

# Callaway County Court Order

State of Missouri }  
Callaway County } SS

October

Term 20 24

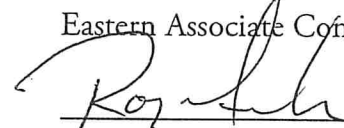
In the County Commission of said county, on the 15th day of October

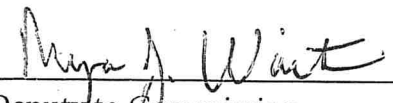
20 24 the following, among other proceedings, were had, viz:

Now on this day, the Callaway County Commission does hereby adopt and replace storm water quality and quantity regulations for the Callaway County's MS4 permit area.

(see attached)

  
\_\_\_\_\_  
Gary Jungermann  
Presiding Commissioner

\_\_\_\_\_  
Randall Kleindienst  
Eastern Associate Commissioner  
  
\_\_\_\_\_  
Roger Fischer  
Western Associate Commissioner

Attest:   
\_\_\_\_\_  
Deputy to Commission

## **Article I - General Provisions**

### **A. FINDINGS OF FACT**

It is hereby determined that:

- (1) Land development activities increase site impervious cover; alter the hydrologic response of local watersheds; and increase stormwater runoff rates and volumes. Flooding, stream channel erosion, sediment transport, and deposition.
- (2) Stormwater runoff contributes to increased quantities of water-borne pollutants.
- (3) Illicit and non-stormwater discharges to the storm drainage systems can contribute a wide variety of pollutants to waterways, and the control of these discharges is necessary to protect public health and safety and water quality.
- (4) Improper design and construction of stormwater best management practices (BMPs) can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation.
- (5) Clearing and grading during construction increases soil erosion and adds to the loss of native vegetation.
- (6) Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow.
- (7) Substantial economic losses can result from these adverse impacts on the waters of the Country.
- (8) Stormwater runoff, soil erosion and non-point source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities.
- (9) The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, stream channel erosion, and non-point source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
- (10) Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of stormwater runoff from development.

**B. INTENT AND PURPOSE**

The purpose of these regulations is to establish minimum stormwater management requirements and controls to:

- (1) To protect the safety and welfare of citizens, property owners, and businesses by minimizing the negative impacts of increased stormwater discharges from new land development and redevelopment
- (2) To control the rate, quality and volume of stormwater originating from development and redevelopment sites so that surface water and groundwater are protected, and flooding and erosion potential are not increased.
- (3) To encourage responsible development.
- (4) To control nonpoint source pollution and stream channel erosion.
- (5) To maintain the integrity of stream channels and networks for their biological functions, drainage, and natural recharge of groundwater.
- (6) To protect the condition of state (and U.S.) waters for all reasonable public uses and ecological functions.
- (7) To provide long-term responsibility for and maintenance of stormwater BMPs.
- (8) To establish legal authority to carry out all the inspection and monitoring procedures necessary to ensure compliance with these regulations.
- (9) To enable Callaway County to comply with the National Pollution Discharge Elimination System permit and applicable federal and state regulations.

**C. APPLICABILITY**

These regulations shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, that are located within the stormwater management jurisdictional area, also referred to as the MS4 area. This area includes any unincorporated area within Callaway County that is part of the Jefferson City Urban Area as determined by the United States Bureau of the Census and any additional buffer areas as adopted by the Callaway County Commission. Exemptions to the requirements within the regulated area are covered in Item D of this Article below. A map of the applicable area is maintained on the County's website. These provisions apply to any new development or redevelopment site within this area that meets one or more of the following criteria:

- (1) Land development or redevelopment that disturbs 1 acre or more.

- (2) Land development or redevelopment activities that are smaller than the minimum applicability criteria set forth above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.
- (3) Land development, regardless of size of disturbance, that involves the construction, re-construction or alteration of any stormwater drainage facility.

#### **D. EXEMPTIONS**

The following activities are exempt from these regulations:

- (1) Projects that are exclusively for agricultural and silvicultural uses. Agricultural or silvicultural roads that are used to access other lands subject to these regulations are not exempt. Agricultural structures that are used for other uses subject to these regulations are not exempt.
- (2) Maintenance and repair to any stormwater BMP deemed necessary by the Administrator.
- (3) Any emergency project that is immediately necessary for the protection of life, property, or natural resources.
- (4) Linear construction projects, such as pipeline or utility line installations that do not result in the creation of impervious cover or land disturbance greater than one acre as determined by the Administrator. Such projects must be designed to minimize the number of stream crossings and width of disturbance, and are subject to County erosion and sediment control requirements.

#### **E. LEGAL AUTHORITY**

These regulations are adopted pursuant to the authority granted in 64.907, Revised Statutes of Missouri.

#### **F. COMPATIBILITY WITH OTHER REQUIREMENTS**

These regulations are not intended to interfere with, abrogate, or annul any other rule or regulation, statute, or other provision of law. The requirements of these regulations should be considered minimum requirements, and where any provision of these regulations impose restrictions different from those imposed by any other 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.

## **G. LIMITATIONS ON LIABILITY**

Floods from stormwater runoff may occur which exceed the capacity of stormwater drainage facilities constructed and maintained under these regulations. These regulations do not guarantee that property will always be free from stormwater flooding or flood damage. These regulations shall not create a liability on the part of, or cause of action against, the County or any officer or employee thereof for any flood damage. These regulations do not purport to reduce the need or the necessity for obtaining flood insurance.

## **Article II - Definitions**

Unless specifically defined below, words or phrases in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations their most reasonable application:

**"Administrator"** means the Callaway County Road and Bridge Department Administrator, appointed by the Callaway County Commission, or his/her duly authorized deputy or representative.

**"Applicant"** means a property owner or agent of a property owner who has filed an application for a permit.

**"Bankfull"** means an established elevation at a given location along a creek or river which is intended to represent the maximum safe water level that will not overflow the banks or cause any significant damage within the waterway reach.

**"Best Management Practice (BMP)"** Activities, practices and procedures which control soil loss and reduce or prevent water quality degradation. BMPs during construction include erosion and sediment control as well as construction site waste management. Post-construction BMPs may either be structural practices that detain, retain or treat stormwater runoff (grass swales, terraces, retention and detention ponds, and others); or non-structural (disconnection of impervious surfaces, directing downspouts onto grass surfaces, regulations and educational activities).

**"Callaway County Stormwater Design Guidance" or "Design Guidance"** means the engineering and/or project review documents adopted by Callaway County containing technical standards and specifications, policies, procedures, and other materials deemed appropriate to assist with compliance with the provisions of these regulations. These include the Kansas City American Public Works Association (APWA) Sections 5100 and 5600 as well as Sections 6, 7 and 8 and Appendices A and B from the Mid-America Regional Council (MARC) Manual of Best Management Practices for Stormwater Quality (except Section 7.6 in said manual). All related additions and exceptions, as well as other specific design criteria, will be kept on file by Callaway County.

**"Building"** means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 400 square feet of area.

**"Channel"** means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**"Clearing"** means any activity which removes the vegetative surface cover through disturbance of the root zone.

**"County Commission"** means the Callaway County Commission.

**"County"** means Callaway County, Missouri and the government of Callaway County, Missouri, governed by the Callaway County Commission.

**"Dedication"** means the deliberate appropriation of property by its owner for general public use.

**"Detention"** is the temporary storage of storm runoff in a stormwater BMP with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

**"Developer"** is a person directing or participating in the planning and/or construction of improvements on and/or to land, including, but not limited to, the owner of the land, a general contractor or a commercial agent engaged for such activity.

**"Development"** means any man-made change(s) to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. Development must meet the applicability requirements in Article I, C.

**"Drainage Facility"** is a man-made structure or natural watercourse used for the conveyance of stormwater runoff. Examples are channels, pipes, ditches, swales, catch basins and street gutters.

**"Easement"** means a legal right granted by a landowner to a grantee allowing the use of private land for conveyance or treatment of stormwater runoff and access to stormwater practices.

**"Erosion and Sediment Control Plan"** is a plan designed to minimize the loss of soil at a site during construction activities, by implementation of practices that will prevent accelerated runoff.

**"Grading"** means excavation or fill of material, including the resulting condition thereof.

**“Hazardous Materials”** means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**“Illegal Discharge”** means any direct or indirect non-storm water discharge to the storm drain system, except as exempted by these regulations.

**“Illicit Connections”** means either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system. These include but are not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency. Illicit connections also include any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**“Impaired Waters”** means those streams, rivers and lakes that currently do not meet their designated use classification and associated water quality standards as designated by the Environmental Protection Agency and Missouri Department of Natural Resources under the Clean Water Act as outlined in Section 303(d) of the Act.

**“Impervious Cover”** includes those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc.)

**“Improvement”** means any structure on or other alteration of land.

**“Industrial Activity”** means any activity subject to NPDES Industrial Permits as defined in 40 CFR, section 122.26 (b)(14).

**“Infill Development”** means land development that occurs within designated areas based on local land use, watershed, and/or utility plans where the surrounding area is generally developed, and where the site or area is either vacant or has previously been used for another purpose.

**“Infiltration”** means the process of percolating stormwater into the subsoil.

**“Infiltration Facility”** means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

**"Jurisdictional Wetland"** Those areas, as determined by the U.S. Army Corps of Engineers, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions.

**"Land Disturbing Activity"** means any activity that changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity that bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

**"Land Disturbance Permit"** – an authorization by the Administrator for the permittee to develop land and conduct land disturbing activities in accordance with County regulations and erosion and sediment control practices outlined in an approved Stormwater pollution prevention plan.

**"Maintenance Agreement"** is a legally recorded document that acts as a property deed restriction, and that provides for long-term maintenance of stormwater quality BMPs.

**"Motorized Equipment"** vehicles or equipment which are motorized except this definition shall not apply to equipment used for the farming of land, or normal yard maintenance.

**"Municipal Separate Storm Sewer System (MS4)"** a publicly-owned facility by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage ditches/channels, reservoirs, and other drainage structures.

**"National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit"** a permit issued by the State under authority delegated pursuant to 33 USC § 1342(b), that authorizes the discharge of pollutants to waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.

**"Non-Stormwater Discharge"** any discharge to the storm drain system that is not composed entirely of stormwater.

**"Non-Structural Measure"** a stormwater control and treatment technique that uses natural processes, restoration or enhancement of natural systems, or design approaches to control runoff and/or reduce pollutant levels. Such measures are used in lieu of or to supplement structural practices on a land development site. Non-structural measures include, but are not limited to: minimization and/or disconnection of impervious surfaces; development design that reduces the rate and volume of runoff; creation, restoration or enhancement of natural areas such as riparian areas, wetlands, and forests; and on-lot practices such as rain barrels, cisterns, and vegetated areas that intercept rainfall and surficial runoff.



**"Nonpoint Source Pollution"** pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

**"Ordinary High Water Mark"** – That line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter or debris, or other appropriate means that consider the characteristics of the surrounding area.

**"Off-Site Facility"** means a stormwater BMP located outside the subject property boundary described in the permit application for land development activity.

**"On-Site Facility"** means a stormwater BMP located within the subject property boundary described in the permit application for land development activity.

**"Owner"** the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a piece of land. As used herein, owner also refers to, in the appropriate context: (i) any other person authorized to act as the agent for the owner; (ii) any person who submits a stormwater management concept or design plan for approval or requests issuance of a permit, when required, authorizing land development to commence; and (iii) any person responsible for complying with an approved stormwater management design plan.

**"Perimeter Control"** means a barrier that prevents sediment from leaving a site either by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

**"Permanent Stormwater BMP"** a stormwater best management practice (BMP) that will be operational after the construction phase of a project and that is designed to become a permanent part of the site for the purposes of managing stormwater runoff.

**"Person"** means a natural person, corporation, partnership or other entity.

**"Phasing"** is the clearing of a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.

**"Point source"** is any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, separate storm sewer or vessel or other floating craft from which pollutants are, or may be, discharged. (Code of State Regulations – 10 CSR 20-2)

**“Pollutant”** means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**“Professional Engineer”** – a licensed engineer who is registered with and authorized to practice engineering in the state of Missouri

**“Receiving Stream or Channel”** means the body of water or conveyance into which stormwater runoff is discharged.

**“Recharge”** means the replenishment of underground water reserves.

**“Redevelopment”** means a change to previously existing, improved property. This includes but is not limited to the demolition or building of structures, filling, grading, paving, or excavating. Redevelopment excludes ordinary maintenance activities such as remodeling of buildings on the existing footprint, resurfacing and/or repaving of existing paved areas, and exterior changes or improvements that do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

**“Responsible Party”** means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns that is named on a stormwater maintenance agreement as responsible for long-term operation and maintenance of one or more stormwater BMPs.

**“Sediment Control”** means measures that prevent eroded sediment from leaving the site.

**“Sensitive Area”** means areas containing features that are of critical importance to the protection of ecological or environmental resources, and include bluffs, caves, sinkholes, springs, and wetlands.

**“Site”** means any parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

**“Stabilization”** means the use of practices that prevent exposed soil from eroding.

**“Start of Construction”** means the first land-disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

**"Stop Work Order"** means an order issued by the Administrator that requires that all construction activity on a site be stopped except as necessary to remedy the issue(s) for which the order was issued.

**"Stormwater"** means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation (such as rain or snow) and resulting from such precipitation.

**"Stormwater Drainage System"** means all drainage facilities used for collecting and conducting stormwater to, through and from drainage areas to the points of final outlets including, but not limited to, the following: Conduits and appurtenant features, canals, ditches, streams, gullies, flumes, culverts, streets, gutters and pump stations.

**"Stormwater Hot Spot"** means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. This includes areas where previous land use or activities have contaminated soils in such a way that infiltrative practices will be prohibited (i.e. brownfields).

**"Stormwater Management"** means the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

**"Stormwater Pollution Prevention Plan (SWPPP)"** means a narrative plan, usually required by a permit, to manage stormwater associated with industrial, commercial, institutional, or other land use activities, including construction. The SWPPP commonly describes and ensures the implementation of practices that are to be used to reduce pollutants in stormwater and non-stormwater discharges.

**"Stormwater Retrofit"** means a stormwater BMP designed for an existing development site that previously had either no stormwater BMP in place or a practice inadequate to meet the stormwater management requirements of the site.

**"Stream Buffer"** means an area of land at or near a streambank, wetland, or waterbody that has intrinsic water quality value due to the ecological and biological processes it performs or is otherwise sensitive to changes which may result in significant degradation to water quality.

**"Stream"** means a body of water, whether perennial or intermittent or ephemeral, that is either indicated by a solid or dashed blue line on the USGS quadrangle maps or has at least 50 acres of drainage area.

**"Swale"** means a relatively wide, shallow ditch used to carry stormwater runoff.

**“Unreasonable Delay”** means more than three (3) hours when there is an immediate threat to public health, safety or welfare or twenty-four (24) hours when there is suspicion of other violations.

**“Variance”** means a grant of relief to a person from the requirements of this article which permits construction in a manner otherwise prohibited by this article where specific enforcement would result in an unnecessary hardship.

**“Wastewater”** means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

**“Water Quality Volume (WQv)”** means the storage needed to capture and treat 90% of the average annual stormwater runoff volume. This shall be calculated utilizing the hydrology methods outlined in the MARC Manual of Best Management Practices for Stormwater Quality.

**“Watercourse”** means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

**“Watershed”** or “Catchment” is the entire geographical area drained by a river and its tributaries; an area characterized by the conveyance of all runoff to the same outlet.

### **Article III - Plan Submittal/Review Requirements**

Each developer/owner subject to these regulations shall submit to Callaway County for review and approval a stormwater management plan as provided herein:

#### **A. CONCEPT REVIEW MEETING**

All applicants shall participate in a concept review meeting unless the requirement is waived by the Administrator. All major subdivisions (>5 lots) and significant single lot site developments (>5 acres) must complete this requirement. Smaller subdivisions and site developments may make a written request to waive this requirement by providing sufficient information about the project for staff to decide if this meeting is needed. The purpose of this meeting is to discuss potential approaches for stormwater design and the opportunities available to use design techniques to reduce runoff rates, volumes, and pollutant loads. During the concept review meeting, the applicant shall provide information regarding the design considerations as outlined on the Concept Plan Checklist.

## **B. PRELIMINARY STORMWATER MANAGEMENT PLAN**

- (1) **Preliminary Stormwater Plan Required:** A preliminary stormwater management plan shall be required to be submitted with any preliminary plat. This plan may be incorporated on the preliminary plat or included as a separate document. The purpose of this plan is to provide a comprehensive view of how stormwater will be managed throughout the subdivision.
  - a. **Plan Requirements:** After the concept review meeting, the applicant shall prepare a preliminary stormwater management plan describing, in general, how stormwater runoff through and from the development will be conveyed, detained/retained and treated. Required information is provided in a Preliminary Plan Checklist.
  - b. **Maximize Use of Techniques to Reduce Runoff by Design:** The stormwater management preliminary plan shall utilize to the maximum extent practicable site planning and design techniques that reduce runoff rates, volumes, and pollutant loads. Such techniques include, but are not limited to, minimization and/or disconnection of impervious surfaces; development design that reduces the rate and volume of runoff; restoration or enhancement of natural areas such as riparian areas, wetlands, and forests; and distributed practices that intercept and treat runoff from developed areas.
  - c. **Preliminary Plan Prior to Design Plan:** The preliminary stormwater management plan must be approved by the Administrator prior to submission of a stormwater management design plan (as part of the construction documents) for the entire development, or portions thereof.

## **C. CLEARING AND ROUGH GRADING**

If the developer/owner only desires to obtain a land disturbance permit for purposes of clearing and rough grading, they may do so upon approval of the erosion and sediment control plan and a stormwater pollution prevention plan.

## **D. STORMWATER MANAGEMENT CONSTRUCTION PLAN**

- (1) **Submittal:** A stormwater management design plan containing all appropriate information, and the associated maps and calculations as specified in these regulations and outlined in APWA Section 5600 (Section 5609), shall be submitted to Callaway County in conjunction with the final subdivision plat, final development plan, final site plan, construction plan, or any other land development plan subject to these regulations.

- (2) **Application Requirements:** The stormwater management design plan submittal shall contain:
- a. A completed application form provided by Callaway County for any applicable permits as outlined in Article VIII
  - b. The application fee required as noted in Article VIII, D
  - c. A stormwater management construction plan that satisfies the requirements of this section and as outlined by the design guidance
  - d. A stormwater facilities and/or BMP maintenance agreement/plan
  - e. An owner and contractor certification stating that all requirements of the approved plan will be complied with. Failure of the owner to demonstrate that the project meets these requirements, as determined by Callaway County's stormwater consultant, shall be sufficient reason to refuse review and/or deny approval of the plan.
- (3) **Consistency between Preliminary Plans and Construction Plans:** A copy of the approved preliminary stormwater management plan shall be submitted with the construction plans. Callaway County's stormwater consultant shall check the construction plan for consistency with the preliminary plan.
- (4) **Stormwater Management Design Plan Content:** The stormwater management design plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, calculations, citations to supporting references, a record of all major permit decisions, and other information as may be necessary for a complete review of the plan, and as specified in the design guidance.

## **E. CONSTRUCTION PLAN REVIEW PROCEDURES**

- (1) **Review for Completeness of Plan:** shall have a maximum of twenty (20) workdays from receipt of an application for preliminary review to determine if the application is complete. After this period, the application will be either accepted for review, which will begin the sixty (60) calendar day review period, or rejected for incompleteness.

- (2) **Review Period:** The sixty (60) calendar day review period begins on the day the complete stormwater management construction plan is accepted for review by the Administrator. During the sixty (60) calendar day review period, the Administrator shall either approve or disapprove the plan and communicate the decision to the applicant in writing. Approval or denial shall be based on the plan's compliance with the Callaway County Stormwater Regulations. Within the sixty (60) calendar days after receiving an application, the County shall, in writing:
  - a. Approve the permit application; or
  - b. Approve the permit application subject to reasonable conditions as may be necessary to secure substantially the objectives of the regulations, and issue the permit subject to these conditions; or
  - c. Disapprove the permit application, indicating the deficiencies and the procedures for submitting a revised application and/or submission.
- (3) **Modifications Needed for Approval:** In cases where modifications are required to approve the plan, the Administrator shall have an additional sixty (60) calendar days to review the revised plan from the date of any subsequent resubmissions. If the plan is approved, one copy bearing certification of such approval shall be returned to the applicant. If the plan is disapproved, the applicant shall be notified in writing of the reasons for disapproval.
- (4) **Substantive Changes to Plan:** No substantive changes shall be made to an approved plan without review and written approval by the Administrator. The County may request additional data with a plan amendment as may be necessary for a complete review of the plan and to ensure that the changes to the plan will comply with the requirements of the regulations.
- (5) **Expiration of Plan Approval:** The stormwater management construction plan's approval expires one year from the date of approval unless work has begun on the site or an extension request from the owner or design engineer has been received by the Administrator. If the stormwater management construction plan approval expires and is not granted an extension, the applicant shall file with Callaway County for a new permit.

## **F. COORDINATION WITH OTHER APPROVALS AND PERMITS**

- (1) **Approval of Other Permits:** Unless exempt, no stormwater discharge permit or other permit shall be issued for land development without approval of a stormwater management construction plan.

- (2) **Coordination with Other Plans:** Approval of the stormwater management construction plan shall be coordinated with approval of an erosion and sediment control and construction stormwater plan as to the location, schedule, and/or phasing for temporary and permanent stormwater management measures. If natural drainage features or other natural areas are to be preserved, then these areas must be shown, and measures provided for their protection on both the erosion and sediment control plan and the stormwater management construction plan. If other elements of the stormwater management construction plan utilize soils, vegetation, or other natural features for infiltration or treatment, then these areas must be shown on the erosion and sediment control plan and measures provided for their protection during construction
- (3) **Other Permits or Approvals May Be Needed:** Approvals issued in accordance with these regulations do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from other federal, state, and/or local agencies. If requirements vary, the most restrictive shall prevail. These permits may include but are not limited to applicable state and federal permits for stream and wetland impacts and applicable dam safety permits. Applicants are required to show proof of compliance with these regulations before the Administrator will issue a permit.
- (4) **Stormwater Measures within Designated Flood Hazard Areas:** Construction of stormwater measures or facilities within a Federal Emergency Management Agency (FEMA) designated floodplain or floodway shall be avoided to the extent possible. When this is unavoidable, all stormwater BMP construction shall follow all applicable requirements of the Flood Plain Management Regulations and a Flood Plain Development Permit shall be obtained.

## **F. MAINTENANCE AGREEMENT AND PLANS**

Prior to approval by the Administrator of a stormwater management construction plan which includes post-construction stormwater quality BMPs, each owner shall submit a maintenance agreement and maintenance plan in accordance with the following:

- (1) **Responsible Party:** The owner(s) shall be responsible for the operation and maintenance of such measures and shall pass such responsibility to any successor owner, unless such responsibility or a portion of the responsibility is accepted by the County.



- (2) **Requirement for Maintenance Agreement & Plan:** If a stormwater management construction plan requires structural or nonstructural water quality measures, the owner shall execute a stormwater maintenance agreement prior to the Administrator's final approval for the plan, or any plan of development or other development for which a permit is required under these regulations. The agreement shall be recorded in the office of the Callaway County Recorder of Deeds and shall run with the land (which shall include all parcels that are served by the long-term best management practices). Additionally, the key aspects of the inspection and maintenance plan shall be included on the plan sheets (drawings) for each associated BMP.
  
- (3) **Required Elements for Maintenance Agreement & Plan:** The stormwater maintenance agreement shall be in a form approved by the County, and shall, at a minimum:
  - a. **Designate Responsible Party:** Designate for the land development the owner, governmental agency, or other legally established entity (responsible party) which shall be permanently responsible for maintenance of the structural or non-structural measures required by the plan. There may be multiple responsible parties designated to different inspection and maintenance activities.
  
  - b. **Pass Responsibility to Successors:** Pass the responsibility for such maintenance to successors in title except for any portion of the inspection and maintenance responsibilities accepted by the County under the agreement.
  
  - c. **Right of Entry for Stormwater Authority:** Grant Callaway County and its representatives the right of entry for the purposes of inspecting all stormwater facilities and BMPs at reasonable times and in a reasonable manner. This includes the right to enter a property when Callaway County has a reasonable basis to believe that a violation of these regulations is occurring or has occurred and to enter when necessary for correction of a violation of these regulations.
  
  - d. **Inspection and Maintenance Plan:** Ensure the continued performance of the maintenance obligations required by the plan and these regulations through an inspection and maintenance plan (which shall be an attachment to the actual maintenance agreement). The plan shall include a list of inspection and maintenance tasks, a schedule for routine inspection and maintenance, and actions to be taken when maintenance is required. These shall be site and stormwater quality BMP specific.

## **Article IV - Performance Criteria for Stormwater Management**

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### **A. GENERAL STORMWATER MANAGEMENT CRITERIA**

- (1) **Compliance with Federal & State Regulations:** All stormwater facilities and conveyance systems shall be designed in compliance with all applicable state and federal laws and regulations, including the Federal Clean Water Act and all applicable erosion and sediment control, wetland, and flood plain regulations.
- (2) **Protect Public Health, Safety & General Welfare:** The design of stormwater BMPs shall consider public health, safety, and general welfare. These considerations include but are not limited to: preventing the flooding of structures; safe passage of vehicles on roadways; preventing standing water in facilities, manholes, inlets, and other structures in a manner that promotes breeding of mosquitoes; preventing attractive nuisance conditions and dangerous conditions due to velocity or depth of water and/or access to orifices and drops; and preventing aesthetic nuisances due to excessive slopes, cuts and fills, and other conditions.
- (3) **Adherence to Callaway County Stormwater Design Guidance:** All stormwater facilities and BMPs shall be designed utilizing the design criteria set forth in the Callaway County Design Guidance deemed necessary unless a variance is granted, or the applicant is exempt from such requirements.
- (4) **Stormwater Authority Discretion:** If hydrologic, geologic, topographic, or land use conditions warrant greater control than that provided by the minimum control requirements, the Administrator may impose additional requirements prior to the approval of the preliminary stormwater management plans, as deemed reasonable and necessary to control the volume, timing, rate and/or quality of runoff. The Administrator may restrict the use of certain stormwater BMPs, require additional pretreatment, and/or require a post-construction stormwater pollution prevention plan in certain circumstances. These include but are not limited to: areas with known downstream flooding concerns, stormwater generated from stormwater hotspots, stormwater discharges that are conveyed with non-stormwater discharges, and stormwater discharged in important groundwater management areas or areas where geologic conditions are conducive to groundwater contamination (e.g., karst).
- (5) **Hydrologic Computation Assumptions:** Hydrologic parameters shall reflect the ultimate land development and shall be used in all engineering calculations. All pre-development calculations shall consider woods and fields to be in good condition, regardless of actual conditions at the time of application.

- (6) **Location of Stormwater Facilities on Lots:** Stormwater facilities within residential subdivisions that serve multiple lots and/or a combination of lots and roadways shall be on a lot owned and maintained by an entity of common ownership, unless an alternative arrangement is approved by the Administrator. Stormwater practices located on individual lots shall be placed within an easement and either maintained by the lot owner or maintained by an entity of common ownership.

## **B. ENGINEERED SYSTEMS**

- (1) **Replicating Pre-Development Hydrology:** Stormwater management designs shall preserve the natural hydrologic functions, stream channel characteristics, and groundwater recharge of the pre-developed site to the maximum extent practical. This shall be accomplished by treating runoff at the source, disconnecting impervious surfaces, preserving or enhancing natural flow paths and vegetative cover, preserving or enhancing natural open spaces and riparian areas, and other measures that replicate pre-development hydrologic conditions. The Administrator shall exercise discretion in the application of this standard, especially in cases of infill development, redevelopment, or other unique circumstances.
- (2) **Overland Flood Routes:** Overland flood routing paths shall be used to convey stormwater runoff from the 100-year storm event to an adequate receiving water resource or stormwater BMP such that the runoff is contained within the drainage easement for the flood routing path and does not cause flooding of buildings or related structures. The peak 100-year water surface elevation along flood routing paths shall be at least one foot below the finished grade elevation of the lowest floor at all building structures. When designing the flood routing paths, the conveyance capacity of the site's storm sewers shall be taken into consideration.
- (3) **Velocity Dissipation:** Velocity dissipation devices shall be placed at discharge locations of the stormwater conveyance system and along the length of any outfall to provide non-erosive flow velocity from the structure to an adequate receiving stream or channel so that the natural physical and biological characteristics and functions of the receiving stream are maintained and protected.
- (4) **Discharges to Adjacent Property:** Concentrated discharges from the stormwater conveyance system or stormwater best management practices shall not be discharged onto adjacent property without adequate conveyance in a natural stream or storm sewer system. Drainage easements are required where stormwater discharges must cross an adjacent or off-site property before reaching an adequate conveyance.

- (5) **Flow toward streets:** In order to have sufficient traffic safety, any concentration of surface flow more than two (2) cubic feet per second (cfs) for the ten-year frequency rain shall be intercepted before reaching the street right-of-way and shall be carried by a storm drain to connect with a drainage structure at the low point in the street right-of-way or to discharge to a watercourse.
- (6) Existing storm drains: No cuts shall be made nor fill deposited over existing storm drains nor shall existing storm drains be altered (including extensions) without approval of the Administrator.

### C. NATURAL SYSTEMS/STREAM BUFFERS

- (1) **Stream Buffers:** Stream buffers will be required as part of all new and redevelopments in Callaway County. This section establishes minimum acceptable standards for the design of stream buffers to protect the streams, wetlands, floodplains and riparian and aquatic ecosystems of Callaway County. For the purposes of this section, a stream is defined as a body of water, whether perennial or intermittent or ephemeral, that is either indicated by a solid or dashed blue line on the USGS quadrangle maps or has at least 50 acres of drainage area.

#### a. Design Standards for Stream Buffers

- i. **General:** An adequate buffer for a stream system shall consist of a predominantly undisturbed strip of land extending along both sides of a stream and their adjacent wetlands, floodplains or slopes. The buffer width may be adjusted to include contiguous sensitive areas, such as steep slopes or erodible soils, where disturbance may adversely affect water quality, streams, wetlands, or other water bodies. All specified stream buffer widths are minimums and may be increased as specified in these regulations or on a voluntary basis by the property owner.
- ii. **Buffer Measurement:** The buffer shall begin and be measured from the ordinary high-water mark of the channel during base flows or the top of bank whichever is greater. The buffer shall be twenty-five (25) feet wide, and the building setback shall be at least thirty-five (35) feet from the edge of the buffer (sixty (60) feet from ordinary high-water mark or top of bank whichever is greater).
- iii. **Stream Buffer Plan Requirements:** Stream buffer limits shall be shown graphically on all surveys, plats, development plans and other permit applications.

- iv. **Temporary Boundary Markers:** Markers shall be installed by the applicant prior to commencing clearing and grading operations and maintained throughout the applicant's development activities. The markers will be placed on the outside edge of the buffer zone prior to the start of any activity within fifty (50) feet of the buffer or as shown on a land disturbance plan approved by CC R&B Dept. Admin. Markers shall be clearly visible and shall be spaced at a maximum of 200 feet. The markers shall be joined by marking tape or fencing.
- v. **No Buffer Required:** A stream buffer shall not be required for portions of a stream that are enclosed or are less than one hundred-fifty (150) feet in length due to the stream having been previously enclosed within a pipe or box structure immediately upstream and/or downstream of the subject location. In such cases, said stream portion may be similarly enclosed in a pipe or box structure. Also, this article shall not be construed to prevent modifications to stream channels or wetlands if such modifications have been approved and permitted by a Federal Agency such as the U.S. Army Corps of Engineers.

**b. Stream Buffer Management and Maintenance**

- i. **Management, Responsible Party:** The stream buffer, including wetlands and floodplains, shall be managed by the landowner to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of the land and vegetation.
- ii. **Allowed Maintenance Practices and Activities in the Stream Buffer:** All allowed uses may be maintained subject to the review of the County. Any entity conducting an allowed activity within the stream buffer shall restore any disturbed area to its previous condition or in accordance with a plan approved by the Administrator. In addition to maintenance of allowed uses, the following maintenance activities may be conducted:
  - A. Roads, bridges, paths, and utilities existing as of the date of adoption of these regulations.
  - B. Rights of way for roads and utilities should be the minimum width to allow for installation, access, and maintenance.
  - C. Removal of diseased or dead trees, brush, and trash.
  - D. Maintenance of all County-approved improvements, including utilities
  - E. Removal of debris which could cause flooding

F. Selective (spot) spraying of noxious or other vegetation

iii. **Restricted Maintenance Practices and Activities Within the Stream Buffer:** The following practices are prohibited within the stream buffer unless specifically permitted by the Administrator:

- A. Clearing of existing vegetation
- B. Soil disturbance by grading, stripping, or other practices
- C. Filling or dumping
- D. Drainage by ditching, under drains or other systems
- E. Use, storage, or application of pesticides
- F. Storage or operation of motorized vehicles, except for maintenance and emergency use approved by the County or when operated on a legally established roadway.

(2) **Stream & Wetland Crossings:** All stream and wetland crossings subject to Section 404 of the Clean Water Act and/or state stream and/or wetland regulations shall minimize impacts on streams and wetlands, to the extent practical and achievable, by crossing streams and wetlands at a right-angle, reducing the footprint of grading and fill, matching the existing stream profile grade, and utilizing approved grade crossings, bridges, open bottom arches, spans, or other structures that do not restrict or alter stream or wetland hydrology. If culverts are placed within streams and/or wetlands, at least one culvert shall be countersunk at least one foot (1') below the natural channel flowline (or 10% of the pipe diameter) to allow movement of aquatic organisms. As much as possible, the natural multi-stage channel shape shall be mimicked.

(3) **Location of Structures Adjacent to Waterways:**

In addition to any other requirements set forth by other regulations for construction in designated flood hazard areas, the following restrictions for construction adjacent to all watercourses and other drainage facilities shall apply:

- a. No house or building and no other structure shall be constructed within sixty (60) feet of the ordinary high-water mark of a watercourse or other drainage facility nor shall any such structure be constructed with openings at an elevation below one (1) foot above the 1% annual chance flood elevation or four (4) feet above the highest bank of a watercourse or top of other drainage facilities which traverse or are adjacent to the parcel being developed.
- b. The Administrator may vary the requirements upon visiting the building site for low-density residential construction or reviewing plans and any associated calculations should such revisions not diminish the overall intent of this code.

**D. STORMWATER QUANTITY CONTROL**

(1) **Channel Protection Criteria:** The stormwater system shall be designed so that post-development discharges will not erode natural channels or steep slopes. This will protect in-stream habitats and reduce in-channel erosion.

- a. Wherever practical, maintain sheet flow to riparian buffers or vegetated filter strips. Vegetation in buffers or filter strips must be preserved or restored where existing conditions do not include dense vegetation.
- b. Energy dissipaters and level spreaders must be used to spread flow at outfalls.
- c. On-site conveyances must be designed to reduce velocity through a combination of sizing, vegetation, and check dams in the channel bottom and sides.
- d. If flows cannot be converted to sheet flow, they must be discharged at an elevation that will not cause erosion or require discharge across any constructed slope or natural steep slopes.
- e. Outfall velocities must be non-erosive from the point of discharge to the receiving channel or waterbody where the discharge point is calculated.

(2) **Flood Control Criteria:**

- a. Downstream overbank flood and property protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate. This criterion shall be met for the 10-year, 24-hour storm event on residential properties and the 25-year, 24-hour storm event on non-residential properties.
- b. Stormwater BMPs that impound water shall demonstrate that the 100-year storm can safely pass through the structure without overtopping or creating damaging conditions downstream.

- c. The Administrator may waive some or all the requirements of this section as specified in i, ii, iii, iv below:
  - i. **Discharge to Large Waterbody:** The land development discharges directly to a flood plain, major river, or waterbody and the Administrator determines that waiving the flooding criteria will not harm public health and safety. The applicant shall secure drainage easements from any downstream property owners across whose property the runoff must flow to reach the flood plain, major river, or waterbody. The applicant shall also demonstrate that any piped or open-channel system in which the runoff will flow has adequate capacity and stability to receive the project's runoff plus any off-site runoff also passing through the system.
  - ii. **Insignificant Increases in Peak Flow:** The land development results in insignificant increases in peak flow rates, as determined by the Administrator.
  - iii. **Alternative Criteria Provided:** The land development is subject to a floodplain study that recommends alternative criteria for flood control.
  - iv. **Increases in Downstream Peak Flows or Flood Elevations:** The Administrator determines that complying with the requirements of this section will result in increases in peak flows or downstream flooding conditions due to coincident peaks from the site and the contributing watershed or another factor.
  
- d. **Documentation for Waiver:** When seeking a waiver in accordance with either i, ii, iii, iv above, the applicant shall specify the criteria used and demonstrate that stormwater discharges will not unreasonably increase the extent, frequency, or duration of flooding at downstream properties and structures or have an unreasonable adverse effect on streams, aquatic habitats, and channel stability. In making its determination to allow full or partial waivers, the Administrator shall consider cumulative impacts and the land development's adherence to the land use plans and policies of Callaway County, including the promotion of infill and redevelopment in particular areas.

## **E. STORMWATER RUNOFF TREATMENT (QUALITY CONTROL)**

- (1) **Water Quality Protection:** In order to protect the receiving waters from nonpoint source pollution, the water quality volume shall be treated through BMPs.
  - a. **Treatment of the Water Quality Volume:** Post-development runoff from the water quality rainfall event shall be captured and treated in a water quality BMP to prevent or minimize water quality impacts from land development.



- b. **Additional Criteria for Stormwater Hotspots:** In addition, stormwater discharges from stormwater hotspots may require the use of specific structural, non-structural, and/or pollution prevention practices, including enhanced pre-treatment. Discharges from a stormwater hotspot shall not be infiltrated without enhanced pre-treatment, as approved by the Administrator.
- (2) **Treat Entire Land Development:** The stormwater design shall provide for treatment of runoff from the water quality rainfall event to the maximum extent practicable through the use of structural and non-structural BMPs.
- (3) **Landscape Plan:** The design of vegetative stormwater BMPs shall include a landscape plan detailing both the vegetation to be in the practice and how and who will be responsible to manage and maintain the vegetation practice.
- (4) **Pretreatment:** Each stormwater BMP shall have an acceptable form of water quality pretreatment if required to provide adequate long-term operation and maintenance of the BMP.
- (5) **Treatment of Off-Site Stormwater:** Off-site stormwater conveyed through a land development shall be placed within an easement and conveyed in a manner that does not increase upstream or downstream flooding. Off-site stormwater shall be conveyed around on-site stormwater BMPs, unless the facilities are designed to manage the off-site stormwater. Where specific site conditions (ie. topography) prohibit the detention and/or treatment of all on-site stormwater runoff, a portion of the runoff from off-site may be detained and/or treated instead. Ideally, the off-site runoff that would be detained and/or treated would come from a similar land use.

## **F. REDEVELOPMENT CRITERIA**

Land development that qualifies as redevelopment shall meet one of the following criteria:

- (1) **Reduce Impervious Cover:** Reduce existing site impervious cover by at least 20%.
- (2) **Provide Treatment:** Provide water quality treatment for at least 100% of any new impervious cover through stormwater BMPs designed in accordance with the criteria in the Callaway County Stormwater Design Guidance.
- (3) **Apply Innovative Approaches:** Utilize innovative approaches to reduce stormwater impacts across the site. Examples include but are not limited to green roofs and pervious parking materials.

- (4) **Provide Off-Site Treatment:** Provide equivalent stormwater treatment at an off-site facility within the same watershed and as immediately downstream of the site as feasible.
- (5) **Address Downstream Issues:** Address downstream channel and flooding issues through channel restoration, increase in existing system capacity and/or other off-site remedies.
- (6) **Combination of Measures:** Any combination of (1) through (5) above that is acceptable to the Administrator.

## **Article V - Construction Site Runoff Control**

### **A. GENERAL**

Grading, erosion control practices, sediment control practices, and waterway crossings shall be adequate to prevent transportation of sediment and other construction-related pollutants from the site. The design and construction guidance in the Callaway County Stormwater Design Guidance shall be followed as it is applicable. Applicants shall provide a copy of their Missouri Department of Natural Resources land disturbance permit to the County prior to the commencement of any land disturbance activities.

### **B. CLEARING AND GRADING**

- (1) Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other County regulations.
- (2) Clearing techniques that retain natural vegetation and retain natural drainage patterns shall be used to the maximum extent practicable.
- (3) Clearing, except that necessary to establish sediment control devices, shall not begin until all perimeter sediment control devices have been installed and have been stabilized.
- (4) Cut and fill slopes shall be *no greater than 3:1*, except as approved by the County to meet other community or environmental objectives.
- (5) Phasing shall be required on all sites disturbing greater than *thirty* acres, with the size of each phase to be established at plan review.
- (6) Other measures may be required to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

**C. EROSION CONTROL**

- (1) Soil must be stabilized within 14 days of clearing or inactivity in construction, unless otherwise authorized, and shall be effectively maintained throughout the duration of any inactivity.
- (2) Soil stockpiles must be stabilized or covered at the end of each workday unless otherwise protected from allowing sediment to leave the site.
- (3) Techniques shall be employed to prevent the blowing of dust or sediment from the site.
- (4) Techniques that divert upland runoff past disturbed slopes shall be employed.

**D. SEDIMENT CONTROLS**

- (1) Sediment controls shall be provided in the form of settling basins or sediment traps or tanks, and perimeter controls.
- (2) Where possible, settling basins shall be designed in a manner that allows adaptation to provide long term stormwater management.
- (3) Adjacent properties shall be protected using vegetated buffer strips, in combination with perimeter controls wherever possible.

**E. WATERWAYS AND WATERCOURSES**

- (1) When a wet watercourse must be crossed regularly during construction, a temporary stream crossing shall be provided, and an approval obtained from the U.S. Army Corps of Engineers and the Missouri Department of Natural Resources if deemed a jurisdictional stream. A copy of the permit documents from the other jurisdictional entities shall be provided to the County.
- (2) When in-channel work is conducted, the channel shall be stabilized before, during, and after work.
- (3) Stabilization adequate to prevent erosion must be provided at the outlets of all pipes and paved channels.

**F. CONSTRUCTION SITE ACCESS**

- (1) A stabilized temporary access road or driveway shall be provided at all construction sites where a land disturbance permit is required. Other measures may be required to ensure that sediment is not tracked onto streets by construction vehicles or washed into the stormwater system.

- (2) Regardless of the amount of land disturbance at a particular site, it shall be the responsibility of the permit holder and/or property owner to ensure streets open to the public surrounding a permitted site are kept free of debris and sediment throughout the term of the permit. Upon notification that a problem exists, the permit holder and/or property owner shall remedy the issue immediately.
- (3) If the permit holder and/or property owner does not address the identified issues after requested, the County may choose to remedy the situation and bill the permit holder and/or property owner for any reasonable associated costs. The permit will be suspended and remain suspended until said bill is paid. Alternatively, the permit holder and/or property owner may request a hearing with the Callaway County Commission and the Administrator. to contest the abatement costs.

## **G. CONTROL OF OTHER CONSTRUCTION POLLUTANTS**

- (1) **Concrete Truck and Mortar Washout:** Concrete washout facilities shall be used to contain concrete waste from the activities onsite, unless the washout of trucks and equipment is managed properly at an offsite location. The stormwater management plan documents shall indicate the proposed location of the washout facility and provide a suitable construction detail for the facility. The washout facility shall be managed to prevent solid and/or liquid waste from entering waters of the state by the following:
  - a. Direct the wash water into leak-proof containers or pits designed so that no overflows can occur due to inadequate sizing or precipitation.
  - b. Locate washout activities a minimum of 50 feet from waters of the state, stormwater inlets and/or stormwater conveyances;
  - c. Washout facilities shall be cleaned, or new facilities must be constructed and ready for use, once the washout is 75% full;
  - d. Designate the washout area(s) and conduct such activities only in these areas.
  - e. Ensure contractors are aware of the location, such as by marking the area(s) on the map or signage visible to the truck and/or equipment operators.
- (2) **Construction Waste and Site Litter/Trash:** All construction waste material (included discarded building materials) and site litter/trash shall be collected, deposited, and stored in a manner to prevent contact with storm waters discharging from the site and shall be disposed of by a licensed solid waste management contractor. No waste shall be buried on the site.

- (3) **Sanitary Waste:** A licensed sanitary waste management contractor shall collect all sanitary waste from portable units that will be maintained on a regular basis for any site that cannot provide other means of sanitary waste disposal. The portable units shall not be placed adjacent to any stormwater conveyances.
- (4) **Petroleum Products:** All construction equipment and vehicles shall be monitored for leaks and receive regular preventative maintenance to ensure proper operation and reduce the risk of leaks or spills. Petroleum products shall be stored in clearly labeled and tightly sealed containers or tanks. Any soil contaminated by fuel or oil spills shall be removed and disposed of properly.
- (5) **Fertilizers/Pesticides:** Fertilizers and pesticides shall be applied following manufacturer's recommendations. Fertilizers and pesticides shall be stored in a covered area or in watertight containers. Partially used products shall be properly sealed and stored to avoid spills or leaks.
- (6) **Hazardous materials:** Storage areas for hazardous materials such as oils, greases, paints, fuels, and chemicals, shall be provided with secondary containment to ensure that spills in these areas do not reach the waters of the State. All hazardous waste materials shall be disposed of according to state regulation or the manufacturer's recommendations.

## **H. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) AND SELF-INSPECTIONS REQUIRED**

- (1) As a part of each application for a land disturbance permit, an applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) that meets the requirements set forth in the Missouri Department of Natural Resources (MDNR) Land Disturbance permit. This SWPPP must include 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. A copy of the SWPPP shall be kept readily on site.
- (2) Construction site operators shall conduct self-inspections at minimum every fourteen (14) days, when construction is active; and within 72 hours of any storm event; and within 48 hours after any storm event equal to or greater than a 2-year, 24-hour storm has ceased. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for additional control measures and/or maintenance of existing measures. All inspections shall be documented in written form and kept readily on site. Failure to produce the SWPPP or required inspection records shall be considered a violation of these regulations.

- (3) The County will periodically inspect development sites. Through such periodic inspections, the County shall ensure that the SWPPP is properly implemented, and any necessary amendments thereto made to protect the environment and the public's health, safety and welfare. The erosion and sediment control measures for the site must be maintained by the developer until the site is stabilized and the MDNR land disturbance closed. For the County to complete these oversight inspections in a timely manner, the construction site operator shall notify the County at least two (2) working days before the start of site clearing.

## **Article VI - Ongoing Maintenance for Stormwater BMPs**

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### **A. General Maintenance Requirement**

- (1) All stormwater facilities and BMPs shall be maintained in accordance with the approved and recorded stormwater maintenance agreement and stormwater maintenance plan. If no maintenance agreement or plan is in place, the owner shall maintain the facility as it was designed to continue the mitigation of stormwater quantity and quality impacts. This maintenance shall include removal of overgrown vegetation, repair of erosion, repairs to any inlet/outlet structures, and removal of excess silt or any other maintenance deemed necessary to provide said mitigation. The design of stormwater facilities shall incorporate maintenance accommodation and long-term maintenance reduction features.

### **B. Maintenance Responsibility**

The responsible party (parties) named in the recorded stormwater maintenance agreement (Article III, Section G) shall maintain in good condition and promptly repair and restore all structural and non-structural stormwater facilities and BMPs and all necessary access routes and appurtenances (grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices) in order to maintain the mitigation of stormwater quantity and quality impacts. Such repairs or restoration and maintenance shall be in accordance with the approved stormwater management design plan, the stormwater maintenance agreement, and the stormwater maintenance plan.

### **C. ACCESS FOR INSPECTION BY CALLAWAY COUNTY**

The County shall be permitted to enter and inspect facilities subject to regulation under these regulations as often as may be necessary to determine compliance .

- (1) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the County.

- (2) Facility operators shall allow the County ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- (3) The County shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the County to conduct monitoring and/or sampling of the facility's storm water discharge.
- (4) The County has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall always be maintained in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the County and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the County access to a permitted facility is a violation of any stormwater permit for the facility and these regulations. A person who is the operator of a facility with a permit to discharge storm water associated with industrial activity commits an offense if the person denies the County reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by these regulations.
- (7) If the County has been refused access to any part of the premises from which storm water is discharged; and they are able to demonstrate probable cause to believe that there may be a violation of these regulations; or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with these regulations or any order issued hereunder; or to protect the overall public health, safety, and welfare of the community; then the County may seek issuance of a search warrant from any court of competent jurisdiction.

#### **D. RECORDS OF MAINTENANCE ACTIVITIES**

The responsible party shall make records of the installation and of all maintenance and repairs and shall retain the records for at least five (5) years. These records shall be made available to the Administrator during inspection of the facility and at other reasonable times upon request.

**E. FAILURE TO PROVIDE ADEQUATE MAINTENANCE**

In the event that the stormwater BMP has not been maintained and/or becomes a danger to public safety or public health, the Administrator shall notify the responsible party by registered or certified mail. The notice shall specify the measures needed to comply with the maintenance agreement and the maintenance plan and shall specify that the responsible party has thirty (30) days or other time frame mutually agreed to between the Administrator and the responsible party, within which such measures shall be completed. If such measures are not completed, then the Administrator shall pursue enforcement procedures pursuant to Section 9 of these regulations.

If a responsible person fails or refuses to meet the requirements of an inspection report, maintenance agreement, or maintenance plan, the Administrator after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the practice in proper working condition. The Administrator may assess the responsible party of the practice for the cost of repair work which shall be a lien 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 Callaway County.

**F. REQUIRED EASEMENTS**

Whenever improvements to land are made, easements for the stormwater management facilities including structural facilities, engineered channels and overflow paths, shall be provided across private property. Easements through existing developments shall be obtained as deemed necessary. Drainage easements shall include access from a convenient public street or parking lot. Minimum dimensions are as follows:

- (1) Where a storm drain consists of a closed conduit, the width shall be the greater of fifteen (15) feet or the sum of the conduit diameter and twice the cover depth over the conduit.
- (2) Where the drainage system consists of an engineered channel, easements shall at a minimum be as wide as the top of bank width plus ten (10) feet each side.
- (3) The width of the easement must contain the overflow from the 100-year (1% annual chance) storm event and shall indicate the highest expected water surface elevation of said event.
- (4) Access easements to and around detention/retention facilities shall be a minimum of fifteen (15) feet wide with cross slopes less than 5 horizontal to 1 vertical in order to be safely accessible by a vehicle unless otherwise approved by the Administrator.



## **G. INTERFERENCE AND DAMAGE**

No person shall damage, discharge or place any substance into the drainage system which will or may cause obstruction to flow or other interference with the operation of the stormwater drainage system. Any person violating this section or damaging the stormwater drainage system shall be liable to the County for all expense, loss or damage incurred by the County due to such violation or damage, in addition to any other penalties set forth herein.

## **Article VII - Illicit Discharge Detection and Elimination**

### **A. GENERAL**

- (1) **Purpose/Intent:** These regulations are adopted pursuant to the authority granted in 64.907, Revised Statutes of Missouri and are intended to regulate non-stormwater discharges to the storm drainage system to the maximum extent practical as required by federal and state law. The purpose of these regulations is to provide for the health, safety, and general welfare of the citizens of Callaway County. These regulations establish methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of these regulations are:
  - a. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user
  - b. To prohibit Illicit Connections and Discharges to the MS4
  - c. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with these regulations
- (2) **Applicability:** These regulations shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted.
- (3) **Ultimate Responsibility:** The standards set forth in this article and promulgated pursuant to this article are minimum standards. Compliance with this article does not ensure that there will be no contamination, pollution or unauthorized discharge of pollutants into the waters of the United States. This article shall not create liability on the part of the County or any agent or employee of the County for any damages that result from any discharges, reliance on this article or any administrative decision made under this article.

- (4) **Stormwater Pollution Prevention:** Any owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

## **B. PROHIBITIONS**

- (1) **Illegal Discharges:** It shall be unlawful for any person to discharge or cause to be discharged into the municipal separate storm sewer system or into any water course any material other than stormwater, except as provided below.
- (2) The following discharges are exempt from the discharge prohibitions established by this article:
- a. Waterline flushing or other potable water sources;
  - b. Landscape irrigation or lawn watering;
  - c. Diverted stream flows;
  - d. Rising groundwater;
  - e. Groundwater infiltration;
  - f. Uncontaminated pumped groundwater;
  - g. Foundation or footing drains excluding active groundwater de-watering systems;
  - h. Crawlspace pumps, air conditioning condensation;
  - i. Springs;
  - j. Natural riparian habitat or wetland flows;
  - k. Swimming pools if de-chlorinated to less than 1 ppm chlorine;

- l. Emergency firefighting activities (this does not include runoff from fire-fighting training activities or washing of fire trucks);
- m. Other water not containing pollutants;
- n. Discharges specified by the County as necessary to protect public health and safety;
- o. Dye testing if notification is given to the County before the test; and
- p. Any non-storm water discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the municipal separate storm sewer system.

**(3) Prohibitions of Illicit connections:**

- a. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- b. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection.
- c. A person is in violation of these regulations if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.
- d. Improper connections in violation of these regulations must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the appropriate jurisdictional agency.

- e. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation by the County requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. The results of these investigations are to be documented and provided to the County.
- (4) **Waste disposal prohibitions:** It shall be unlawful for any person to place, deposit or dump or to cause or allow the placing, depositing or dumping any refuse, rubbish, yard waste, paper litter or other discarded or abandoned objects, articles and accumulations containing pollutants into the municipal separate storm sewer system or into any waterway.
- (5) **Watercourse protection:** Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
- (6) **Industrial or construction activity discharges:** It shall be unlawful for any person subject to an industrial activity or construction NPDES storm water discharge permit to fail to comply with all provisions of such permit.

### C. NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the County in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the County within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such

establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Failure to provide notification of a release as provided above is a violation of these regulations.

#### **D. REGULATIONS AND MONITORING**

- (1) The County Commission may adopt standards identifying best management practices (BMP) for any activity, operation or facility which may cause or contribute to pollution of storm water, the storm drain system, waters of the state or waters of the United States. It shall be unlawful for any person undertaking any activity or owning or operating any facility subject to such standards to fail to comply with the standards.
- (2) The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal separate storm sewer system or water courses using structural and non-structural BMPs. Any person responsible for property which is or may be the source of an illicit discharge may be required to implement additional structural and non-structural BMPs to prevent further discharge. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity to the extent practicable shall be deemed in compliance with provisions of this section. These BMPs shall be a part of the storm water pollution prevention plan as necessary for compliance with the requirements of the NPDES permit.

### **Article VIII - Permits**

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#### **A. Promulgation of Rules**

The Callaway County Commission and the Administrator may promulgate rules governing the issuance of the permits required by this section and may produce forms to effectuate the intent of these regulations.

#### **B. Stormwater Construction Permit**

- (1) **Authorization to Discharge to MS4:** If runoff from a land development will flow to a municipal separate storm sewer system (MS4) or other publicly owned storm sewer system, then the applicant shall obtain authorization from the system's owner to discharge into the system. The applicant must demonstrate that the system has adequate capacity for any increases in peak flow rates and volumes.

- (2) **Permit Required:** No stormwater drainage facility shall be constructed, altered or reconstructed without a stormwater construction permit. To obtain a permit, the application form provided by the County shall be completed and plans must be submitted for review and approval of the Administrator. All such construction shall comply with the general requirements and design procedures, as set forth in these regulations, and the criteria of the Callaway County Stormwater Design Guidance.
  
- (3) Prior to the issuance by the County of a permit for any type of construction, the property owner, the developer or their agent shall have a stormwater management plan approved by the County in accordance with Article III. The property owner, developer or their agent shall, at his own expense, submit necessary plans, designs and specifications to the County for review and approval. This plan shall:
  - a. Include a pre- and post-development hydrologic analysis of the site
  - b. Identify pollutants of concern for each area of the site
  - c. Identify pollution prevention measures
  - d. Identify controls that provide treatment and reduce stormwater volumes and velocities
  - e. Identify any environmentally sensitive areas and provide a plan for protection of these areas per these regulations
  - f. Identify Low Impact Development opportunities that can best mimic the natural hydrology of the site and filter pollutants from the runoff.
  - g. Provide for long term operation and maintenance of controls
  
- (4) Provisions of this section for plan requirement shall be waived provided no land is disturbed and no trees, shrubs, grass or vegetation is destroyed or removed for construction, reconstruction, repair or alteration of any building provided the improvement does not alter or increase the flow of water.

- (5) The post-construction stormwater management plan shall show the location of any environmentally sensitive features as listed above, the sensitive feature's drainage area, any sinkhole cluster area, or portions of such items, along with ground contours, a hydrologic analysis of the drainage area and significant physical features on the property, and detailed information on the work to be performed in or near the sensitive area.

Upon review of the information presented by the applicant, the site, and such other information as may be available, the Administrator may issue a permit for work to be performed in or near the sensitive area. All work shall be performed in accordance with the permit. The Administrator may designate certain areas where grading or construction equipment is not permitted or is otherwise limited.

### **C. Land Disturbance Permit**

- (1) **Applicability:** No clearing, grading, borrowing or filling of land resulting in a land disturbance greater than one acre shall commence prior to obtaining a land disturbance permit. All such work shall also comply with an approved erosion and sediment control plan in conjunction with an approved site development plan. Additionally, no person shall engage in the grading of land in excess of 3000 square feet or the use of motorized equipment in or near a sinkhole, losing stream, cave, spring, wetland or other environmentally sensitive area without first securing a permit from the Administrator.
- (2) **Individual Lots Not Separate Land Development:** Residential, commercial or industrial developments shall apply these stormwater management criteria to land development as a whole. Individual residential lots in new subdivisions shall not be considered separate land development projects, but rather the entire subdivision shall be considered a single land development project.
- (3) **Expiration:** Every approval under this subsection for clearing, grading, borrowing or filling of land shall expire within two (2) years from the date of issuance. This permit may be renewed for up to two (2) years by submitting a written request for an extension to the Administrator with the appropriate fee as listed below.

### **D. Fees**

The County will require a minimum initial fee of \$300 to support local plan review, inspection and program administration. Each developer/owner seeking a land disturbance or stormwater discharge permit shall pay this fee upon submittal of the initial plans. The County will also assess and collect additional fees as it may deem appropriate to adequately review each specific application and any resubmittals. The County shall base additional fees upon the actual cost, whether by County employees or independent third parties for performing related plan and document preparation

and review, inspection of construction of public and related improvements, and all related services, including attorney and engineering fees.

When modifications are requested or required to a completed application, the County will charge the applicant for additional fees for the actual costs associated with the review of the resubmissions, performing related plan and document preparations, modifications to the permit, any associated re-notifications, and any additional inspections.

## **E. Inspection**

The County shall be permitted to enter and inspect facilities subject to regulation under these regulations as often as may be necessary to determine compliance with these regulations.

- (1) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the County.
- (2) Facility operators shall allow the County ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- (3) The County shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the County to conduct monitoring and/or sampling of the facility's storm water discharge.
- (4) The County has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall always be maintained in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the County and shall not be replaced. The costs of clearing such access shall be borne by the operator.



- (6) Unreasonable delays in allowing the County access to a permitted facility is a violation of a storm water discharge permit and of these regulations. A person who is the operator of a facility with a permit to discharge storm water associated with industrial activity commits an offense if the person denies the County reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by these regulations.
- (7) If the County has been refused access to any part of the premises from which storm water is discharged, and they are able to demonstrate probable cause to believe that there may be a violation of these regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with these regulations or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the County may seek issuance of a search warrant from any court of competent jurisdiction.

## **Article IX - Violations, Penalties, Variances and Abatement**

### **A. Violations and Penalties for Permits on Active Construction Sites**

- (1) The County may suspend or revoke any permit associated with the site or any permit associated with the person(s) holding the permit(s) for the site for non-compliance with the Land Disturbance Permit, the Stormwater Discharge Permit, or this article.
- (2) Procedure:
  - a. Upon discovery of a violation of this article, the contractor will be notified and given up to seven (7) days to remedy the violation. The owner may request a hearing before the Callaway County Commission and the Administrator to review any violation notice within the given time frame. If such a request is made, the Callaway County Commission shall promptly set a hearing on the matter. Any person aggrieved by a decision of the Commission may appeal the decision to the Circuit Court of Callaway County.
  - b. If the violation has not been remedied within the time frame set forth in the notice, the permit(s) will be suspended. Once the violation has been remedied, the suspension will be lifted.
  - c. If the violation for which the permit(s) was suspended is not corrected within 30 days, the permit(s) shall be revoked, and the County will proceed with abatement of the violation.

- d. After two (2) suspensions of a permit for the same site for similar violations, the permit(s) may be revoked for up to a year and no additional permits may be issued for a period of no less than twelve (12) months. Additionally, any remediation or abatement costs will be required to be paid prior to re-issuance.
- (3) Person(s) found to be working without an approved permit or under a suspended or revoked permit may be subject to up to a \$500 fine or 90 days in jail or any combination thereof. A permit may only be unsuspended after the aforementioned penalty is paid/served. A permit may only be issued or re-issued after both the aforementioned penalty is paid/served and the application process is completed including three times the ordinary permit fee.

**B. VIOLATIONS AND PENALTIES**

Upon discovery of a violation of these regulations, the property owner or other responsible party will be notified and given a reasonable time to remedy the violation. The owner or other responsible party may request a hearing before the Callaway County Commission and Administrator to review any violation notice within the given time frame. If such a request is made, the Callaway County Commission shall promptly set a hearing on the matter. Any person aggrieved by the decision may appeal the decision to the Circuit Court of Callaway County.

If the violation is not corrected within the time frame set forth in the notice, the County will proceed with the abatement of the violation following the procedures set forth in Article IX, Section D. Violators may also be subject to up to a \$500 fine and 90 days in jail or any combination thereof.

Each day that a violation of these regulations continues shall be deemed a separate offense.

**C. ADMINISTRATION, CONDITIONS, INTERPRETATION AND SEVERABILITY**

- (1) **Responsibility for Administration:** The provisions of this code shall be administered and enforced by the Administrator. The Administrator shall prescribe forms for attainment of the purposes of this code and for the proper enforcement thereof. The Administrator may delegate the administration of this code, or any part thereof, subject to limitations of the regulations of the County, to duly qualified employees, deputies or agents of the County.

- (2) **Conditions:** Regulation of stormwater drainage and the attachment of reasonable conditions thereto is an exercise of the valid police power delegated by the State of Missouri to the County. Property owners have the duty of compliance with reasonable policies, regulations, standards and conditions established by the County for design, construction, improvement and restrictive use of the land to conform to the physical and economic development of the County, and to promote the health, safety and general welfare of the community at large.
- (3) **Interpretation:** The provisions of this code shall be the minimum requirements for the protection of the public health, safety and general welfare and shall be liberally and broadly construed and applied to the greatest extent permitted by law to promote and protect the public health, safety and welfare. This code is not intended to conflict with, abrogate or annul any other rule, law or regulation. Where any provisions of these regulations impose restrictions different than those imposed by any other regulation, rule or law, the provision which is more restrictive or imposes a higher standard shall control. These regulations are intended to be construed harmoniously and consistently with each other and all other applicable rules, laws and regulations. Likewise, this code is not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of this code are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this code shall govern.
- (4) **Severability:** If any part or provision of these regulations is declared invalid or unconstitutional then the remainder of these regulations shall not be declared invalid or unconstitutional but shall remain in full force and effect to the greatest extent permitted by law.

### C. VARIANCES

- (1) **General:** Where undue hardships or practical difficulties may result from strict compliance with this code, the developer may petition the Administrator for a variance. Staff may recommend, and the Commission may approve, a variance only if it finds after public hearing and upon competent and substantial evidence that the applicant meets the following criteria:
  - a. The variance shall not have the effect of nullifying the intent and purpose of these regulations.
  - b. The granting of the variance will not be detrimental to the public safety, health or welfare, or injurious to other property or improvements.

- c. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, are not applicable generally to other property, and are not self-imposed.
  - d. Because of the physical surroundings, shape or topographical conditions of the specific site and/or property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this code was strictly interpreted and carried out.
- (2) **Conditions:** In recommending variances and exceptions, staff may recommend, and the Commission may require such conditions as will, in the judgment of each, secure substantially the objectives of the standards or requirements of this code.
- (3) **Application:** An application for a variance shall be submitted at the time of filing for a preliminary plat or for application for permits, whenever possible. The application shall state fully the grounds for the request and all facts relied upon by the practitioner. The application shall be filed with the Administrator and after review thereof the Administrator shall make a recommendation to the Commission to grant or deny the application and state the reasons for his or her recommendation. Either the applicant or the Administrator may appeal or seek judicial review of any decision of the Commission as provided by law.

#### **D. ABATEMENT OF VIOLATIONS**

- (1) Notice to abate: Whenever a violation is found to exist, a duly designated officer or employee of the county shall give written notice, in accordance with Section 2 below, to the owner of the property upon which such violation exists or upon the person causing or maintaining the violation.
- (2) Contents of notice:
- a. Any notice to abate a violation issued under the provisions of this article shall contain each of the following:
    - i. A full description of what constitutes the violation.
    - ii. A statement of acts necessary to abate the violation.
    - iii. An order to remedy the violation, notice of procedures to request a hearing, and a reasonable time either to remedy the violation or request a hearing.

- iv. A statement of notice that if the violation is not abated as directed and no request for hearing is made within the prescribed time, the county will abate such violation and assess the costs thereof against such person as outlined below.
- b. Where abatement of a violation is required to maintain the health, safety or welfare of the residents of the county, and inadequate action has been taken to remedy the situation upon previous notice served:
  - i. A full and adequate hearing shall be called and conducted by the Callaway County Commission, known in this subsection as the hearing officer(s).
  - ii. The owner as shown by the land records of the county recorder of deeds, shall be made party to the hearing, shall have an opportunity to be heard, and shall be served notice of the hearing (personally or certified mail, return receipt requested; if those methods fail, service may be had by publication) allowing at least ten (10) days written notice. The notice shall include the date, time and place of the hearing.
  - iii. Any party may be represented by counsel and have the right to present evidence.
  - iv. If any party fails to appear at the hearing, the evidence of the existence of facts shall be considered un rebutted.
  - v. The technical rules of evidence shall not apply in the hearing. Any relevant evidence may be admitted and considered by the hearing officer(s) if it is the sort of evidence for which responsible persons are accustomed to relying in the conduct of serious affairs. Objections to evidence shall be noted and a ruling given by the hearing officer(s).
  - vi. If, after the hearing, competent and substantial evidence shows the violation to be detrimental to the health, safety, or welfare of the residents of the county, the hearing officer(s) shall issue an order making specific findings of fact and order the violation be removed. If the evidence presented does not support a finding that the violation is detrimental to the health, safety, or welfare of the residents of the county, no order shall be issued.

- (3) Service of notice: The notice to abate a violation shall be served as any other legal process may be served pursuant to law.
- (4) Abatement by county: Upon the failure of the person upon whom notice to abate a violation was served pursuant to the provisions of this article to abate the same, the Administrator, as the duly designated agent or employee of the county, shall proceed to abate such violation using county staff and/or contracted labor, and shall prepare a statement of costs incurred in the abatement thereof.
- (5) Costs of abatement to be assessed: Any and all costs incurred by the county in the abatement of a violation under the provisions of this article shall be certified to the county clerk or officer in charge of finance, who shall cause a special tax bill or assessment therefore against the property be prepared and collected by the official responsible for collecting personal property taxes. The special tax bill or assessment shall be noticed to all persons from the time of its recording and shall bear interest at the legal rate thereafter until satisfied.