

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, PROVIDING FOR THE AMENDMENT OF CODE CHAPTER 430.180, STORMWATER RUNOFF MANAGEMENT, ARTICLE V, OF THE CITY CODE OF ORDINANCES, CITY OF NEOSHO, MISSOURI.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, AS FOLLOWS:

Section 1: That Ordinance No. 12-1995 is amended to read as follows:

ARTICLE V. BONDS, MAINTENANCE ASSURANCES, LAND DISTURBANCE PERMITS.

SECTION 430.180: PURPOSE

The purpose of this section is to protect the health, safety, and property of the citizens of the City and protect waters of the City and waters of the State from pollution resulting from the effects of erosion and sediment deposition from land disturbances. This section establishes uniform requirements for land disturbance activities in order to control the occurrence of erosion and the transportation of sediment to the City's Municipal Separate Storm Sewer System (MS4).

SECTION 430.181: DEFINITIONS

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

ACCEPTED OR ACCEPTANCE: A determination by the Director that the document under review meets the minimum applicable standards.

BMP: Best management practices.

BEST MANAGEMENT PRACTICE (BMP): Any physical, chemical or managerial practice that reduces soil erosion or reduces the amount of sediment or other pollutants discharging to or potentially discharging to the MS4.

CITY: The City of Neosho, Missouri.

DEPARTMENT: The City of Neosho Department of Public Works.

DIRECTOR: The Director of Public Works of the City of Neosho, Missouri or the Director's authorized representative.

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

EROSION: The wearing away of land due to the action of gravity, wind, water or other mechanical forces.

LAND DISTURBANCE PERMIT: The document issued by the Building Inspector approving the SWPPP and authorizing land disturbance activity in accordance with the SWPPP.

LAND DISTURBANCE: Any activity that exposes soil including clearing, grubbing, grading, excavating, filling and other related activities.

MEP: Maximum extent practicable.

MS4: Municipal Separate Storm Sewer System.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): Those artificial and natural facilities within the city, whether publicly or privately owned, by which storm water may be conveyed to a watercourse or waters of the state, including but not limited to any roads with drainage systems, streets, catch basins, natural and artificial channels, aqueducts, stream beds, gullies, curbs, gutters, berms, ditches, swales, open fields, parking lots, impervious surfaces used for parking, or storm drains, however, sanitary sewers are not included in the definition of the City separate storm sewer system.

POLLUTION: Any alteration of the quality of waters of the city or waters of the state to a degree that they are rendered harmful, detrimental or injurious to humans, natural life, vegetation or property, to the public health, safety and welfare, or otherwise impairs the usefulness or public enjoyment of waters for any lawful and reasonable purpose, including interference with the proper functioning of the MS4.

RESPONSIBLE PARTY: The property owner or person authorized to act on the property owner's behalf; or any person allowing, causing or contributing to a violation of the Code.

SEDIMENT: Mineral or organic matter generated as a result of erosion.

STOP WORK ORDER: That upon notice from the Building Inspector, or their authorized representative, that work on any property that is contrary to the provisions of this division or in an unsafe and dangerous manner, or in conflict with the approved construction documents, such work shall be stopped.

STORM WATER: Any surface or shallow subsurface flow, runoff, or drainage consisting entirely of water from rainstorm or frozen precipitation events.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP): A plan developed by a qualified professional engineer or person certified in erosion and sediment control to establish controls to limit erosion and transport of sediment and other pollutants from the site. The plan shall include BMPs in accordance with the city's erosion and sediment control guidelines manual, storm water design criteria manual, design standards for public improvement and the general conditions and technical specifications for public improvements.

SWPPP: Storm water pollution prevention plan.

WATER QUALITY STANDARDS: The standards, required under the Clean Water Act, which Missouri has adopted to control and remedy water pollution (10 CSR 20-7.031). Water quality standards have three parts: water use classifications, water quality criteria, and an antidegradation policy.

WATERS OF THE CITY: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, sinkholes, springs, wetlands, wells and channels, and other bodies of surface or subsurface waters, natural or artificial, lying within the boundaries of the city.

WATERS OF THE STATE: Any water, surface or underground, lying within the boundaries of the city over which the state department of natural resources has authority with respect to Clean Water Law.

SECTION 430.182: SCOPE AND AUTHORITY

This section is applicable to all land disturbance activity within the City unless specifically exempted. The provisions in this section shall be administered and enforced by the Director of Public Work and/or designee. The Director shall have the authority to develop and implement procedures, forms, policies, design and construction standards and interpretations for administering the provisions of this section.

SECTION 430.183: EROSION AND SEDIMENT CONTROL

The responsible party shall control site erosion and the release of sediment and other pollutants resulting from land disturbance activities to the maximum extent practicable (MEP) utilizing best management practices (BMPs). The responsible party shall ensure that BMPs are designed, constructed and maintained during land disturbance activities in accordance with the land disturbance permit.

SECTION 430.184: WHEN A PERMIT IS REQUIRED

A land disturbance permit is required for all land disturbance activity affecting an area greater than or equal to one acre, including any land disturbance that is part of a larger common plan of development or sale that would disturb one acre or more throughout the duration of the development. The responsible party shall obtain a land disturbance permit from the Inspections Department prior to commencing land disturbance activity. However, a land disturbance permit may be required if the Director of Public Works determines that there is significant potential for

deposition of sediment that is in violation of this section or the land disturbance activity is within close proximity to valuable resource waters. Regardless of land disturbance size, a land disturbance permit is required if the land disturbance is located 25 feet or less from the boundary of a spring, rim of a sinkhole, cave entrance, wetland, watercourse, stream buffer or 100-year floodplain. The Director of Public Works or the Building Inspector shall provide written notice of the need for a permit to the responsible party or person conducting the land disturbance activities. The responsible party shall obtain a land disturbance permit from the department prior to commencing or resuming land disturbance activity.

SECTION 430.185: WORK EXEMPT FROM PERMITS

- A. A land disturbance permit shall not be required in the following instances, provided that no change in drainage patterns or sedimentation onto adjacent properties will occur:
1. Grading of land for farming.
 2. Nurseries.
 3. Gardening or similar agricultural or horticultural use.
 4. Grading activities in quarries and permitted sanitary landfills.
- B. No land disturbance permit is required for the following activities, provided they are part of a larger common plan of development or sale that would disturb less than one acre throughout the duration of the development, are not located within 25 feet of the boundary of a spring, rim of a sinkhole, cave entrance, wetland, watercourse, stream buffer or 100-year floodplain and do not cause a violation of Missouri Clean Water Law or water quality standards:
1. Grading and repair of existing roads or driveways.
 2. Cleaning and routine maintenance of roadside ditches or utilities.
 3. Utility construction where the width of the disturbed area for trench excavation and backfill is 20 feet or less.
 4. Emergency construction required to repair or replace roads, utilities, or other items affecting the general safety and well being of the public.
 5. Land disturbance for single family residences not part of an overall subdivision plan.
- C. For emergency construction activities which would otherwise be required to obtain a permit and for which remedial construction will take more than 14 calendar days, application for the land disturbance permit must be made within three calendar days from the start of construction.

SECTION 430.186: PERMIT APPLICATION

The land disturbance permit application shall consist of copies of approved Missouri State land disturbance permit, Maps and other documents that were submitted to the State of Missouri Department of Natural Resources.

SECTION 430.187: FEES

The fee for a Land Disturbance permit shall be twenty five dollars (\$25.00).

SECTION 430.188: BONDS & MAINTENANCE ASSURANCES

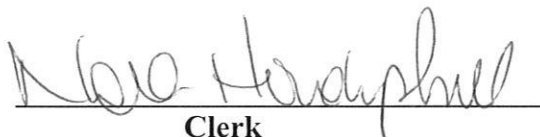
- A. Performance Bonds and Other Assurances for Completion of Stormwater Management Improvements. Upon approval of the Final Stormwater Management Plan, but before the issuance of building permit, the City Building Inspector may require the applicant to post a performance bond, cash escrow, certified check, or other acceptable form of performance security for the amount of the work to be done pursuant to the approved Stormwater Management Plan.
- B. Maintenance Agreement. A maintenance agreement, approved by the Governing Body of the City of Neosho, assuring perpetual maintenance of stormwater management improvements shall be agreed upon by the City and the applicant, if the facilities are to be maintained by the developer.
- C. Maintenance Bond. A two (2) year maintenance bond against defects in workmanship may be required by the City for any portion of the stormwater management improvements dedicated to the public.

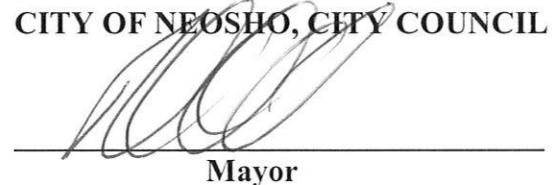
Section 2: All other ordinances and parts of ordinances in conflict herewith are repealed.

Section 3: This ordinance shall be in full force and effect upon final passage and approval.

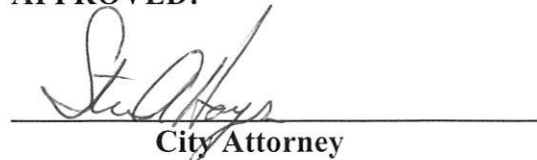
APPROVED after final passage this 20th day of January 2015.

ATTEST:


Clerk

CITY OF NEOSHO, CITY COUNCIL

Mayor

APPROVED:


City Attorney