

TITLE 17

STORMWATER MANAGEMENT

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CHAPTER 17.02

GENERAL PROVISIONS

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17.02.010 Title. These regulations shall hereafter be known, cited, and referred to as the "Stormwater Management Ordinance" of the city. (Ord. 82-55 § 1 (part), 1982.)

17.02.020 Applicability. The provisions of this title shall extend and apply to all land within the corporate limits of the city. Any person, firm, corporation or business proposing to construct buildings or develop land within the above-described area shall make application to the city engineer for approval of a stormwater management plan and issuance of a drainage permit as specified in this title. (Ord. 82-55 § 1 (part), 1982.)

17.02.030 Interpretations. The provisions of this title are intended to supplement existing zoning and land use ordinances of the city. In their interpretation and application, the provisions herein shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. (Ord. 82-55 § 1 (part), 1982.)

17.02.040 Objectives. To promote the public health, safety, and general welfare of the citizens of Olathe, this Stormwater Management Ordinance is enacted for the general purpose of assuring the proper balance between man's use of land and the preservation of a safe and beneficial environment. More specifically, the provisions of these regulations, as amended from time to time, are intended to reduce property damage and to minimize the hazards of personal injury and loss of life due to flooding through the following:

- (1) Establishment of a stormwater management system;
- (2) Definition and establishment of stormwater management practice;
- (3) Establishment of methods and guidelines for attenuating or avoiding flooding within the city from the cumulative effects of increased volume and peak discharge of surface water runoff;
- (4) Establishment of an appeals board to review decisions of the city engineer and to mediate disputes regarding the interpretation and implementation of the provisions of this title. (Ord. 83-09 § 1, 1983; Ord. 82-55 § 1 (part), 1982.)

17.02.050 Relationship to Other Laws. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the city, except as shall be expressly provided for in these regulations. (Ord. 82-55 § 1 (part), 1982.)

17.02.060 Disclaimer of Liability. The performance standards and design criteria set forth herein establish minimum requirements which must be implemented with good engineering practice and workmanship.

Use of the requirements contained herein shall not constitute a representation, guarantee or warranty of any kind by the city, or its officers and employees, of the adequacy or safety of any stormwater management structure or use of land. Nor shall the approval of a stormwater management plan and the issuance of a drainage permit imply that land uses permitted will be free from damages caused by stormwater runoff. The degree of protection required by these regulations is considered reasonable for regulatory purposes and is based on historical records, engineering and scientific methods of study. Larger storms may occur or stormwater runoff heights may be increased by man-made or natural causes. These regulations therefore shall not create liability on the part of the city or any officer with respect to any legislative or administrative decision lawfully made hereunder. (Ord. 82-55 § 1 (part), 1982.)

CHAPTER 17.04

DEFINITIONS

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17.04.160	Tributary Area.
17.04.170	Watercourse.
17.04.180	Wet-bottom Basin.

17.04.010 Generally.

(a) For the purpose of this title, the words and terms as used herein are defined to mean as set out in this chapter.

(b) Words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" or the word "must" is mandatory; the term "used for" includes the meaning "designated for" or "intended for." (Ord. 82-55 § 1 (part), 1982.)

17.04.020 Channel. "Channel" means a watercourse of perceptible extent which periodically or continuously contains moving water or which forms a connecting link between two bodies of water. (Ord. 82-55 § 1 (part), 1982.)

17.04.030 Detention. "Detention" means a stormwater management technique of which the primary function is to control the peak rate of surface water runoff by utilizing temporary storage and a controlled rate of release. This may include, but not be limited to, the use of reservoirs, roof tops, parking areas, holding tanks, in-pipe and in-channel storage. (Ord. 82-55 § 1 (part), 1982.)

17.04.040 Development. "Development" means any man-made change to improved or unimproved real property including the construction or reconstruction of buildings or structures; paving, excavation, grading, filling or similar operations; or the filing and recording of a subdivision plat. (Ord. 82-55 § 1 (part), 1982.)

17.04.050 Differential Runoff. "Differential runoff" means the volume and rate of flow of stormwater runoff discharged from a parcel of land or drainage area which is or will be greater than that volume or rate which pertained prior to the proposed development or redevelopment. (Ord. 82-55 § 1 (part), 1982.)

17.04.060 Drainage Permit. "Drainage permit" means a permit issued by the city engineer subsequent to approval of a final stormwater management plan. (Ord. 82-55 § 1 (part), 1982.)

17.04.070 Dry-bottom Basin. "Dry-bottom basin" means a natural or artificial stormwater storage area which is designed and maintained for temporary containment of stormwater runoff. (Ord. 82-55 § 1 (part), 1982.)

17.04.080 Floodplain. "Floodplain" means a land area adjoining a river, stream, watercourse, or lake which is likely to be flooded in a one-hundred-year flood. (Ord. 82-55 § 1 (part), 1982.)

17.04.090 Floodway. "Floodway" means the channel of a watercourse and the adjacent land area that must be reserved in order to discharge a one-hundred-year flood without cumulatively increasing the water surface elevation more than 1.0 foot. (Ord. 82-55 § 1 (part), 1982.)

17.04.100 Freeboard. "Freeboard" means a factor of safety expressed as the difference in elevation between the top of the detention basin dam and the maximum design surface water elevation resulting from the storm for which the basin's required storage volume was determined. (Ord. 82-55 § 1 (part), 1982.)

17.04.110 One-hundred-year Storm. "One-hundred-year storm" means a rainstorm having a one percent chance of being equaled or exceeded in any given year. (Ord. 82-55 § 1 (part), 1982.)

17.04.120 Plat. "Plat" means a legally recorded plan of a parcel of land showing the location and dimension of such features as streets, lots, easements, and other elements pertinent to a subdivision. (Ord. 82-55 § 1 (part), 1982.)

17.04.130 Stormwater Runoff. "Stormwater runoff" means water resulting from precipitation which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation and which flows over the surface. (Ord. 82-55 § 1 (part), 1982.)

17.04.140 Ten-year Storm. "Ten-year storm" means a rainstorm with a ten percent chance of being equaled or exceeded in any given year. (Ord. 82-55 § 1 (part), 1982.)

17.04.150 Twenty-five-year Storm. "Twenty-five-year storm" means a rainstorm with a four percent chance of being equaled or exceeded in any given year. (Ord. 82-55 § 1 (part), 1982.)

17.04.160 Tributary Area. "Tributary area" means all of the area contributing stormwater runoff to a given point. (Ord. 82-55 § 1 (part), 1982.)

17.04.170 Watercourse. "Watercourse" means any stream, creek, brook, branch, depression, reservoir, lake, pond, or drainage way in or into which stormwater runoff flows. (Ord. 82-55 § 1 (part), 1982.)

17.04.180 Wet-bottom Basin. "Wet-bottom basin" means a stormwater storage area which is designed and maintained to contain water temporarily and to hold permanently an additional volume of water at a level below the discharge structure of the storage area. (Ord. 82-55 § 1 (part), 1982.)

CHAPTER 17.06

THE STORMWATER MANAGEMENT SYSTEM

Sections:

17.06.010	General.
17.06.020	The Major System.
17.06.030	The Minor System.
17.06.040	Management Controls.
17.06.050	Management Practices.
17.06.060	Public and Private Responsibilities Under the Stormwater Management System.

17.06.010 General. This chapter establishes the stormwater management system, which shall be composed of a major system, a minor system, management controls, and management practices. These regulations shall apply in the minor system. (Ord. 82-55 § 1 (part), 1982.)

17.06.020 The Major System. The major system shall be composed of the regulatory floodplain as shown on the National Flood Insurance Program maps as developed for the city by the U.S. Department of Housing and Urban Development, Federal Insurance Administration. All components of the major system shall be designed to handle the one-hundred-year rainfall event. (Ord. 82-55 § 1 (part), 1982.)

17.06.030 The Minor System. The minor system shall consist of storm drainage facilities including, but not necessarily limited to, roadway curb and gutter, open channels, swales and enclosed conveyance systems which transport storm runoff to the major system (regulatory floodplain). Minor system facilities are those designed to accommodate runoff resulting from a storm with a given design frequency. (Ord. 82-55 § 1 (part), 1982.)

17.06.040 Management Controls.

(a) Management controls are regulations applicable to the minor system under the provisions of this title. Such controls shall limit any activity which will adversely affect hydraulic function of detention facilities, open channels, drainage swales, or enclosed stormwater conveyance systems contained within the minor system as previously defined.

(b) Exceptions to the applicability of the use of management controls for new developments shall be granted in the following situations:

- (1) Additions to, improvements or repair of existing single-family and duplex dwelling structures;
- (2) New construction of any one single-family or duplex dwelling unit regardless of the site area which the structure is to occupy;
- (3) On sites where stormwater runoff discharges directly into a major stream or system component and such controls would serve no useful purpose;
- (4) On land used for agricultural purposes where no change in grade over that which has existed historically will take place;
- (5) Construction of any buildings or structures on a site which has been previously provided with stormwater management control facilities as a part of a larger unit of development. (Ord. 82-55 § 1 (part), 1982.)

17.06.050 Management Practices. The following practices may be utilized upon approval of the city engineer. Use of these methods shall be fully in accordance with the design criteria and performance standards as set forth in this title:

(1) STORAGE. Runoff may be stored in temporary or permanent detention basins, or through rooftop or parking lot ponding, or percolation storage, or by other acceptable means.

(2) OPEN CHANNELS. Maximum feasible use shall be made of existing drainageways, open channels, and drainage swales that are designed and coordinated with the design of building lots and streets.

(3) STREETS AND CURBS. Streets, curbs, and gutters shall be an integral part of the stormwater runoff management system. To the maximum extent possible, drainage systems, street layout and grades, lotting patterns and the location of curbs, inlets and site drainage and overflow swales shall be concurrently designed in accordance with the standards set forth in these regulations.

(4) ENCLOSED CONVEYANCE SYSTEM. Enclosed conveyance systems consisting of inlets, conduits, and manholes may be used to convey stormwater runoff.

(5) OTHER. The stormwater runoff management practices enumerated herein shall not constitute an exclusive listing of available management practices. Other generally accepted practices and methods may be utilized where approved by the city engineer. (Ord. 82-55 § 1 (part), 1982.)

17.06.060 Public and Private Responsibilities Under the Stormwater Management System.

(a) PUBLIC RESPONSIBILITIES. Administration: The administration of these regulations shall be the responsibility of the city engineer, who shall review and approve stormwater management plans as provided herein.

(b) PRIVATE RESPONSIBILITIES. Each developer of land within the city has the responsibility to provide on the developer's property all approved stormwater runoff management facilities to ensure the adequate drainage and control of stormwater on the developer's property both during and after construction of such facilities.

(c) MAINTENANCE.

(1) Operation and maintenance of publicly owned facilities: The City Department of Public Works shall be responsible for the maintenance of all drainage structures and improved watercourses which are within public right-of-way or are under public ownership.

(2) Maintenance: Stormwater runoff control facilities including open drainage swales, channels, enclosed systems and detention/retention structures on or adjacent to and abutting privately owned property and not under public ownership shall be maintained by the owner, occupant or agent in charge of such property. Such maintenance shall include but not be limited to keeping said facilities free and clear of weeds, brush, vegetable growth, debris and any other waste material which might impede or hinder the facilities' intended use.

(3) Failure to maintain: If the city engineer determines that the owner, occupant or agent in charge of any lot, piece or parcel of land on which a drainage control structure exists or abuts has failed to properly maintain such facility as previously set forth, then he shall notify the owner, occupant or agent in charge of the violation in writing. If the owner, occupant or agent in charge fails, neglects or refuses to comply with the requirements specified in the notice, the city engineer shall proceed to cause the necessary remedial work to be performed and shall report the costs of such remedial work to the city clerk. The city clerk shall mail a statement of costs to the last-known address of the owner, occupant or agent in charge of the property and if such costs are not paid to the city within ten days of such notice, the Governing Body of the city shall proceed to pass an ordinance levying a special assessment for such costs against the property on which the facility exists or abuts. The city clerk shall certify such assessment to the county clerk for collection and payment to the city the same as other assessments and taxes are collected and paid. (Ord. 82-55 § 1 (part), 1982.)

CHAPTER 17.07

STORMWATER POLLUTION PREVENTION

Sections:

17.07.010	Title
17.07.020	Purpose and Findings
17.07.030	Abbreviations
17.07.040	Definitions
17.07.050	General Prohibition
17.07.060	Specific Prohibitions and Duties
17.07.070	Inspection and Detection Program
17.07.080	Release Reporting and Clean-up
17.07.090	Enforcement; Designation of Officer; Abatement; Right of Entry; Penalty
17.07.100	Severability

17.07.010 Title. These regulations shall hereafter be known as the Stormwater Pollution Prevention Act ("Act"). (Ord. 06-76 § 1, 2006.)

17.07.020 Purpose and Findings.

a. The purpose of this Act shall be to prevent the discharge of pollutants from land and activities within the City into the municipal separate storm sewer system (MS4) and/or into surface waters.

b. The Governing Body of the City hereby finds that pollutants are discharged into surface waters, both through inappropriate non-stormwater discharges into the MS4 or the surface waters directly, and through the wash off and transport of pollutants found on the land and built surfaces by stormwater during rainfall events.

c. Further, the Governing Body of the City hereby finds that such discharge of pollutants may lead to increased risks of disease and harm to individuals, particularly children, who come into contact with the water; may degrade the quality of such water for human uses, such as drinking, irrigation, recreation, and industry; and may damage the natural ecosystems of rivers, streams, lakes and wetlands, leading to a decline in the diversity and abundance of plants and animals.

d. Further, the Governing Body of the City hereby finds that this chapter will promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the storm drainage system.

e. Further, the Governing Body of the City hereby finds that such discharges are inconsistent with the provisions and goals of the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES), and other federal and state requirements for water quality and environmental preservation.

f. Further, the Governing Body of the City hereby finds that a reasonable establishment of restrictions and regulations on activities within the City is necessary to eliminate or minimize such discharges of pollutants, to protect the health and safety of citizens, to preserve economic and ecological value of existing water resources within the City and within downstream communities, and to comply with the provisions of the City's responsibilities under the Clean Water Act and the NPDES program. (Ord. 06-76 § 1, 2006.)

17.07.030 Abbreviations. The following abbreviations when used in this Act shall have the designated meanings:

BMP	Best Management Practice
CFR	Code of Federal Regulations
EPA	Environmental Protection Agency
HHW	Household Hazardous Waste
KDHE	Kansas Department of Health and Environment
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
PST	Petroleum Storage Tank (Ord. 06-76 § 1, 2006.)

17.07.040 Definitions. For the purposes of this Act, the following definitions shall apply:

Best management practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Car means any vehicle meeting the definition for passenger car, bus, pickup truck, motorcycle, recreational vehicle, or motor home given in Chapter 10.01 of the Olathe Municipal Code.

City means the City of Olathe, Kansas.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Code means the Olathe Municipal Code.

Director means the Director of Public Works or the Director's authorized representative.

Discharge means the addition or introduction, directly or indirectly, of any pollutant, stormwater, or any other substance into the MS4 or surface waters.

Domestic sewage means human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, retail and commercial establishments, factories, and institutions, that is free from industrial waste.

Extremely hazardous substance means any substance listed in the appendices to 40 CFR Part 355, Emergency Planning and Notification.

Fertilizer means a substance or compound that contains a plant nutrient element in a form available to plants and is used primarily for its plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers.

Hazardous household waste (HHW) means any material generated in a household (including single and multiple residences) by a consumer which, except for the exclusion provided in 40 CFR Section 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261 or K.A.R 28-29-23b.

Hazardous substance means any substance listed in Table 302.4 of 40 CFR Part 302.

Hazardous waste means any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.

Industrial waste means any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade, or business.

Municipal separate storm sewer system (MS4) means the system of conveyances, (including roads with drainage systems, municipal streets, private streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

NPDES means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318 and 405 of the federal Clean Water Act.

NPDES permit means for the purpose of this chapter, a permit issued by United States Environmental Protection Agency (EPA) or the state of Kansas that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Oil means any kind of oil in any form, including but not limited to: petroleum, fuel oil, crude oil, synthetic oil, motor oil, bio-fuel, cooking oil, grease, sludge, oil refuse, and oil mixed with waste.

Person 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, including all federal, state, and local governmental entities.

Pesticide means a substance or mixture of substances intended to prevent, destroy, repel, or migrate any pest, or substances intended for use as a plant regulator, defoliant, or desiccant.

Petroleum Product means a product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel or lubricant in a motor vehicle, boat or aircraft including motor oil, motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil and #1 and #2 diesel fuel.

Pollutant means any substance or material which contaminates or adversely alters the physical, chemical or biological properties of the waters including changes in temperature, taste, odor, turbidity, or color of the water. Such substance or material may include but is not limited to, dredged spoil, spoil waste, incinerator residue, sewage, pet and livestock waste, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, yard waste, hazardous household wastes, oil and petroleum products, used motor oil, anti-freeze, litter, pesticides, and industrial, municipal, and agricultural waste discharged into water.

Property Owner means the named property owner as indicated by the records of the Johnson County, Kansas Records and Tax Administration.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the MS4 and/or surface waters.

Sanitary sewer means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to a sewage treatment plant and to which stormwater, surface water, and groundwater are not intentionally admitted.

Septic tank waste means any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage means the domestic sewage and/or industrial waste that is discharged into the sanitary sewer system and passes through the sanitary sewer system to a sewage treatment plant for treatment.

State means the state of Kansas.

Stormwater means stormwater runoff, snow melt runoff, and surface runoff and drainage.

Surface waters means any body of water classified as "surface waters" by the state of Kansas, including streams, rivers, creeks, brooks, sloughs, draws, arroyos, canals, springs, seeps, cavern streams, alluvial aquifers associated with these surface waters, lakes, man-made reservoirs, oxbow lakes, ponds, and wetlands, as well as any other body of water classified by the federal government as a "water of the United States".

Waste means any garbage, refuse, sludge or other discarded material which is abandoned or committed to treatment, storage or disposal, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial mining, community and agricultural activities. Waste does not include solid or dissolved materials in domestic sewage or irrigation return flows or solid or dissolved materials or industrial discharges which are point sources subject to permits under the state of Kansas. The Federal definition of solid waste is found at 40 CFR 257.2.

Water quality standard means the law or regulation that consists of the beneficial designated use or uses of a water body, the numeric and narrative water quality criteria that are necessary to protect the use or uses of that particular water body, and an anti-degradation statement. (Ord. 06-76 § 1, 2006.)

17.07.050 General Prohibition.

a. No person shall release or cause to be released into the MS4, or into any surface water within the City, any discharge that is not composed entirely of stormwater that is free of pollutants, except as allowed in Subsection b.

b. Unless identified by the City or KDHE as a significant source of pollutants to surface water the following non-stormwater discharges are deemed acceptable and not a violation of this section:

1. Water line flushing;
2. Diverted stream flow;
3. Rising groundwater;
4. Uncontaminated groundwater infiltration as defined under 40 CFR 35.2005(20) to separate storm sewers;
5. Uncontaminated pumped groundwater;
6. Contaminated groundwater if authorized by KDHE and approved by the municipality;
7. Discharges from potable water sources;
8. Foundation drains;
9. Air conditioning condensate;
10. Irrigation waters;
11. Springs;
12. Water from crawl space pumps;
13. Footing drains;
14. Individual residential car washing;
15. Flows from riparian habitats and wetlands;
16. De-chlorinated swimming pool discharges excluding filter backwash;

17. Street wash waters (excluding street sweepings which have been removed from the street);
18. Discharges or flows from emergency fire fighting activities;
19. Heat pump discharge waters (residential only);
20. Treated wastewater or other discharges meeting requirements of a NPDES permit; and
21. Other discharges determined not to be a significant source of pollutants to waters of the state, a public health hazard or a nuisance.

c. Discharges specified in writing by the Director as being necessary to protect public health and safety.

d. Notwithstanding the provisions of Subsection b of this section, any discharge shall be prohibited by this section if the discharge in question has been determined by the Director to be a source of a pollutants to the MS4 or to surface waters, written notice of such determination has been provided to the property owner or person responsible for such discharge, and the discharge has occurred more than ten (10) days beyond such notice. (Ord. 06-76 § 1, 2006.)

17.07.060 Specific Prohibitions and Duties. The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibition in Section 17.07.040, but are provided to address specific discharges that are frequently found or are known to occur:

a. No person shall release or allow to be released any of the following substances into the MS4:

1. Any new or used, motor oil, antifreeze, petroleum product or waste;
2. Any industrial waste;
3. Any hazardous substance or hazardous waste, including household hazardous waste;
4. Any domestic sewage or septic tank waste, grease trap or grease interceptor waste, holding tank waste, or grit trap waste;
5. Any garbage, rubbish or other waste;
6. Any new or used paints, including latex-based paints, oil-based paints, stains, varnish, and primers, as well as cleaning solvents and other associated products;
7. Any yard wastes which have been moved or gathered by a person;
8. Any wastewater that contains soap, detergent, degreaser, solvent, or surfactant based cleaner from a commercial motor vehicle wash facility; from any vehicle washing, cleaning, or maintenance at any new or used motor vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus or heavy equipment;
9. Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains soap, detergent, degreaser, solvent, or any surfactant based cleaner;
10. Any wastewater from commercial floor, rug, or carpet cleaning;
11. Any wastewater from the washdown or other cleaning of pavement that contains any soap, detergent solvent, degreaser, emulsifier, dispersant, or other cleaning substance; or any wastewater from the washdown or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all such materials have been previously removed;
12. Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emission filter, or the blowdown from a boiler;

13. Any ready-mixed concrete, mortar, ceramic, or asphalt base material or discharge resulting from the cleaning of vehicles or equipment containing or used in transporting or applying such material;
14. Any runoff, washdown water or waste from any animal pen, kennel, fowl or livestock containment area or any pet wastes generally;
15. Any filter backwash from a swimming pool or fountain, except that nothing in this chapter shall be construed as to require the alteration of the filter discharge plumbing of an existing swimming pool, fountain or spa if such plumbing was compliant with applicable state, federal, and local regulations at the time of construction;
16. Any swimming pool, fountain or spa water containing a harmful level of chlorine, muriatic acid, or other chemical used in the treatment or disinfection of the water or during cleaning of the facility;
17. Any discharge from water line disinfection by super chlorination if it contains a harmful level of chlorine at the point of entry into the MS4 or surface waters;
18. Any contaminated runoff from a vehicle wrecking or storage yard;
19. Any substance or material that will damage, block, or clog the MS4;
20. Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by leaking PST; or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge has received an NPDES permit from the state;
21. Any other discharge that causes or contributes to causing the City to violate a state water quality standard, the City's NPDES stormwater permit, or any state-issued discharge permit for discharges from its MS4.

b. No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures, except as allowed for in conformance with Chapter 17.12 of the Olathe Municipal Code.

c. No person shall connect a line conveying sanitary sewage, domestic or industrial, to the MS4. No property owner shall allow such a connection to continue in use on their property.

d. No person shall use pesticides, herbicides and fertilizers except in accordance with manufacturer recommendations. Pesticides, herbicides and fertilizers shall be stored transported and disposed of in a manner to prevent release to the MS4.

e. No person shall tamper with, destroy, vandalize, or render inoperable any BMPs which have been installed for the purpose of eliminating or minimizing pollutant discharges, nor shall any person fail to install or fail to properly maintain any BMPs which have been required by the City or by other local, state, or federal jurisdictions. (Ord. 06-76 § 1, 2006.)

17.07.070 Inspection and Detection Program. The Director is authorized to develop and implement a plan to actively detect and eliminate prohibited discharges and connections to the MS4 or surface waters within the City. Such plan may include, but is not limited to, periodic and random inspections of facilities and businesses, particularly those most associated with potentially prohibited discharges; visual surveys of exterior practices; inspection, sampling and analyses of discharges from outfalls of the MS4, particularly during dry weather periods; manhole and pipe inspections to trace discharges through the system to point of origin; education on pollution prevention; and receipt of complaints and information from the public regarding known or suspected discharges. (Ord. 06-76 § 1, 2006.)

17.07.080 Release Reporting and Clean-up.

a. Any person responsible for the release of any prohibited material that may flow, leach, enter, or otherwise be introduced into the MS4 or surface waters shall take all necessary steps to ensure the containment and clean-up of such release.

b. 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.

c. In the event of a release of non-hazardous materials, said person shall notify the Director 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 Director within three (3) business days of the phone notice. (Ord. 06-76 § 1, 2006.)

17.07.090 Enforcement; Designation of Officer; Abatement; Right of Entry; Penalty. The Director or his or her appointed representative shall be designated as the public officer charged with the administration and enforcement of this Act. The public officer shall authorize the investigation of violations of the Act. If it is determined that a violation of this Act exists, then the officer shall declare such condition a nuisance and is authorized to pursue abatement and enforcement procedures as specified in Chapter 17.18 of the Olathe Municipal Code. (Ord. 06-76 § 1, 2006.)

17.07.100 Severability. If any section, subsection, paragraph, sentence, clause or phrase in this chapter or any part thereof is held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall no affect the validity or effectiveness of the remaining portions of this chapter. (Ord. 06-76 § 1, 2006.)

CHAPTER 17.08

PROCEDURE FOR THE SUBMISSION, REVIEW, AND APPROVAL OF STORMWATER RUNOFF MANAGEMENT PLANS

Sections:

- 17.08.010 General.
- 17.08.020 Preliminary Stormwater Management Plan.
- 17.08.030 Final Stormwater Management Plan.

17.08.010 General. No development shall increase the quantity and rates of stormwater emanating from said land areas except in accordance with an approved stormwater management plan as provided in these regulations. The stormwater management plan shall be prepared by a licensed professional engineer in the state. No building permits shall be issued prior to the approval of the stormwater management plan by the city engineer. (Ord. 82-55 § 1 (part), 1982.)

17.08.020 Preliminary Stormwater Management Plan.

(a) A preliminary stormwater management plan shall accompany all preliminary applications for land development. This preliminary plan shall contain but not be limited to the following information and data:

(1) A site plan of suitable scale and contour interval showing topographical information of the land to be developed and adjoining land whose topography may affect the proposed layout or drainage patterns for the development. A general plan of final contours of the site development shall also be shown as shall all existing streams, waterways, channels and the extent of the established floodplains;

(2) The location and calculated flow rates of all adjacent storm drainage facilities;

(3) A general discussion of the type and characteristics of soils contained in the development area;

(4) A discussion of the concepts to be considered in the development to handle anticipated stormwater runoff including the methods to be utilized to detain or control increased stormwater runoff generated by the proposed development;

(5) A preliminary plan of proposed storm drainage facilities including preliminary calculations of runoff to be handled by such facilities;

(6) A discussion of the possible effects that the proposed development could have on areas adjoining the development.

(b) Following the receipt of the preliminary stormwater management plan, a general review meeting shall be conducted and shall include the city engineer, city planner, representatives of the developer and the developer's engineer. The purpose of this review shall be to jointly agree on the conceptual methods proposed to be utilized and the possible effects of the proposed development on existing or future adjacent developments. (Ord. 82-55 § 1 (part), 1982.)

17.08.030 Final Stormwater Management Plan.

(a) Following the review of the preliminary stormwater management plan and after the general approval of the preliminary plan by the city engineer, a final stormwater management plan shall be prepared for each phase of the proposed project as each phase is developed. The submittal of the final plan shall coincide with the application for final approval of the development and shall constitute a refinement of the concepts approved in the preliminary plan. It is important to note that if a project is to be phased, the total area of the conceptual project is to be considered in all calculations and that facilities should be designed for each phase which would be compatible with those of the total development plan. The final stormwater management plan for any development shall include but not be limited to the following additional information unless specifically allowed to be excluded by the city engineer:

(1) A topographic map of the project site and adjacent areas, of suitable scale and contour interval, which shall define the location of streams, the extent of floodplains and calculated high-water elevations, the shoreline of lakes, ponds, swamps, and detention basins including their inflow and outflow structures, if any;

(2) The location and flowline elevation of all existing sanitary and storm sewers, and the location of any existing sewage treatment facilities, which fall within the project limits and within a distance of five hundred feet beyond the exterior boundaries of the project;

(3) Detailed determination of runoff anticipated for the entire project site following development indicating design volumes and rates of proposed runoff for each portion of the watershed tributary to the storm drainage system, the calculations used to determine said runoff volumes and rates and review of the criteria which has been used by the design engineer;

(4) A layout of the proposed stormwater management system including the location and size of all drainage structures, storm sewers, channels and channel sections, detention basins, and analyses regarding the effect said improvements will have upon the receiving channel and its high-water elevation;

(5) The slope, type, size, and flow calculations for all existing and proposed storm sewers and other waterways;

(6) For all detention basins, if any, plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations;

(7) For all detention basins, if utilized, design hydrographs of inflow and outflow for the differential runoff from the site under proposed development conditions;

(8) A grading and sediment and erosion control plan for the project site as described in Chapter 17.12;

(9) A profile and one or more cross-sections of all existing and proposed channels or other open drainage facilities, showing existing conditions and the proposed changes thereto, together with the high-water elevations expected from stormwater runoff under the controlled conditions called for by these regulations and the relationship of structures, streets, and other utilities to such channels.

(b) The final stormwater management plan shall be reviewed by the city engineer. If it is determined according to present engineering practice that the proposed development will provide control of stormwater runoff in accordance with the purposes, design criteria and performance standards of these regulations and will not be detrimental to the public health, safety, and general welfare, the city engineer shall approve the plan or conditionally approve the plan, setting forth the conditions thereof, If approved, a drainage permit for the development shall be granted.

(1) If it is determined that the proposed development will not control stormwater runoff in accordance with these regulations the city engineer shall disapprove the stormwater management plan. If disapproved, the application and data shall be returned to the applicant for corrective action and resubmittal. (Ord. 82-55 § 1 (part), 1982.)

CHAPTER 17.10

DESIGN CRITERIA AND PERFORMANCE STANDARDS

Sections:

- 17.10.010 Design Criteria.
17.10.020 Performance Standards.

17.10.010 Design Criteria. Unless otherwise approved, the following rules shall govern the design of improvements with respect to managing stormwater runoff:

(1) METHODS OF DETERMINING STORMWATER RUNOFF. In determining the amount of stormwater runoff from a development, it is important for the designer to relate the methodology to be used in his calculations to the proportionate size of the tributary watershed area. In developments where the area contributing runoff is twenty-five acres or less, the rational method of calculating the quantity of runoff shall be used. Developments where the area contributing runoff is greater than twenty-five acres and up to two hundred acres shall be designed using the unit hydrograph method. The preferred method of hydrograph development shall be as described in the Soil Conservation Service publication "Urban Hydrology For Small Watersheds" (Technical Release No. 55 - January, 1975). Use of methods other than those described shall be only upon approval of the city engineer.

(2) DEVELOPMENT DESIGN. Streets, blocks, depth of lots, parks, and other public grounds shall be located and laid out in such a manner as to minimize the velocity of overland flow and allow maximum opportunity for infiltration of stormwater into the ground, and to preserve and utilize existing and planned streams, channels and detention basins, and include, whenever possible, streams and floodplains within parks and other public grounds.

(3) ENCLOSED SYSTEMS AND OPEN CHANNELS. The Design Criteria for Storm Drainage Facilities, latest edition, of the city, which by reference is made a part hereof as though repeated verbatim in this ordinance, shall govern the design of enclosed systems and open channels within the city.

(4) METHODS OF CONTROLLING DOWNSTREAM FLOODING. The city engineer shall determine whether the proposed plan will cause or increase downstream local flooding conditions. This determination shall be made on the basis of existing downstream development and drainage system capabilities and an analysis of stormwater runoff prior to and after the proposed development. If the city engineer determines that the proposed development will cause or increase downstream local flooding conditions during the design storm, provisions to minimize such flooding conditions shall be included in the design of storm drainage improvements and/or the temporary controlled detention of stormwater runoff and its regulated discharge to the downstream storm drainage system.

(5) DOWNSTREAM IMPROVEMENTS. Improvements to minimize downstream flooding conditions may include, but not be limited to, the construction of dams, dikes, levees, and floodwalls; culvert enlargements; and channel clearance and modification projects.

(6) DETENTION BASINS. Temporary detention of stormwater runoff may be used in developments in order to minimize downstream flooding conditions. Generally, stormwater detention basins shall be designed and constructed for the attenuation of the peak rate of runoff to an amount not greater than that occurring prior to development. Temporary storage facilities will not be required in situations where the installation of such a facility would adversely affect the environment or where the site discharges directly into a major stream or system component. The design of temporary detention facilities shall be in accordance with the following design criteria:

(A) Storage volume requirements: Sufficient storage volume shall be provided to prevent local flooding damage. Such volume shall be adequate to contain the differential volume of runoff which would result from the design storm occurring on a fully developed site over the maximum allowable release rate. Inflow rates into the storage basin shall be determined utilizing either the rational method or the unit hydrograph method dependent on the development size limitations and methodologies described in subsection (1) of this section. The minimum rainfall event to be utilized in determining the detention storage volume shall be based upon the planned land usage and intensity within the tributary area and shall be as follows:

- (i) Residential development, ten-year rainfall event.
- (ii) Commercial and industrial, twenty-five-year rainfall event.

When utilizing the SCS method of hydrograph development (Technical Release No. 55) the minimum rainfall events shall be based upon the twenty-four-hour point rainfall as indicated in Technical Paper No. 40 published by the Department of Commerce, Weather Bureau.

In the event of special circumstances the city engineer may require the use of storms of greater magnitude. When utilizing the rational method for runoff computations the rainfall intensity (i) and runoff coefficient (c) shall be based upon the area being fully developed in accordance with the planned land usage.

Associated with the analysis will be the routing of the storm hydrograph through the basin to determine the effect of the temporary storage on the rate of inflow.

As a result of the flood routing procedure, a determination of the required combination to temporary storage volume and outlet control required to reduce post development peak outflows to no more than the maximum allowable release rate may be made.

(B) Maximum allowable release rate: The basic design factor used in the determination of the maximum release rate of a detention facility shall be the capability of the downstream system to handle the flow adequately. In general, the maximum release rate shall be defined as the rate of runoff occurring prior to the proposed development taking place and shall be determined mathematically as the runoff resulting from a ten-year return-frequency rainfall calculated using the rational formula. Deviations from the use of this rainfall frequency in design calculations shall be only where approved by the city engineer. Actual rainfall intensity (i) shall be determined for the time of concentration of the tributary area in its undeveloped and natural state. The runoff coefficient (c) shall likewise be determined for the land in its undeveloped state. In no case shall the release rate exceed the existing "safe" storm drainage capacity of the downstream system or watercourse.

(C) Freeboard: The minimum elevation of the top of the detention storage basin embankment shall be at least one foot above the water surface with the emergency spillway flowing at design, or a minimum of two feet above the crest of the emergency spillway.

(D) Sediment storage: A sediment storage volume of at least five percent of the total required temporary storage volume for runoff detention shall be provided.

(E) Outlet control works: Outlet works shall not include any mechanical components or devices and shall function without requiring attendance or control during operation. Size and hydraulic characteristics shall be such that all water in detention storage is released to the downstream storm sewer system within twenty-four hours after the end of the design rainfall.

(F) Emergency overflow: A method of emergency overflow shall be designed and provided to permit the safe passage of runoff generated from a one-hundred-year storm.

(G) Other design considerations: All stormwater detention basins shall be designed with the capability of passing a one-hundred-year hydrograph from a fully developed watershed basin through the outlet works without causing failure of the embankment. It is not the intent of this requirement to entail any additional reduction of the peak runoff rate, but to assure the integrity and safety of the structure.

(H) Design data submittal: In addition to complete plans, the following design data shall be submitted to the city engineer for all projects including temporary detention facilities:

(i) Rainfall hydrograph plotted in units of inches per hour as ordinates, and time from beginning of the storm as abscissas;

(ii) Runoff hydrograph plotted in units of cubic feet per second runoff rate of the tributary area as ordinates, and time from the start of runoff as abscissas;

(iii) Area: capacity curve for proposed detention facility plotted in units of datum elevation as ordinates, and cumulative volume of storage as abscissas;

(iv) Discharge characteristics curve or outlet works plotted in units of detention facility water surface elevation as ordinates, and discharge rate for cubic feet per second (cfs) as abscissas;

(v) Storage capacity: inflow and outflow curves in units of accumulated volume as ordinates, and time from the start of runoff as abscissas. Curves shall be so arranged that the vertical distance between the accumulated storage and accumulated discharge will indicate the net volume in storage at any point in time. Curves shall be extended to the time required for complete discharge of all runoff stored in the detention facility.

(I) Other detention methods: In addition to the above criteria, the following detention methods may be utilized to provide temporary detention storage:

(i) Wet-bottom basins: The minimum normal depth of water before the introduction of excess stormwater shall be four feet. If fish are to be used to keep the basin clean, at least one quarter of the area of the permanent pool must have a minimum depth of ten feet. For emptying purposes, cleaning or shoreline maintenance, facilities shall be provided or plans prepared for the use of auxiliary equipment to permit emptying and drainage. All surface area within the fluctuating limits of the basin storage or that which is susceptible to or designed as overflow areas from storms with a higher return frequency than those utilized in the design of the facility shall be seeded and mulched, sodded or paved.

(ii) Dry-bottom basins: Where possible these shall be designed to serve secondary purposes for recreation, open space or other types of use which will not be adversely affected by occasional or intermittent flooding. To facilitate interior drainage, concrete paved swales shall be required from the inflow to the outlet structures.

(iii) Rooftop storage: Detention storage may be met in total or in part by detention on roofs. Details of such designs, which shall be included in the drainage permit applications, shall include the depth and volume of storage, details of outlet devices and downdrains, elevations of overflow scuppers, design loadings for the roof structure and emergency overflow provisions.

(iv) Paved parking lots: May be designed to provide temporary storage of stormwater on all or a portion of their surfaces to a maximum depth of nine inches. Outlets will be designed so as to empty the stored waters in such a time to create the least amount of inconvenience to the public. Minimum slopes of one percent and maximum slopes of four percent are to be utilized. The minimum freeboard from the maximum water ponding elevation to lowest sill elevation of adjacent buildings or structures shall be one foot. (Ord. 82-55 § 1 (part), 1982.)

17.10.020 Performance Standards.

(a) **STORMWATER CHANNEL LOCATION.** Generally acceptable locations of stormwater runoff channels in the design of a subdivision may include but not be limited to the following:

(1) In a depressed median of a double roadway, street, or parkway provided the median is wide enough to permit maximum three-to-one side slopes;

(2) Centered on back lot lines or entirely within the rear yards of a single row of lots or parcels;

(3) In each of the foregoing cases, a drainage easement to facilitate maintenance and design flow shall be provided and shown on the plat. No structures will be allowed to be constructed within or across stormwater channels.

(b) **STORM SEWER OUTFALL.** The storm sewer outfall shall be designed so as to provide adequate protection against downstream erosion and scouring.

(c) LOT LINES. Whenever the plans call for the passage and/or storage of floodwater, surface runoff, or stormwater along lot lines, the grading of all such lots shall be prescribed and established for the passage and/or storage of waters. No structure may be erected in these areas which will obstruct the flow of stormwater. Additionally, installation of fences and the planting of shrubbery or trees within the areas will not be permitted. Changes in the grade and contours of the floodwater or stormwater runoff channels will not be permitted unless approved in writing by the city engineer.

(d) MANHOLES. All sanitary sewer manholes constructed in a floodplain or in an area designed for the storage or passage of flood-water or stormwater shall be provided with either a watertight manhole cover or be constructed with a rim elevation of one (1) foot above the high water elevation the design storm, whichever is applicable to the specific area.

(e) EASEMENTS. Permanent easements for the detention and conveyance of stormwater, including easements of access to structures and facilities, shall be dedicated to the city.

(f) DRAINAGE PERMITS. A drainage permit for projects including detention facilities can be granted by the city engineer only after the final stormwater management plan has been approved and all easements have been dedicated, accepted, and recorded, and all required maintenance assurances and required bonds have been executed. (Ord. 83-09 § 2, 1983; Ord. 82-55 § 1 (part), 1982.)

CHAPTER 17.12

PLANS FOR GRADING AND SEDIMENTATION AND EROSION CONTROL

Sections:

17.12.010	General.
17.12.020	Grading Plan--Subdivision.
17.12.030	Grading Plan--Individual Lots.
17.12.040	Minimum Grading Standards.
17.12.050	Sediment and Erosion Control.

17.12.010 General.

(a) Prior to the approval and recording of the final subdivision or land development plan, a plan depicting proposed site grading within the development shall be submitted to the city engineer for review and approval.

(b) Stripping of vegetation or earthmoving shall not be permitted nor will building permits be issued prior to approval of this plan by the city engineer.

(c) For major subdivision developments consisting of more than ten lots, the grading plan shall be accompanied by a detailed sedimentation and erosion control plan. (Ord. 82-55 § 1 (part), 1982.)

17.12.020 Grading Plan--Subdivision. The grading plan shall be prepared by a licensed professional engineer in the state. The contents of the plan shall include but not be limited to the following information:

(1) Contours of existing grades at intervals not more than five feet. Intervals less than five feet may be required dependent on the character of the topography;

(2) Property lines identified as to existing or proposed lot and block number;

(3) Elevation and location of nearest bench mark (U.S.G.S. datum);

(4) Final grading contours drawn at sufficient intervals of not more than five feet to depict major subdivision drainage patterns. In addition, final grading spot elevations shall be shown for all corners of each lot. Such corner elevations shall be general in nature and upon approval of the city engineer may be revised at the time of plot plan submittal;

(5) One-hundred-year floodplain line with elevation;

(6) Easement and right-of-way information including drainage easements required for off-site drainage ways;

(7) Existing or proposed utility information. (Ord. 82-55 § 1 (part), 1982.)

17.12.030 Grading Plan--Individual Lots. Applications for individual building permits shall be accompanied by a specific grading plan for that lot. Such grading plan shall be incorporated into the plot plan and shall contain as a minimum, the following information:

(1) Property lines identified as to existing or proposed lot and block number;

(2) Proposed location of structure;

(3) Proposed type of structure (i.e. bi-level, split-level, etc.);

(4) Elevations of the top of foundation, proposed grade at principal structure corners and at lot corners;

(5) Approximate location of drainage swales indicated by directional arrows depicting flow patterns. Spot elevations may be utilized in lieu of arrows. Additional information may be required by the city engineer to assure protection of adjacent property. (Ord. 82-55 § 1 (part), 1982.)

17.12.040 Minimum Grading Standards.

(a) The following minimum criteria for site grading shall apply to all applications for site grading:

(1) Protective slopes around structures:

(A) Downward slope from structure foundations to drainage swales,

(B) Minimum gradients:

(i) Impervious surfaces shall be one-eighth inch per foot (one percent),

(ii) Previous surfaces shall be one-fourth inch per foot (two percent),

(C) Maximum gradient shall be four horizontal to one vertical for a minimum four feet from foundation walls;

(2) Lawn areas:

(A) Minimum gradient shall be one-eighth inch per foot (one percent),

(B) Maximum gradient shall not be greater than three horizontal to one vertical;

(3) Driveways sloping toward buildings shall be graded in such a manner as to provide an intercepting swale draining away from the structure prior to its connection with the building.

(b) In specific cases the use of gradients less than or greater than those specified may be required. Variance from these requirements may be allowed where justified and approved by the city engineer. (Ord. 82-55 § 1 (part), 1982.)

17.12.050 Sediment and Erosion Control. In major developments, or as specifically required by the city engineer, a detailed sediment and erosion control plan shall accompany all grading plan applications. The implementation of the approved plan shall be concurrent with site grading activities for the proposed development and shall remain in effect until the completion of the subdivision or development. The plan submitted shall address the type and characteristics of the soils within the development and an indication shall be made of the potential erodibility of the site during construction operations. Methods to prevent sedimentation and erosion of the site shall include, but not be limited to, chemical treatment of the soil, siltation basins, mulches and netting. Protective measures proposed to be utilized should be dependent upon the degree of erodibility of the site. (Ord. 82-55 § 1 (part), 1982.)

CHAPTER 17.14

BONDS, MAINTENANCE ASSURANCES, AND DRAINAGE PERMITS

Sections:

- 17.14.010 Performance Bonds and Other Assurances for Completion of Stormwater Management Improve-ments.
- 17.14.020 Maintenance Bonds.
- 17.14.030 Drainage Permits.

17.14.010 Performance Bonds and Other Assurances for Completion of Stormwater Management Improvements. Upon approval of the final stormwater management plan, but before the issuance of a drainage permit, the city engineer shall require the applicant to post a performance bond, cash escrow, certified check, or other acceptable form of performance security for the amount of the work to be done pursuant to the approved stormwater management plan. (Ord. 82-55 § 1 (part), 1982.)

17.14.020 Maintenance Bonds. A two-year maintenance bond against defects in workmanship will be required by the city for any portion of the stormwater management improvements dedicated to the public. (Ord. 82-55 § 1 (part), 1982.)

17.14.030 Drainage Permits. Upon approval of the stormwater management plan and acceptance of the applicant's assurances of performance and maintenance as provided in these regulations, the city engineer shall issue a drainage permit. The permit shall set forth the terms and conditions of the approved stormwater management plan. (Ord. 82-55 § 1 (part), 1982.)

CHAPTER 17.16

APPEALS

Sections:

- 17.16.010 Appeals.
17.16.020 Stormwater Control Board of Appeals (Repealed).

17.16.010 Appeals. Any person aggrieved by a decision of the chief building inspector, fire marshal or city engineer in the enforcement of this title shall have the right to appeal any such order, requirement, decision or determination of the Board of Code Review, as established by Chapter 2.74 of the Olathe Municipal Code, in accordance with the following procedures:

(1) A hearing before the Board of Code Review shall be held within thirty (30) days of a final order, requirement, decision or determination of the chief building inspector, fire marshal or city engineer. The board shall consider any information offered by the aggrieved person bearing on the dispute and shall recommend to the chief building inspector, fire marshal or city engineer as appropriate, either reversal, modification or confirmation. The chief building inspector, fire marshal and city engineer, who shall be present at the meeting, shall act upon the recommendation in a manner consistent with his/her responsibilities under these regulations.

(2) Any person aggrieved by any final decision of the chief building inspector, fire marshal or city engineer, following review by the Board of Code Review, may seek review by a court of competent jurisdiction in the manner provided by the laws of the state. (Ord. 89-97 § 7, 1989; Ord. 82-55 § 1 (part), 1982.)

17.16.020 Stormwater Control Board of Appeals (Repealed). (Ord. 89-97 § 8, 1989; Ord. 82-55 § 1 (part), 1982.)

CHAPTER 17.18

PENALTIES

Sections:

- 17.18.010 Penalty for Violations--Actions.

17.18.010 Penalty for Violations--Actions. The violation of any provision of this title is a misdemeanor, and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00); and the city shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this title and to abate nuisances maintained in violation thereof; and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure, or land. Each day any violation of this title shall continue shall constitute a separate offense. (Ord. 82-55 § 1 (part), 1982.)