

Chapter 455. Natural Resource Protection

Section 455.010 Land Disturbance and Erosion Control

A. Applicability

All land disturbances, including residential, commercial and industrial development projects, must provide adequate erosion control to protect public streets, public storm sewer systems, adjacent property and streams from being polluted with mud and silt.

B. Land Disturbance Permit *(Amendment 4 – Ordinance 29137 11.9.2009)*

1. A land disturbance permit is required for any entity, including all public or private entities, that intends to cause or causes a condition that allows for erosion including, but not limited to, stripping vegetation, clearing and grubbing land or creating any type of land disturbance. The contractor, permittee or owner that intends to cause or causes a condition that allows for erosion must apply for a land disturbance permit. A land disturbance permit may only be issued by the City after a preliminary plat or site plan has been approved by the Planning and Zoning Commission and, when required, a land disturbance permit has been issued by the Missouri Department of Natural Resources.
2. All applications for a land disturbance permit must be submitted to the Director of Public Works. Applications for a land disturbance permit must be accompanied by an erosion control plan, a preliminary grading plan, and other information required by the permit application. Where practical, drawings may be combined to contain all the required plans.
3. A permit fee approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the City Clerk's office must be submitted with the land disturbance permit application.
4. The following exceptions do not require a land disturbance permit:
 - a. any grading or excavation for basements, footings, retaining walls or other structures authorized by a valid building permit;
 - b. any land disturbance activity of 2,000 square feet or less;
 - c. refuse disposal sites controlled by other regulations;
 - d. agricultural activities in connection with the production, harvesting, storage, drying or raising of agricultural products and livestock; and
 - e. mining, quarrying, excavating, processing, stockpiling of rock, sand, aggregate or clay where established and provided by law.
5. Nothing in this section may be deemed to supersede permitting requirements imposed by any law, rule or regulation of other Federal, State or local agencies or of the City. In the event of conflict between these requirements and any other such law, rule or regulation, the more restrictive laws, rules or regulations apply.

C. Grading Plan

The grading plan must contain all of the information set forth below.

1. Existing and proposed contours of the entire site taken at two foot intervals to define existing and proposed topography of the entire site. The maximum allowable slope is one foot of vertical rise for three feet of horizontal run (3:1).

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2. Contour lines that extend a minimum of 100 feet off site or sufficient to show on- and off-site drainage.
3. Property lines shown in true location with respect to the plan's topographic information.
4. Location and graphic representation of all existing and proposed natural and manmade drainage facilities including both piped and overland facilities. Overland swales must have a minimum grade of two percent.
5. Name(s), address(es) and telephone number(s) of the person(s) responsible for the preparation of the site plan and grading plan.
6. Location of final surface runoff, erosion and sediment control measures.
7. Location and elevation of any building or structure located within 50 feet of the property boundaries.
8. Other information required by the Director of Public Works or their designee.
9. Show any significant natural resources as identified in the Growth Management Plan.
10. Demonstrate compliance with any natural feature preservation requirements of the Growth Management Plan.

D. Erosion/Sediment Control Plan

1. Erosion and sediment control must be an integral component of any construction project. Erosion and sediment control devices must be installed and functional prior to site clearing and grading.
2. The contractor, permittee or owner must at all times maintain all erosion and sediment control measures in good order and compliance with erosion and sediment control plan for the site and with the City's adopted standards for the duration of the permit. Products resulting from erosion, such as silt and mud, must be contained within the individual lot boundaries or project boundaries.
3. Best management practices (BMP) must be performed throughout the life of the project to prevent water pollution. This work must consist of furnishing, installing, maintaining and removing temporary erosion and sediment control measures as shown on the plans or ordered by the Director of Public Works and/or their designee. The control of water pollution through the use of berms, slope drains, ditch checks, sediment basins, seeding and mulching, straw bales, silt fences and other erosion control devices or methods must be used in accordance with the Missouri Department of Natural Resources, Division of Environmental Quality. Construction of permanent drainage facilities as well as performance of other work that may effectively limit siltation must be accomplished at the earliest practicable time. The Director of Public Works and/or their designee may require the immediate implementation of permanent or temporary erosion and sediment control measures to prevent pollution of adjacent streams or other watercourses, streets, storm sewer systems, lakes, ponds or other areas of water impoundment.
4. The surface area of earth material exposed at one time by clearing and grubbing, by excavation, by fill or by borrow operations may not exceed 750,000 square feet (17.2 acres) without separate written approval of the Director of Public Works. Clearing and grubbing operations must be scheduled and performed so that grading operations and permanent erosion control features will follow immediately thereafter.

5. Additional erosion prevention control measures must be used to correct conditions that develop during construction which were not foreseen during the design stage; that are needed prior to installation of permanent pollution prevention features; or that are needed temporarily to control erosion that develops during normal construction practices but are not associated with permanent erosion and sediment control features on the project.
6. All material stockpiles and storage areas will be subject to all erosion and sediment control provisions in accordance with the Missouri Department of Natural Resources, Division of Environmental Quality.
7. The following information must be provided as part of the erosion and sediment control plan:
 - a. a description of, specifications and detailed plans for surface runoff and erosion control devices;
 - b. a description of vegetative measures and timetable for restoring all disturbed areas;
 - c. a graphic representation of the location of all specified erosion and sediment control measures;
 - d. an implementation schedule for installing and subsequently removing devices described above;
 - e. a maintenance schedule for all sediment and erosion control measures specified; and
 - f. a list of parties responsible for constructing and maintaining the erosion control measures as shown on the plan and as approved by the Director of Public Works and/or their designee. The list must have the phone numbers and addresses of at least two persons indicating how they may be contacted at all times (days, nights, weekends, etc.) regarding repairing and maintaining the erosion control measures.
8. The erosion control plan and calculations must be prepared using Best Management Practices adopted by the Missouri Department of Natural Resources. The plan shall minimize any adverse flood impact. Stormwater detention/retention must be provided to comply with the City's adopted stormwater regulations and to the extent possible to correct any existing on-site stormwater issues.
9. Erosion control measures such as silt fencing shall be removed from the property when no longer necessary to provide erosion control.

E. Implementation of Erosion Control Plan

Prior to the start of earthwork activities, the permittee must have in place and functional all erosion controls as outlined on the approved plan and any additional controls that may be required as directed by the Director of Public Works and/or their designee. No earthwork activities may commence until the erosion controls have been field inspected by the City of Raymore. All erosion control measures must be maintained by the permittee in a functioning and acceptable condition until turf is established and/or structural surfaces are constructed to protect the soil from erosion.

F. Financial Security (*Amendment 4 – Ordinance 29137 11.9.2009*)

Prior to issuance of a permit, the permittee must provide financial security approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the City Clerk's office for performance of the work. The form of the securities must be one or a combination of the following to be determined by the City of Raymore:

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1. The first \$5,000.00 of the financial security must be by cash deposit to the City of Raymore. If at any time during the course of the work this amount falls below the original amount of the deposit, the permittee must deposit the necessary funds to return the cash deposit to a balance of \$5,000.00.
2. The remaining financial security balance may be in the form of cash deposit, letter of credit or bond.
3. The financial security will be released:
 - a. at the time turf is established; and
 - b. all temporary erosion control measures have been removed.

Section 455.020 Erosion Control Enforcement

A. Erosion and Sediment Control *(Amendment 24 - Ordinance 2017-004 2.13.17)*

1. The Department of Public Works, Engineering and the Department of Development Services will handle erosion control/tracking of mud and debris enforcement through the normal routine activities that include inspecting the site, communicating with the contractor, permittee or owner, and issuing written warnings to the contractor, permittee or owner to resolve issues of non-compliance.
2. Upon the Director of Public Works or the designee's determination that erosion control measures are deficient, but not hazardous, or that the contractor, permittee or owner did deposit, spill, drop or track any dirt, earth, mud, rock, sand, shale, debris, rubbish or other material on any right-of-way, the Director of Public Works will notify the contractor, permittee or owner to take remedial action to correct the deficiencies. Notification shall be done by at least one of the following methods:
 - a. personal contact with the contractor, permittee or owner;
 - b. telephone contact with the contractor, permittee or owner;
 - c. email contact with the contractor, permittee or owner; or
 - d. posting notice on the property.

If the deficiencies have not been corrected by 5:00 p.m. the day contact was made, if contact was made between 7:00 a.m. and 12:00 noon, or by 9:00 a.m. the following day contact was made, if contact was made between 12:00 noon and 5:00 p.m., the Director of Public Works or the designee may:

- e. issue a stop work order for the site;
 - f. suspend land disturbance permit(s);
 - g. remedy the deficiencies and bill the contractor, permittee or owner for the actual and administrative costs. If the contractor, permittee or owner fails to reimburse the City for correcting the deficiencies within 30 days, the City of Raymore will draw upon any and all financial securities to cover the actual and administrative costs; and/or
 - h. refer the case to the City Attorney for prosecution.
3. If erosion attributable to deficient erosion control measures or the tracking, depositing or spilling of mud dirt or debris poses an immediate danger to life or property or substantial

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flood or fire hazards, the Director of Public Works or the designee will cause the City to immediately abate the hazardous condition. The contractor, permittee or owner must pay all actual and administrative costs incurred by the City in correcting the hazardous condition within 30 days. If the contractor, permittee or owner fails to pay the City for correcting the hazardous condition, the Director of Public Works may take any or all of the actions listed above.

4. Conviction of any violation enumerated in this section will be subject to the penalties contained in Section 480.030 I.

Section 455.030 Dams, Retention Basins and Siltation Control

Where dams are proposed in any subdivision, they must be designed by a professional engineer registered in the State of Missouri. A preliminary engineering report including soil investigations and design procedures must be submitted to the Director of Public Works for review. When a dam is planned on private property, the engineer must certify that the dam is constructed according to the approved plans and specifications.

Section 455.040 Stream Buffer Protection *(Amendment 19 – Ordinance 2014-063 9.8.14)*

A. Applicability

1. This section applies to all streams within the jurisdiction of the U.S. Army Corps of Engineers except those streams located upon land which:
 - a. is on land covered by an approved, unexpired final plat; or
 - b. is on land covered by an approved, unexpired preliminary plat or preliminary plan; or
 - c. is on land covered by a development agreement containing provisions for post development water quality mitigation and best management practices; or
 - d. is on land being used for agricultural operations.
2. To identify those stream segments to which this section applies, a letter of jurisdictional determination shall be provided from the U.S. Army Corps of Engineers for any property proposed for development.
3. No development shall be approved that proposes disturbance on any parcel of land wholly or partially within the defined stream corridor unless the proposed development is in compliance with the applicable provisions of this section.
4. Except as otherwise provided by this section, the Director of Public Works shall administer, implement and enforce the provisions of this section. The director may delegate any powers or duties granted by this code to other City personnel or authorized representatives.
5. The City is authorized to develop administrative policies and guidelines to implement this section.
6. Stream buffers, as required by this section, are a part of the City's Storm Water Management Program.
7. If a development obtains a CWA Section 404 permit allowing a stream to be relocated or otherwise altered, this section shall apply to the new stream location and order.

B. Buffer and Stream Setback Requirements

Stream buffers required by this section shall meet the following requirements:

1. Plan Requirements

- a.** A buffer plan shall be submitted for all stream segments to which this section applies. The plan shall set forth an informative, conceptual, and schematic representation of the proposed activity so as to enable the City an opportunity to make a reasonably informed decision regarding the proposed activity.
- b.** The delineation of the stream buffer and its component zones shall be shown on any building construction plans, preliminary plat and final plat, as may be required by City Code. The buffer plan shall be submitted in conjunction with the required preliminary plat, or final plat if no preliminary plat is required, and engineering plans for any development and the boundaries of the stream buffer shall be clearly delineated.
- c.** A buffer plan shall contain the following information:
 - (1)** A location or vicinity map showing the limits of the FEMA-delineated 100-year flood limits or the 100-year elevation for areas not identified as special flood hazard areas.
 - (2)** Field-delineated and/or surveyed streams, springs, bodies of water (include a minimum of 150 feet into adjacent properties).
 - (3)** Labels for the stream buffer zones and any structures or activities by the zone where they are to be located.
 - (4)** A plan that specifies the required annual maintenance tasks and procedures necessary to maintain stream buffer health.
 - (5)** A restoration plan identifying the percentage removal of colonizing species of native and non-native trees and shrubs and the replacement of such woody perennial species with desirable hardwood species. The restoration plan shall also specify the requisite herbaceous seed mix required for restoration of the soil where disturbed through tree and shrub removals.
- d.** The stream buffer plan must be approved by the Director of Public Works prior to submittal of the preliminary plat to the Planning and Zoning Commission.

2. Boundary Markers

Boundary markers shall be installed prior to final approval of the required clearing and grading plan.

3. Construction Fencing

Construction fencing shall be placed to delineate the buffer and shall be maintained throughout the construction of the project.

4. Final Plats

All final plats and survey documents prepared for recording shall clearly:

- a.** show the extent of any stream buffer on the subject property.
- b.** provide a note to reference any stream buffer stating: “There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the approved maintenance plan.”
- c.** provide a note to reference any conservation easements governing all stream buffer

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areas stating: “Any stream buffer shown hereon is subject to conservation easements that restrict disturbance and use of these areas.”

C. Design Standards for Stream Buffers *(Amendment 14 – Ordinance 2012-079) (Amendment 19 – Ordinance 2014-063 9.8.14)*

1. A buffer for a stream shall consist of a strip of land extending along both sides of a stream.
2. Stream buffers shall be measured as follows:
 - a. The required width for all stream buffers shall be as follows:

Stream	Minimum Average Buffer Width (feet) Each Side of Stream
First order	50
Second order	90
Third order	100
Fourth order	140
Fifth order	185
Sixth order	300

- b. All buffers are measured from the top of the bank of the stream and are required on each side of the stream.
 - c. If a feature exists wherein it would be impractical to provide a buffer equidistant on each side of the stream bank then the location of the buffer area can be modified, subject to approval by the Director of Public Works.
 - d. The default setback distance is specified in Section 455.040C2. A property owner may choose to submit a Geomorphic Study to justify lesser setback distances. The Geomorphic Study must be completed by a licensed professional trained in such evaluations. Such studies are subject to approval by the Director of Public Works.
3. The buffer shall not be greater than the flood plain limits as shown on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) for Cass County, Missouri Panels 29037C0028F, 29037C0029F, 29037C0034F, 29037C0035F, 29037C0036F, 29037C0037F, 29037C0038F, 29037C0039F, 29037C0041F, 29037C0042F, 29037C0043F and 29037C0044F dated January 2, 2013, as amended, and any future revisions thereto.
4. If stream buffers, or stream channels, are disturbed or destroyed during development or construction activities, they shall be restored using native vegetation or plantings as outlined in the required restoration plan.
5. Except as specifically authorized by the developer’s CWA 404 permit, the following structures, practices, and activities are permitted in the stream buffer, with specific design or maintenance features, subject to the review and approval of the Director of Public Works:
 - a. Activities for the purpose of building any of the following:
 - (1) a stream crossing by a driveway, transportation route or utility line;
 - (2) public water supply intake or public wastewater outfall structures;
 - (3) public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
 - (4) paved foot trails and paths; or

J. Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this section or the requirements of an approved plan may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

K. Notice of Violation

If the City of Raymore determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this section, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this section without having first secured the appropriate approvals therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

1. The name and address of the owner or the applicant or the responsible person;
2. The address or other description of the site upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this code and the date for the completion of such remedial action;
5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
6. A statement that the determination of violation may be appealed to the Director of Public Works by filing a written notice of appeal within 30 days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

L. Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, anyone or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Director of Public Works shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than 10 days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Director of Public Works may take anyone or more of the following actions or impose anyone or more of the following penalties.

1. Stop Work Order

The Director of Public Works may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible

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person to take necessary remedial measures to cure such violation or violations.

2. Withhold Certificate of Occupancy

The City of Raymore may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

3. Suspension, Revocation or Modification of Permit

The Director of Public Works may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Director of Public Works may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

4. Civil Penalties

In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days (or such greater period as the Director of Public Works shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the Director of Public Works has taken one or more of the actions described above, the Director of Public Works may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

5. Criminal Penalties

For intentional and flagrant violations of this section, the Director of Public Works may issue a citation to the applicant or other responsible person, requiring such person to appear in (appropriate municipal, magistrate or recorder's) court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

M. Administrative Appeal and Judicial Review *(Amendment 2 – Ordinance 29073 7.27.2009)*

1. Administrative Appeal

Any person aggrieved by a decision or order of the City, may appeal an enforcement action in writing within 10 days after receipt of such action to the Director of Public Works of the City of Raymore and shall be entitled to a hearing before the Board of Appeals of the City of Raymore within 30 days of receipt of the written appeal.

2. Judicial Review

Any person aggrieved by a decision or order of the City, after exhausting all administrative remedies, shall have the right to appeal de novo to the Municipal Court of the City of Raymore.

Section 455.050 Wetland Protection

- A. All land disturbance activities shall be conducted in accordance with all state and federal laws.