

## Chapter 450. Stormwater Management

how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must be prepared by a registered professional engineer in the State of Missouri and must show whether stormwater will be managed on-site or off-site, and show the general location and type of practices.

The preliminary Stormwater Treatment Facility plan must include: conceptual stormwater management plans, sufficient information to evaluate the existing environmental characteristics of the project site, impacts of the proposed development, preliminary sizing for Stormwater Treatment Facilities, and locations of any proposed access easements or conservation easements, and a description of the maintenance responsibility for proposed stormwater treatment facilities. The Director may set additional minimum submittal requirements.

- B. Final Stormwater Treatment Facility Plan Requirements:** Unless waived by the Director, the application shall obtain City approval for the final Stormwater Treatment Facility plan prior to obtaining a permit. The final Stormwater Treatment Facility plan, in addition to the information from the preliminary Stormwater Treatment Facility plan, shall include all of the information required in the Standards and any other submittal requirements as determined by the Director.
- C. Landscaping and Stabilization Requirements:** The landscape plan for permitting purposes shall include all of the following:
1. Vegetative stabilization and management techniques to be used at a site after construction are completed.
  2. An explanation of how the site will be stabilized after construction.
  3. Identify the responsible party for the maintenance of vegetation at the site.
  4. Identify the practices that will be employed to ensure adequate vegetative cover is preserved.
  5. The design is prepared by a registered landscape architect in the State of Missouri.
  6. The design is approved prior to receiving a permit to construct the Stormwater Treatment Facility.

### Section 450.090 Permit Procedures, Requirements, and Performance Surety

- A. Permit Required:** No person shall receive any permits for building, grading or other land Development without meeting the requirements of this chapter. Generally, permits for Stormwater Treatment Facility construction will be completed under the authorization of a building, site Development, or land disturbance permit. Application requirements and procedures are described in Chapter 455 and Chapter 470 of the Code.
- B. Construction Plan Requirements:** The Director shall have the authority to set minimum construction plan submittal requirements by written policy or checklist.
- C. Performance Surety Required:** The Director shall require the submittal of a performance surety in the form of an irrevocable letter of credit, surety bond, cash deposit or similar guarantee. If a letter of credit is provided, it shall be on the form as prescribed by the Director. The amount of the performance surety shall be 1.25 times the total construction cost of the Stormwater Treatment Facility as estimated by the project designer and approved by the Director.

**Performance Surety Waiver for Single Lot Developments:** If Stormwater Treatment Facilities only serve a single building and lot and a building is being constructed, a performance surety may be waived by the Director provided all Stormwater Treatment Facilities are constructed and certified prior to issuance of a Certificate of Occupancy. When seasonal or environmental conditions cause a

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delay in constructing the Stormwater Treatment Facilities, the Director may approve issuing a Certificate of Occupancy provided a performance surety is posted in accordance with this section.

- D. Release of Performance Surety:** The performance surety will be released only when all of the following conditions have been met:
- 1.** At least 90% of the land area served by the Stormwater Treatment Facilities has permanent stabilization in place.
  - 2.** All of the Stormwater Treatment Facilities covered by the surety have been constructed and certified in accordance with this chapter.
  - 3.** If the Stormwater Treatment Facility is constructed prior to final stabilization of at least 90% of the land area served by the facility, and the most recent certification of the facility is more than 90 days old, an updated certification shall be required to verify that the facility is fully functional.
- E. Maintenance Surety:** Prior to issuance of a final certificate of occupancy, the Director shall require the submittal of an irrevocable letter of credit, surety bond, cash deposit, or similar guarantee for required maintenance to the Stormwater Treatment Facility. The Landowner shall be responsible for all regular maintenance and repairs to the Stormwater Treatment Facility while the maintenance surety is in effect including, but not limited to, repairs necessary due to damage caused by intentional or unintentional acts of others. The maintenance surety shall be in the amount as required below and can be utilized for any maintenance or rehabilitation costs associated with the Stormwater Treatment Facility deemed necessary by the City, including, but not limited to, removal of siltation, mowing, replacement of vegetation, piping repairs, replacement of underdrains, other repairs to the facility, and any administrative or engineering costs associated with such maintenance and repairs. Maintenance sureties shall conform to the following:
- 1.** For a period of two (2) years from the date of initial certification of the Stormwater Treatment Facility the maintenance surety shall be in the amount of 50% of the construction costs and:
    - a.** If the maintenance surety is in the form of a maintenance bond, it shall remain in effect for a period of two (2) years following initial certification of the Stormwater Treatment Facility.
    - b.** If the maintenance surety is in the form of a letter of credit, the contractor or Developer shall deposit with the City's Finance Director an irrevocable letter of credit from an acceptable financial institution payable to the City, collectable no later than two (2) years from the date of initial certification of the Stormwater Treatment Facility.
    - c.** If the maintenance surety is in the form of cash, or letter of credit, all remaining money and any interest accrued thereon shall be returned to the contractor no later than three (3) years after the date of initial certification of the Stormwater Treatment Facility.
  - 2.** Prior to expiration of the 2-year maintenance surety the Landowner shall submit a long-term maintenance surety in an amount determined by the Director to be the estimated annual cost of maintenance of the Stormwater Treatment Facility during the time period which the designated party in the Maintenance Agreement has maintenance responsibility. If the responsibility for maintenance is passed on to another entity the Director shall release the portion of the financial guarantee under this section, less any costs incurred by the Director, at such time that the new entity responsible for maintenance has submitted a new maintenance surety.

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**F. Timing of Stormwater Treatment Facility Construction:** Stormwater Treatment Facilities shall be constructed as early as feasible during the Development process. However, since some commonly used Stormwater Treatment Facilities are sensitive to construction generated silt when upstream areas are under construction, the following provisions are allowable for timing of such Facility construction:

1. For a Stormwater Treatment Facility serving a single building lot, the Facility shall be constructed concurrently with the Development of the site and building, subject to exceptions set forward in Section 450.040 of this chapter.
2. When Stormwater Treatment Facilities serve multiple Development lots within a common plan of Development, a Stormwater Treatment Facility can be final graded and permanent vegetation installed only after 90% of the land area served by the Facility has achieved permanent stabilization unless the Director approves a shortened schedule. Additionally, Stormwater Treatment Facilities must be installed and certified within six (6) months of permanent stabilization of the entire land area served by the Facility. Land area served by the Facility shall mean those areas served by the Facility within the common plan of Development and shall not include offsite areas even if they are tributary to the Facility.
3. For Stormwater Treatment Facilities serving multiple Development lots with a common plan of Development, no Certificate of Occupancy shall be issued for any building or site unless a permit has been issued authorizing construction of a required Facility to serve the building or site.

**G. Failure to Construct a Required Stormwater Treatment Facility:** When construction of a Stormwater Treatment Facility is delayed beyond the limits as provided in this section, the Director may utilize any or all of the following enforcement mechanisms:

1. Draw upon performance surety funds as necessary to construct the Stormwater Treatment Facility. In the event that the performance surety funds are not adequate to cover all costs associated with construction of said Facility, the Director may assess the property owners for any additional costs in accordance with Section 450.110G of this chapter.
2. Withhold issuance of building permits for properties proposed to be served by such Stormwater Treatment Facility.
3. Withhold issuance of Certificate of Occupancy or Certificates of Compliance for permitted work that is proposed to be served by such Stormwater Treatment Facility.
4. Issue Stop Work Orders for permitted work for any or all property that is proposed to be served by such Stormwater Treatment Facility.

### Section 450.100 Construction Inspections

**A. Inspections:** Regular inspections of the Stormwater Treatment Facility construction shall be the responsibility of the project designer or other owner's representative who has been approved by the Director and inspection results forwarded to the City. For certain types and locations of Stormwater Treatment Facilities, the Director may at his discretion require additional or parallel inspections by City staff. A final inspection by the City is required before the release of any performance sureties can occur.

**B. Post Construction Certification:** Prior to refunding of performance securities, the project designer, or other party approved by the Director, must certify that the Stormwater Treatment Facility is fully functional and has been installed in accordance with the approved plans. For Developments not

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requiring a performance surety, the certification shall be made prior to issuance of a Final Certificate of Occupancy or Certificate of Compliance.

**Section 450.110 Maintenance and Repair of Facilities**

- A. Required Maintenance Agreement:** Prior to issuance of any permit that includes construction of a Stormwater Treatment Facility, the applicant or Landowner of the site shall provide a Maintenance Agreement for approval by the Director. At a minimum, the Maintenance Agreement shall:
1. Identify the responsible party for maintaining all Stormwater Treatment Facilities.
  2. Include an attachment showing the locations and dimensions of all Stormwater Treatment Facilities.
  3. Provide access for the responsible party to maintain all Stormwater Treatment Facilities, as well as right of access to the City as provided in other sections of this chapter.
  4. Establish minimum frequency and levels of maintenance to be done.
  5. Identify and itemize anticipated annual maintenance expenditures, periodic major maintenance items, facility replacement costs, and expected facility lifetime, so that the responsible party may better plan for future maintenance costs.
  6. Establish the frequency of inspections to meet or exceed the requirements of this chapter.
7. Identify resources available to provide maintenance.
8. Identify prohibited practices and homes or business association enforcement process for restoration.
  9. Identify the City's rights in the event that the responsible party fails or is unable to perform any of the obligations of the Maintenance Agreement.
  10. Clarify how modifications or additions can be made to the Maintenance Agreement.
  11. Be filed as a covenant to the recorded deeds of all lots to enforce the imposition of any special tax assessment that may be necessary to maintain Stormwater Treatment Facilities if the responsible party fails or is unable to perform any of the obligations in the Maintenance Agreement.
- B. Formation of Homes or Business Association:** The Landowner or Developer may form a homes or business association prior to the sale of any lots, and the homes or business association covenants may include, or reference, the provisions of the approved Maintenance Agreement. The homes association or business association covenants shall include provisions collecting maintenance costs for Stormwater Treatment Facilities to comply with the requirements of this section and Section 450.060C
- C. Notice on Plat or Title:** The final plat and homes or business association deed restrictions shall contain language approved by the Director to provide notice of facility presence and maintenance obligations. Said deed restriction shall be recorded with the Cass County Recorder concurrent or prior to recording of the final plat or approval of the final plans. The notice shall run with the land and failure to provide this notice to any purchaser prior to transferring any interest in the property shall be in violation of this chapter. The notice shall be in a form approved by the Director and substantially as set forth below:

“Notice: This site includes Stormwater Treatment Facilities, as defined and regulated in the Raymore

Municipal Code. Restrictions on the use or alteration of the said Facilities may apply. This property

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is also subject to the obligations and requirements of the Stormwater Treatment Facility Maintenance Agreement approved by the City.”

When the proposal involves a final plat, this notice shall appear on the face of the plat, as recorded. When the proposals do not involve a final plat, the notice shall be in the form of a notice of presence recorded with the Cass County Recorder, and the notice shall include the legal description of the property, the current owner, the application date and other reference to the project, and the notarized signature of the property owner or owners.

**Maintenance Inspections and Certifications by Property Owner:** The property owners of all Stormwater Treatment Facilities, except for distributed Facilities serving individual residential lots, must submit a maintenance certification report to the City, at the minimum of one (1) year following initial certification, and subsequently every two (2) years thereafter, or as required by the Director.

The maintenance certification report shall be completed and sealed by a registered professional engineer in the State of Missouri, unless the Director approves other qualified professionals to perform these duties. Such maintenance certification report shall document each item including, but not limited to, the need for removal of silt, litter and other debris, grass cutting, removal of undesirable vegetation, and replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the Director, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the Stormwater Treatment Facility.

- D. City Inspection of Stormwater Treatment Facilities:** The City may establish an inspection program, including but not limited to: routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or Pollutants, inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or Pollutants or with discharges of a type which are more likely than the typical discharge to cause violation of state or federal water or sediment quality standards or the NPDES Stormwater permit, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records, sampling discharges, surface water, groundwater, and material or water in drainage control facilities, and evaluating the condition of drainage control facilities and other Stormwater treatment practices.
- E. Right of Entry for Inspection:** When any Stormwater Treatment Facility is installed on private property, or when any new connection is made between private property and a public storm sewer system, the property owner shall grant to the City in a manner and form acceptable to the Director, the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this chapter is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this chapter.
- F. Records of Installation and Maintenance Activities:** Parties responsible for the operation and maintenance of a Stormwater Treatment Facility shall make records of the installation and all maintenance and repairs, and shall retain the records for at least five (5) years. These records shall be made available to the Director during inspection of the Facility and at other reasonable times upon request.
- G. Failure to Maintain Practices:** If a responsible party fails or refuses to meet the requirements of the

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standards or maintenance needs by performing all necessary work to place the Facility in property working condition. In the event that the Stormwater Treatment Facility becomes a danger to public safety or public health, the Director shall notify the party responsible for maintenance of the Stormwater Treatment Facility in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the Facility in an approved manner. In the event of an emergency, when the Director determines that the Facility poses an immediate danger to life or property, no notification period shall be required prior to beginning mitigation work. After proper notice, the Director will enforce the maintenance provisions of this chapter with any or all of the following enforcement measures:

1. Notice of Violation: The Director is authorized to serve a Notice of Violation or order on any person or entity responsible for maintaining the Facility. Such Notice shall order abatement of the violation by the responsible person or entity.
2. Special Assessment on Property: The Director may assess the owner(s) of the Facility for the cost of repair work and any penalties; and the cost of the work shall be added as a special tax assessment on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the County.

#### Section 450.120 Enforcement and Penalties

- A. Violations: Any person or entity violating any provision of this chapter is guilty of a misdemeanor and shall be subject to penalties as provided in the Raymore Municipal Code. The Director shall be permitted to cite the owner, or any/all persons identified on the permit as being legally responsible to the City for any violations of this chapter pertaining to that permit.
- B. Restoration of Lands: Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Director may take necessary corrective action, of which the cost to the City shall be added as a special tax assessment on the property.

#### Section 450.130 Miscellaneous

- A. Compatibility with Other Permit and Ordinance Requirements: This chapter is not intended to interfere with, abrogate, or annul any other chapter, rule or regulation, statute, or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.
- B. Severability: If the provisions of any article, section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this chapter.
- C. Authority: The Director shall be responsible for the administration and enforcement of this chapter. The Director shall have the authority to adopt regulations, policies and procedures as necessary for the enforcement of this chapter.

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