

BILL NO. 2411

ORDINANCE NO. 2231

**AN ORDINANCE AMENDING ORDINANCES 1973 AND 1998 AS EMBODIED IN CHAPTER 12, GRADING, EROSION AND SEDIMENT CONTROL, OF THE CITY CODE BY MODIFYING REQUIREMENTS RELATIVE TO INSPECTION, INSTALLATION AND SURETIES RELATED TO STORMWATER POLLUTION PREVENTION PLANS.**

**WHEREAS**, the United States Environmental Protection Agency requires all operators of municipal separate storm sewer systems to implement programs and practices to control polluted storm water runoff, and

**WHEREAS**, the United States Environmental Protection Agency considers any development and/or improvement activity that disturbs soil as a leading cause of polluted storm water, and

**WHEREAS**, the City of Chesterfield has reviewed the current operation of Storm Water Pollution Prevention Plans associated with new development in the City of Chesterfield in order to increase efficiencies and maximize the results delivered by those plans, and

**WHEREAS**, standard procedures and changes to other parts of the City Code should be reflected in Chapter 12 of the City Code;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

Section 1. Chapter 12 of the Code of the City of Chesterfield is hereby amended by amending Ordinances 1973 and 1998 as embodied in Chapter 12, Grading, Erosion and Sediment Control, as follows:

- 1) Section 12-21, Surety, is hereby revised to clarify requirements relative to letters of credit related to performance guarantees and restoration of downstream impoundments by making the performance guarantee Item 1, clarifying terms under section f of Item 1, and adding an Item 2 for downstream impoundments. The remainder of Section 12-21 shall remain unchanged.

Sec. 12-21. Surety

***1. Performance Guarantee***

(a) ~~Performance Guarantee~~. Prior to the ...

(f) (ii) An irrevocable letter of credit drawn on a local financial institution acceptable to or any ***and in a*** form approved by the City Attorney and the Director of Public Works.... The letter of credit shall...

## **2. Downstream Impoundment Protection and Restoration Guarantee**

- (a) If, in the opinion of the Department of Public Works, lakes, ponds, detention areas or other impoundment areas may be impacted by proposed work, the permittee shall perform preconstruction and post-construction surveys of each facility and post a bond, in a form acceptable to the City of Chesterfield, as guarantee the permittee will perform work in such a manner as to protect downstream facilities and will restore any damage or negative impact his development had on the facilities.**
- (b) Preconstruction surveys shall be performed prior to any clearing, grading, demolition or other construction related to the proposed development and prior to plan approval.**
- (c) An acceptable bond shall be submitted prior to plan approval.**
- (d) Post-construction surveys shall be performed within twelve (12) months of the completion of the proposed development or two (2) years from the start of the development, whichever is greater.**
- (e) Within 3 months of the post-construction survey, the developer shall restore affected impoundment areas to the condition they would have been in if his development had not occurred.**
- (f) If the owner/operator of potentially impacted facilities will not grant the developer the necessary easements to complete the surveys or restoration work, the requirements of this Section 2 are null and void.**

2) Section 12-22, Inspections, is hereby deleted and replaced in its entirety with the following:

Sec. 12-22. Inspections.

**(a) The applicant shall provide a qualified inspector to conduct regular inspections of the proposed development site. The qualifications of the inspector and frequency of inspection shall be as detailed in the Manual.**

**(b) By applying for a grading permit, the applicant consents to the City inspecting the proposed development site and all work in progress. The applicant shall notify the City upon commencement and completion of the following: clearing, rough grading, finish grading before stabilization; and all reestablishment and construction work. Said notice shall be made as detailed in the permit issued to the applicant.**

3) Section 12-25g, Planting Ground, is hereby revised to require stabilization of ground within 5 days of each phase of area of work cessation, as follows:

**(g) Planting ground. All disturbed areas shall be sodded, planted, concreted, paved or otherwise surfaced within ~~14~~ five (5) days after completion of each phase or area of work, to avoid washing or spreading of dirt and mud onto other property,**

sidewalks, curbs, gutters, streets and the space between the sidewalks and curbs. If determined by the City that an undue hardship exists because of unfavorable ground conditions, the City may grant an extension of time by which the disturbed areas have to be surfaced.

- 4) Section 12-28, Penalties for Violation, is hereby changed to Section 12-29 and the maximum fine is increased to \$1,000.00 in accordance with Ordinance No. 2201. The remainder of the section shall remain unchanged.

Section 12-29. Penalties for violation.

Violation of this Chapter shall be a municipal violation, punishable by a fine of not less than five dollars (\$5.00) and not more than ~~five hundred dollars (\$500.00)~~ **one thousand dollars (\$1,000.00)**...

- 5) A new Section 12-28, Wetland Mitigation for Chesterfield Valley Area, is hereby added as follows:

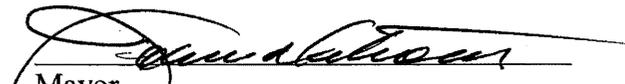
***Section 12-28. Wetland mitigation for Chesterfield Valley area.***

***A program that provides required mitigation for jurisdictional wetland areas in Chesterfield Valley has been approved by the US Army Corps of Engineers and funded and constructed by the City of Chesterfield and the Monarch-Chesterfield Levee District. Prior to approval of grading and improvement plans on any parcel in Chesterfield Valley on which jurisdictional wetlands have been identified, the developer/property owner shall reimburse a prorata share of the cost of development of the mitigation area.***

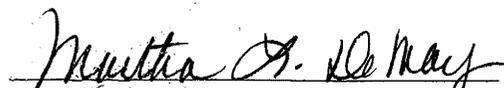
Section 2. In all other respects, Chapter 12 of the City Code is in full force and effect.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 18<sup>th</sup> day of January, 2006.

  
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Mayor

ATTEST:

  
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City Clerk