

CHAPTER XV. UTILITIES

ARTICLE 5. STORMWATER MANAGEMENT

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15-501. GENERAL PROVISIONS. These regulations shall hereafter be known, cited and referred to as the “Stormwater Management Ordinance” of the City of Leawood, Kansas.

(Ord. 1839C, 01-03-00)

15-502. APPLICABILITY. The provisions of this article shall extend and apply to all land within the corporate limits of the City.

(Ord. 1839C, 01-03-00)

15-503. INTERPRETATIONS. The provisions of this article are intended to supplement existing zoning and land use ordinances of the City. In their interpretations and application, the provisions herein shall be held to be the minimum requirements for the promotion of the public health, safety, protection of property and general welfare and where a conflict occurs the most stringent interpretation will apply.

(Ord. 1839C, 01-03-00)

15-504. OBJECTIVES. To promote the public health, safety, protection of property and general welfare of the citizens of Leawood, this “Stormwater Management Ordinance” is enacted for the general purpose of assuring the proper balance between use of land and the preservation of a safe and beneficial environment. More specifically, the provisions of these regulations, as amended from time to time, are intended to reduce property damage and to minimize the hazards of personal injury and loss of life due to flooding and erosion of soil through the following:

- (a) Establishment of a Stormwater Management System.
- (b) Definition and establishment of Stormwater Management Practice.
- (c) Establishment of methods and guidelines for attenuating or avoiding flooding and erosion within the City from cumulative effects of increased volume and peak discharge of surface water runoff.

- (d) Establishment of an appeal board to review disputed decisions of the Director of Public Works or Building Official and to resolve disputes regarding the interpretation and implementation of the provisions of this article. The Board of Zoning Appeals (BZA) will hear disputes regarding interpretations of the Director of Public Works or Building Official as appropriate.

(Ord. 1839C, 01-03-00)

- 15-505. RELATIONSHIP TO OTHER LAWS.** These regulations shall not be construed as abating any action now pending under, or by virtue of prior regulations or ordinances, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, by lawful action of the City, except as shall be expressly provided for in these regulations.

(Ord. 1839C, 01-03-00)

- 15-506. DISCLAIMER OF LIABILITY.** The performance standards and design criteria set forth herein establish minimum requirements, which must be implemented with good engineering practice and workmanship. Use of the requirements contained herein shall not constitute a representation, guarantee or warranty of any kind by the City, or its officers and employees, of the adequacy or safety of any stormwater management structure or use of land. Nor shall the approval of a Stormwater Management Plan and the issuance of a permit imply that land uses permitted will be free from damages caused by stormwater runoff. The degree of protection required by these regulations is considered reasonable for regulatory purposes and is based on historical records, engineering and scientific methods of study. Larger storms may occur or stormwater runoff heights may be increased by man-made or natural causes. These regulations therefore shall not create liability on the part of the City or any officer with respect to any legislative or administrative decision lawfully made hereunder.

(Ord. 1839C, 01-03-00)

- 15-507. SEVERABILITY.** If any section, subsection, paragraph, sentence, clause or phrase in this chapter or any part thereof is held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter.

(Ord. 1839C, 01-03-00)

- 15-508. CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS.**

(a) *Public Provisions* — These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any ordinance, rule or regulation or other provision of law, whichever provisions are more stringent such ordinance, rule or regulation or other provision of law shall control.

(b) *Private Provisions* — These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, and no such easement, covenant or private agreement or restriction will change or alter the enforcement of this article.

(Ord. 1839C, 01-03-00)

15-509. DEFINITIONS. For the purpose of this article, the words and terms as used herein are defined to mean as set out in this chapter. Words used in the present tense include the future tense; words used in the masculine include the feminine; words used in the singular include the plural, and vice-versa; the word “building” includes the word “structure”, the word, “person” includes corporation, partnership, and unincorporated association of persons; the term “used for” includes the meaning “designed for” or “intended for”, and the word “shall” or the word “must” is mandatory. Words not defined shall be given their common and ordinary meaning.

Agricultural Crop Management Practices — All land farming operations including plowing or tilling of land for the purpose of crop production or the harvesting of crops.

Appeal Board — The Board of Zoning Appeals of the City of Leawood, Kansas.

Applicant — The person or other legal entity who owns the affected property or the person’s or other legal entity’s authorized agent who submits or is required to submit an application to the Building Official for a land disturbance permit.

Base Flood — The flood having a one percent probability of being equaled or exceeded in any given year, i.e., the 100-year flood.

Bond — Performance and Maintenance Bond for the construction and maintenance of the final stormwater construction plans for a period of two years from the date of acceptance by the City. Any form of security for the completion or performance of a stormwater management plan or the maintenance of drainage improvements, including surety bond, or instrument of credit, or escrow deposit in an amount and form satisfactory to the Director of Finance.

Brook — A small natural stream of water.

Branch — A division related to a whole.

Building — Is any structure used or intended for supporting or sheltering any use or occupancy.

Building Official — The Building Official of the City or the Building Official’s authorized representative.

Building Permit — Any permit issued by the Building Official.

Channel — A watercourse of perceptible extent, either natural or improved, which periodically or continuously contains moving water or which forms a connecting link between two bodies of water.

City Engineer — This title where used in the APWA specifications and/or in this article shall have the same meaning as the title “Director of Public Works”.

Clearing — Any activity, which removes the vegetative ground cover including, but not limited to, root removal or topsoil removal or other forms of earth moving.

Construction Permit — A permit issued by the Director of Public Works subsequent to approval of final Stormwater Construction Plans.

Creek — A stream smaller than a river and larger than a brook.

Depression — A pressing down: lowering. A depressed area or part.

Detention — A stormwater management technique of which the primary function is to control the peak rate of surface water runoff by utilizing temporary storage and a controlled rate of release. This may include, but not be limited to, the use of reservoirs, rooftops, parking areas, holding tanks, inpipe and in-channel storage.

Development — Development means any man-made change to improved or unimproved real property including the construction or reconstruction of buildings or structures; paving, excavation, grading, filling or similar operations; or the filling and recording of a subdivision plat.

Differential Runoff — The volume and rate of flow of stormwater runoff discharge from a parcel of land or drainage area which is or will be greater than that volume or rate which pertained prior to the proposed development or redevelopment.

Director of Public Works — The Director of Public Works of the City or authorized representative.

Drainageway — An area used for draining; through the act or process of draining; a means for draining Dry Bottom Basin

Dry Bottom Basin — A natural or artificial stormwater storage area which is designed and maintained for temporary containment of stormwater runoff.

Earth Materials — Any rock, natural soil or combination thereof.

Easement — Authorization by a property owner for use by another party or parties of all or any portion of his or her land for a specified purpose.

Engineer — A professional engineer licensed in the State of Kansas.

Erosion — The wearing away of land by the action of wind, water, gravity, or a combination thereof.

Erosion and Sediment Control Plan — A set of measures designed to control runoff and erosion, and to retain sediment on a particular site during pre-construction, construction, and after all permanent improvements have been erected or installed.

Erosion and Sediment Control Regulations — Shall mean sections 15-525 through 15-544.

Erosion and Sediment Control Standards — The erosion and sediment control design criteria and specifications adopted in writing by the Director of Public Works as part of the Stormwater Management Plan.

Excavate — The mechanical removal of earth materials.

Fill — The deposit or stockpiling of earth materials.

Floodplain — The land area adjoining a river, stream, watercourse, or lake which is likely to be flooded in the event of a 100-year flood, or as shown on the National Flood Insurance Program maps, or as designated by Johnson County, or by the City of Leawood, Kansas as a floodplain system where Leawood or the County is not under the National Flood Insurance Program.

Floodway — The channel of a watercourse and the adjacent land area that must be reserved in order to discharge a 100-year flood without cumulatively increasing the water surface elevation more than one foot.

Freeboard — A factor of safety expressed as the difference in elevation between the top of the detention basin dam and the design surface water elevation resulting from the storm for which the basin's required storage volume was determined.

Grading — Any excavating or filling of earth materials or any combination thereof.

Grading Plan — For grading plan refer to sections 15-521 through 15-524.

Habitable Dwelling Unit — A dwelling unit intended for and suitable for human habitation.

Inspection — The periodic field review of erosion and sediment control measures as defined in the erosion and sediment control plan for the purposes of determining compliance.

Land Disturbance/Land Disturbance Activity — Any activity that changes the physical conditions of land form, vegetation, and hydrology. Such activities include, but are not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging, and storing of materials. Such activities do not include routine care of existing lawns including verti-cutting and aerating.

Land Disturbance Permit — The land disturbance permit required for any grading, filling, clearing, and excavation land disturbance activity.

Land Fill — Any human activity depositing soil or other earth materials.

Lake — An inland body of standing water of considerable size.

Lot Lines — A common boundary or property line between adjacent property owners.

Nuisance Erosion and Sedimentation — Any land disturbance activity that causes erosion or sedimentation for a non-permitted activity less than 300 square feet in area when disturbed land remains unprotected for more than seven calendar days.

100-Year Storm — A rainstorm having a one percent probability of occurrence in any given year.

Permit — Written permission giving consent.

Permittee — A person, partnership, corporation or other legal entity whom a permit is granted.

Plat — A legally recorded plan of a parcel of land indicating the location and dimension of such features as streets, alleys, lots, easements and other elements pertinent to a subdivision.

Pond — A small body of water.

Project — Any man-made change involving the construction, reconstruction, maintenance or improvement of real property, structures and/or grounds.

Public Owned Improvements — Improvements such as (but not limited to) concrete channel liner, improved channel, pipes of various sizes and materials, box culverts and miscellaneous other concrete structures all on public property or in a public easement.

Public Property — Property owned by the City or dedicated to the City.

Public Storm Drainage System — Any underground enclosed pipe system and/or improved channel that is on public property or within a public easement.

Rational Method — An empirical formula for calculating peak rates of stormwater runoff resulting from rainfall.

Reservoir — A place where something is kept in store; an artificial lake where water is collected as a water supply.

Sampling — The procedures associated with the determination of settleable solids and may include suspended solids in a discharge sample of water.

Sediment — Any solid material, mineral or organic that has been deposited in water, is in suspension in water, is being transported or has been removed from its site of origin by wind, water, or gravity as result of soil erosion.

Soil — The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

Soil Storage — Any human activity depositing soil or other earth materials for later use or disposal.

Stormwater Runoff — Water resulting from precipitation which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation, and which flows over the ground surface.

Stream — A body of water (as a river) flowing on the earth.

Structure — Is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Swale — A graded depression for the purpose to conveying overland flow from point to point.

10-Year Storm — A rainstorm having a 10 percent probability of occurrence in any given year.

These Regulations — The Storm Water Management Ordinance in its entirety.

Timbering — The act of cutting and removing trees without disturbing the root or adjacent vegetation.

Tributary Area — All of the area contributing stormwater runoff to a given point of consideration, both public and private.

25-Year Storm — A rainstorm with a four percent probability of occurrence in any given year.

Vegetative Cover — Any grasses, shrubs, trees and other vegetation, which hold and stabilize soils.

Water Bodies — Surface waters including watercourse and wetlands.

Watercourse — Any stream, channel, creek, brook, branch, depression, reservoir, lake, pond, or drainage way in or into which stormwater runoff flows.

Wet Bottom Basin — A natural or artificial stormwater storage area, which is designed and maintained to contain stormwater runoff temporarily and to hold permanently an additional volume of water at a level below the discharge structure of the storage area.

Wetlands — Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include the following surface waters of the state intentionally constructed from sites that are not wetlands: drainage ditches, grass-lined swales, and landscape amenities.

(Ord. 1839C, 01-03-00)

15-510. THE STORMWATER MANAGEMENT SYSTEM. This article establishes the Stormwater Management System, which shall be composed of a primary system, a secondary system, management controls, and management practices. These regulations shall apply to the secondary system.

(Ord. 1839C, 01-03-00)

15-511. THE PRIMARY SYSTEM. The primary system shall be composed of the regulatory floodplain as shown on the National Flood Insurance Program maps as developed for the City of Leawood by the U.S. Department of Housing and Urban Development, Federal Insurance Administration. All components of the primary system shall be designed to handle the 100-year rainfall event.

(Ord. 1839C, 01-03-00)

15-512. THE SECONDARY SYSTEM. The secondary system shall consist of storm drainage facilities including, but not necessarily limited to, roadway curb and gutter, open channels, swales and enclosed conveyance systems both public and private that transport stormwater runoff to the primary system (regulatory floodplain). Secondary system facilities are those designed to accommodate runoff resulting from a storm with a given design frequency.

(Ord. 1839C, 01-03-00)

15-513. MANAGEMENT CONTROLS. Management controls are regulations applicable to the secondary system under the provisions of this ordinance. Such controls shall limit any activity, which will adversely affect hydraulic function of any storm drainage facilities, public or private, including, but not limited to, detention facilities, open channels, drainage swales, or enclosed stormwater conveyance systems.

Exceptions to the applicability of the use of management controls for new developments may be granted in the following situations:

- (a) On land used and zoned for agricultural purposes where no change in grades over that, which has existed historically, will take place.
- (b) Construction of any buildings or structures on a site, which has been previously, provided with stormwater management control facilities as part of a larger unit of development.

The Building Official shall refer all development plans and all building permit applications that may require a stormwater drainage study and subsequent permit to the Director of Public Works.

(Ord. 1839C, 01-03-00)

15-514. MANAGEMENT PRACTICES. The following practices may be utilized upon approval of the Director of Public Works. Use of these methods shall be fully in accordance with the design criteria and performance standards as set forth in this article:

- (a) **Storage** — Runoff may be stored in temporary or permanent detention basins, or through rooftop or parking lot ponding, or percolation storage, or by other acceptable means. Where parking lot ponding is utilized appropriate signage posting the use of the parking lot for stormwater storage must be installed.
- (b) **Open Channels** — Maximum feasible use shall be made of existing drainage ways, open channels, and drainage swales that are designed and coordinated with design of building lots and streets.
- (c) **Streets and Curbs** — Streets, curbs, and gutters shall be an integral part of the stormwater runoff management system. To the maximum extent possible, drainage systems, street layout and grades, lot patterns and the location of curb inlets and site drainage and overflow swales shall be concurrently designed in accordance with the standards set forth in these regulations.
- (d) **Enclosed Conveyance System** — Enclosed conveyance systems consisting of inlets, conduits, and manholes shall be used to convey stormwater runoff for storms with a frequency of the 10-year event.
- (e) **Other** — The stormwater runoff management practices enumerated herein shall not constitute an exclusive listing of available management practices. Other generally accepted practices and methods may be utilized where approved by the Director of Public Works and which do not contravene the objectives of this article.

(Ord. 1839C, 01-03-00)

15-515. PUBLIC AND PRIVATE RESPONSIBILITIES UNDER THE STORMWATER MANAGEMENT SYSTEM.

- (a) Public Responsibilities:
 - (1) Administration: The administration of these regulations and enforcement of this article shall be the responsibility of the Director of Public Works.
 - (2) The Public Drainage system shall be defined as follows for new construction.
 - (a) If a proposed drainage system, storm sewer line or improved channel, is a continuation of an existing City system, the system will be public and an applicant for plan approval will be required to dedicate necessary easements.
 - (b) If a proposed drainage system, storm sewer line or improved channel, extends across private property under multiple private ownership before crossing public right-of-way the system will be public and an applicant for plan approval will be required to dedicate necessary easements.
 - (c) If the grading of a swale is required for the conveyance of the 100-year flow, an applicant for plan approval will be required to dedicate necessary easements. The maintenance of overflow swales along property lines is the responsibility of the property owner.
 - (3) Operation and Maintenance of Public Owned Facilities: The City's Department of Public Works shall be responsible for all maintenance of the public owned drainage system, either improved or unimproved, located on public right-of-way or city owned property. Maintenance of public owned drainage systems located on private property with public easements shall be limited to the public owned improvements such as concrete structures, pipe systems, and City improved channels. However, it shall be the responsibility of the property owner, occupant or agent in charge of private property, upon which the public storm drainage system exists, to maintain all vegetation including mowing, trimming and/or removal of dead trees and shrubs and providing of such other general maintenance as is required to maintain the free flow of stormwater.
- (b) Private Responsibilities:
 - (1) Maintenance and operation of a private storm drainage system is the responsibility of the owner of the property.
 - (2) Each developer or owner of land within the City has the responsibility to provide all approved stormwater runoff management facilities to ensure the adequate drainage and control of stormwater on the developer's or owner's property both during and after construction of such facilities.

- (3) Each developer or landowner has the responsibility and duty before and after construction to properly operate and maintain any on-site stormwater runoff control facility, which has not been accepted for maintenance by the City. Such responsibility is to run with the land and be transmitted to subsequent owners through appropriate covenants. This maintenance shall include, keeping such facilities free and clear of weeds, brush and vegetation, removal of debris or any other waste material that might impede or hinder the facilities intended use, erosion repair, and removal of silt and maintenance of structural facilities which have not been accepted for maintenance by the City.
- (4) Owners of detention basins and associated facilities upon completion of construction and on or before May 1 of each year, shall furnish certification by a professional engineer licensed in the State of Kansas that the detention basin has full storage capacity and that all associated facilities including inlet and outlet structures are fully functional.
- (5) Each property owner or resident adjacent to a natural drainage channel not maintained by the City shall maintain the free flow character by prompt removal of all debris, overgrowth or downed trees and limbs and unapproved structures. All property owners shall cooperate by overseeing their properties without encouragement of the City. In the event an Official Notice is issued by the City in accordance with City Codes and Ordinances, the property owner shall comply and may request the City's assistance as outlined herein.
- (6) City Assistance — The City may provide assistance through the Public Works Department to the property owner/residents when requested, by hauling and disposing of collected debris, downed trees and broken limbs. The property owner shall cooperate with the City by placing debris and tree limbs on the side of the street for collection by the Public Works Department.
- (7) Failure to Maintain — If the Director of Public Works determines that the owners, occupants or agents in charge of any lot piece or parcel of land on which a drainage control structure exists or abuts has failed to properly maintain such facility as previously set forth, the Director of Public Works shall notify the owners, occupants or agents in charge of the violation in writing. If the owners, occupants or agents in charge fail, neglect or refuse to comply with the requirements specified in the notice, within 10 days, the City Clerk shall issue notice requiring the owner or agent of the owner of the premises to repair, remove, and/or abate from the premises the thing or things therein described as a defect(s) and/or nuisance and perform the necessary remedial work within 10 days. The notice shall state that before the expiration of the waiting period, the recipient thereof may request a hearing before the governing body or it's designated representative. The notice shall be served by delivering a copy thereof to the owner or agent of such owner of the property or, if the owner or owner's agent cannot be located, then by mailing a notice by registered mail to

the last known address of the owner or agent of the owner and by posting the notice in a conspicuous place on the property. If the owner or agent fails to comply with the requirement of the notice for a period longer than the 10 day time period set forth above, then the city shall proceed to cause the necessary remedial work to be performed and thereby have the things described in the notice repaired, removed, and/or abated from the lot or parcel of ground. The city shall give notice to the owner, occupant or agent by registered mail of the total cost of such repair, abatement or removal incurred by the city. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice. If cost of such repair, removal, and/or abatement is not paid within the 30 day period, the cost shall be collected in the manner provided by appropriate legal action or shall be assessed and charged against the lot or parcel of ground on which the nuisance was located. If the cost is to be assessed, the City Clerk at the timing of certifying other city taxes to the county clerk shall certify the aforesaid costs, and the county clerk shall extend the same on the tax roll of the county against the lot or parcel of ground, and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.

(Ord. 1839C, 01-03-00)

15-516. PROCEDURE FOR THE SUBMISSION, REVIEW AND APPROVAL OF STORMWATER DRAINAGE STUDY. No development shall increase the quantity and rates of stormwater emanating from the land areas except in accordance with an approved Stormwater Drainage Study as provided for in these regulations. A professional engineer licensed in the State of Kansas shall prepare the Stormwater Drainage Study. The Director of Public Works shall issue no public works permit or approve any construction plans prior to the approval of the Stormwater Drainage Study.

(Ord. 1839C, 01-03-00)

15-517. STORMWATER DRAINAGE STUDY. A Stormwater Drainage Study shall accompany all preliminary applications for land development submitted in accordance with the City's ordinances. This study shall contain the following information and data:

- (a) A site plan of suitable scale and contour interval showing topographical information of the land to be developed and adjoining land whose topography may affect the proposed layout or drainage patterns for the development.
- (b) A general plan of final contours of the site development shall also be shown, as shall all existing streams, waterways, channels, lakes and the extent of the established floodplain and date of flood plain map used.
- (c) A drainage map showing the location and calculated flow rates of all adjacent storm drainage facilities.
- (d) A hydraulic and hydrologic summary table showing the 10 and 100-year flows for ultimate development.
- (e) A general discussion of the type and characteristics of soils contained in the development area.

- (f) A discussion of the concepts to be considered in the development to handle anticipated stormwater runoff including the, methods to be utilized to detain or control increased stormwater runoff generated by the proposed development.
- (g) A preliminary plan of proposed storm drainage facilities including preliminary calculations of runoff to be handled by such facilities, basic information regarding the effects the proposed project will have on the receiving streams or channels for a distance as far downstream as the runoff will have a noticeable affect. The plan should also include the proposed routing of the 100-year runoff.
- (h) A discussion of the possible affects that the proposed development could have on downstream facilities and areas adjoining the development and proposed solutions.

Following the receipt of the Stormwater Drainage Study, a general review meeting shall be conducted with the Director of Public Works, representatives of the Developer, and the Developer's Engineer. The purpose of this review meeting shall be to jointly agree on the conceptual methods proposed to be utilized and the possible effects of the proposed development on existing or future adjacent developments.

(Ord. 1839C, 01-03-00)

15-518. FINAL CONSTRUCTION PLANS. Following the review of the Stormwater Drainage Study and after the general approval of the study by the Director of Public Works, Final Construction Plans shall be prepared for each phase of the proposed project as each phase is developed. The submittal of the final plans shall coincide with application for final approval of the development and shall constitute a refinement of the concepts approved in the study. It is important to note that if a project is to be phased, the total area of the conceptual project is to be considered in all calculations and the facility shall be designed for each phase, which will be compatible with those of the total development plan.

Final Construction Plans for any development shall conform to all construction standards set forth in the City's ordinances, including those set forth in section 15-302 of the City's Code.

Final Construction Plans shall also include the following additional information unless specifically allowed to be excluded by the Director of Public Works during the preliminary review of the plans.

- (a) A topographic map of the project site and adjacent areas, of suitable scale and contour interval, which shall define the location of streams, the extent of flood plains and calculated high water elevations, the shoreline of lakes, ponds swamps, and detention basins including their inflow and outflow structures, if any.
- (b) The location and flowline elevation of all existing sanitary and stormwater sewers which fall within the project limits and within a distance of 200 feet beyond the exterior boundaries of said project.

- (c) Detailed determination of runoff anticipated for the entire project site following project completion indicating volumes and rates of proposed runoff for each portion of the watershed tributary to the storm drainage system, the calculations used to determine said runoff volumes and rates, and summary of the criteria which have been used by the design engineer.
- (d) A layout of the proposed stormwater system including the location and size of all drainage structures, stormwater sewers, channel and channel sections, detention basins, and analyses regarding the effect said improvement will have upon the receiving channel and its high water elevation. The layout shall also include 100-year flood elevations at lot corners along all open channels improved or natural, 100-year overflow swales and detention basins.
- (e) The slope, type, size, flow calculations and 10-year and 100-year energy grade line for all existing and proposed storm sewers and other waterways.
- (f) A grading and erosion and sediment control plan for the project site as described in sections 15-521 through 15-524 and sections 15-525 through 15-544 of this section.
- (g) For developments with lakes, the plan shall show the location of a silt basin and proposed access to the basin for periodic removal of silt and debris. The plans shall also show an alternate water supply to maintain the normal pool elevation and aeration for the lake.
- (h) A profile and one or more cross-sections of all existing and proposed channels or other open drainage facilities, showing existing conditions and the proposed changes thereto, together with the high water elevations expected from stormwater runoff under the controlled conditions called for by these regulations and the relationship of structures, streets, and other utilities to such channels.

The Director of Public Works shall review the Final Construction Plans. If it is determined according to current engineering practice that the proposed plan will provide control of stormwater runoff in accordance with the purposes, design criteria and performance standards of these regulations and will not be detrimental to the public health, safety and protection of property and general welfare, the Director of Public Works shall approve the plan or conditionally approve the plan, setting forth the conditions thereof. If approved, a permit for the construction shall be granted. If disapproved, the application and data shall be returned to the applicant for corrective action and resubmittal.

(Ord. 1839C, 01-03-00)

15-519. DESIGN CRITERIA AND PERFORMANCE STANDARDS.

Unless otherwise approved by the Director of Public Works, the following rules shall govern the design of improvements with respect to managing stormwater runoff:

- (a) *Development Design* - Streets, blocks, depth of lots, parks, and other public grounds shall be located and laid out in such a manner as to minimize the velocity of overland flow and allow maximum opportunity for infiltration of stormwater into the ground, and to preserve and utilize existing and planned streams, channels and detention basins, and include, whenever possible, streams, and floodplains within park and other public grounds.

- (b) *Stormwater System Design* - Unless otherwise provided by the Director of Public Works, the latest approved edition of the Standard Specifications and Design Criteria, Division II, Section 2600, Construction and Material Specifications, adopted April 1996, (except Section 2602.2 B Corrugated Steel Pipe and Division V) and Section 5600, Storm Drainage Systems and Facilities, of the Standard Specifications and Design Criteria, adopted February 15, 2006, prepared by the Kansas City Metropolitan Chapter American Public Works Association or the latest edition as amended, which is by reference made a part hereof as though expressly rewritten and incorporated in the ordinance, shall govern the design and construction of storm sewer systems within the City except as otherwise noted herein.
- (c) *Methods of Controlling Downstream Flooding* - The Stormwater Drainage Study shall identify downstream flooding impacts of the proposed development. If the Stormwater Drainage Study indicates the proposed development will cause or increase downstream local flooding conditions during the design storm, provisions to minimize such flooding conditions shall be included in the design of storm drainage improvements and/or the temporary controlled detention of stormwater runoff and its regulated discharge to the downstream storm drainage system.
- (d) *Downstream Improvements* - Improvements to minimize downstream flooding conditions may include the construction of dams, dikes, levees, and floodwalls; culvert enlargements; and channel clearance and modification projects.
 - (1) Detention Basins - All detention basins shall be designed in accordance with Chapter 5608. All modeling of detention basins shall use either HEC-1 or the KU Penn State Runoff, (enhanced version PSRM Version 7) or subsequent editions, or as otherwise approved in advance by the City Engineer.
 - (2) Outlet Control Works - Outlet works shall not include any mechanical components or devices and shall function without requiring attendance or control during operation. Size and hydraulic characteristics shall be such that all water in detention storage is released to the downstream storm drainage system within 24 hours after the end of the design rainfall.
- (e) *Other Design Considerations* - All stormwater detention basins shall be designed with the capability of passing a 100-year storm event from a fully developed watershed basin through the outlet works without causing failure of the embankment. It is not the intent of this requirement to entail any additional reduction of the peak runoff rate; but to assure the integrity and safety of the structure. All underground pipe systems to the detention basin shall tie directly into the outlet structure and not discharge directly into the basin unless waived by the Director of Public Works, in accordance with good engineering practices.

- (f) *Appearance* - Pipes, drainage structures, outlet works, or other necessary structural features such as a fence and a gate of detention basins shall be devised so as to be minimum in number and inconspicuous. Screening and/or landscaping shall be included and shall be in accordance with plans sealed by an Engineer.

(Ord. 1839C; 01-03-00)
(Code 2000)

(Ord. 2063C; 05-17-04)
(Ord. 2359C; 10-20-08)

15-520. PERFORMANCE STANDARDS.

- (a) *Stormwater Channel Location* — Acceptable locations of stormwater runoff channels in the design of a subdivision may include the following:
- (1) Channels are permitted as outlined in Chapter 5600 of the Standard Specifications and Design Criteria adopted March 1991, prepared by the Kansas City Metropolitan Chapter American Public Works Association or current edition.
 - (2) Channels shall be centered on back lot lines or entirely within the rear yards of a single row of lots or parcels.
 - (3) In each of the foregoing cases, if the improved channel is to be maintained by the City a drainage easement to facilitate access maintenance and design flow shall be provided and shown on the plat. No structures will be allowed to be constructed within or across stormwater channels.
 - (4) Maintenance of such channels shall be the responsibility of adjoining property owners except as noted in section 15-515(a)(3).
- (b) *Stormwater Sewer Outfall* — The storm sewer outfall shall be designed so as to provide adequate protection against downstream erosion and scouring. All pipe discharge shall be in the direction of the channel flow. The flow line of the pipe outfall shall be at the normal pool elevation or channel bottom if dry.
- (c) *Lot Lines* — Whenever the plans call for the grading of swales for the passage of floodwater, surface runoff, or stormwater along lot lines, the grading of all such lots shall be prescribed and established for the passage of waters. No structure may be erected in these areas, which will obstruct the flow of stormwater.

In addition, installation of fences and the planting of shrubbery or trees within the areas will not be permitted. Changes in the grade and contours of the floodwater or stormwater runoff channels or facilities will not be permitted unless approved in writing by the Director of Public Works.

- (d) *Easements* — Permanent easements for the detention and conveyance of stormwater, including easements for access to structures and facilities, shall be dedicated to the City at no additional cost for those structures maintained by the City.
- (e) *Permits* — A permit for projects including detention facilities may be granted by the Director of Public Works only after Final Construction Plans have been approved and all easements have been dedicated, accepted, and recorded, and all required maintenance assurances and required bonds have been executed.

(Ord. 1839C, 01-03-00)

15-521. PLANS FOR GRADING. Prior to the approval of the Final Construction Plans, a plan depicting proposed site grading within the development shall be submitted to the Building Official of the City of Leawood for review and approval.

(Ord. 1839C, 01-03-00)

15-522. GRADING PLAN FOR DEVELOPMENT. A professional engineer licensed in the State of Kansas shall prepare the grading plan. The contents of the plan shall include the following information:

- (a) Contours of existing grades at intervals of not more than two feet.
- (b) Location of all property lines, existing or proposed and lot and block number.
- (c) Elevation and location of nearest bench mark (U.S.G.S. datum).
- (d) Final grading contours drawn at sufficient intervals of not more than two feet to depict major subdivision drainage patterns. In addition, final grading spot elevations shall be shown for all corners of each lot. Such corner elevations shall be general in nature and upon written approval of the Director of Public Works may be revised at the time of plot plan submittal. Lot lines shall have a minimum of two percent slope.
- (e) 100-year floodplain limits with elevation. The plan should also note the date of the study and the panel number.
- (f) Easement and right-of-way information including drainage easements required for offsite drainageways.
- (g) 100-year flood elevations for all lots adjacent to 100-year Flood Plain, open channel or 100-year overflow swale.
- (h) Grading plan shall show the cross section of all 100-year overflow swales, slope, depth and capacity. Minimum slope shall be two percent.
- (i) Erosion and sediment control plan. Refer to sections 15-541 and 15-542.

(Ord. 1839C, 01-03-00)

15-523. GRADING PLAN FOR SINGLE FAMILY LOT. Applications for building permits for new construction of single-family homes shall be accompanied by a specific grading plan for that lot. Such grading plan shall be incorporated into the plot plan and shall contain as a minimum, the following information:

- (a) Location of property lines, all easements, street address, and lot and block number.
- (b) Proposed location of structure.
- (c) Elevations of the top of foundation, proposed grade at principal structure corners and at lot corners.
- (d) Contours at two foot intervals. The grading of the lot should match the subdivision-grading plan. Grading plan should have a minimum two percent slope along property lines.
- (e) Location of 100-overflow swale. Grading plan shall show the grading of the swale. The plan should also note the cross section, slope, and depth of swale, 100-year water elevation and the low opening.
- (f) Where a swale is shown, the minimum low opening of the structure shall be one foot above the 100-year flood elevation perpendicular to the swale.
- (g) Erosion and sediment control plan. Refer to sections 15-541 and 15-542.

(Additional information may be required by the Director of Public Works to assure protection of adjacent property.)

(Ord. 1839C, 01-03-00)

15-524. MINIMUM GRADING STANDARD. The following minimum criteria for site grading shall apply to all applications for site grading:

- (a) Protective slopes around structures. Downward slope from structure foundations to drainage swales.
 - (1) Impervious surfaces shall be 1/4 inch per foot (two percent).
 - (2) Pervious surfaces shall be one inch per foot (8.33 percent).
- (b) Lawn areas
 - (1) Minimum gradient shall be 1/4 inch per foot (two percent).
 - (2) Maximum gradient shall not be greater than three horizontal to one vertical.
- (c) Driveways sloping toward buildings shall be graded in such a manner as to provide an intercepting swale draining away from the structure prior to its connection with the building. Subdivision plans should be designed in a manner to limit the number of or eliminate driveways sloping away from the street.
- (d) Erosion and sediment control plan. Refer to sections 15-541 and 15-542.

In specific cases the use of gradients less than or greater than those specified may be required. Variance from these requirements may be allowed where justified and approved by the Director of Public Works, in accordance with good engineering practices.

(Ord. 1839C, 01-03-00)

15-525. EROSION AND SEDIMENT CONTROL REGULATIONS. Sections 15-525 through 15-544 shall be known as the Erosion and Sediment Control Regulations. The purpose of these standards is to promote and protect the public interest by regulating land disturbance, landfill, and soil storage in connection with the clearing and grading of land for construction related or other purposes. It is also the purpose of these standards to encourage responsible development and minimize the cost to the development community as a result of these regulations.

These erosion control regulations establish administrative, implementation and enforcement procedures for the protection and enhancement of the water quality of watercourses, water bodies, and wetlands by controlling erosion, sedimentation, and related environmental damage caused by construction-related or other activities.

Neither these ordinances nor any administrative decision made hereunder exempts the applicant or any other person from other requirements of the City's ordinances, state and federal laws, or from procuring other required permits, or limits the right of any person to maintain, at any time, any appropriate action, at law or in equity, for relief or damages against the applicant or any person arising from the activity regulated by these ordinances.

(Ord. 1839C, 01-03-00)

15-526. ADMINISTRATION. The Building Official or his or her designee [hereinafter 'Building Official'] shall administer and enforce these erosion control standards. For such purposes, the Building Official shall have the powers of a law enforcement officer to issue written orders and take any other legal actions in the enforcement of these ordinances. The Building Official shall have the power to render interpretations of these regulations and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of these regulations. When it is necessary to make an inspection or to enforce the provisions of these regulations, the Building Official may enter the property involved.

(Ord. 1839C, 01-03-00)
(Ord. 1973C; 12-02-02)

15-527. LAND DISTURBANCE PERMIT. Unless exempted by section 15-528, no person may perform land disturbing activities, including clearing, grading, excavating, filling, storing or disposing of soil and earth materials without first obtaining a land disturbance permit from the Building Official as set forth in these regulations.

(Ord. 1839C, 01-03-00)

15-528. EXEMPTIONS. Persons performing land disturbance activities that meet any of the criteria below are not required to apply for a land disturbance permit pursuant to this chapter:

- (a) Land disturbances less than or equal to 400 square feet. Land disturbances, other than those set forth in exemptions (b) through (e) of this subsection, impacting land less than or equal to 400 square feet in area; provided however, that persons performing such work on such parcels who are not otherwise exempt under exemptions (b) through (e) of this subsection, must comply with the Erosion and Sediment Control Standards promulgated pursuant to section 15-541 if such land remains unprotected for more than seven calendar days.
- (b) Land disturbance activities by city departments. In those cases, the department is required to comply with the requirements of the Erosion and Sediment Control Standards.
- (c) Home gardening operations including plowing or tilling of land for the purposes of growing flowers and/or vegetables, but not in excess of 400 square feet.
- (d) Work to correct or remedy emergencies. This includes situations that pose an immediate danger to life or property, or substantial flood or fire hazards.
- (e) Routine agricultural crop management practices.

(Ord. 1839C, 01-03-00)
(Ord. 2360C; 10-20-08)

- 15-529. LAND DISTURBANCE PERMIT APPLICATION.** Any person requesting a land disturbance permit must submit an application to the Building Official. The application shall be submitted on a form promulgated by the Building Official and shall include the names, addresses, and telephone numbers of the developer/owner of the property, the contractors or subcontractors actually performing the land disturbing activity and their respective tasks, the engineer responsible for the preparation of the site map and grading plan, and the engineer responsible for preparation of the erosion and sediment control plan. In addition to the application form, the person shall submit the following items:
- (a) A site map, and clearing and grading plan that is in compliance with sections 15-521 through 15-524 and section 15-542, sealed by a professional engineer licensed in the State of Kansas.
 - (b) An erosion and sediment control plan that is in compliance with section 15-542.
 - (c) Work schedule in compliance with section 15-543.
 - (d) Land disturbance permit fee.
 - (e) Inspection schedule.
 - (f) Security for performance of work as required under section 15-545.
 - (g) Any supplementary materials related to the land disturbance as required by the Building Official.

(Ord. 1839C, 01-03-00)

- 15-530. REVIEW FOR COMPLIANCE.** Review for compliance will begin once all information requested in section 15-529 has been submitted. Land disturbance permits may be issued for each land disturbance phase of a specific site. The land disturbance permit when issued in phases shall be a separate permit for each land disturbance phase. The Building Official shall review the submitted documents for compliance with the City's regulations and adopted standards. After reviewing the documents, the Building Official shall determine whether or not the documents submitted are in compliance with the City's regulations and adopted standards. If the Building Official finds that the documents are in compliance, the engineer who submitted the documents shall be advised in writing and may request a land disturbance permit in accordance with the requirements set forth in section 15-529. If the Building Official finds that documents are not in compliance with the City's regulations and adopted standards, the Building Official shall advise the engineer in writing, which elements of the submitted documents are not in compliance. When documents are determined to be in compliance, the determination does not imply that the City is guaranteeing specific outcomes or is the City accepting any responsibility for the documents submitted.

(Ord. 1839C, 01-03-00)

- 15-531. LAND DISTURBANCE PERMIT FEE.** Before issuance of a land disturbance permit as defined in this section, the applicant shall pay a fee to cover the cost of administration, plan review and inspection services associated with the land disturbance permit. The fee for each permit shall be as set forth by the City Council from time to time.

(Ord. 1839C, 01-03-00)

15-532. COORDINATION WITH OTHER PERMITS. When a person is developing a site, and a land disturbance permit is required in accordance with section 15-527, no construction permits shall be issued to make improvements on that site until the person has secured the land disturbance permit for the same site. The Building Official may simultaneously issue a land disturbance permit and a grading permit in accordance with a plan approved by Director of Public Works.
(Ord. 1839C, 01-03-00)

15-533. DURATION OF PERMIT. The land disturbance permit shall be valid from the time of issuance until the site is stabilized and erosion and sediment control measures are no longer necessary and the permit is terminated as provided herein, or until the permit is otherwise suspended or revoked as provided in these erosion control standards. The site will be considered stabilized when either perennial vegetation, pavement, buildings, or structures using permanent materials cover all areas that have been disturbed. In order to terminate the land disturbance permit, the applicant shall submit a request to terminate permit to the Building Official. The Building Official will then inspect the site and make a determination as to whether the permit can be terminated. The applicant will be notified in writing of the determination.

If the applicant sells the property before the termination of the land disturbance permit, the permit may be assigned to the new owner, if such assignment is approved in writing by the Building Official.

If the applicant sells any portion of the property before the termination of the land disturbance permit, the applicant will remain responsible for that portion until one of the following events occur:

- (a) The new owner of the property obtains a land disturbance permit.
- (b) The new owner of the property obtains or is required to obtain a building permit.

(Ord. 1839C; 01-03-00)

15-534. SUSPENSION OR REVOCATION OF PERMIT. The Building Official shall follow the procedures outlined in this Section before any action is taken against the security as provided under Section 15-545.

As a complete alternative to other enforcement measures, the Building Official may suspend the land disturbance permit and issue a written Stop Work Order, and the applicant shall cease all work on the site, except work necessary to remedy the cause of the suspension, upon notification of such suspension when:

- (a) Applicant fails to submit reports timely and in accordance with this Article;
- (b) Inspection by the Building Official reveals the site is not in substantial compliance with the erosion and sediment control plan;
- (c) Applicant fails to comply with an Order to bring the site into compliance with the permit within time limits imposed by the Building Official; or

(d) Applicant fails to pay any required permit fee.

The Building Official shall reinstate a suspended land disturbance permit upon the applicant's correction of the cause of the suspension.

The Building Official shall revoke the land disturbance permit and issue a Stop Work Order if the applicant fails or refuses to cease work.

The Building Official may not reinstate a revoked permit.

(Ord. 1839C, 01-03-00)

(Ord. 1973C; 12-02-02)

15-535. INSTALLATION OF CONTROL MEASURES. The applicant shall notify the Building Official that all erosion and sediment control measures are installed in accordance with the erosion and sediment control plan and the City's adopted standards. The applicant shall not perform any land disturbance activities prior to approval from the Building Official that all erosion and sediment control measures are installed properly.

(Ord. 1839C, 01-03-00)

15-536. MAINTENANCE OF CONTROL MEASURES. The applicant shall at all times maintain all erosion and sediment control measures in good order and in compliance with the erosion and sediment control plan for the site and with the City's adopted standards, for the duration of the permit as defined in section 15-533. In determining the Applicant's compliance with the erosion and sediment control plan for the site, the Building Official shall take into consideration any results the applicant has obtained through sampling.

(Ord. 1839C, 01-03-00)

15-537. SAMPLING. The applicant shall have the option of including a system of regular sampling by individuals approved to perform such sampling by the Building Official as a part of the applicant's Erosion and Sediment Control Plan. The Building Official may require sampling to determine the effectiveness of the erosion control plan or to obtain information to investigate complaints regarding the site. Sampling shall not be the only item reviewed to determine compliance with the erosion and sediment control plan for the site. The Building Official may also perform sampling.

(Ord. 1839C, 01-03-00)

15-538. REMOVAL OF CONTROL MEASURES. The applicant shall receive the Building Official's approval before any structural erosion and sediment control measure identified on the plans is removed or made ineffective. Removal of erosion and sediment control measures must be performed in the manner described in the erosion and sediment control plan and in accordance with the City's adopted standards. When determining whether an erosion and sediment control measures may be removed or made ineffective, the Building Official shall take into consideration testing results furnished by the applicant.

(Ord. 1839C, 01-03-00)

15-539. INSPECTIONS GENERALLY. It shall be the duty of the land disturbance permit holder to install, routinely inspect, and maintain effective erosion and sediment control measures as specified in the permit holder's approved erosion control plan. The applicant shall inspect the land disturbance site at least every 14 days or more frequently if required by the plan, and within 24 hours following each rainfall event of ½ inch or more within any 24-hour period. The Building Official shall also perform regular inspections of the land disturbance site to ensure compliance with the erosion and sediment control plan for the site and the City's adopted standards. Should it be found that required erosion and sedimentation control measures have not been installed properly, the Building Official may refuse any inspection requests for work requiring inspections until such time as the site complies with the requirements of this Article. Subsequent inspections may be refused if the erosion and siltation control measures are ineffective, or not being maintained.

(Ord. 1839C, 01-03-00)
(Ord. 1973C; 12-02-02)

15-540. ENFORCEMENT. The Building Official may enforce this ordinance through the normal routine activities that include receiving inspection reports from the applicant, inspecting the site, communicating, negotiating, and written warnings to the applicant to resolve issues of non-compliance. However, as a complete alternative to the normal activities referred to above, the Building Official may proceed with any of the methods set forth in Sections 15-534 [suspension or revocation], 15-545 [bonds, maintenance assurances and permits] or may proceed with a citation for violation of this Article and seek the penalties set forth in § 15-550.

(Ord. 1839C, 01-03-00)
(Ord. 1973C; 12-02-02)

15-541. EROSION AND SEDIMENT CONTROL STANDARDS. The Director of Public Works shall adopt and maintain erosion and sediment control design criteria and performance standards and specifications to assist in the administration of the land disturbance program. The erosion and sediment control design criteria and specifications shall be based on, but not limited to the following principles:

- (a) Fitting the development to existing site conditions.
- (b) Minimizing the extent and duration of exposure.
- (c) Protecting areas to be disturbed from stormwater runoff.
- (d) Stabilizing disturbed areas.
- (e) Keeping runoff velocities low.
- (f) Retaining sediment on the site.
- (g) Inspecting and maintaining control measures.
- (h) Containing performance measures and outcomes.

The property owner and/or applicant may request that differing standards be applied and such request shall be granted if, in the opinion of the Building Official or Director of Public Works, such different standards will provide the same protection provided by the City's standards.

(Ord. 1839C, 01-03-00)

15-542. GRADING, EROSION AND SEDIMENT CONTROL SITE PLAN REQUIREMENTS. The applicant shall submit an Erosion and Sediment Control Site Plan. The Plan shall include the following:

- (a) A description of how the plan will prevent all sediment from leaving the site.
- (b) Estimated duration of the permit as defined in section 15-533. Existing and proposed topography of the site taken at not more than a two-foot contour interval over the entire site.
- (c) Contours extend a minimum of 100 feet off-site, or sufficient to show on/off-site drainage.
- (d) Site's property lines shown in true location with respect to the plan's topographic information.
- (e) Location and graphic representation of all existing and proposed natural and manmade drainage facilities.
- (f) Location, graphic representation and legend of soil types.
- (g) Location and graphic representation of proposed excavations and fills, of on-site storage of soil and other earthen material, and on-site disposal.
- (h) Location and legend of existing vegetation cover, the location and legend of vegetation cover to be left undisturbed.
- (i) Quantity of soil or earthen materials in cubic yards to be excavated, filled, stored, or otherwise utilized on-site.
- (j) Proposed sequence of excavation, filling, and soil or earthen material storage and disposal.
- (k) List of the measures undertaken to retain sediment from the site, including, but not limited to, designs and specifications for terms, and sediment detention basins, and a schedule for maintenance and upkeep.
- (l) A description of the surface runoff and erosion control measures to be implemented, including, but not limited to, types and method of applying mulches, location details and specifications for diverters, dikes and drains, and a schedule for their maintenance and upkeep.
- (m) A delineation and brief description of the vegetative measures to be used, including, but not limited to seeding methods, the type, location and extent of pre-existing undisturbed vegetation types and vegetation to remain and a schedule for maintenance and upkeep.
- (n) Alternative methods of stabilizing the site when either seeding was not performed in accordance with the schedule, or was performed and was not effective.
- (o) Plans to be prepared and sealed and dated by a profession engineer licensed in the State of Kansas.
- (p) Location of debris containers, portable fueling station, concrete truck washout, sanitary waste facility so as to minimize water quality impacts.
- (q) Include good housekeeping program to include site cleanup and disposal of trash and debris, hazardous material management, vehicle equipment maintenance and sanitary waste.

(Ord. 1839C, 01-03-00)
(Ord. 2826C; 03-20-17)

- 15-543. WORK SCHEDULE.** The applicant shall submit a work schedule of construction activities for the development where the land disturbance activity is proposed. The work schedule shall provide, at minimum, the following information:
- (a) Proposed clearing and grading schedule.
 - (b) Proposed schedule for installation of temporary and permanent erosion and sediment control measures.
 - (c) Proposed schedule for all construction activity.
 - (d) Estimated duration of land disturbance permit as defined in section 15-533.

The applicant shall be allowed to modify the work schedule under this section in the event circumstances dictate such deviation and after the applicant has obtained approval from the Building Official.

(Ord. 1839C, 01-03-00)

- 15-544. VIOLATIONS.** Any violation of sections 15-525 through 15-543 shall be subject to the provisions of section 15-550.

(Ord. 1839C, 01-03-00)

(Ord. 1973C; 12-02-02)

- 15-545. BONDS, MAINTENANCE ASSURANCES, AND PERMITS.** Upon approval of the final Construction Plan, but before the issuance of a construction permit, the Director of Public Works shall require the applicant to post a Performance Bond, cash escrow, certified check, or other form of performance security acceptable to the Director of Finance for the amount of the work to be done pursuant to the approval of the Final Construction Plans for any facility or improvement to be dedicated to the public.

The Building Official shall require the applicant to provide security equal to the estimated cost to install and maintain the approved erosion and sediment control measures. The Building Official may take action against the security if the applicant fails to install or maintain the erosion and sediment control measures in accordance with the erosion and sediment control plan for the site and the City's adopted standards for the duration of the permit as defined in Section 15-534. The Building Official will provide the applicant with a 10 day written notice before any action is taken against the security, and if during that 10 day period the applicant brings control measures into compliance with the Plan, no action shall be taken against the security.

(Ord. 1839C; 01-03-00)

(Ord. 1973C; 12-02-02)

- 15-546. MAINTENANCE BONDS.** A two-year maintenance bond against defects in workmanship will be required by the City for any portion of the improvements dedicated for public maintenance.

(Ord. 1839C, 01-03-00)

- 15-547. PERMITS.** Upon approval of the Final Construction Plans and Erosion and Sediment Control Plan and acceptance of the applicant's assurances of performance and maintenance as provided in these regulations, the Director of Public Works shall issue a permit for construction and the Building Official shall issue a Land Disturbance Permit.
(Ord. 1839C, 01-03-00)
- 15-548. APPEALS.** Any person aggrieved by a decision of the Director of Public Works or Building Official in the enforcement of this Article shall have the right to appeal any such order, requirement, decision, or determination by filing an appeal with the Building and Fire Code Board of Appeals within 10 calendar days of the action and otherwise in accordance with Chapter 5 of the Code.
(Ord. 1839C, 01-03-00)
(Ord. 1973C; 12-02-02)
- 15-549. DAMAGING OR ALTERING STORMWATER MANAGEMENT FACILITIES.** No person, firm, association, partnership or corporation shall maliciously, willfully or negligently break, damage, destroy, deface, alter or tamper with any structure, appurtenance or facility which is a part of the municipal stormwater system or an approved stormwater management plan. No person, firm or corporation shall cause or permit the curbs and gutters in the city to be filled with any material, which tends to restrict or divert the flow of water therein except that the Director of Public Works may upon request grant written permission for an exception. Any violation of this section shall be subject to the provisions of section 15-550.
(Ord. 1839C, 01-03-00)
- 15-550. PENALTY FOR VIOLATION — ACTION.** The violation of any provision of this article is a misdemeanor, and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not less than \$200 nor more than \$500. The City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of this chapter and to abate nuisance maintained in violation thereof; and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure, or land. Each day of any violation of this chapter shall constitute a separate offense.
(Ord. 1839C, 01-03-00)