

NOTICE OF STORMWATER CODE CHANGE

**Title V, Chapter 505, Article I, General Provisions;
Article II, Land Disturbance and Stormwater Management; And
Article V, Stormwater Design Requirements**

See attached Ordinance 24-0371 and supporting documents for more information.

BILL NO.: 24-0974

ORDINANCE NO.: 24-0371

INTRODUCED BY COUNCIL MEMBER(s)

Graetzke

**AN ORDINANCE AMENDING TITLE V, CHAPTER 505, ARTICLE I,
GENERAL PROVISIONS; ARTICLE II, LAND DISTURBANCE AND
STORMWATER MANAGEMENT; AND ARTICLE V, STORMWATER DESIGN
REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.**

WHEREAS, on April 2, 2008, the County Commission of the County of Jefferson, Missouri, approved and adopted Title V, Chapter 505, Articles I, II and V, for the purpose of Erosion and Sediment Control and Land Disturbance and Stormwater Management and Design; and,

WHEREAS, on December 29, 2010, the Jefferson County, Missouri, Council enacted Ordinance Number 10-0419 codifying the Ordinances of Jefferson County, Missouri, including the Erosion and Sediment Control / Stormwater Management Design Manual; and,

WHEREAS, upon enactment of Ordinance Number 10-0419, the Erosion and Sediment Control/Stormwater Management Design Manual became codified as Title V, Chapter 505 of the Code of Ordinances of Jefferson County, Missouri; and,

WHEREAS, amendments have been prepared to Title V, Chapter 505, Articles I, II and V, of the Code of Ordinances of Jefferson County, Missouri: General Provisions; Land Disturbance and Stormwater Management; and Stormwater Design Requirements;

FILED

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and

WHEREAS, the proposed amendments are recommended to modify the County's criteria, requirements and performance standards for land disturbance activity and permitting; discharges and prevention of stormwater and pollutants; and erosion and sediment controls; and,

WHEREAS, the Jefferson County, Missouri, Council finds that it is necessary and in the best interests of the citizens of Jefferson County to adopt amendments to Title V, Chapter 505, Articles I, II and V of the Code of Ordinances of Jefferson County: General Provisions; Land Disturbance and Stormwater Management; and Stormwater Design Requirements, as recommended by the Stormwater Division of the Jefferson County, Missouri, Department of Public Works and referenced herein as Exhibit "A"; and,

WHEREAS, a Public Notice for the proposed Chapter 505 code changes was advertised in 2 local newspapers on September 5, September 6, and September 13, 2024; on the County website, and posted in a public place in each Council district. County residents or other interested parties were allowed to view the proposed Code changes and offer any comments or submit questions during this time period.

**BE IT ENACTED BY THE JEFFERSON COUNTY, MISSOURI,
COUNCIL, AS FOLLOWS:**

Section 1. The Jefferson County, Missouri, Council hereby accepts the recommendations of the Stormwater Division of the Jefferson County, Missouri,

Department of Public Works.

Section 2. The Code of Ordinances of Jefferson County, Missouri, Title V, Chapter 505, Article I, General Provisions; Article II, Land Disturbance and Stormwater Management; and Article V, Stormwater Design Requirements are hereby amended as set forth in Exhibit A.

Section 3. This Ordinance shall be in full force and effect thirty (30) days after it is published in full in a legal publication in the County and posted in a public place in each Council District and on a County sponsored web page on the Internet in electronic form.

Section 4. The Code of Ordinances of Jefferson County shall be amended to reflect passage of this Ordinance.

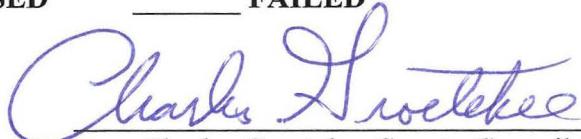
Section 5. If any part of this Ordinance is invalid for any reason, such invalidity shall not affect the remainder of this Ordinance.

THIS BILL BEING DULY INTRODUCED, THE MEMBERS OF THE
JEFFERSON COUNTY, MISSOURI, COUNCIL VOTED AS FOLLOWS:

Council Member District 1, Brian Haskins	<u>Yes</u>
Council Member District 2, Gene F. Barbagallo	<u>Yes</u>
Council Member District 3, Lori Arons	<u>Yes</u>
Council Member District 4, Charles Groeteke	<u>Yes</u>
Council Member District 5, Scott Seek	<u>Absent</u>
Council Member District 6, Tim Brown	<u>Yes</u>
Council Member District 7, Bob Tullock	<u>Yes</u>

THE ABOVE BILL ON OCTOBER 15, 2024:

X PASSED FAILED



Charles Groeteke, County Council Chair



Cherlynn Boyer, Council Executive Assistant

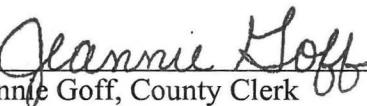
THIS BILL WAS APPROVED BY THE JEFFERSON COUNTY EXECUTIVE AND ENACTED AS AN ORDINANCE OF JEFFERSON COUNTY, MISSOURI, THIS 22 DAY OF October, 2024

THIS BILL WAS VETOED AND RETURNED TO THE JEFFERSON COUNTY, MISSOURI, COUNCIL WITH WRITTEN OBJECTIONS BY THE JEFFERSON COUNTY EXECUTIVE, ON _____.



Dennis J. Gannon, Jefferson County, Missouri, Executive

ATTEST:



Jeannie Goff, County Clerk

BY: 

First Reading: 9/23/2024

Second Reading: 10/15/24

Third Reading: 10/15/24

DELETE FROM SECTION 505.010 Purpose, Scope Of Authority And Performance Guarantee.

B. Scope Of Authority. Any person, firm, corporation or business proposing to have land disturbance of one (1) acre or more within the urban area boundary of the unincorporated limits of Jefferson County shall apply to the Department of Public Works for approval of a grading plan and a SWPPP and issuance of a land disturbance permit as required under Article II, Land Disturbance and Stormwater Management. The urban area boundary shall be as defined on the latest edition of the functional classification maps for Jefferson County, Missouri, as published by the East-West Gateway Council of Governments.

Within the same jurisdictional limits, any common plan of development or sale where the total disturbance within the development would equal one (1) acre or more in combination of all lots being developed individually, shall require an overall comprehensive disturbance permit sponsored by the original developer. Additionally, any development outside of the urban area boundary with greater than fifteen (15) acres of land disturbance area shall also require a land disturbance permit.

ADD TO SECTION 505.010 Purpose, Scope Of Authority And Performance Guarantee.

B. Scope Of Authority. Any person, firm, corporation or business proposing to have land disturbance of five-thousand (5000) square feet or more within the urban area boundary of the unincorporated limits of Jefferson County shall apply to the Department of Public Works for approval of a grading plan and a SWPPP and issuance of a land disturbance permit as required under Article II, Land Disturbance and Stormwater Management. The urban area boundary shall be as defined on the latest edition of the functional classification maps for Jefferson County, Missouri, as published by the East-West Gateway Council of Governments.

Within the same jurisdictional limits, any common plan of development or sale where the total disturbance within the development would equal five-thousand (5000) square feet or more in combination of all lots being developed individually, shall require an overall comprehensive disturbance permit sponsored by the original developer. Additionally, any development outside of the urban area boundary with greater than fifteen (15) acres of land disturbance area shall also require a land disturbance permit.

DELETE FROM SECTION 505.150 Definitions.

LAND DISTURBANCE ACTIVITY

Any act other than those related to agricultural activity by which soil is moved and land changed that may result in erosion or the movement of sediments and may include tilling, clearing, grading, excavating, stripping, stockpiling, filling and related activities and the covering of land surfaces with an impermeable material. A land disturbance permit is required when one (1) acre or more of land is disturbed.



PERMIT

The land disturbance permit issued by the Director authorizing land disturbance activities of one (1) acre or more in accordance with the requirements of this Chapter.

ADD TO SECTION 505.150 Definitions.

DISCHARGE

The flow and/or concentration of uncontaminated stormwater from downspouts or sump pumps or other pumps or mechanical devices.

LAND DISTURBANCE ACTIVITY

Any act other than those related to agricultural activity by which soil is moved and land changed that may result in erosion or the movement of sediments and may include tilling, clearing, grading, excavating, stripping, stockpiling, filling and related activities and the covering of land surfaces with an impermeable material. A land disturbance permit is required when five-thousand (5000) square feet or more of land is disturbed within the urban area boundary of the unincorporated limits of Jefferson County or greater than fifteen (15) acres if outside the urban area boundary.

PERMIT

The land disturbance permit issued by the Director authorizing land disturbance activities of five-thousand (5000) square feet or more within the urban area boundary of the unincorporated limits of Jefferson County or greater than fifteen (15) acres if outside the urban area boundary in accordance with the requirements of this Chapter.

DELETE FROM SECTION 505.180 Phase II Storm Water National Pollutant Discharge Elimination System (NPDES)

N. All discharges of uncontaminated stormwater from downspouts or sump pumps shall discharge at a minimum of five (5) feet from the property line. If a concentration of water creates erosion, rip rap or some other form of a diffuser shall be utilized to minimize damage to any adjoining property.

ADD TO SECTION 505.180 Phase II Storm Water National Pollutant Discharge Elimination System (NPDES)

N. No discharge of uncontaminated stormwater from downspouts, sump pumps, or other pumps or mechanical devices shall discharge in a manner that causes erosion upon, damage to, or concentration of water upon property adjoining the property from which the discharge occurs.

1. Prior to the issuance of a citation, summons, or notice of violation of this subsection, the Director of Public Works or his or her representative may give the owner, occupant, or lessee of the property from which the discharge is occurring an opportunity to abate the discharge by installing rip rap or some other form of diffuser.

2. If the Director of Public Works or his or her representative elects to provide the owner, occupant, or lessee with an opportunity to so abate then prior to issuing a citation, summons, or notice of violation the Director of Public Works or his or her representative shall serve notice to the owner, occupant, or lessee either personally or by certified mail, return receipt requested, and by posting such notice on the property. Such notice shall, at a minimum, state:

a. The owner, occupant, or lessee of this property must commence action, within thirty (30) days of the date of this notice, to abate the discharge of water present on this property by installing rip rap or some other form of a diffuser. The owner, occupant, or lessee shall be directed to please notify the Director of Public Works, Jefferson County, Missouri, upon commencement of the action.

3. Any person so notified shall be given thirty (30) days to commence the action required by the notice. The notice may include a reasonable time in which the required action shall be completed. If, in the judgment of the Director of Public Works or his or her representative, it is determined to be necessary to extend the time to complete the abatement required by the notice provided herein, the Director of Public Works shall specify the extension date in writing, and serve an additional notice of the date to which the extension is made.

4. In the event that the owner, occupant or lessee fails to abate the discharge the Director of Public Works may issue a citation or notice of violation.

5. The Director of Public Works or his or her representative is not required to provide the owner, occupant, or lessee with an opportunity to abate the discharge prior to the issuance of a citation, summons, or notice of violation. However, the Director or his or her representative should consider the effect and extent of the discharge before making the determination of whether to issue a citation, summons, or notice of violation without first providing an opportunity to abate the discharge.

DELETE FROM SECTION 505.190 Land Disturbance Permit

A. Permit Required. No person may engage in any land disturbance activity, including persons engaged in land disturbance activity related to utility installation or maintenance, without first obtaining a land disturbance permit from the County, except as provided in this Chapter. All new or redevelopment projects disturbing one (1) acre or greater, including projects less than one (1) acre that are part of a larger common plan of development or sale, are required to install structural or non-structural Best Management Practices (BMPs) which address the

quality of long-term stormwater runoff and effectively remove stormwater pollution. BMPs will be designed and implemented to prevent or minimize water quality impacts.

ADD TO SECTION 505.190 Land Disturbance Permit.

A. Permit Required. No person may engage in any land disturbance activity, including persons engaged in land disturbance activity related to utility installation or maintenance, without first obtaining a land disturbance permit from the County, except as provided in this Chapter. All new or redevelopment projects disturbing five-thousand (5,000) square feet or greater are required to obtain a land disturbance permit. Land disturbance activities that disturb five-thousand (5,000) square feet to less than one (1) acre are generally not required to implement permanent water quality Best Management Practices (BMPs) unless the Director of Public Works determines that a permanent BMP such as a swale, ditch, check dam or other similar measure is necessary, or unless they are part of common plan of development or sale. Land disturbance activities of one (1) acre or more, including projects less than one (1) acre that are part of a larger common plan of development or sale, are required to install structural or non-structural Best Management Practices (BMPs) which address the quality of long-term stormwater runoff and effectively remove stormwater pollution. BMPs will be designed and implemented to prevent or minimize water quality impacts.

DELETE FROM SECTION 505.190 Land Disturbance Permit

C. Exemptions. A permit is not required under this Chapter for the following:

1. Any land disturbance activity that disturbs or will, in the course of the subject development, disturb less than one (1) acre of surface area. This does not preclude preventive measures that need to be taken to prevent an increase in site erosion, water runoff, siltation or other drainage to neighboring properties. This exemption does not apply when the development is part of a common plan or sale. Where it is determined that erosion measures are not being taken, the Director may revoke application of this exemption to subject site.

ADD TO SECTION 505.190 Land Disturbance Permit

C. Exemptions. A permit is not required under this Chapter for the following:

1. Any land disturbance activity that disturbs or will, in the course of the subject development, disturb less than five-thousand (5,000) square feet of surface area. This does not preclude preventive measures that need to be taken to prevent an increase in site erosion, water runoff, siltation or other drainage to neighboring properties. This exemption does not apply when the development is part of a common plan or sale. Where it is determined that erosion measures are not being taken, the Director may revoke application of this exemption to subject site.

DELETE FROM SECTION 505.190 Land Disturbance Permit

E. Fee. Before issuance of a permit, the applicant shall pay a fee to cover the cost of administration, plan review, inspection services and any other costs associated with the permit process. The fee shall be as set by the County Council as seen in the following table. It shall be paid to the Department of Public Works with the application.

Size of Land Disturbance	Land Disturbance Permit Fee
<1 acre	=\$200
1 to 3 acres	=\$500 + \$50/acre = \$1000 + \$50/acre
>3 to 10 acres	= \$1500 + \$25/acre* (# acres disturbed — 10 acres)
>10 to 25 acres	= \$1875 + \$10/acre * (# acres disturbed — 25 acres)
>25 acres or more	

The Land Disturbance Permit Fee includes inspection fees @ < 1 acre = 6 hours, 1 — 3 acres = 20 hours and >3 acres = 40 hours

ADD TO SECTION 505.190 Land Disturbance Permit

E. Fee. Before issuance of a permit, the applicant shall pay a fee to cover the cost of administration, plan review, inspection services and any other costs associated with the permit process. The fee shall be as set by the County Council as seen in the following table. It shall be paid to the Department of Public Works with the application. Upon passage of this Ordinance, the fee set forth in the schedule immediately following shall take effect and continue in effect through calendar year 2025. Commencing January 1, 2026 the fees in the second schedule, set forth below, shall take effect.

Size of Land Disturbance	Land Disturbance Permit Fee
<u>5000SF to <1 acre</u>	= <u>\$250</u>
1 to 3 acres	= <u>\$750</u> + \$50/acre
>3 to 10 acres	= <u>\$1500</u> + \$50/acre
>10 to 25 acres	= <u>\$2250</u> + \$25/acre* (# acres disturbed — 10 acres)
>25 acres or more	= <u>\$2750</u> + \$10/acre * (# acres disturbed — 25 acres)

The Land Disturbance Permit Fee includes inspection fees @ 5000SF to <1 acre = 6 hours, 1 — 3 acres = 20 hours and >3 acres = 40 hours

Fee Schedule to take effect January 1, 2026:

Size of Land Disturbance	Land Disturbance Permit Fee
	= <u>\$300</u>
<u>5000SF to <1 acre</u>	= <u>\$1000</u> + \$50/acre
1 to 3 acres	= <u>\$2000</u> + \$50/acre
>3 to 10 acres	= <u>\$3000</u> + \$25/acre* (# acres disturbed — 10 acres)
>10 to 25 acres	= <u>\$3750</u> + \$10/acre * (# acres disturbed — 25 acres)
>25 acres or more	

The Land Disturbance Permit Fee includes inspection fees @ 5000SF to <1 acre = 6 hours, 1 — 3 acres = 20 hours and >3 acres = 40 hours

DELETE FROM SECTION 505.190 Land Disturbance Permit

I. Assignment Or Transfer.

1. If the permittee sells the property before the termination of the permit, a new permit will be issued for the new owner of the site upon application therefor, provided the original permittee is not in violation of any County code, ordinance or regulation.
2. If the permittee sells any portion of the property before the termination of the permit, the permittee will remain responsible for that portion of the property until the new owner of the property obtains a permit in compliance with County requirements.
3. A new owner disturbing more than one (1) acre of a portion of property covered by an approved plan for which a completion certificate has not been issued shall obtain a land disturbance permit before engaging in further land disturbance activities as required by this Chapter.

ADD TO SECTION 505.190 Land Disturbance Permit

I. Assignment Or Transfer.

1. If the permittee sells the property before the termination of the permit, a new permit will be issued for the new owner of the site upon application therefor, provided the original permittee is not in violation of any County code, ordinance or regulation.
2. If the permittee sells any portion of the property before the termination of the permit, the permittee will remain responsible for that portion of the property until the new owner of the property obtains a permit in compliance with County requirements.
3. A new owner disturbing five-thousand (5000) square feet or more of a portion of property covered by an approved plan for which a completion certificate has not been issued shall obtain a land disturbance permit before engaging in further land disturbance activities as required by this Chapter.

DELETE FROM SECTION 505.220 Storm Water Pollution Prevention Plan (SWPPP)

Subject to Section 505.200(A), as a part of each application, an applicant shall submit a SWPPP that is drawn to an appropriate engineering scale and that includes sufficient information to evaluate the environmental characteristics of the affected area, to assess the potential impacts of the proposed land disturbance on water resources and identify proposed methods to minimize on-site soil erosion and prevent off-site sedimentation to the maximum extent practicable, including disturbance of topsoil and limitation on disturbance and areas preserved as buffer strips designated to protect drainage courses. The SWPPP shall contain all the information specified herein and meet all the erosion and sediment control design criteria established pursuant to Section 505.170.

ADD TO SECTION 505.220 Storm Water Pollution Prevention Plan (SWPPP).

A. Erosion and Sediment Control Plan Guidance Checklist for Site Disturbance for one (1) acre or more.

Subject to Section 505.200(A), as a part of each application for a project that will disturb one (1) acre or more an applicant shall submit a SWPPP that is drawn to an appropriate engineering scale and that includes sufficient information to evaluate the environmental characteristics of the affected area, to assess the potential impacts of the proposed land disturbance on water resources and identify proposed methods to minimize on-site soil erosion and prevent off-site sedimentation to the maximum extent practicable, including disturbance of topsoil and limitation on disturbance and areas preserved as buffer strips designated to protect drainage courses. The SWPPP shall contain all the information specified herein and meet all the erosion and sediment control design criteria established pursuant to Section 505.170.

B. Erosion and Sediment Control Plan Guidance Checklist for Site Disturbance 5,000 square feet or more but less than one (1) acre.

As part of each application for a project that will disturb five-thousand (5,000) square feet or more but less than one (1) acre (excluding those sites that fall under the requirements of a larger common plan of development or sale) an applicant shall submit a SWPPP as part of its site plan. The SWPPP shall contain the following:

- 1. Existing and proposed contours.**
- 2. Drainage facilities and methods for preserving the natural watercourse and patterns of drainage. Residential lots shall direct stormwater discharges to the street where practical and not onto adjacent properties.**
- 3. Identify limits of any areas to be disturbed by the proposed construction.**
- 4. Amount of current impervious coverage and proposed impervious coverage.**
- 5. Methods to mitigate additional impervious coverage and/or address drainage issues on the site.**
- 6. Connection to storm sewer and/or method of controlling storm water runoff on site.**
- 7. Best Management Practices to reduce sediments and other pollutants associated with construction activities. Provide necessary details and maintenance requirements for Best Management Practices on the plans.**

- Concrete Washouts are required where any concrete work will be performed.
 - Construction entrances are required for all sites where construction equipment will be entering or exiting the disturbed areas.
 - Straw bales are typically not allowed and will only be considered with the approval of the Director of Public Works.
8. Location of siltation fences, mulch berms, and other runoff prevention methods (as well as other items as required by the site plan review process) and plans for maintenance of these installations during construction;
- The plan shall locate and provide protection for street inlets immediately downstream of any construction entrance.
 - Provide inlet protection for all existing and proposed inlets receiving runoff from disturbed areas.
9. Schedule of street and sidewalk cleaning to alleviate mud and dirt on public right-of-way.
- The plan shall provide a minimum inspection and cleaning requirement of once per day.
10. Seal of a registered professional engineer in the State of Missouri.
11. Bench mark information from the site survey.
12. Other information as required by the Director of Public Works.

DELETE FROM SECTION 505.280 Permittee's Responsibility.

- A. General. Land disturbance activity may not proceed until a land disturbance permit has been issued by the County. All work must be performed in accordance with a sequence shown on the approved plan and/or work schedule or a revised sequence that shall be set forth in the SWPPP by the applicant.

All new or redevelopment projects disturbing one (1) acre or greater, including projects less than one (1) acre that are part of a larger common plan of development or sale, are required to install structural or non-structural Best Management Practices (BMPs) which address the quality of long-term stormwater runoff and effectively remove stormwater pollution. BMPs will be designed and implemented to prevent or minimize water quality impacts.

A person must not initiate land disturbance activities sufficiently close to the property line so as to endanger any adjoining property, including a public street, sidewalk or alley. The adjoining property should be supported and protected from damage that may result from land

disturbance activities including settling, cracking or vegetative damage. If, in the opinion of the Director, the land disturbance activity creates a hazard to life or property, which is not adequately safeguarded, the permittee must construct walls, fences, guardrails or other structures to safeguard the adjoining private property or public street, sidewalk, alley or other public property and persons, as the Director may require.

ADD TO SECTION 505.280 Permittee's Responsibility.

A. General. Land disturbance activity may not proceed until a land disturbance permit has been issued by the County. All work must be performed in accordance with a sequence shown on the approved plan and/or work schedule or a revised sequence that shall be set forth in the SWPPP by the applicant.

All new or redevelopment projects disturbing five-thousand (5000) square feet or greater, including projects less than one (1) acre that are part of a larger common plan of development or sale, are required to install structural or non-structural Best Management Practices (BMPs) which address the quality of long-term stormwater runoff and effectively remove stormwater pollution. BMPs will be designed and implemented to prevent or minimize water quality impacts.

A person must not initiate land disturbance activities sufficiently close to the property line so as to endanger any adjoining property, including a public street, sidewalk or alley. The adjoining property should be supported and protected from damage that may result from land disturbance activities including settling, cracking or vegetative damage. If, in the opinion of the Director, the land disturbance activity creates a hazard to life or property, which is not adequately safeguarded, the permittee must construct walls, fences, guardrails or other structures to safeguard the adjoining private property or public street, sidewalk, alley or other public property and persons, as the Director may require.

DELETE FROM SECTION 505.500 PERFORMANCE STANDARDS

A. Designs for erosion and sediment controls shall meet the following performance standards.

1. Compliance with all standards imposed by Missouri Department of Natural Resources Missouri State Operating Permit MO-R100 or MO-RAXXXX or if the land disturbance area is within a valuable water resource area, as determined by the Missouri Department of Natural Resources, a Missouri State Operating Permit MO-R109 issued in compliance with the Missouri Clean Water Law (Chapter 644, RSMo., as amended) and Missouri and Federal regulations pursuant thereto.

2. Compliance with the following additional standards stated herein.

a. Stormwater shall be detained and released at a rate not to exceed the release rate from the site under the existing (pre-developed) conditions for the 2- and 100-year storm events. This will require a larger volume of stormwater to be maintained onsite and released at a slower rate for major frequency storms. Detention/retention basins must be located in common ground that is not located in the floodway area. Detention/retention basins must also contain an overflow structure capable of passing a 100-year, 20-minute design storm.

ADD TO SECTION 505.500 PERFORMANCE STANDARDS

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1. Compliance with all standards imposed by Missouri Department of Natural Resources Missouri State Operating Permit MO-R100 or MO-RAXXXX or if the land disturbance area is within a valuable water resource area, as determined by the Missouri Department of Natural Resources, a Missouri State Operating Permit MOR109 issued in compliance with the Missouri Clean Water Law (Chapter 644, RSMo., as amended) and Missouri and Federal regulations pursuant thereto.

2. Compliance with the following additional standards stated herein.

a. Stormwater shall be detained and released at a rate not to exceed the release rate from the site under the existing (pre-developed) conditions for the 2- and 100-year 24-hour storm events. This will require a larger volume of stormwater to be maintained on-site and released at a slower rate for major frequency storms. Detention/retention basins must be located in common ground that is not located in the floodway area. Detention/retention basins must also contain an overflow structure capable of passing a 100-year, 20-minute design storm.