

# **Storm Water Runoff Ordinance**

STORM WATER RUNOFF ORDINANCE

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_

AN ORDINANCE ADOPTING A NEW STORM WATER RUNOFF PERMIT ORDINANCE FOR THE VILLAGE OF LEAWOOD, MISSOURI, IN ACCORDANCE WITH CHAPTER 89 OF THE REVISED STATUTES OF MISSOURI.

WHEREAS, on or about the \_\_\_\_ day of \_\_\_\_\_, 2004, after at least fifteen days notice of the time and place had been published in an official paper of general circulation in the Village of Leawood, Missouri, and in accordance with Section 89.050 of the Revised Statutes of Missouri, the Board of Trustees of the Village of Leawood, held a public hearing at which parties in interest and citizens had an opportunity to be heard in relation to this Ordinance to adopt a new Storm Water Runoff Ordinance for the Village of Leawood, Missouri in accordance with Chapter 89 of the Revised Statutes of Missouri; and,

WHEREAS, on or about the \_\_\_\_ day of \_\_\_\_\_, 2004, after the aforesaid public hearing, the Board of Trustees of the Village of Leawood, Missouri approved, recommended and submitted as its final report, Pursuant to Section 89.070 of the Revised Statutes of Missouri, the adoption of this Ordinance as herein above Described; and,

WHEREAS, on or about the \_\_\_\_ day of \_\_\_\_\_, 2004, after a public hearing duly advertised in accordance with Section 89.050 of the Revised Statutes of Missouri, the Board of Trustees of the Village of Leawood, Missouri received and considered the aforesaid final report and recommendation of the Public Works Director of the Village of Leawood, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LEAWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. That a new Storm Water Runoff Ordinance for the Village of Leawood, Missouri be, and the same hereby is, adopted in accordance with Chapter 89 of the Revised Statutes of Missouri, a true and accurate copy of the new Storm Water Runoff Ordinance being attached hereto and incorporated herein as Exhibit "A".

SECTION 2. This Ordinance having been available for public inspection prior to its consideration by the Board of Trustees, and having been read by title twice prior to passage, shall become effective immediately upon its Passage by the Board of Trustees.

APPROVED after final passage, this \_\_\_\_\_ day of \_\_\_\_\_ 2004.

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ROBERT HARDING, CHAIRMAN

ATTEST:

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LANCE NICHOLS, VILLAGE CLERK

## STORM WATER RUNOFF ORDINANCE

The legislative body of all cities, towns, and villages is empowered to zone...”for the purpose of prompting health, safety, morals or the general welfare of the community...” Missouri Revised Statutes 89.020.

“Such regulations shall be...designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with...a view to conserving the values of buildings and encouraging the most appropriate use of land throughout such municipality.” Missouri Revised Statutes 89.040.

### SECTION I

#### General

- A. TITLE - This Ordinance shall be known and may be cited as “The Village of Leawood, Missouri, Storm Water Runoff Ordinance.”
  
- B. PURPOSE -If you build, erect, replace, operate, etc., a water contaminant point source or treatment plant in Missouri, you must first obtain water pollution control construction and operating permits from the water pollution control program managed by the Village Public Works Director.
  - 1. The Federal Clean Water Act was amended in 1991 to include permitting requirements for storm water. Any activity that will disturb five acres or more of property is required to obtain a permit for this activity. In addition, many industrial activities, currently identified by Standard Industrial Classification (SIC) code, are subject to permitting requirements. These industrial activities are identified in Missouri regulations 10 CSR 20-6.200.
  - 2. The primary purpose of this storm water runoff ordinance is to insure compliance with Federal, State, County and Village ordinances in order to promote the health, safety and general welfare of the Village of Leawood, Missouri. Therefore, an approved Village of Leawood storm water runoff permit must be obtained prior to the start of any activity meeting the above criteria. Further, the Village of Leawood has reduced the five-acre requirement down to one (1) acre and less than one acre if the site is part of a larger common plan of development or sale.
  
- C. MAP - The Public Works Director, Village of Leawood, Missouri, will obtain a USGS topographical map having a scale of 1" - 2000' and showing the location of the municipality/area in relation to the local road system, the municipality/area boundaries, the receiving streams (by name,) all known storm water outlets, and the map section, township and range. An outlet is defined as any physical feature (natural or man-made) that during storm water events will convey storm water out of the jurisdictional area.

- D. PERMIT FEES - Permit fees cost \$5.

## SECTION II

### Regulations

Be it ordained by the governing body of the Village of Leawood, Missouri, that the following regulations be imposed within the incorporated limits of said village. These regulations shall be imposed upon agricultural, public, residential and industrial zones as identified by the Zoning and Planning Committee.

1. Residential Discharge: Despite some residents having connected to the Missouri-American Water Company, the Village of Leawood, Missouri, continues to rely upon individual ground well water as its primary source of drinking water. Well water is affected by any and all substances dumped upon the ground or in sewage systems, as well as by pollutants dumped upstream which are then carried downstream into the village. Likewise, whatever village resident's dump will not only affect the village proper but also will then be carried off affecting others downstream of Leawood Village.

The main source of residential pollutants include improper disposal of waste vehicle oil, fuels and grease, improper disposal of paint and household hazardous chemicals, detergents washed into drains, sanitary or septic sewer overflows, infiltration from cracked sanitary sewers and failing septic systems, bacteria, nutrients, suspended solids, oxygen-depleting substances, lawn chemicals such as weed killers and toxic organic chemicals such as Pesticides/Herbicides (especially when used to excess or applied improperly,) trash, debris, and illegal dumping, old tires, floatables, batteries, abandoned vehicles, mowers, metals, pet waste contamination, and the like. Moreover, landscaping or re-contouring of property that allows additional water runoff and/or surface erosion and even temperature alterations may have a significant and undesirable result downstream.

2. Village Discharge: Likewise, the Village Municipality has an obligation to govern contract work such as street snow removal to eliminate use of certain chemicals such as salt on roadways and clean-up of roadway accidents or fires and stream bank erosion.

3. Construction Site Storm Water Runoff Control: All construction sites must comply with the Kansas City Metro American Public Works Association Erosion and Sediment Control Manual. Wastes to be controlled include, but are not limited to, discarded building materials, chemicals and debris, sediment, litter or trash, and solid and sanitary waste. Structural or non-structural best management practices waste control measures must be submitted by the designers and contractors which address the measures to be taken before, during, and after the construction activities. The Storm Water Runoff Permit application must accompany the Building Permit application. Likewise, any new development or re-development must continue to provide post-construction runoff from these projects. These may continue to be structural or non-structural best management practices.

4. Runoff Management Control Measures: Using EPA standards as our guide, the following measures shall be taken as required.

- a. Runoff control (minimizing clearing, stabilizing drainage ways.)
- b. Erosion control (stabilizing exposed soils, protecting steep slopes and waterways, and phase construction.)
- c. Sediment control (install perimeter controls, sediment trapping devices and inlet protection.)

5. Flood Management: The Public Works Director shall review all aspects of flood plain management to ensure they allow for assessment and implementation of solutions that address impacts to water quality for new projects and the review of existing projects for inclusion of water quality aspects.

### SECTION III

#### Illicit Discharge Detection and Enforcement

Be it also ordained by the governing body of the Village of Leawood, Missouri, that the following detection and enforcement actions be imposed within the incorporated limits of said village. This ordinance establishes legal authority: to regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) of storm water discharges by any use; to prohibit illicit connections and discharges to the MS4; and to establish legal authority to carry out all inspections, surveillance and monitoring procedures to ensure compliance.

1. Detection and Control: The Public Works Director shall conduct initial review of all development plans to insure compliance with village code set forth in this ordinance. Moreover, site surveys shall also be carried out before, during and after construction activities.

a. The Public Works Director, Building Inspector, the Chairman of the Board of Trustees or any person so designated by him, or any law enforcement officer shall hereby be authorized unrestricted access to any property for the express purpose of conducting official site visits (visual inspections or screenings,) responding to public complaints, accidental spills, illegal dumping, or the like, to inspect and carry out pollution control measures, and to inspect water sheds, streams, creeks, and outlets (whether natural or man-made.)

b. It shall be unlawful to interfere with any officer, agent, or employee of the village, or with any representative of the Chairman, Board of trustees of the Village of Leawood when conducted such official duties.

2. Enforcement: Violations of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor by village code and civil penalties may be assessed upon conviction. Non-compliance will automatically result in permit denial. In addition, as this is a federal mandate, violations shall be referred to federal, state or county offices for prosecution under appropriate statutes.