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in aggregate. The insurance shall protect the permittee and the unified government from and against all claims by any person whatsoever for loss or damage from personal injury, bodily injury, death, or property damage to the extent caused or alleged to have been caused by the negligent acts or omissions of permittee, its employees, agents, or subcontractors. The values noted above may be adjusted at the discretion of the county engineer based on the exposure and risk involved in the project. Neither issuance of a permit, nor compliance with these provisions or any condition imposed by unified government relieves any person from any responsibility for damage to persons or property otherwise imposed by law, nor imposes any liability upon the unified government for damages to persons or property.

(h) Assignment or transfer.

(1) The permittee may request that the permit be transferred to another party. The transfer of a permit from one party to another shall be subject to the approval of the county engineer and not be effective until written approval is issued.

(2) If the permittee sells any portion of the property before the termination of the permit, the permittee will remain responsible for that portion of the property until the new property owner obtains a permit or until a completion certificate is issued for the portion sold.

(3) A new owner of a portion of property covered by an approved plan with respect to which a completion certificate has not been issued, shall, before a building permit is issued, obtain a permit, if, and as, required by this article.

(i) Termination upon completion. To terminate the permit, the permittee shall submit a request to terminate permit form, as provided by the unified government, to the county engineer. The county engineer will then inspect the site and make a determination as to whether the permit can be terminated. The site will be considered stabilized when perennial vegetation, pavement, buildings, or structures using permanent materials cover all areas that have been disturbed. The permittee will be notified in writing of the determination. A certificate of occupancy (CO) or temporary certificate of occupancy (TCO) for a building permit may not be released until the land disturbance permit is approved for termination as a result of a successful final inspection.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-615. Inspections.

The county engineer may perform inspections of the land disturbance site to verify compliance with the erosion and sediment control plan. Should it be found that erosion and control methods are ineffective or are not being maintained properly, the county engineer may take enforcement actions described within this chapter. The county engineer has the right to waive inspections, except the final inspection.

In addition to its own inspections, the county engineer may require that any portion of the construction of basins or structures be inspected and certified for structural integrity by a professional engineer at the permittee's expense. At the county engineer's option, the permittee shall obtain the services of an unaffiliated qualified erosion control professional

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to inspect the sediment and erosion control installation to provide the unified government with a fully documented certification that all construction is done in accordance with the provisions of the approved plan, applicable rules, regulations and criteria.

(a) Secure inspections. The permit holder shall request an inspection from the county engineer when work pursuant to the permit reaches the milestones set forth below. Requests for inspection shall be made at least 48 hours in advance (exclusive of Saturdays, Sundays, and unified government holidays) of the time the inspection is desired. Work shall not proceed past the milestones without request of inspection.

(1) Upon installation of initial erosion and sediment controls, and prior to proceeding with any other land disturbance activity. No land disturbance activities shall begin prior to approval from the county engineer that all pre-construction erosion and sediment control measures are correctly installed per the approved plan.

(2) Prior to the removal or modification of any erosion and sediment control measure or practice;

(3) Immediately after the installation or modification of any erosion and sediment control measures required by the approved plan; and

(4) Upon restoration of disturbed areas, including establishment of ground covers and planting, installation of all vegetative measures, and all other work in accordance with the approved plan.

(b) Routine inspection. The permit holder shall ensure the entire construction site including but not limited to disturbed areas, BMPs, waste and construction storage areas, drainage areas, locations where stormwater can flow from the construction site, and permanent and temporarily stabilized areas is inspected on a regular schedule and, with the exception of Saturdays, Sundays, established federal holidays and the day after thanksgiving. The permit holder may elect to perform regular inspections at a minimum by one of two methods:

(1) At least once every 14-days and by the end of the next day following a rain event which results in a rainfall total of 0.5 inches or greater; or

(2) As defined in the latest revision of Kansas Construction Stormwater General Permit.

The frequency of regular inspections should be proportional to the amount of construction activity. The permit holder should increase the frequency of inspections when construction activity increases. For disturbed areas that have not been finally stabilized all installed BMPs and other pollution control measures shall be inspected for proper installation, operation and maintenance. Locations where stormwater runoff leaves the site shall be inspected for evidence of erosion or sediment deposition. Any deficiencies shall be noted in a report of the inspection and corrected within seven calendar days of the inspection. Inspection reports shall be submitted to the county engineer upon request. The inspection report shall include the following minimum information:

- (1) Inspector's name;
- (2) Date of inspection;
- (3) Observations relative to the effectiveness of the BMPs;
- (4) Actions taken or necessary to

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correct deficiencies;

(5) Listing of areas where construction operations have permanently or temporarily stopped; and

(6) Observations of stormwater discharge locations with respect to the effectiveness of the upgradient BMPs.

The inspection report shall be completed within 24 hours of the inspection and be signed by the person performing the inspection.

(c) Maintenance of control measures. All prescribed erosion and sediment control measures shall be maintained in good order and in compliance with the erosion and sediment control plan at all times. The permittee or the permittee's agent shall inspect and maintain, in good and effective condition, and promptly repair or restore all grade surfaces, diversions, barriers, drains, dams, walls and structures, plantings, vegetation, ground cover, erosion and sediment control measures, and other protective devices. Inspection, maintenance and repair or restoration shall be at the times and in the manner directed by the approved plan, permit and the design criteria, construction standards and regulations.

(d) Closure of land disturbance activities. Once the site is stabilized a final inspection shall be requested. The site shall be considered stabilized when perennial vegetation, pavement, buildings or structures using permanent materials, cover all areas that have been disturbed. Perennial vegetation shall be considered established and completed for stabilization when it has established a healthy and growing stand with a density of at least 70 percent of undisturbed areas at the site.

(e) Removal of temporary erosion and sediment control measures. Subsequent to a satisfactory final inspection of the land disturbance, all temporary erosion and sediment control measures must be removed and the final segments of the storm sewer system shall be constructed in the manner described within the approved plans. Such removal shall be complete prior to closure of the permit which authorized the land disturbance.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-631. Definitions.

In this article, these words and phrases have the following meanings:

As-built plan means a record drawing or plan prepared and certified by a professional engineer that represents the actual dimensions, contours, elevations, design calculations, etc., of a completed structure, facility, or constructed feature.

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.

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

City means all of the territory of

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

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

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

Dedicate means the deliberate appropriation of property by its owner for general public use.

Developer means any person who owns a development or redevelopment site, or who authorizes, plans, undertakes, executes, or is otherwise directly responsible for development or redevelopment to occur on a given parcel.

Development or redevelopment 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 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.

Development 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 development or redevelopment of land occurs after the effective date of this article.

Drainage easement means a legal right granted by a property owner to a grantee allowing the use of private land for stormwater management purposes.

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.

Impervious cover means those surfaces that cannot effectively infiltrate rainfall, including building rooftops, pavement, sidewalks, and driveways.

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

Landscape architect means an individual who is duly licensed by the Kansas State Board of Technical Professions, pursuant to K.S.A. 74-7001 et seq. to practice landscape architecture.

Maintenance agreement means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater treatment facilities.

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, catch basins, detention

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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.

Person means any natural or corporate person, business association or business entity including, but not limited to, a corporation, a partnership, a sole proprietorship, trust, a political subdivision, a public or private agency of any kind, a utility, an owners association, 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, chemical or biological properties of water, including changes in temperature, taste, odor, turbidity, or color.

Pollution prevention plan 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.

Previously constructed development means all buildings, parking, sidewalks, and other impervious surfaces that currently exist on a site that were built in accordance with an approved development plan.

Professional engineer means an engineer duly licensed by the Kansas 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 Wyandotte County Register of Deeds.

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

Stormwater means surface flow resulting from any form of natural precipitation, also any discharge to the public storm sewer allowed under the unified government's NPDES stormwater discharge permit.

Stormwater treatment facility (STF) means any constructed facility, or designated natural or restored open space, designed either to reduce the pollution load of stormwater, or to reduce the peak flow or volume of stormwater, or both.

Stormwater treatment facility owner means the person who controls, possesses, or takes stewardship of a stormwater treatment facility, which is planned and constructed in order to meet the requirements of this section.

Stormwater treatment standards or standards means the detailed design criteria, construction specifications, standard details, and maintenance requirements adopted in writing by the county engineer.

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.

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