

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

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 Maintenance Agreement, the Director, after reasonable notice, may correct a violation of the

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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