

# MEMORANDUM

DATE: May 21, 2019  
SUBJECT: Erosion and Sediment Control Ordinance

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**AN ORDINANCE AMENDING TITLE V (BUILDING AND CONSTRUCTION) OF THE CODE OF ORDINANCES, CITY OF BLUE SPRINGS, MISSOURI, ADDING CHAPTER 520, EROSION AND SEDIMENT CONTROL, SECTIONS 520.010, 520.020, 520.030, 520.040, and 520.050.**

## Chapter 520. Erosion and Sediment Control

### Section 520.010. Intent.

This Chapter is enacted for the purpose of regulating the erosion and/or transfer of sediment between properties as a result of grading, construction, building or development activities on private property within the incorporated area of the city to property; to encourage certain Erosion and Sediment Control (ESC) standards and Best Management Practices (BMPs) to minimize erosion and prevent the movement of sediment and debris from construction sites to adjacent properties and/or the public rights-of-way; to avoid pollution of watercourses with nutrients, sediments, and other earthen materials generated on or caused by surface runoff on or across the permitted area; to ensure that the intended use of the graded site is consistent with the city subdivision and zoning codes, and related approvals and to protect property and the public welfare. This Chapter is not intended to regulate any existing or pre-existing drainage or runoff across or between already developed or improved properties that are not related to building, construction or development activities.

### Section 520.020. Scope and Applicability

- A. The regulations contained in this Chapter shall apply to all residential and non-residential construction sites that are greater than 300 square feet but less than 1 acre in size.
- B. For the purposes of this Chapter, the term “construction site” shall mean any lot or parcel of land or combination of contiguous lots or parcels of land, whether held separately or joined together in common ownership or occupancy, where grading is to be performed or has been performed for the purposes of site improvement activity, preparation, grading, stockpiling, development, building, assembly, erection, substantial repair, alteration or similar action, including demolition, for which a building permit is required under Chapter 500, as well as any grading or development activities that disturb land so as to cause the movement of sediment from one property to another as a result of the construction activity.
- C. For the purposes of this Chapter, Erosion means the wearing away and transportation of earth material as a result of the movement of wind, water, or ice.

### Section 520.030. Erosion and Sediment Control

- A. It shall be unlawful for a property owner, permit holder, or assigns to allow for the erosion or transfer of sediment and debris from a construction site to an adjacent property or the public right-of-way.
- B. The property owner and/or building permit holder of a construction site shall ensure that adequate ESC measures and BMPs are in place and functioning prior to and during all construction activities, until construction is complete.

## Section 520.040 Enforcement

- A. The Department of Codes Administration shall handle erosion control enforcement through the normal routine activities that include inspecting the site, communicating with the permit holder, contractor, developer, or owner, and issuing notices of non-compliance.
1. If erosion control measures are determined to be deficient in preventing the transfer of sediment from a construction site to an adjacent property and/or the public right of way the Codes Administrator or his designee may immediately discontinue all inspections for the site.
  2. In addition to immediately discontinuing all inspections for the site, upon the Codes Administrator's determination that erosion control measures are deficient, but not hazardous, the Codes Administrator shall notify the contractor, developer, or owner to take remedial action to correct the deficiencies within two (2) regular business days. If the deficiencies have not been corrected within two (2) regular business days, the Codes Administrator may:
    - a. Issue a stop work order for the site;
    - b. Remedy the deficiencies and bill the contractor, developer, or owner for the actual and administrative costs of remediation. If the contractor, developer, or owner fails to reimburse the City for correcting the deficiencies, the Codes Administrator may withhold certificate(s) of occupancy, including temporary certificate(s) of occupancy, for all contractor, developer, or owner's properties; and pursue remedies as provided in this Code of Ordinances.
- B. Enforcement of tracking mud, debris, etc.
1. Any contractor, developer, or owner and/or his employees and/or subcontractors who deposit, spill, drop or track any dirt, earth, mud, rock, sand, shale, debris, rubbish or other material on any right of way shall immediately remove the material from the right of way. If the contractor, developer, or owner and/or his employees and/or subcontractors fail to immediately remove the dirt, earth, mud, rock, sand, shale, debris, rubbish or other material from the right-of-way, the Codes Administrator may take any or all of the following actions:
    - a. Issue a stop work order
    - b. Discontinue all inspections for any site contributing to the violation;
    - c. Withhold certificate(s) of occupancy, including temporary certificates of occupancy(s), for any site contributing to the violation.
- C. If the notice of violation is not complied with, the Codes Administrator shall institute the appropriate proceeding pursuant to City ordinances and at law or in equity to punish, restrain, correct or abate such violation, All other violations of this Chapter may be forwarded to the City Prosecuting Attorney for consideration of filing charges.
- D. Any person who shall violate a provision of Chapter **520** or fail to comply therewith, or with any of the requirements thereof, in addition to any other remedy or action available to the City or Codes Administrator, shall be punished, upon conviction, pursuant to Section 100.080.C of the Blue Springs Code of Ordinances. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- E. The imposition of the penalties herein prescribed shall not preclude the Codes Administrator or legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, abate a violation pursuant to Sections **245.060** through **245.150** and **245.270** herein and this Chapter, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.