

LEGAL NOTICE

Mayor/CEO
Attest:
Unified Government Clerk
Approved as to Form:
Chief Counsel
(First published 5-28-26)
1t-The Wyandotte Echo-5-28-26

ORDINANCE NO. O-56-26

An ordinance relating to Chapter 8, Land Disturbance, Article XIV, amending Sections 8-611, 8-613, and 8-615; and Article XV, amending Sections 8-631, 8-636, and 8-638.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Sections 8-611, 8-613, 8-615, 8-631, 8-636, and 8-638 are hereby amended to read as follows:

Sec. 8-611. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved plan means drawings or other documents that have been submitted by an applicant as a prerequisite to obtaining a land disturbance permit and that contain the information and specifications required by the unified government engineer to minimize off-site sedimentation from land disturbance activities and that have been approved by the unified government as complying with the provisions of this article.

Applicant means any person who makes application for a land disturbance permit, as required by this article.

Best management practice (BMP) means the stormwater management practice used to prevent or control the discharge of pollutants, including sediment, and minimize runoff, both directly and indirectly, to stormwater, receiving waters, or stormwater drainage systems, waters of the U.S. or water body found in the unified government. BMPs may include structural or nonstructural solutions, a schedule of activities, prohibition of practices, maintenance procedures, or other management practices and programs.

City means all of the territory of Wyandotte County, except the territory of the cities of Bonner Springs, Edwardsville, and Lake Quivira and the unincorporated area of Wyandotte County.

Clearing means any act by which vegetative cover, structures or surface material is removed, including, but not limited to, root mat or topsoil removal.

County administrator means the individual appointed by the mayor/CEO of the unified government as the unified government county administrator or his designee.

County engineer means the individual appointed by the county administrator as county engineer or his or her designee.

Design criteria means the erosion and sediment control design criteria adopted in writing, as authorized by section 8-613(a)(2).

Development means any human activity that alters the elevation, cover or other hydrologic feature of the land. Such activities include but are not limited to the subdivision of land and the addition or alteration of improvements such as cuts and

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fills, drainage alterations, utilities, buildings, pavements, landscape, and any combination of these elements. Also, the project, lot, parcel or tract or land where development or redevelopment occurs.

Director of urban planning and land use means the individual appointed by the county administrator as unified government director of urban planning and land use or his or her designee.

Erosion means the process by which the ground surface is worn away by the action of the wind, water, ice, gravity, or artificial means, and/or land disturbance activities.

Grading means any act by which soil is cleared, stripped, moved, leveled, stockpiled, or any combination thereof, and includes the conditions that result from that act.

Land disturbance activity means any act by which soil is moved and land changed that may result in erosion or the movement of sediments, and may include tilling, clearing, grading, excavating, stripping, stockpiling, filling and related activities, and the covering of land surfaces with an impermeable material.

Licensed land surveyor means an individual who is duly licensed by the state board of technical professions, pursuant to K.S.A. 74-7001 et seq., to practice surveying.

Maximum extent practicable means the result of the use of those best management which, based on sound engineering and hydro-geological principles, will, to the greatest degree possible, given all relevant considerations, including technology, climate and site conditions, prohibit erosion and sedimentation during and after development.

Municipal separate storm sewer system (MS4) or public storm sewers means the publicly maintained stormwater drainage system within the unified government, including all appurtenances and ancillary structures thereto, any conveyance or system of conveyances for stormwater, including road drainage systems, streets, catch basins, detention basins, curbs, gutters, ditches, man-made, channels, or storm drains, as well as any system that meets the definition of a municipal separate storm sewer system or "MS4" as defined by the Environmental Protection Agency in 40 C.F.R. 122.26, or amendments thereto.

Notice of violation means a written notice from the county engineer of deficiencies in the sediment and erosion control management of the site.

Permit means the land disturbance permit issued by the unified government authorizing land disturbance activities in accordance with the requirements of this article.

Permittee means any person to whom a land disturbance permit is issued pursuant to this article.

Permittee's agent means any representative, contractor, foreman, or superintendent who acts at the instruction of, or with the permission of, or to the benefit of the permittee.

Person means any natural or corporate person, business association or business entity including, but not limited to, a corporation, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any combination thereof.

Pollutant means any substance or material which contaminates or adversely alters the physical, chem-

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ical or biological properties of water, including changes in temperature, taste, odor, turbidity, or color.

Professional engineer means an engineer duly licensed by the state board of technical professions, pursuant to K.S.A. 74-7001 et seq., to practice engineering.

Property owner means the person listed as owner of the property by the county recorder of deeds.

Qualified erosion control professional means a person who meets the criteria set forth by the most recent version of the Unified Government of Wyandotte County Technical Provisions Section 1100 General Requirements.

Sediment means soils or other materials transported or deposited by the action of wind, water, ice, gravity, or artificial means.

Site means any lot or parcel of land or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership on which land disturbance activity is proposed in an application or which would require a land disturbance permit under this article.

Slope means the inclined surface of a fill, excavation, or natural terrain.

Soil means a natural mixture of mineral and organic particles bound to one another only by gravity or ionic bonds that is found on the immediate surface of the earth.

Stop work order means an order issued which requires that all construction activity on a site be stopped.

Storm drain means any enclosed structure for the conveyance of storm water runoff, including culverts, box culverts, storm sewer mains, or tunnels.

Stormwater pollution prevention plan (SWPPP) means BMPs and other structural, procedural and operations and maintenance provisions designed and operated to reduce or eliminate the discharge of pollutants, particularly in stormwater runoff.

Stripping means any activity by which the vegetative cover is removed or significantly disturbed, including tree removal, clearing, grubbing and storage, or removal of topsoil.

Unaffiliated - means the person(s) performing inspection work on behalf of the facility and/or property owner may not be directly employed by the facility or property owner.

Unified government means the unified government of Wyandotte County/Kansas City, Kansas.

Vegetative cover means any grasses, shrubs, trees and other vegetation that hold and stabilize soils.

Watercourse means any natural or artificial path for the concentrated flow of storm water or surface water, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, swales, waterways, gullies, ravines, or washes, including any area adjacent to it that is subject to overflow of floodwater.

(Ord. No. O-81-21, § 1, 6-24-2021)

Sec. 8-613. Land disturbance permit.

(a) Permit required. No person may engage in any land disturbance activity, including persons engaged in land disturbance activity related to utility installation or maintenance, without first obtaining a land disturbance permit from the unified government, except as provided in this article. Any land disturbance permit

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shall encompass all land disturbance activity at the locations and during the times covered by the permit, whether such land disturbance activity is performed by the permittee, his or her contractor or subcontractors, a utility or its contractors, or any other independent agent. The permit fee shall be doubled for sites where land disturbance has occurred without a permit in violation of this article. Refer to the most recent version of the Kansas Water Pollution Control General Permit under "authorization to discharge" for who must obtain authorization to discharge.

(b) Permit issuance. The issuance of a permit shall constitute an authorization to do only that work described in the permit or shown on the approved plan. All work shall be completed in strict compliance with the requirements of this article. A copy of the approved plan and the permit must be available on the site for inspection by the county engineer. Field markings showing limits of disturbance must be on site during all installation of erosion and sediment control measures, construction, or other land disturbance activities.

(c) Other construction permits delayed. When a person is developing a site and a permit is required in accordance with this article, no other construction permits shall be issued to make improvements on that site until the person has secured a land disturbance permit for the same site.

(d) Exemptions. Refer to the most recent version of the Kansas Water Pollution Control General Permit under "authorization to discharge" for activities that do not require permit coverage.

(e) Application.

(1) To obtain a permit, the property owner of the site where the land disturbance activity is to be performed or the property owner's authorized representative first must submit a complete application in writing upon forms prescribed by the unified government.

(2) Each application shall bear the name(s) and address(es) of the property owner and developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact and shall be accompanied by a filing fee. A land disturbance permit will only be issued in the name of the current property owner.

(3) A qualified erosion control professional shall be identified on every permit as a responsible party who the unified government official may contact regarding installation, maintenance, notice of violations and removal of erosion and sediment control measures and to ensure that all work is completed in compliance with the SWPPP and all requirements of the land disturbance permit approved by the unified government. The permit holder is responsible for timely written notification to the unified government of any changes to the qualified erosion control professional.

(4) The property owner may designate, in writing, others to act on his or her behalf, however, the responsibility for compliance shall remain with the property owner until the issued permit has been officially closed.

(5) The land disturbance activity described in the land disturbance permit application shall be commenced within the time limits defined on the application.

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(6) Application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the erosion and sediment control plan and that a certified contractor shall be on site on all days when construction or grading activities take place.

(f) Review and approval. The county engineer will review each application to determine its conformance with the provisions of this article and the erosion and sediment control design criteria authorized hereby. The county engineer shall, in writing:

(1) Approve the permit application if the application complies with all the requirements of this article and the county engineer determines that best management practices will be employed to control erosion and sedimentation to the maximum extent practicable;

(2) Approve the permit application subject to conditions, as herein authorized, as may be reasonably necessary to secure the objectives of this article or prevent the creation of a nuisance or an unreasonable hazard to persons or to public or private property, and issue the permit subject to these conditions; or

(3) Disapprove the permit application, indicating, in writing, the reason therefor.

(g) Conditions of approval. In approving the issuance of any permit, the county engineer may impose conditions as may be reasonably necessary to secure the objectives of this article or prevent the creation of a nuisance or unreasonable hazard to persons or to public or private property. These conditions may include, but are not limited to:

(1) The granting (or securing from others) and the recording in county land records of easements for drainage facilities, including the acceptance of their discharge on the property of others, and for the maintenance of slopes or erosion control facilities;

(2) Adequate control of dust by watering, or other control methods acceptable to the county engineer;

(3) Improvements of any existing grading, ground surface or drainage condition on the site (not to exceed the area as proposed for work or development in the application) to meet the standards required under this article for land disturbance, drainage and erosion control;

(4) Installation of additional safety related devices when in the proximity of an elementary school, playground or other areas where small children may congregate without adult supervision;

(5) Stormwater pollution prevention plan and any other conditions believed necessary to protect the general public's health, safety, and welfare; and

(6) Liability insurance if, in the opinion of the county engineer, the nature of the work is such that it may create a hazard to human life or endanger adjoining property or property at a higher or lower elevation, or any street or street improvement, or any other private or public property, then the county engineer may, before issuing the permit, require the applicant to file a certificate of liability insurance. That certificate must be with an insurer admitted to do business in the state. The amount shall not be less than \$1,000,000.00 per occurrence and \$2,000,000.00