATER REGULATIONS FOR THE CITY OF GLADSTONE, MISSOURI.**

**LEGISLATIVE FINDINGS:**

1. The City operates a Phase II Municipal Separate Storm Sewer System (MS4) under the authority of Missouri State Operating Permit MOR04C046; and
2. The City is required to adopt certain regulations concerning erosion and sediment control pre and post-construction in accordance with Missouri Clean Water Law; and
3. The City has conducted a comprehensive review of Chapter 2200 in Title IX of the Code of Ordinances relating to Erosion and Sediment Control Regulations; and
4. Regulations concerning erosion and sediment control pre and post-construction stormwater within the City have been reviewed for compliance with Missouri Clean Water Law for incorporation by reference and such adoption is deemed advisable by the City Council for compliance and for the health, safety, and welfare of residents and businesses of the City; and
5. The City Council of the City of Gladstone, Missouri finds that it is in the best interest of the residents and businesses of the City of Gladstone, Missouri to enact the provisions of the Building and Construction Ordinance set forth herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:**

Section 1. That the following Chapter of the Code of Ordinances of the City of Gladstone, Missouri, regarding Erosion and Sediment Control, is hereby repealed.

Chapter 2200 Erosion and Sediment Control Regulations

Section 2. That the following Chapter of the Code of Ordinances of the City of Gladstone, Missouri, is amended to read as set forth in Exhibit A, attached hereto and incorporated as part of this Ordinance by reference as if fully set forth herein.

Chapter 2200 Erosion and Sediment Control and Post-Construction Stormwater Regulations

Section 3. That the provisions of the Code of Ordinances of the City of Gladstone, Missouri repealed herein shall not be construed to revive any former Ordinances, clause or provisions of the Gladstone Code of Ordinances.

**BILL NO. 23-09**

**ORDINANCE NO. 4.628**

Section 4. That the provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

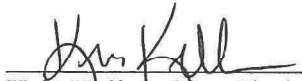
Section 5. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

**INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 27TH DAY OF FEBRUARY, 2023.**



\_\_\_\_\_  
Bill Garnos, Mayor

ATTEST:



\_\_\_\_\_  
Kris Keller, City Clerk

1<sup>st</sup> Reading: February 27, 2023

2<sup>nd</sup> Reading: February 27, 2023

**EXHIBIT A**  
**CHAPTER 2200**

**CHAPTER 2200**  
**EROSION AND SEDIMENT CONTROL AND POST-CONSTRUCTION**  
**STORMWATER REGULATIONS**

**DIVISION 1**  
**SCOPE AND ADMINISTRATION**

**PART 1 – SCOPE AND APPLICATION**

**SECTION 9.2200.101**  
**GENERAL PROVISIONS**

**9.2200.101.1 Title.**

These regulations shall be known and cited as the *Erosion and Sediment Control and Post-Construction Stormwater* Regulations of the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

**9.2200.101.2 Scope.**

The provisions of this chapter are to set forth procedures for controlling erosion and sediment caused by land disturbance activities and the installation, operation, and maintenance of *post-construction stormwater facilities*, in the City of Gladstone.

**9.2200.101.3 Intent.**

The purpose of this chapter is to provide minimum requirements to safeguard life, health, property, and public welfare, by regulating and controlling the design, construction, and use of development or other activities, which disturbs or breaks the topsoil or results in the movement of earth on land; and the installation, operation, and maintenance of *post-construction stormwater facilities* used for the control of stormwater quantity and quality, in the City of Gladstone.

**SECTION 9.2200.102**  
**APPLICABILITY**

**9.2200.102.1 General.**

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

**9.2200.102.2 Other laws.**

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

**9.2200.102.3 Application of references.**

References to division or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such division, section or provision of this chapter.

**9.2200.102.4 Partial invalidity.**

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**PART 2 – ADMINISTRATION AND ENFORCEMENT**

**SECTION 9.2200.103  
DUTIES AND POWERS OF BUILDING OFFICIAL**

**9.2200.103.1 General.**

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

**9.2200.103.2 Applications and land disturbance permits.**

The *building official* shall receive applications, review construction documents and issue *land disturbance permits* for the placement and use of *erosion and sediment control*, inspect the *premises* for which such land disturbance permits have been issued and enforce compliance with the provisions of this chapter.

**9.2200.103.3 Notices and orders.**

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

**9.2200.103.4 Inspections.**

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

**9.2200.103.5 Identification.**

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

**9.2200.103.6 Right of entry.**

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* is occupied the *building official*

shall present credentials to the *premises* or private property *owner* and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the *owner*; owner's authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

**9.2100.103.7 Department records.**

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

**SECTION 9.2200.104  
LAND DISTURBANCE PERMITS**

**9.2200.104.1 Land disturbance permit required.**

Any *owner* or owner's authorized agent, who intends to do any activity that will cause *land disturbance* shall first make application to the *building official* and obtain a *land disturbance permit*.

**9.2200.104.2 Exempt from land disturbance permit.**

Exemption from *land disturbance permit* requirements of this chapter shall not be deemed to grant authorization from the use to be in violation of the provisions of this chapter or any other laws or ordinances of the jurisdiction. *Land disturbance permits* shall not be required for the following:

1. Disturbance of land two-hundred (200) square feet or less.
2. Emergency activity that is immediately necessary for the protection of life, property, or natural resources.

**9.2200.104.3 Application for land disturbance permit.**

To obtain a *land disturbance permit*, the applicant shall first file an application in writing on a form furnished by the Department for that purpose. Such application shall:

1. Describe the land on which the proposed event shall be located by legal description, street address, or similar description that will readily identify and definitely locate the proposed location.
2. Company's name, address, phone numbers and other pertinent information as deemed necessary.
3. Property owner's name, address, phone numbers, and other pertinent information as deemed necessary.
4. Date of delivery.

5. Be accompanied by construction documents and other information as required by Section 9.2200.105.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Be signed by the *owner* or *owner's* representative.
8. Give such other data and information as required by the *building official*.

**9.2200.104.3.1 Action on application.**

The *building official* shall examine or cause to be examined applications for *land disturbance permits* and amendments thereto within a reasonable time after filing. If the application does not conform to the requirements or pertinent laws, the *building official* shall reject such application. If the *building official* is satisfied that the application conforms to the requirements of this chapter, codes, laws and ordinances applicable thereto, the *building official* shall issue a *land disturbance permit* therefore as soon as practicable.

**9.2200.104.3.2 Time limitation of application.**

An application for a *land disturbance permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a *land disturbance permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**9.2200.104.4 Validity of land disturbance permit.**

The issuance or granting of a *land disturbance permit* shall not be construed to be a permit for, or approval of, any violation of any of the provisions of this chapter or of any other ordinances of the jurisdiction. *Land disturbance permits* presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the jurisdiction shall not be valid. The issuance of a *land disturbance permit* based on information given shall not prevent the *building official* from requiring the corrections of errors in the information given. The *building official* is also authorized to prevent use of *erosion and sediment control*, in violation of this chapter or any other ordinances of this jurisdiction.

**9.2200.104.5 Expiration.**

Every *land disturbance permit* issued shall become invalid 180 days from the date of issuance. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**9.2200.104.6 Suspension or revocation.**

The *building official* is authorized to suspend or revoke a *land disturbance permit* issued under the provisions of this chapter wherever the *land disturbance permit* is issued in error

or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation, or any other provisions of this chapter.

**9.2200.104.7 Placement of land disturbance permit.**

The *land disturbance permit* or copy shall be kept on the site of the work until the completion of the project.

**9.2200.104.8 Responsibility.**

It shall be the duty of every person who performs work for which this chapter is applicable, to comply with this chapter.

**9.2200.104.9 Preliminary inspection.**

Before issuing a *land disturbance permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

**SECTION 9.2200.105  
SUBMITTAL DOCUMENTS**

**9.2200.105.1 Submittal documents.**

Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets with each application for a *land disturbance permit*. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

**Exception:** The *building official* is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

**9.2200.105.2 Construction documents.**

*Construction documents* shall be in accordance with Sections 9.2200.105.2.1 through 9.2200.105.2.7.

**9.2200.105.2.1 Information on construction documents.**

*Construction documents* shall be dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted where *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

**9.2200.105.2.2 Site plan.**

The *construction documents* submitted with the application for a *land disturbance permit* shall be accompanied by a site plan showing to scale the size and location of



new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, *flood hazard areas*, *floodways*, and *design flood elevations*; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan where the application for *land disturbance permit* is for *alteration* or *repair* or where otherwise warranted.

#### **9.2200.105.2.2.1 Design flood elevations.**

Where *design flood elevations* are not specified, they shall be established in accordance with Section 1612.3.1 if the International Building Code as adopted by the *jurisdiction*.

#### **9.2200.105.2.3 Erosion and Sediment Control Plan.**

*Erosion and sediment control plan*, special inspections and site observation programs, and other data shall be submitted in one or more sets with each application for a *land disturbance permit*. A *registered design professional* shall prepare the *erosion and sediment control plan*. Where special conditions exist, the *building official* is authorized to require additional construction documents to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of construction documents and other data not require to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this chapter.

##### **9.2200.105.2.3.1 Information on erosion and sediment control plan**

*Erosion and sediment control plan* shall be dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted when approved by the *building official*. *Erosion and sediment control plan* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this chapter and relevant laws, ordinances, rules and regulations, as determined by the *building official* and shall include the following:

1. A natural resources map identifying soils, forest cover, and resources protected under this chapter. (Map should be at a scale of no smaller than 1" = 100')
2. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary

*erosion and sediment control* measures, and establishment of permanent vegetation.

3. All *erosion and sediment control* measures necessary to meet the objectives of this chapter throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
4. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilization application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.

#### **9.2200.105.2.3.2 Design requirements**

*Erosion and sediment control* work for which a *land disturbance permit* has been issued shall be in accordance with approved plans and the following design requirements.

1. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria of this chapter and relevant laws, ordinances, rules and regulations, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the *building official*. Cut and fill slopes shall be no greater than 2:1.
2. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
3. Erosion control requirements shall include the following:
  - 3.1. Soil stabilization shall be completed within five (5) days of clearing or inactivity in construction.
  - 3.2. If seeding or another vegetative erosion control method is used, it shall become established within fourteen (14) days or the *building official* may require the site to be reseeded or a non-vegetative option employed.
  - 3.3. Soil stockpiles must be stabilized or covered at the end of each workday.
  - 3.4. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.

- 3.5. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
  - 3.6. Techniques that divert upland runoff past disturbed slopes shall be employed.
6. Sediment control requirements shall include:
    - 4.1. Settling basins, sediment traps, or tanks and perimeter controls.
    - 4.2. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.
  7. Waterway and watercourse protection requirements shall include:
    - 5.1. A temporary stream crossing installed and approved by the building official if a wet watercourse will be crossed regularly during construction.
    - 5.2. Stabilization of the watercourse channel before, during, and after any in-channel work.
    - 5.3. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.
  8. Construction site access requirements shall include:
    - 6.1. A temporary access road provided at all sites.
    - 6.2. Other measures required by the *building official* in order to ensure that construction vehicles do not track sediment onto public streets or washed into storm drains.

#### **9.2200.105.2.3.3 Site plan.**

The *erosion and sediment control plan* submitted with the application for a *land disturbance permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from the lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazards areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

#### **9.2200.105.2.3.4 Examination of documents.**

The *building official* shall examine or cause to be examined the accompanying *erosion and sediment control plan* and shall ascertain by such examinations

whether the construction indicated and described is in accordance with the requirements of this chapter and other pertinent laws or ordinances.

**9.2200.105.2.3.5 Amended erosion and sediment control plan.**

Work shall be in accordance with the approved *erosion and sediment control plan*, and any changes made during construction that are not in compliance with the *approved erosion and sediment control plan* shall be resubmitted for approval as an amended set of erosion and sediment control plan.

**9.2200.105.2.4 Stormwater management study.** A stormwater management study shall be submitted in accordance with the requirements of the Kansas City Metropolitan Chapter of the American Public Works Association as amended and Mid-America Regional Council Manual of Best Management for Stormwater Quality as amended. The study shall include a summary of post-construction facilities and supporting design calculations. A *registered design professional* shall prepare the study.

**9.2200.105.2.5 Maintenance agreement.** A maintenance agreement and plan shall be prepared and filed with the Clay County, Missouri Recorder of Deeds, that identifies the ongoing operation and maintenance responsibility of the property owner, in perpetuity, for all *post-construction stormwater facilities*. Such maintenance shall include, but not limited to, keeping the facilities free and clear of weeds, brush, trash, debris, and any other waste material which might impede or hinder the facilities intended use; repair of erosion; removal of silt; and general maintenance of facilities as necessary to meet their intended purpose. The owner shall inspect, or cause to be inspected, said facilities no less than annually, or at the request of the *building official* or the Public Works Director, as outlined in the maintenance plan and shall maintain records and supply the City a copy of the maintenance record within thirty (30) days of inspection.

**9.2200.105.2.6 Examination of documents.**

The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

**9.2200.105.2.7 Approval of construction documents.**

When the *building official* issues a *land disturbance permit*, the *construction documents* shall be *approved*, in writing or by stamp, as "Reviewed for Code Compliance." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

## SECTION 9.2200.106

### FEEES

#### **9.2200.106.1 Payment of fees.**

A *land disturbance permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *land disturbance permit* be released until the additional fees, if any, have been paid.

#### **9.2200.106.2 Land disturbance permit fee.**

*Land disturbance permit* fees shall be in accordance with the adopted schedule of fees and charges; and shall be paid at time *the land disturbance permit* is issued.

##### **9.2200.106.2.1 Subdivision developments.**

A deposit of \$50.00 per lot shall be paid to the jurisdiction prior to issuance of any *land disturbance permit*. Deposit of this type will be refunded after all lots have been sold in the subdivision and in which the *owner(s)* have paid their deposits as required by Section 9.2200.106.2.2. The refund must be requested in writing to the *building official* for approval and processing within twelve (12) months of approval of final inspection or the deposit is forfeited to the jurisdiction.

##### **9.2200.106.2.2 Residential lots.**

A deposit of \$500.00 per lot shall be paid to the jurisdiction prior to issuance of and *land disturbance permit*. Deposit of this type will be refunded after a certificate of occupancy and/or passing final inspection has been issued for all *permits* associated with said *lot*. The refund must be requested in writing to the *building official* for approval and processing within twelve (12) months of approval of the final inspection or the deposit is forfeited to the jurisdiction.

##### **9.2200.106.2.3 Commercial developments.**

A deposit of \$5,000.00 per lot/tract shall be paid to the jurisdiction prior to issuance of any *land disturbance permit*. Deposit of this type will be refunded after a certificate of occupancy and/or a passing final inspection has been issued for all *permits* associated with said lot/tract. The refund must be requested in writing to the *building official* for approval and processing within twelve (12) months of approval of final inspection or the deposit is forfeited to the jurisdiction.

##### **9.2200.106.2.4 Forfeiture of deposit.**

The deposit required by this section shall be forfeited to the jurisdiction upon the land disturbance permit holder not correcting any violations as prescribed in Section 9.2200.301 within prescribed time as set forth thereto.

##### **9.2200.106.2.5 Subsequent violations fees.**

The second and any subsequent violations of this chapter, the land disturbance permit holder shall forfeit \$100.00 of the required deposit to the jurisdiction for administrative fees and the deposit required, as set for in this section shall be forfeited to the

jurisdiction upon the land disturbance permit holder not correcting any violations as prescribed in Section 9.2200.301 within prescribed time as set forth thereto.

**9.2200.106.3 Related fees.**

The payment of the fee for the *land disturbance permit* shall not relieve the applicant or land disturbance permit holder from the payment of other fees that are prescribed by law.

**SECTION 9.2200.107  
INSPECTIONS**

**9.2200.107.1 Land disturbance inspections.**

For on-site construction, from time to time the *building official*, upon notification from the land disturbance permit holder or their agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the land disturbance permit holder or their agent wherein the same fails to comply with this chapter.

1. Start of construction.
2. Installation of sediment and erosion measures.
3. Completion of site cleaning.
4. Completion of rough grading.
5. Completion of final grading.
6. Completion of final landscaping.

**9.2200.107.1.1 Inspection requests.**

It shall be the duty of the land disturbance permit holder or their agent to notify the *building official* that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this chapter to provide access to and means for inspection of such work.

**9.2200.107.1.2 Approval required.**

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspection(s) and shall either indicate the portion of the construction that is satisfactory or completed, or shall notify the land disturbance permit holder or agent wherein the same fails to comply with this chapter. Any portion(s) that do not comply shall be corrected and such portion(s) shall not be covered or concealed until authorized by the *building Official*.

**9.2200.107.1.3 Final inspection.**

Final inspection shall be made after the permitted work is complete and prior to occupancy.

**9.2200.107.2 Post-construction stormwater facilities inspections.**

Post-construction stormwater facilities inspections shall be performed in accordance with the approved Post-Construction Stormwater Maintenance Agreement developed for the site.

**9.2200.107.3 Inspection agencies.**

The *building official* is authorized to accept reports of *approved* agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

**SECTION 9.2200.108**

**APPEALS**

**9.2200.108.1 General.**

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Board of Zoning and Adjustments (BZA) is hereby authorized to conduct said appeals.

**9.2200.108.2 Application for appeal.**

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Board of Zoning and Adjustments (BZA), provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the *building official*.

**9.2200.108.2 Authority on appeal.**

See Title VII, Chapter 190 of the City of Gladstone’s Code of Ordinances.

**SECTION 9.2200.109**

**VIOLATIONS**

**9.2200.109.1 Unlawful act.**

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

**9.2200.109.2 Notice of violation.**

The *building official* shall serve a notice of violation or order in accordance with Section 9.2200.110.

**9.2200.109.3 Prosecution of violation.**

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.2200.110, shall be deemed guilty of a misdemeanor or civil infraction as

determined by this jurisdiction, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such *premises* shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

#### **9.2200.109.4 Violation; penalties.**

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Board of Zoning and Adjustments (BZA), or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

### **SECTION 9.2200.110 Notices and Orders**

#### **9.2200.110.1 Notice to person responsible.**

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.2200.110.2 and 9.2200.110.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

#### **9.2200.110.2 Form.**

Such notice prescribed in Section 9.2200.110.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.



6. Include a statement of the right to file a lien in accordance with Section 9.2200.109.3.

**9.2200.110.3 Method of service.**

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

**9.2200.110.4 Unauthorized tampering.**

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

**9.2200.110.5 Penalties.**

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.2200.109.4.

**9.2200.110.6 Transfer of ownership.**

It shall be unlawful for the *owner* of any *premises* or private property thereof, who has received a compliance order upon whom a notice of violation or order has been served, to sell, transfer, mortgage, lease or otherwise dispose of such *premises* or private property thereof to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *building official* and shall furnish to the *building official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

**DIVISION 2  
DEFINITIONS**

**SECTION 9.2700.201  
GENERAL**

**9.2200.201.1 Scope.**

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this division.

**9.2200.201.2 Interchangeability.**

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**9.2200.201.3 Terms defined in other codes.**

Where terms are not defined in this chapter such terms shall have the meanings ascribed in publications of the International Code Council, the design standards and specifications of the Kansas City Metropolitan Chapter of the American Public Works Association as amended, and Mid-America Regional Council Manual of Best Management Practices for Storm Quality as amended.

**9.2200.201.4 Terms not defined.**

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**SECTION 9.2200.202  
GENERAL DEFINITIONS**

**ALLUVIAL SOIL.** A fine-grained fertile soil deposited by water flowing over flood plains or in river beds.

**ANCHOR TRENCH.** A narrow ditch in which the edges of a material (e.g. silt fence, erosion control blanket or geotextile etc.) are buried to hold in place.

**APPROVED.** Acceptable to the *building Official*.

**BEST MANAGEMENT PRACTICES (BMP)** Stormwater management practice used to prevent or control the discharge of pollutants and minimize runoff to water of the U.S. BMPs may include structural or non-structural solutions, a schedule of activities, prohibition of practices, maintenance procedures, or other management practices.

**BUILDING OFFICIAL.** The officer or other designated authority charged with the administration and enforcement of this chapter, or a duly authorized representative.

**CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC).** A qualification indicating the holder has educational training and experience in controlling *erosion* and sedimentation and met certification standards.

**CELLULAR CONFINEMENT SYSTEM (CCS) Geocells** used in construction for erosion control, soil stabilization on flat ground and steep slopes, channel protection, and structural reinforcement for load support and earth retention.

**CHANNEL STABILIZATION.** The protection of the sides and bed of a channel from *erosion* by controlling flow velocities and directions or by lining the channel with vegetation, riprap, concrete or other material.

**CHECK DAM.** A small, sometimes temporary, dam constructed across a swale, drainage ditch or waterway to counter act *erosion* by reducing water flow velocity.

**CLEARING.** Activity, which removes the vegetative surface cover.

**CONSTRUCTION DOCUMENTS.** Written, graphic, and pictorial documents prepared or assembled for describing the design, location, and physical characteristics of the elements of a project necessary for obtaining a *land disturbance permit*. Construction drawings shall be to an appropriate scale.

**DEPARTMENT OF NATURAL RESOURCES (DNR).** The government of the U.S. state of Missouri consist of the Division of Environmental Quality, the Division of Geology and Land Survey, the Division of State Parks, the Environmental and Energy Resources Authority, and the Field Services Division.

**DESIGN STANDARDS.** Generally accepted uniform procedures, dimensions, materials, or parts that directly affect the design of a product or facility.

**DRAINAGE WAY.** A route or course along which water moves or may move to drain a region.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The easement shall be permitted to be for use under, on, or above a said lot or lots.

**ENVIRONMENTAL PROTECTION AGENCY (EPA).** An independent agency of the United States federal government for environmental protection.

**EROSION.** The process, by which the surface of the earth is worn away by the action of water, glaciers, wind, waves, etc.

**EROSION CONTROL.** The practice of preventing or controlling wind or water *erosion* in agriculture, land development, coastal areas, river banks and construction.

**EROSION CONTROL BLANKET (ECB).** A blanket of synthetic or natural fibers to protect soil from the erosive impact of precipitation and overland flow, typically on slopes and in channels. ECBs also retain moisture and facilitate establishment of vegetation. ECBs are also sometimes referred to as Rolled Erosion Control Products (RECPs).

**EROSION AND SEDIMENT CONTROL.** A practice or device designed to keep eroded soil on a construction site, so that it does not wash off and cause water pollution to a nearby stream, river, lake or sea.

**EROSION AND SEDIMENT CONTROL PLAN.** A set of plans, prepared by or under the direction of a licensed professional engineer control plan indicating specific measures and sequencing to be used control sediment and erosion on a development site during and after construction.

**GEOCELL.** *Cellular confinement systems (CCS)* made from strips of welded high density polyethylene (HDPE) that form a honeycomb grid when expanded and are filled with aggregate or soil. Geocells provide reinforcement and protection for stabilization and erosion control applications including:

- Soil stabilization of unpaved roadways
- Slope erosion control
- Channel protection
- Retaining walls

**GEOTEXTILE.** Permeable fabrics which, when used in association with soil, have the ability to separate, filter, reinforce, protect, or drain.

**GROUND COVER** Any plant that grows over an area of ground.

**GRADING.** The excavation or fill of material, including the resulting conditions thereof.

**JURISDICTION.** The governmental unit that has adopted this chapter.

**LAND DISTURBANCE.** Any activity that changes the physical conditions of landform, vegetation and hydrology, creates bare soil, or otherwise may cause *erosion* or *sedimentation*.

**LAND DISTURBANCE PERMIT.** An official document or certificate issued by the *building official* that authorizes performance of a *land disturbance* activity.

**LANDSCAPING.** The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and

flowers. This treatment shall be permitted to include the use of logs, rocks, fountains, water features and contouring of the earth.

**LOT.** A portion or parcel of land considered as a unit.

**OWNER.** Any *person*, agent, operator, entity, firm or corporation having a legal or equitable interest in the property; or recorded in the official record of the state, county or municipality as holding interest or title to the property; or otherwise having possession or control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERMANENT SEEDING.** Perennial vegetative cover, from seed, used to control runoff and erosion on disturbed area and to provide permanent stabilization.

**PERMIT.** An official document or certificate issued by the *building official* that authorizes performance of a specified activity.

**PERSON.** An individual, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

**POST-CONSTRUCTION STORMWATER.** Stormwater generated from a site that has been disturbed and is no longer in its pre-development state.

**POST-CONSTRUCTION STORMWATER FACILITY.** Any stormwater quantity and quality control facilities that exist following construction including, but not limited to, open drainage swales, channels, enclosed systems, detention/retention structures, and other stormwater best management practices.

**PREMISES.** A *lot*, plot or parcel of land, *easement* or public way, including any structures thereon.

**REGISTERED DESIGN PROFESSIONAL.** An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or *jurisdiction* in which the project is to be constructed.

**SCARIFY.** To break up and loosen soil to a shallow depth.

**SEDIMENT.** A natural occurring material that is broken down by processes of weathering and erosion, and is subsequently transported by the action of wind, water, or ice or by the force of gravity acting on the particles.

**SEDIMENTATION.** The deposition or accumulation of *sediment*.

**SHEET FLOW.** An overland flow or downslope movement of water taking the form of a thin, continuous film over relatively smooth soil or rock surfaces and not concentrated into channels larger than rills.

**SILT.** Earthy matter, fine sand, or the like carried by moving or running water and deposited as a *sediment*.

**SILT FENCE.** A temporary *sediment* control device used on construction sites to protect water quality in nearby streams, rivers, lakes and seas from *sediment* in stormwater runoff.

**SITE.** A parcel of land bounded by a lot line or a designated portion of a public right-of-way.

**STORMWATER MANAGEMENT.** The effort to reduce runoff of rainwater or melted snow into streets, lawns and other sites and the improvement of water quality, according to the United States *Environmental Protection Agency (EPA)*.

**TENANT.** A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

**TEMPORARY SEEDING.** Earthen *sediment* control practices to protect and stabilize denuded areas that will not be brought into final grade for several weeks or months.

**TURF REINFORCEMENT MAT (TRM).** A rolled mat of non-degradable synthetic material that provides a matrix to greatly reinforce the root system of the desired vegetation for permanent erosion protection in high flow channels and on critical slopes.

**VEGETATION.** Plants considered collectively, especially those found in a particular area or habitat.

**DIVISION 3  
VIOLATION OF CRITERIA**

**SECTION 9.2200.301  
ENFORCEMENT**

**9.2200.301.1 Stop work order; revocation of land disturbance permit.** In the event that any *person* holding a *land disturbance permit* pursuant to this chapter violates the terms of this chapter or the *land disturbance permit*, implements, or maintains site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, and has not corrected such violation within 48 hours of notification, the *building official* may suspend or revoke the *land disturbance permit* and any or all other *permits* associated with the *site*; and will take measures to have the violations corrected at the expenses of the land disturbance permit holder. No work hereafter shall commence until the land disturbance permit holder complies with the following:

1. If the *erosion control* measures that the City took exceeds the required deposit, the land disturbance permit holder shall pay the difference.
2. The land disturbance permit holder shall pay a new deposit as set forth in Section 9.2200.106.2.

**9.2200.301.2 Notification.** Notification of violation shall be by one or more of the following:

1. Phone call (leaving message on an answering machine or voice mail shall be considered as if spoken to land disturbance permit holder).
2. Written notice mailed, faxed, e-mailed, or served.
3. Posting of property.
4. Verbal notification in person with land disturbance permit holder.

**9.2200.301.3 Responsibility of jurisdiction.** Upon inspection, if a violation is noticed, it is the responsibility of the jurisdiction to notify the land disturbance permit holder as soon as possible, take pictures of the violation(s), and create and maintain a written record of the violation(s).



## *Request for Council Action*

RES  # City Clerk Only

BILL  # 23-09

ORD # 4.628

Date: 2/22/2023

Department: Community Development

Meeting Date Requested: 2/27/2023

Public Hearing: Yes  Date: [Click here to enter a date.](#)

Subject: Repeal – Chapter 2200 Erosion and Sediment Control Regulations  
Adoption – Chapter 2200 Erosion and Sediment Control and Post-Construction Stormwater Regulations

### Background:

The City operates a Phase II Municipal Separate Storm Sewer System (MS4) under the authority of Missouri State Operating Permit MOR04C046. This permit has been renewed in 5-year increments since April 2003 and requires the City to implement a Stormwater Management Plan to address the following six minimum control measures:

- Public Education and Outreach
- Public Involvement
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Control
- Post-Construction Stormwater Management
- Pollution Prevention/Good Housekeeping for Municipal Operations

On August 9, 2022, the Missouri Department of Natural Resources (MoDNR) completed an audit of the City's Stormwater Management Plan that focused on Public Education and Outreach, Construction Site Stormwater Control, and Post-Construction Stormwater Management. Although the majority of the plan was found to be in compliance, MoDNR issued a letter of warning for failing to adopt an Ordinance to address post-construction runoff.

Post-Construction Stormwater Management describes the design, construction, and maintenance of permanent stormwater retention and other Best Management Practices (BMPs) for both flood control and water quality. While the City has adopted policies and procedures for the design and construction of these facilities, MoDNR is requesting a local regulatory mechanism to ensure these facilities continue to operate as designed.

Staff has reviewed the City's existing Code of Ordinances and recommends repealing Title IX, Chapter 2200 from "Erosion and Sediment Control Regulations" and adopting "Erosion and Sediment Control and Post-Construction Stormwater Regulations." Highlights of the new Ordinance include:



- Preparation of a stormwater management study in accordance with the requirements of the Kansas City Metropolitan Chapter of the American Public Works Association as amended and Mid-America Regional Council Manual of Best Management for Stormwater Quality as amended.
- Development of a maintenance agreement and plan to be filed with the Clay County, Missouri Recorder of Deeds, that identifies the ongoing operation and maintenance responsibility of the property owner, in perpetuity, for all post-construction stormwater facilities.
- Requires the owner to inspect post-construction facilities no less than annually and to submit inspection reports to the City.

MoDNR has indicated that the proposed revisions to the Ordinance are acceptable. Furthermore, the revised Ordinance was presented to the Board of Zoning Adjustments (BZA) who voted unanimously in favor at the 2/21/23 meeting.

Budget Discussion: Funds are budgeted in the amount of \$ 0 from the N/A Fund. Ongoing costs are estimated to be \$ 0 annually. Previous years' funding was \$0.

Public/Board/Staff Input: Staff recommends adoption of this ordinance to comply with Missouri Clean Water Law.

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Alan D. Napoli, C.B.O.  
Community Development Administrator | Building Official

JM  
City Attorney

SW  
City Manager