

**CITY OF TWIN OAKS  
PLANNING AND ZONING COMMISSION MEETING  
BOARD CHAMBERS, TWIN OAKS CITY HALL  
1381 BIG BEND ROAD  
TUESDAY, AUGUST 22, 2023 6:30 P.M.**

**Tentative Agenda**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF THE AGENDA
5. APPROVAL OF THE CONSENT AGENDA
  - a. June 27, 2023 Minutes
6. NEW BUSINESS
  - a. Consideration of amendments to of the City of Twin Oaks Municipal Code Chapter 407 pertaining to the Land Disturbance Code
7. MISCELLANEOUS
8. ADJOURNMENT

Frank Johnson  
City Clerk/Administrator

POSTED: August 21, 2023, 9:00 a.m.

**Please note:** Any person requiring physical or verbal accommodations should contact the city office 12 hours prior to meeting at 636-225-7873. Copies of public records for this agenda are available on the City's website or at City Hall for public inspection before and at the time of the meeting.

**MEETING MINUTES OF THE  
PLANNING & ZONING COMMISSION  
TWIN OAKS, MISSOURI  
TUESDAY, JUNE 27, 2023**

The Planning and Zoning Meeting was called to order at 6:31 p.m.

Members:	Roger Loesche, Chairman	X	Joe Krewson	
	John Antonacci	X	Lisa Eisenhauer, Alderman	X
	Jeff Graves		Shazia Brown	X
	Ray Slama	X	Russ Fortune, Mayor	X

Also, in attendance was Frank Johnson, City Clerk/Administrator; Paul Rost, City Attorney.

**APPROVAL OF THE AGENDA**

Commissioner Ray Slama moved, seconded by Alderman Lisa Eisenhauer, to approve the Agenda. Motion passed with the unanimous consent of the Commission.

**APPROVAL OF THE CONSENT AGENDA**

Commissioner Slama moved to approve the Consent Agenda consisting of the meeting minutes from March 28, 2023. Alderman Eisenhauer seconded the motion and on voice vote, the motion was announced passed.

**NEW BUSINESS**

**Consideration of Amendments to the City of Twin Oaks Municipal Code Pertaining to Temporary Commercial Signs.**

City Clerk/Administrator Frank Johnson stated that staff are recommending several minor changes to the regulations regarding temporary commercial signs in Twin Oaks. The changes are designed to make the enforcement process more consistent and clear for both businesses and City staff. The proposed amendments are 1) change the duration limits from “per calendar quarter” to “any 90-day period” for banners, inflatable signs, and yard signs; and 2) remove the 30-day duration limit for temporary window signs. In regards to the temporary window signs, City Clerk/Administrator Johnson stated that since those kind of signs do not require a permit, they have become difficult to regulate and enforce.

Mayor Russ Fortune asked if it would be possible to tailor the regulations to allow for a longer duration for new businesses. City Clerk/Administrator Johnson responded that it would technically be possible, but it was his preference that the sign code be kept as simple as possible to minimize the administrative burden in its enforcement.

Commissioner Antonacci stated that he would like to see the 30-day duration limit increased to 31 days so that business may have promotional signs up for a full month. The Commission discussed whether this would create any issues or conflicts with other parts of the code. City

Clerk/Administrator Johnson stated that he did not see any immediate problems and that the Commission could recommend whatever duration limit they deem appropriate. Chairman Loesche motioned that the Commission recommend the Board of Aldermen approve the proposed amendments with the 30-day duration limit changed to 31 days for temporary banner signs and yard signs. Alderman Eisenhower seconded, and the motion passed on unanimous voice vote.

**MISCELLANEOUS BUSINESS**

There was no miscellaneous business.

**ADJOURNMENT**

Commissioner Slama moved, seconded by Commissioner Shazia Brown, to adjourn the meeting. Upon voice vote, the motion was announced passed. The meeting adjourned at 6:31 p.m.

\_\_\_\_\_  
Roger Loesche, Chairman  
Planning & Zoning Commission

\_\_\_\_\_  
Date of Approval

ATTEST:

\_\_\_\_\_  
Frank Johnson, City Clerk/Administrator

**AN ORDINANCE AMENDING THE LAND DISTURBANCE CODE,  
CHAPTER 407, OF THE TWIN OAKS MUNICIPAL CODE.**

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WHEREAS, pursuant to § 400.550 of the Twin Oaks City Code, the Board of Aldermen may from time to time, on its own motion or on petition of the Planning and Zoning Commission, amend, supplement, change, modify or repeal by ordinance the regulations or districts herein or subsequently established after receiving the Planning and Zoning Commission's recommendation and report; and

WHEREAS, the City desires to make text amendments to the Land Disturbance Code, Chapter 407, of the Twin Oaks Land Use Regulations contained in the Municipal Code (hereinafter the "Land Disturbance Code"); and

WHEREAS, the City has contracted with St. Louis County to administer its Land Disturbance Code and one of the stipulations of that agreement is that the City adopt regulations that mirror the County's regulations for Land Disturbance; and

WHEREAS, St. Louis County amended its Land Disturbance Code by Ordinance 25,494. on July 31, 2013, effective October 30, 2013, which amendments were primarily administrative enforcement changes, along with a few technical changes; and

WHEREAS, the City's Land Disturbance Code was last amended in 2009 and is in need of amendment to reflect the County's current Code; and

WHEREAS, on August 22, 2023, the Planning and Zoning Commission recommended that the Board of Aldermen approve of the proposed amendment to the Land Disturbance Code set forth herein; and

WHEREAS, the Board of Aldermen, after careful and due deliberation and following a duly noticed public hearing held on September \_\_\_\_, 2023, in accordance with §400.550 and §89.060 RSMo., has concluded that the adoption of the proposed amendments to the Land Disturbance Code would be in the interests of health, safety, and welfare of the citizens of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:**

**Section 1.** Chapter 407, Land Disturbance, is hereby repealed in its entirety and replaced with the following as the Land Disturbance Code of the City of Twin Oaks:

**Chapter 407 Land Disturbance Code**

**Article I—Administration.**

**SECTION 407.101 SCOPE**

*101.1 Title:* These regulations shall be known as the "Land Disturbance Code" of the City of Twin Oaks (the "City"), Missouri, hereinafter referred to as "this Code."

*101.2 Introduction:* On construction or land disturbance sites, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Deposits of eroded soil also necessitate maintenance of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation

necessary for terrestrial and aquatic habitat. Construction activities also utilize materials and generate wastes, which if not properly controlled can pollute receiving waters.

*101.3 Purpose:* The purpose of this Code is to safeguard persons, protect property, and prevent damage to the environment in the City. This Code will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth in City.

*101.4 Scope:* This Code provides for the safety, health, and welfare of the public by regulating and controlling the design, construction, use, and maintenance of any development or other activity that disturbs land surfaces or results in the movement of earth in the City.

*101.5 Definitions:* For the purpose of this Code, the following terms, phrases, words, and their derivations shall have the meanings given herein. Where terms are not defined by this section, such terms shall have ordinarily accepted meanings such as the context implies.

*Best management practices or BMP:* Practices, procedures, methods, devices, or a schedule of activities to reduce the amount of sediment and other pollutants in storm water discharges associated with construction and land disturbance activities.

*Board:* The St. Louis County Board of Appeals or Building Commission as provided for in Section 4.330, St. Louis County Charter.

*Borrow pit or site:* An area where material (usually soil, gravel, or sand) is excavated for use at another location.

*City:* City of Twin Oaks, Missouri.

*Clearing:* Any activity that removes the vegetative surface cover or destroys the root system.

*Code or this Code:* The "Land Disturbance Code" of City of Twin Oaks, Missouri.

*Commercial:* A development for or consisting of any type of use other than Residential as defined in this code.

*Community garden:* A single piece of land gardened collectively by a group of people for the purpose of growing fresh vegetables and similar produce for their own consumption or to donate to others.

*Construction site or land disturbance site:* A parcel or contiguous parcels, where land disturbance activities are performed as part of a proposed development.

*County:* St. Louis County, Missouri.

*Department of Health:* The County Department of Health, acting through its Director, or his/her duly authorized designee.

*Department of Highways and Traffic:* The County Department of Highways and Traffic, acting through its Director, or his/her duly authorized designee.

*Department of Planning:* The County Department of Planning, acting through its Director, or his/her duly authorized designee.

*Department of Public Works:* The County Department of Public Works, acting through its Director, or his/her duly authorized designee.

*Disaster:* A disaster shall include but not necessarily be limited to flood, windstorm, tornado, severe storm, earthquake, bomb blast, explosion or similar natural or man-made type event. The Code Official shall make the determination whether an event shall be declared a disaster.

*Drainage way:* Any channel that conveys surface runoff through a site.

*Emergency:* An event or occasion that requires immediate action in order to preserve or restore the public peace, health, safety or welfare.

*Erosion:* The wearing away of land surface through the action of wind or water.

*Erosion control:* Any best management practices (BMP) that prevents or minimizes erosion.

*Grading:* Reshaping the ground surface through excavation and/or fill of material.

*Land disturbance activities:* Clearing, grading or any related work which results in removal of the natural site vegetation or destruction of the root zone or otherwise results in leaving the ground surface exposed to soil erosion through the action of wind or water.

*Land disturbance, major:* Any land disturbance activity involving one (1) acre or more of land, or a site involving less than one (1) acre that is part of a proposed development that will ultimately disturb one (1) acre or more.

*Land disturbance, ordinary:* Any land disturbance activity involving less than one (1) acre of land.

*Land disturbance permit:* A permit issued by the authority having jurisdiction authorizing a land disturbance activity at a specific site subject to conditions stated in the permit. A permit may be for any one or more major or ordinary land disturbance activities.

*Perimeter control:* A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

*Phasing:* Clearing a parcel of land in distinct stages, with the stabilization of each phase substantially completed before the clearing of the next.

*Qualified professional:* A Missouri licensed professional engineer or person who has been tested and certified by an independent organization as having passed an examination in the principles and practices of erosion and sediment control and methods to prepare SWPPPs and who is also knowledgeable in the principles and practices of erosion and sediment control, including the best management practices described in this Code.

*Registered design professional:* An individual who is registered or licensed to practice his/her respective design profession as defined by the statutory requirements of the professional registration laws of the State of Missouri.

*Residential:* A development for or consisting of detached single-family dwellings, detached two-family dwellings, or multiple single-family dwellings (townhouses).

*Runoff coefficient.* The fraction of total rainfall that exits at the outfalls from a site.

*Sediment control:* Any best management practices that prevent eroded sediment from leaving a site.

*Site construction plans:* Written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristic of land disturbance activities and related features, elements, and components of a project necessary for obtaining a land disturbance permit.

*Special inspections:* Inspection requiring special expertise of the erosion and sediment and other pollutant control measures, outfalls, and off-site receiving waters, the purpose of which is to ensure the proper installation, operation, and maintenance of the best management practices (BMP) and to determine the overall effectiveness of the storm water pollution prevention plan (SWPPP) and the need for additional control or corrective measures.

*Stabilization:* The use of best management practices (BMP) that prevent exposed soil from eroding from a land disturbance site.

*Start of construction:* The first land disturbance activity associated with a development.

*Stockpile:* A temporary pile or storage location on a commercial site for materials that can be used as approved fill material under this Code as future on-site fill or as fill at another approved location for proposed development that is in the permit/review approval process.

*Storm water pollution prevention plan (SWPPP):* A management plan, the purpose of which is to ensure the design, implementation, management and maintenance of best management practices (BMP) in order to reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities, comply with the standards of the County and ensure compliance with the terms and conditions of the applicable state permits, including adherence to the land disturbance program contained in Missouri MS4 NPDES permits.

*Water course:* A natural or artificial channel or body of water, including but not limited to lakes, ponds, rivers, streams, ditches, and other open conveyances that carry surface runoff water either continuously or intermittently.

#### *101.6 Contracting With St. Louis County:*

*101.6.1 Authority.* The City has contracted with the St. Louis County Department of Public Works and has authorized the County to provide appropriate services to enforce the requirements of this Land Disturbance Code and further to collect fees for applicable permits and inspections issued or made pursuant to such contracts.

*101.6.2 Zoning Approval.* Before the County undertakes any enforcement or other actions under an agreement with the City, it shall verify that all plans for land disturbance activities within the corporate limits of the City of Twin Oaks have been reviewed and approved by the City for compliance with its zoning or other City regulatory ordinances or provisions prior to issuance of a County permit under this code.

### **SECTION 407.102 APPLICABILITY**

*102.1 Other laws:* The provisions of this Code shall not be deemed to nullify any provisions of County, state, or federal law.

*102.2 Referenced standards and manuals:* The standards and manuals referenced below shall be considered a part of the requirements of this Code. Where conflicts occur between the provisions of County ordinances, including this Code, and the referenced standards and manuals, the provisions of County ordinances shall apply.

1. County's Model Best Management Practices for Land Disturbance - Sediment and Erosion Control Manual.
2. County's Design Criteria for the Preparation of Improvement Plans Manual.
3. County's Standard Specification for Highway Construction Manual.
4. Standard Method 2540 F from the Standard Methods for Examination of Water and Wastewater jointly published by the American Public Health Association (APHA), the American Water Works Association (AWWA), and the Water Environment Federation (WEF).

### **SECTION 407.103 ENFORCEMENT**

*103.1 The City.* Unless delegated by the City to the County as its agent, the City of Twin Oaks shall have the authority and responsibility to perform the following functions related to the enforcement of this code:

1. Plan review of major land disturbance activities;
2. Plan review and inspection of land disturbance activities related to construction, repair, maintenance or condition of roadways and roadway right-of-ways which are maintained by the City; and
3. Plan review of land disturbance activities within or abutting areas designated 100-year floodplain.

*103.2 Department of Planning:* The Department of Planning shall have the authority and responsibility to administer the determination, collection and release of land disturbance escrows required by this Code in coordination with the Departments of Public Works and Highways and Traffic.

*103.3 Department of Public Works:* The Department of Public Works shall have the authority and responsibility to perform the following functions related to the enforcement of this Code:

1. Receive applications for major land disturbance permits;
2. Coordinate the review of major land disturbance permit applications and accompanying documents with the Departments of Planning and Highways and Traffic;
3. Coordinate the issuance of the major land disturbance permit with the Departments of Planning and Highways and Traffic and issue such permits. Such permits may authorize anyone (1) or more major land disturbance activity;
4. Inspect commercial land disturbance activities; and residential land disturbance activity associated with permitted construction of buildings or structures;
5. Inspect commercial land disturbance activities within or abutting areas designated one hundred (100) year flood plain; and
6. Receive applications, perform plan review, inspect and issue of permits for ordinary land disturbance activities relating to best management practices (BMP) to be utilized to control erosion and sedimentation from leaving the site during construction and other land disturbance activities.

*103.4 Department of Highways and Traffic:* The Department of Highways and Traffic shall have the authority and responsibility to perform the following functions related to the enforcement of this Code:

1. Plan review of major land disturbance activities;
2. Plan review and inspection of land disturbance activities related to construction, repair, maintenance, or condition of roadways and roadway right-of-ways which are maintained by the County;
3. Plan review of land disturbance activities within or abutting areas designated one-hundred-year flood plain;
4. Inspect residential land disturbance activities within or abutting areas designated one-hundred-year flood plain; and
5. Inspect residential land disturbance activities except activities associated with permitted construction of buildings and structures.

*103.5 Protection of adjacent property:* No major land disturbance permit or ordinary land disturbance permit shall be issued where the Department of Highways and Traffic and/or the Department of Public Works finds that the proposed land disturbance activity would result in a material change in the amount or pattern of surface water run-off to the substantial injury of neighboring public or private property or right-of-way. All land disturbance activities shall be carried out in such a manner as to minimize inconvenience and harm to adjacent properties and property owners.

*103.4 Rule-making authority:* The City and those County departments having enforcement authority and responsibilities described in Section 407.103 of this Code shall have the authority, as necessary in the interest of public health, safety, and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this Code, in order to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions. Such rules and regulations shall not have the effect of waiving requirements specifically provided for in this Code or of violating accepted engineering practices involving the purpose of this Code.

## **SECTION 407.104 VIOLATIONS**

*104.1 Unlawful acts:* It shall be unlawful for any person, firm or corporation to perform any land disturbance activities, or cause or allow same to be done without obtaining the appropriate permit to do so, or to be otherwise in conflict with or in violation of any of the provisions of this Code.



*104.2 Notices of violations:* When the Department of Public Works or the Department of Highways and Traffic determines that a violation of this Code exists, the respective Director shall notify the violator. The notification shall be in writing and shall be delivered to the violator or his/her legally authorized representative or mailed to his last known address via first class mail postage prepaid. Any person having been notified that a violation exists and who fails to abate the violation within seven (7) calendar days after notification, shall be subject to the penalties enumerated in this Code.

*104.2.1 Notices of violations on highways and traffic projects:* The notice of violation will consist of the site storm water pollution prevention plan (SWPPP) construction site inspection report delivered to the contractor by the resident engineer or their assign. Any person having been notified that a violation exists and who fails to abate the violation within seven (7) calendar days after notification, shall be subject to the penalties enumerated in this Code and/or penalties issued by the Missouri Department of Natural Resources (MDNR) and/or the Environmental Protection Agency (EPA).

*104.3 Prosecution of Violation:* If the violator does not abate the violation promptly, the Department of Public Works or the Department of Highways and Traffic shall request the County Counselor to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation.

*104.4 Violation, penalties:* Any person, firm or corporation who shall:

1. Violate any provision of this Code, or
2. Fail to comply with any of the requirements of this Code, or
3. Perform work in violation of the approved construction documents or the storm water pollution prevention plan, or any directive of the City, the Department of Public Works or the Department of Highways and Traffic, or of a permit or certificate issued under the provisions of this Code, or
4. Start any work requiring a permit without first obtaining a permit therefore, or
5. Fail to call for the required inspections, or
6. Fail to cause or make the special inspector's regular and after-rain inspections or file the required special inspector weekly reports, or
7. Continue any work on or about the site after having been served a stop-work order, except for such work which that person, firm or corporation has been directed to perform to remove a violation or unsafe conditions, or
8. Assist in any violation of this Code, or
9. Maintain any property on which a violation of this Code exists, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

*104.4.1 Failure to obtain a permit:* In addition to the actions and penalties contained in subsections 104.3 and 104.4 above, the City or the County, as its agent, may implement the following procedure when work has been started prior to issuance of a permit required by this Code:

1. Issue a stop work order.
2. Assess an administrative penalty which shall not exceed the greater of five hundred dollars (\$500.00) or one (1) percent of the cost of the land disturbance activities. In making the assessment, the City or Department will consider whether the violator has previously violated this Code and whether the occupation or experience of the violator indicates that he/she knew or should have known that a permit was required.

*104.4.2 Failure to perform special inspections, produce special inspector reports, request inspections, or implement BMP:* In addition to the actions and penalties contained in subsections 104.3 and 104.4 above, City or

the County, as its agent, may implement the following procedure, when a person fails to conduct special inspections, fails to submit special inspector reports, fails to schedule the required inspections, or fails to implement BMP), including re-establishing permanent vegetation on the site as required by this Code:

1. Issue a violation, and, if the violation is failure to perform special inspections or produce special inspection reports, also issue a stop work order.
2. Assess an administrative penalty which shall not exceed five hundred dollars (\$500.00); except that in addition, assess an administrative penalty of up to one hundred dollars (\$100.00) per day for failure to implement BMP. In making the assessment, the Department will consider whether the violator has previously violated this Code and whether the occupation or experience of the violator indicates that he/she knew or should have known that special inspector inspections, special inspector reports, or County inspections were required, or that BMP were required to be implemented.

*104.5 Appeal:* Appeals from City or County actions or penalties imposed pursuant to subsection 104.4.1 or 104.4.2 shall be governed by provisions relating to appeals to the Board contained in Section 407.105.

*104.6 Abatement of violation:* The imposition of the penalties herein prescribed shall not preclude the City Prosecutor or County Counselor from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal use of a property or to stop an illegal act.

*104.7 Permit suspension or revocation:* The City or the County, as its agent, may suspend or revoke any permit if the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any County ordinance, including this Code, or any state or federal regulation. In addition, County may suspend or revoke any permit when a land disturbance activity is conducted in violation of the requirements of this Code or the terms of the permit in such a manner as to materially adversely affect the safety, health, or welfare of persons, or materially be detrimental or injurious to property or improvements.

*104.8 Stop work order:* In addition to the stop work orders issued pursuant to subsections 104.4.1 and 104.4.2, upon notice from the City, the Department of Public Works or the Department of Highways and Traffic that work on any property is being prosecuted contrary to the provisions of this Code or in an unsafe and dangerous manner, the person performing such work shall stop work immediately. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resume.

Any person, who shall continue any work in or about the property after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as specified in this Code.

## **SECTION 407.105 APPEALS**

*105.1 Application for appeal:* Any person aggrieved by a decision made hereunder by the City, the Department of Planning, the Department of Public Works or the Department of Highways and Traffic shall have the right to appeal to the Board. The Board shall consist of the members of the Building Commission created in Article IV, Section 4.330 of the St. Louis County Charter.

*105.1.1 Filing procedure:* All appeals shall be filed in writing with the Department of Public Works with a copy to the City. All appeals shall be filed within thirty (30) days after the decision to be appealed is rendered by the City or those County departments identified in this section.

*105.1.2 Filing fee:* All appeals must be accompanied by a fee in the amount specified in Chapter 1100, SLCRO 1974, as amended.

*105.2 Notice of hearing on appeal:* The Board shall meet upon notice from the Chairman, within thirty (30) days of the filing of an appeal, or at stated periodic meetings.

*105.3 Open hearing:* All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the County department(s) having enforcement authority and responsibilities described in Section 407.103 of this Code, and any person whose interests are affected, shall be given an opportunity to be heard.

*105.4 Procedure:* The Board shall adopt and make available to the public procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

*105.5 Board decision:* Decisions by the Board to reverse or modify a decision appealed from requires a minimum vote of three members.

*105.6 Resolution:* The decision of the Board shall be in writing and shall consist of findings of fact and conclusions of law. Copies shall be furnished to the appellant and to the City and those County department(s) having enforcement authority and responsibilities.

*105.7 Court review:* A party adversely affected by a decision of the Board may appeal to an appropriate court from such decision. Application for review shall be made in the manner and time required by law following the filing of the findings of fact and conclusions of law.

#### **SECTION 407.106 LAND DISTURBANCE PERMITS REQUIRED**

*106.1 City Permit required:* Any person who intends to conduct any land disturbance activity must obtain a permit prior to beginning the activity. The type of permit shall be as required by subsections 106.1.1 or 106.1.2 in this Code.

*Exception:* Activities that do not require permits under subsection 106.3 of this Code.

*106.1.1 Major land disturbance permit:* No person shall perform any major land disturbance activity prior to receipt of a major land disturbance permit. Applications for major land disturbance permits shall be filed with the Department of Public Works.

*Exception:* Activities that do not require permits under subsection 106.3 of this Code.

*106.1.2 Ordinary land disturbance permit:* No person shall perform any ordinary land disturbance activity prior to receipt of an ordinary land disturbance permit. Applications for ordinary land disturbance permits shall be filed with by the Department of Public Works.

*Exceptions — Land Disturbance Permits Not Required:*

1. Activities that do not require permits under subsection 106.3 of this Code.
2. Land disturbance activities by the City or any other public entity or utility for the installation, inspection, repair, or replacement of any of its equipment or for its collection or distribution lines or piping systems or in conjunction with any street repair or replacement project; provided erosion and sediment control measures are provided until grass or other vegetation is established or other approved ground cover means are used. This exception does not apply to any land disturbance activity associated with work that requires a building permit.

*106.1.2.1 County building construction permits and related ordinary land disturbance activities:* The Department of Public Works may include ordinary land disturbance activities associated with the construction of a building, structure, or parking lot and installation of associated utilities, sewers, or equipment serving the building, structure, or parking lot authorized by a permit issued under the building, plumbing, electrical, and mechanical codes as an integrated permit for the proposed construction.

*106.1.2.2 Land disturbance activities related to emergency work:* Where work and associated land disturbance activities must be performed in an emergency situation to protect the health, safety and welfare of the general public, other than disaster response activities described in Item 1 of subsection 106.3, the application for permit must be filed within forty-eight (48) hours (two (2) business days). Every person shall immediately report all emergency work to the Department of Public Works, or in the case of work within a roadway to the Department of Highways and Traffic and apply for appropriate permits pursuant to procedures directed by the Department.

*106.2 Limitation on transfer of land disturbance permits:* Any person who buys land from a person who has been issued a land disturbance permit under subsections 106.1.1 or 106.1.2 of this Code must obtain a separate land disturbance permit from County.

*Exceptions:*

1. Portions of a site having a major land disturbance permit may be transferred to a new landowner provided the original permit holder obtains the approval of the Department of Planning and the Department of Public Works to retain responsibility for the land disturbance activities on the remaining portions of such property not transferred to the landowner.

*106.3 Exceptions—Land disturbance permits not required:*

*106.3.1 Land disturbance permits not required.* Land disturbance permits are not required for the activities related to:

1. Any disaster response activity that is immediately necessary for the protection of life, property, or natural resources; or
2. Land disturbance activities by the City, any other governmental entity, or any public utility for the installation, inspection, repair, or replacement of any of its equipment or for its collection or distribution lines or piping systems; provided erosion and sediment control measures are provided until grass or other vegetation is established or other approved ground cover means are used. \*This exception does not apply to any land disturbance activity associated with work that requires a building permit or special use permit.

*106.3.2 Limited Exception –* Where none of the situations described in a) – f) below exist, land disturbance permits are not required for the activities related to:

1. Existing farming, nursery and agricultural operations conducted as a permitted or accessory use; or
2. Land disturbance activities involving less than thirty (30) cubic yards of earth/soil moved and less than two thousand (2,000) square feet of disturbed area provided the land disturbance activity is for the improvement of the property. Erosion and sediment control measures shall be provided, when necessary, until grass or other vegetation is established, or other approved means of ground cover means are used; or
3. Land disturbance activities associated with additions to and accessory structures for one- and two-family dwellings; or
4. Removal of existing or dying grass or similar vegetation by disturbing not more than ten thousand (10,000) square feet and re-sodding or re-seeding with new landscaping to include preparation of the seed bed; provided erosion and sediment control measures are provided until the grass or other vegetation is established. Any cut or fill in conjunction with the preparation of the seedbed shall not exceed thirty (30) cubic yards; or
5. Gardening and similar activities on property occupied by one- or two-family dwellings and community gardens less than two thousand (2,000) square feet in area, provided there is a vegetative buffer around the perimeter of the garden or other approved method to prevent eroded sediment from leaving the site;

*provided that* the above activity does not alter, or cause to be altered, the present surface of the ground by any cut or fill:

- a) at the property line; or
- b) that would permanently divert one drainage area to another drainage area; or
- c) that would deposit mud or harmful silt, or create erosion or damage to adjoining properties; or

- d) that would block or affect an existing swale or drainage path in a manner to cause damming and ponding; or
- e) within a flood plain without an approved floodplain study, or
- f) within a creek or waterway channel.

*106.4 State of Missouri and other agency permits required:* The permit applicant shall obtain a land disturbance permit from the State of Missouri Department of Natural Resources for any site where one (1) acre or more of land will be disturbed before beginning any site work authorized by a County permit. This requirement applies to sites of less than one (1) acre that are part of a proposed development that will ultimately disturb one (1) acre or more.

If permits are also required from the City, the County, or from State or Federal agencies, the permit applicant shall obtain the required permits before beginning any site work authorized by a County land disturbance permit.

*106.5 Specialized land disturbance permit:* A specialized land disturbance permit may be issued for clearing and grubbing, borrow pits or sites, stockpiling of approved fill materials, rough grading, or similar specialized work provided applicant has submitted a SWPPP, adequate plans, and information complying with pertinent requirements of this Code for the advance work. The holder of such specialized permit shall proceed at their own risk with the scope of land disturbance work authorized without assurance that additional land disturbance activities will be approved. If County does not approve additional land disturbance activities, the holder of the specialized permit shall maintain temporary erosion and sediment control measures until permanent engineered BMP are installed, if required, and permanent vegetation on the site is re-established.

*106.6 Posting of permit and inspection placard:* Work requiring a permit shall not commence until the permit holder posts the permit and inspection placard at the job site for the recording of inspections. The permit and inspection placard shall be placed in a transparent envelope or other approved transparent receptacle that provides weather protection and kept on the site of work in an approved location until the completion of the land disturbance work.

*106.7 Expiration:* Land disturbance permits shall expire and become invalid under any of the following conditions:

1. Work on the site does not commence within 180 calendar days after issuance of the permit;
2. Work on the site is suspended or abandoned for a period of 180 calendar days;
3. More than six (6) months has transpired since the issuance of an ordinary land disturbance permit, and no extension has been requested;
4. More than two (2) years have transpired since the issuance of the major land disturbance permit, and no extension has been requested;
5. The deposit agreement required by the Planning Department for the major land disturbance is no longer valid.
6. If requests for extension have not been granted.

The Department of Public Works may issue permits having a longer duration than indicated above for land disturbance activities associated with quarries, sand, and gravel dredging operations, and similar long-term specialized borrow pit or site excavation operations. The Department shall collect the permit extension fees that normally would otherwise be collected in accordance with subsection 106.7.1, along with fees for any additional inspections that may be required, at the time the permit having a longer duration is issued. Permits issued for longer durations shall have an expiration date. Upon expiration of the longer duration permit the Department of Public Works may grant additional extensions in accordance with subsection 106.7.1.

*106.7.1 Permit extensions:* One (1) or more extensions of time, for periods not to exceed three (3) months each for an ordinary land disturbance and one (1) year each for a major land disturbance, may be granted subject to a permit extension fee at the rate prescribed in Chapter 1100, SLCRO. The request for a permit extension shall be submitted to the County in writing, and justifiable cause demonstrated, by the permit holder at least ten (10)

working days before the expiration of the permit. The request shall also include a construction schedule that represents a reasonable, good faith effort to complete the land disturbance work and re-establish permanent vegetation in a timely manner.

*106.8 Correction of existing violations:* The Department of Public Works may withhold issuance of a land disturbance permit if there are unabated written violations against the property until the violations are corrected and abated or proposed to be corrected and abated by the work to be done under the current application for permit.

*106.9 Sites declared unsafe:* The Department of Public Works may withhold issuance of a land disturbance permit on any site declared unsafe by any federal, state or county agency.

*106.10 Permit holder's responsibilities:* Should the permit be abandoned and expire, become invalid, or be suspended or revoked, the permit holder shall continue to comply with applicable BMP provisions of this Code including maintaining temporary BMP erosion and sediment control measures until permanent engineered BMP are installed, if required, and/or permanent vegetation is re-established on the site.

#### **SECTION 407.107 LAND DISTURBANCE PERMIT APPLICATIONS**

*107.1 Permit applications:* Applications for land disturbance permits required by this Code shall be in the form prescribed by and accompanied by the site construction plans and documents determined necessary by the County Department(s) responsible for reviewing and issuing the permit. Applications for major land disturbance permits shall include proof that proposed land disturbance and uses have received approvals from the County Department of Planning or zoning approval from the municipality in which the land disturbance activities will occur. The total estimated fee for the activities to be performed by the Departments of Public Works and Highways and Traffic shall be paid in advance. The filing fee shall be credited towards the total permit fee when the permit is issued. Filing fees are non-refundable should the application for permit be denied or cancelled.

*107.1.1 Time limitation of application:* An application for a permit for any proposed work shall be deemed to have been abandoned one hundred eighty (180) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that one (1) or more extensions of time for additional periods not exceeding ninety (90) days each may be granted subject to a non-refundable application extension fee at the rate prescribed in Chapter 1100, SLCRO, which shall be paid at the time the extension is granted. An additional inspection fee may also be charged for status inspections to verify work has not started. Application extension fees shall not be credited towards the total permit fee when the permit is issued.

*107.2 Site construction plans required:* All applications for permits shall be accompanied by site construction plans in the quantity determined by the Departments of Public Works and Highways and Traffic. Site Construction Plans for all Major Land Disturbances and for Commercial Ordinary Land Disturbances shall be prepared by a Registered Design Professional consistent with the professional registration laws of the State of Missouri. The cover or first sheet of the Site Construction Plans shall bear an original embossed or wet ink seal, the date, and original ink signature of the registered design professional. In addition, all other sheets shall bear an original embossed, wet ink, or mechanically reproduced seal of the registered design professional. The title block of the construction plans shall also include the name and address of the registered design professional that sealed them. Site Construction Plans for Residential Ordinary Land Disturbances may be prepared by the owner or contractor, providing the scope of work is relatively simple and there is no engineering required. A Registered Design Professional shall prepare and seal plans for Residential Ordinary Land Disturbances when the scope of work is complex and/or requires engineering.

*107.2.1 Storm water pollution prevention plan required (SWPPP) for major land disturbance permits:* All applications for major land disturbance permits shall be accompanied by a storm water pollution prevention plan, prepared for the specific site by or under the direction of a qualified professional as directed by County. Only the components and elements of the storm water pollution prevention plan (SWPPP) that do not require engineering may be prepared by a qualified professional other than a Missouri Licensed Professional Engineer. The storm water pollution prevention plan (SWPPP), when prepared by a Missouri Licensed Professional Engineer, may be incorporated into the site construction plans required by subsection 107.2. The site construction plans shall

contain a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the storm water pollution prevention plan, and the applicant shall assume and acknowledge responsibility for compliance with this Code and the storm water pollution prevention plan at the site of the permitted activity.

*107.3 Required land disturbance escrows for major land disturbance permits:* Applicants for major land disturbance permits shall file a land disturbance escrow, naming County as beneficiary, in the form of cash, a letter of credit, or other improvement security in an amount deemed sufficient by the Department of Planning to cover all costs of improvements, landscaping, and maintenance of improvements for such period as specified by the Department of Planning. The land disturbance escrow shall include engineering and inspection costs sufficient to cover the cost of failure or repair of improvements installed on the site.

*107.3.1 Release of escrows—Project closure:* A land disturbance escrow will not be released to the property owner, site operator, or permit holder until all the following have been completed:

1. All temporary storm water control best management practices (BMP) have been removed and the site has been fully stabilized. A site is considered to be stabilized when perennial vegetation, pavement, buildings, or structures constructed of permanent materials cover all areas that were previously disturbed. Vegetative cover shall be established such that erosion no longer occurs. This typically requires a minimum of seventy (70) percent fully established plant density over one hundred (100) percent of the disturbed area.
2. All permanent storm water control best management practices (BMP) have been completed.
3. All final inspections/certifications have been completed by each of the government jurisdictions involved in authorizing the project.

#### **SECTION 407.108 FEES**

*108.1 Issuance of permits:* Land disturbance permits shall not be issued until the fees associated with the permit are paid to the individual County Departments as specified in subsections 108.1.1 through 108.1.3 of this Code.

*Exception:* Individual County departments may defer all or parts of fees to a later stage of site development.

*108.1.1 Department of Planning:* Fees for the activities of the Department of Planning related to Land Disturbance permits shall be in accordance with the fee rates set forth in Chapter 1003 "Zoning Ordinance" and Chapter 1005 "The Subdivision Ordinance of St. Louis County."

*108.1.2 Department of Highways and Traffic:* Fees for the activities of the Department of Highways and Traffic related to Land Disturbance permits shall be in accordance with the fee rates set forth in Chapter 1100 Code Enforcement Fee Schedules" and Chapter 1105 "Department of Highways and Traffic," and in Chapter 1005 "The Subdivision Ordinance of St. Louis County." The Department of Highways and Traffic is authorized to establish and collect inspection fees by estimating the total number of inspection hours required for the completion of the permitted work.

*108.1.3 Department of Public Works:* Fees for the activities of the Department of Public Works related to land disturbance permits shall be in accordance with the fee rates set forth in Chapter 1100 "Code Enforcement Fee Schedules." In applying the Code Enforcement Fee Schedule, the total estimated cost of land disturbance activities shall include applicable grubbing, site clearing, rough grading, sediment, and erosion control measures, excavating, backfill, final grading, concrete flatwork, asphalt pavement, and final landscaping. The Department of Public Works may require a bona fide contract(s) or any affidavit of the owner of the project, in which the applicant and owner verify the total cost of the site improvements related to the permit. The Department of Public Works is authorized to establish the fee by determining the plan review cost and estimating the total number of inspections required, when in the opinion of the Department of Public Works, the fee resulting from this method more closely relates to the cost of enforcing the requirements of this code. Fees for land disturbance related inspections associated with construction authorized by a building permit shall be assessed to the building permit in accordance with the additional inspection fee rates set forth in Chapter 1100 "Code Enforcement Fee Schedules."

*108.2 Refunds:* In the case of revocation of a permit or projects where land disturbance activities have begun, no refund shall be permitted. Any excess fee for abandoned projects, where land disturbance work has not started, shall be returned to the permit holder upon written request received not later than twelve (12) months after the date the permit was issued. All application filing fees, application extension fees, plan examination and permit processing fees and all penalties that have been imposed upon the permit holder under the requirements of this Code shall be deducted from the refund or paid by the permit holder prior to any refund being issued.

#### **SECTION 407.109 STORM WATER POLLUTION PREVENTION PLAN (SWPPP)**

*109.1 Content—Storm water pollution prevention plan (SWPPP):* The design requirements in Chapter 2 of this Code shall be complied with when developing the storm water pollution prevention plan and the plan shall include the following:

- 1) Name, address and telephone number of the site owner and the name, address and telephone number of the individual who will be in overall responsible charge of construction/development activities at the site. When more than one (1) individual is responsible for the entire construction or land disturbance site, the areas of the site over which each individual has control shall be identified.
- 2) Site address or location description and parcel identification number(s). Description of the nature of the land disturbance and construction activities.
- 3) A site map showing the outlines of the total project area, the areas to be disturbed, existing land uses, locations and names of surface water bodies, locations of flood plains, locations of temporary and permanent best management practices (BMP) and such other information as may be required by the County department(s) having enforcement authority and responsibilities described in Section 407.103 of this Code.
- 4) Existing contours of the site and adjoining strips of off-site property and proposed contours after completion of the proposed land disturbance and development, based on United States Geological Survey datum, with established elevations at buildings, walks, drives, street, and roads; and information on necessary clearing and grubbing, removal of existing structures, excavating, filling materials brought to the site, spreading, and compacting. Existing and proposed contours shall be shown at two-foot elevation intervals. Cross sections may be utilized in lieu of contours as approved by the Department of Highways and Traffic.
- 5) A natural resources map identifying soils, forest cover, and resources protected under other provisions of County Ordinances and a general map with enough detail to identify the location of the construction site and any waters of the United States or wetlands within one (1) mile of the site.
- 6) An estimate of the runoff coefficient of the site prior to disturbance and the runoff coefficient after the construction addressed in the permit application is completed.
- 7) Estimated quantity of land to be disturbed.
- 8) Details of the site drainage pattern both before and after major land disturbance activities.
- 9) Access to construction site.
- 10) Description of best management practices (BMP) to be utilized to control erosion and sedimentation during the period of land disturbance. A table or schedule listing each BMP to be utilized and the quantity or linear footage of each. Each BMP shall be identified as temporary or permanent.
- 11) Description of best management practices (BMP) to be utilized to prevent other potential pollutants such as construction wastes, toxic or hazardous substances, petroleum products, pesticides, herbicides, site litter, sanitary wastes, and other pollutants from entering the natural drainage ways during the period of construction and land disturbance.



- 12) Description of best management practices (BMP) that will be installed during land disturbance to control pollutants in storm water discharges that will occur after land disturbance activity has been completed.
- 13) Location of temporary facilities such as off-street parking, wash-down area for related vehicles, on-site fueling facilities, concrete or asphalt batch plants, and other similar temporary facilities.
- 14) Sources of off-site borrow material or spoil sites, and all information relative to haul routes, trucks, and equipment.
- 15) The anticipated sequence of construction and land disturbance activities, including installation of best management practices (BMP), removal of temporary best management practices (BMP), stripping and clearing; rough grading; construction utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date(s) on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
- 16) All erosion and sediment control measures necessary to meet the objectives of this Code throughout all phases of construction and after completion of site development. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
- 17) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
- 18) Provisions for maintenance of control facilities, including easements.
- 19) Plans for responding to any loss of contained sediment to include the immediate actions the permit holder will take in case of a containment failure. This plan must include documentation of actions and mandatory reporting to the Department of Public Works.
- 20) Schedules and procedures for routine inspections of any structures provided to prevent pollution of storm water or to remove pollutants from storm water and of the site in general to ensure all best management practices (BMP) are continually implemented and are effective.
- 21) Description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. During construction, strategies shall be implemented to protect post construction best management practices (BMP).
- 22) Description of any non-storm water discharges and any anticipated dewatering methods.
- 23) A signed and dated certification statement that the SWPPP was prepared in accordance with the requirements and regulations of the City, County, and the Missouri Department of Natural Resources.

*109.2 Required plan amendments—Storm water pollution prevention plan (SWPPP):* The permit holder shall amend, or shall cause the Special Inspector or preparer of the SWPPP to amend, the storm water pollution prevention plan whenever:

- 1) Design, operation, or maintenance of best management practices (BMP) is changed;
- 2) Design of the construction project is changed that could significantly affect the quality of the storm water discharges;
- 3) Site operator's inspections indicate deficiencies in the storm water pollution prevention plan (SWPPP) or any best management practices (BMP);
- 4) Inspections by County or by the Missouri Department of Natural resources indicate deficiencies in the storm water pollution prevention plan (SWPPP) or any best management practices (BMP);

- 5) The storm water pollution prevention plan (SWPPP) is determined to be ineffective in significantly minimizing or controlling erosion or excessive sediment deposits in streams or lakes;
- 6) The storm water pollution prevention plan (SWPPP) is determined to be ineffective in preventing pollution of waterways from construction wastes, chemicals, fueling facilities, concrete truck washouts, toxic or hazardous materials, site litter or other substances or wastes likely to have an adverse impact on water quality;
- 7) Total settleable solids discharging from a storm water outfall exceeds 2.5 ml/L per Standard Method 2540F for storm events up to but not exceeding the local two-year, twenty-four-hour storm. This limitation does not apply during storm events that exceed the local two-year, twenty-four-hour storm;
- 8) The City, County, or the Missouri Department of Natural Resources determines violations of water quality standards may occur or have occurred.

When any of the above storm water pollution prevention plan (SWPPP) amendments cause engineering design changes, the permit holder shall cause the registered design professional to revise and re-submit the site construction plans to the County for approval. The County may require sampling and reporting as a result of illegal discharges, compliance issues, complaint investigations, or evidence of contamination from activities at the site.

*109.3 Permit holder responsibilities for administration of storm water pollution prevention plan (SWPPP):* The permit holder shall:

- 1) Notify all contractors and other entities (including utility crews, the City, County employees, or their agents) that will perform work at the site, of the existence of the storm water pollution prevention plan (SWPPP) and what actions or precautions shall be taken while on site to minimize the potential for erosion and the potential for damaging any best management practices (BMP);
- 2) Determine the need for and establish training programs to ensure that all site workers have been trained, at a minimum, in erosion control, material handling and storage, and housekeeping;
- 3) Provide copies of the storm water pollution prevention plan (SWPPP) to all parties who are responsible for installation, operation, or maintenance of any best management practices (BMP);
- 4) Maintain a current copy of the storm water pollution prevention plan (SWPPP) on the site during the installation, operation, and maintenance of the best management practices (BMP);
- 5) Cause regular weekly and after-rain special inspections of the land disturbance site by a County approved special inspector as required by subsection 301.2; including notifying the special inspector of any rainfall event causing storm water runoff to leave the construction site;
- 6) Ensure that all off-site borrow-from or haul-to sites and similar construction support activities are properly permitted by the authority having jurisdiction;
- 7) Ensure that dates of major grading activities, construction temporarily or permanently ceased, and stabilization measures initiated are recorded; and
- 8) Ensure that City, State and County permits are posted at the construction site; and
- 9) Ensure that required inspections are requested and that the storm water pollution prevention plan (SWPPP) and approved site construction plans, if not maintained on-site, are brought to the site for the Inspector's use during the inspections, including any additional or extra County inspections.

## **Article II—Design Requirements.**

### **SECTION 407.201 GENERAL**

*201.1 Design:* The design of erosion and sediment controls required for land disturbance activities shall comply with the following minimum requirements:

1. Land disturbance, erosion and sediment control practices, and watercourse crossings shall be adequate to prevent transportation of sediment from the site.
2. Materials brought to any site or property under a permit issued under this Code, where said material is intended to be utilized as fill material at the site for land disturbance, erosion, or sediment control, shall consist of clean uncontaminated earth, soil, dirt, sand, rocks, gravel or masonry materials or other approved materials.
3. Cut and fill slopes shall be no greater than 3:1 except as approved by the Department of Public Works or the Department of Highways and Traffic to meet other community or environmental objectives.
4. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other County Ordinances.
5. Clearing techniques that retain existing vegetation to the maximum extent practicable shall be used and the time period for disturbed areas to be without vegetative cover shall be minimized to the extent practical.
6. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
7. Phasing shall be required on all sites disturbing greater than thirty (30) acres of land. The size of each phase will be established by the Department of Planning at the time of plan review for the issuance of a major land disturbance permit.

*201.2 Erosion control design:* Erosion control requirements shall include the following:

1. Permit holder shall install temporary stabilization when soil disturbing activities will cease on any portion of the site and are not planned to resume for a period exceeding fourteen (14) calendar days. Temporary stabilization must be initiated immediately upon knowing the duration is more than fourteen (14) days. Temporary stabilization must be completed within seven (7) calendar days. Final stabilization of disturbed areas must be initiated immediately and completed within seven (7) calendar days whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site. County may grant allowances to the seven-day completion period for temporary and final stabilization due to weather or equipment malfunctions. The use of allowances shall be documented in the SWPPP.
2. If seeding or another vegetative erosion control method is used, it shall become established within two (2) weeks, or the site shall be re-seeded, or a non-vegetative option employed.
3. Techniques shall be employed to ensure stabilization on steep slopes and in drainage ways.
4. Soil and material stockpiles must be stabilized or covered at the end of each workday or perimeter controls must be in place to prevent silt from the stockpile from leaving the site.
5. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
6. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
7. Techniques shall be employed to divert upland runoff past disturbed slopes.

*201.3 Sediment control design:* Sediment control requirements shall include:

1. Settling basins, sediment traps, or tanks and perimeter controls.
2. Settling basins shall be provided for each drainage area within ten (10) or more acres disturbed at one (1) time and shall be sized to contain one-half (0.5) inch of sediment from the drainage area and be able to contain a two-year, twenty-four-hour storm. If the provision of a basin of this size is impractical, other similarly effective best management practices (BMP), as evaluated and specified in the storm water pollution prevention plan (SWPPP), shall be provided.

3. Settling basins shall be designed in a manner that allows adaptation to provide long-term storm water management, as required by the County department(s) having enforcement authority and responsibilities described in Section 407.103 of this Code.
4. Settling basins shall have stabilized spillways to minimize the potential for erosion of the spillway or basin embankment.
5. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

*201.4 Watercourse design:* Watercourse protection requirements shall include:

1. Encroachment into or crossings of active water courses/riparian areas and wetlands shall be avoided to the maximum extent practicable. All City, County, state, and federal permits, and approvals shall be obtained by a permit holder prior to beginning work authorized by a County land disturbance permit.
2. Stabilization of any watercourse channels before, during, and after any in-channel work.
3. If a defined watercourse is to be re-aligned or re-configured, clearing, and grubbing activities within fifty (50) feet of the watercourse shall not begin until all materials and equipment necessary to protect the watercourse and complete the work are on site. Once started, work shall be completed as soon as possible. Areas within fifty (50) feet of the watercourse shall be re-contoured and stabilized. Permit holder shall install temporary stabilization when soil disturbing activities will cease on any portion of the site and are not planned to resume for a period exceeding fourteen (14) calendar days. Temporary stabilization must be initiated immediately upon knowing the duration is more than fourteen (14) days. Temporary stabilization must be completed within seven (7) calendar days. Final stabilization of disturbed areas must be initiated immediately and completed within seven (7) calendar days whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site. County may grant allowances to the seven-day completion period for temporary and final stabilization due to weather or equipment malfunctions. The use of allowances shall be documented in the SWPPP.
4. All storm water conveyances shall be designed according to the criteria of the City, County, and the St. Louis Metropolitan Sewer District (MSD) and the necessary permits obtained.
5. Stabilization adequate to prevent erosion shall be provided at the outlets of all pipes and paved channels.
6. Except as otherwise permitted above, stream buffers along flood plain zoned streams and other natural waterways as required by City Code shall not be disturbed.

*201.5 Construction site access design:* Construction site access requirements for major land disturbance activities shall include:

1. A temporary construction access entrance, located to provide adequate sight distance, shall be provided at all land disturbance sites including a wash down area supporting all active sites.
2. The City or Department of Highways and Traffic may require other measures to ensure that construction vehicles do not track sediment onto public streets or roadways or be washed with wash effluent channeled directly into storm drains.

*201.6 Control of construction materials and waste:* Control requirements for construction materials, construction wastes and other wastes generated on site at the land disturbance site, including facilities that process and handle materials and waste such as temporary concrete or asphalt batch plants, temporary recycling or waste incineration facilities, and similar temporary construction material and waste handling facilities shall include provisions, satisfactory to the City or those County department(s) having enforcement authority and responsibilities described in Section 407.103 of this Code for:

1. Spill prevention and control facilities for materials such as paint, solvents, petroleum products, chemicals, toxic or hazardous substances, substances regulated under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and any wastes generated from the use of such materials and substances, including their containers. Any containment systems employed to meet this requirement shall be constructed of materials compatible with the substances contained and shall be adequate to protect both surface and ground water.
2. Collection and disposal of discarded building materials and other construction site wastes, including those listed in subsection 201.6.1 above.
3. Litter control.
4. Control of concrete truck washouts.
5. Assurance that on-site fueling facilities will adhere to applicable federal and state regulations concerning storage and dispensers.
6. Provision of sufficient temporary toilet facilities to serve the number of workers on major land disturbance sites as directed by the Department of Health.
7. Assurance that on-site temporary construction materials or waste handling equipment and facilities including, but not limited to, batch plants, recycling or grinding facilities, and temporary incineration equipment also adhere to County Department of Health regulations.

### **Article III—Inspections.**

#### **SECTION 407.301 GENERAL**

*301.1 Department(s) of Public Works and Highways and Traffic—General:* The County department(s) having enforcement authority and responsibilities described in Section 407.103 of this Code shall make inspections as herein required and shall either approve that portion of the work completed or shall notify the permit holder wherein the work fails to comply with the storm water pollution prevention plan (SWPPP) and/or the Site Construction, Land Disturbance, Erosion and Sediment Control Plan as approved. Plans for land disturbance, stripping, excavating, and filling work bearing the stamp of approval of the County department conducting the review for compliance under this code and/or issuing the permit shall be maintained at the site by the permit holder during the progress of the work. Construction work shall be done in accordance with the approved plans. To obtain inspections, a permit holder shall notify the Department(s) of Public Works or Highways and Traffic as applicable, at least two working days before the following:

- 1) Start of construction;
- 2) Installation of sediment and erosion measures;
- 3) Completion of site clearing;
- 4) Completion of rough grading;
- 5) Completion of final grading;
- 6) Close of the construction season;
- 7) Completion of final landscaping;

*Exception 1:* Inspections conducted by the Department of Highways and Traffic related to construction and maintenance of County highways and roadways.

*Exception 2:* When conditions are not favorable to maintain copies of the approved plans on-site, a sign shall be installed at the entrance to the site listing information pertinent to the location of the storm water pollution prevention plan (SWPPP), approved site construction plans and the twenty-four-hours/seven-day a week phone number of the person in charge of them. The SWPPP and approved site construction plans shall be brought to the

site and made available for the inspector's use during the above required inspections and any additional or extra inspections.

*301.1.1 Additional inspections:* In addition to the required inspections specified above the Departments of Public Works and Highways and Traffic are authorized to perform and charge fees for additional inspections which are reasonably necessary to enforce this Code and the zoning and building construction codes. These inspections may include, but not be limited to, interim status inspections due to length or complexity of project, BMP and subdivision escrow releases, compliance with approved site development plans, excavations for building foundations and underground utilities and sewers, and final finish grading and landscaping related to completion of the building construction project.

*301.1.2 Extra inspections:* In addition to the inspections otherwise required, the Departments of Public Works and Highways and Traffic are authorized to perform and charge fees for extra inspections or re-inspections which in their judgment are reasonably necessary due to non-compliance with the requirements of this Code or work not ready or accessible for inspection when requested.

*301.2 Permit holder special inspection and report responsibilities—Major land disturbances:* The holder of a major land disturbance Permit, or his/her agent, shall cause regular and after-rain inspections of land disturbance sites by a qualified special inspector approved by the County. Inspections shall include examining all erosion and sediment and other pollutant control measures, outfalls, and off-site receiving waters in accordance with the inspection schedule outlined in the approved storm water pollution prevention plan (SWPPP). Inspections must be scheduled at least once per week. When rainfall causes storm water runoff to leave the site, the BMP must be inspected within forty-eighty (48) hours after the rain event has ceased during a normal workday and within seventy-two (72) hours on the next business day if the rain event ceases during a non-workday such as on weekends and holidays. The total rainfall measured for that day must be recorded on the inspection report. A properly maintained rain gauge must be kept on site or the storm event information must be obtained from a weather station that is representative of the site location. The purpose of such inspections will be to ensure proper installation, operation, and maintenance of best management practices (BMP) and to determine the overall effectiveness of the storm water pollution prevention plan (SWPPP) and the need for additional control measures. All inspections shall be documented in written form on weekly and after-rain reports with copies submitted weekly to the Department(s) of Public Works or Highways and Traffic. The inspection reports must include the following minimum information:

- 1) Inspector's name and signature;
- 2) Date of inspection;
- 3) Observations relative to the effectiveness of the best management practices (BMP);
- 4) Actions taken or necessary to correct deficiencies; and
- 5) A listing of areas where land disturbance operations have permanently or temporarily stopped.

The special inspector shall immediately notify both the permit holder and the site contractor(s) responsible for any deficiencies identified so that deficiencies can be corrected within seven (7) calendar days of the weekly or after-rain inspection report. If weather conditions make it impossible to correct the problem within seven (7) calendar days, a detailed report of the problem (including pictures) shall be filed with the regular inspection reports. The permit holder shall be responsible for ensuring that the deficiencies are corrected.

The permit holder shall notify the County by the next working day whenever a special inspector is terminated, resigns, or is unable to conduct inspections for whatever reason. The permit holder shall retain a new special inspector from the County's list of approved special inspectors within five (5) calendar days to ensure that the regular weekly and after rain inspections required by this section are conducted and reported upon. The permit holder shall notify the County by the next working day whenever a new special inspector is retained. Only a County approved special inspector can be responsible for the inspection of BMP required under this Code.

*301.2.1 Verification of permit holder's reports:* The Department(s) of Public Works or Highways and Traffic may make and charge fees for extra inspections as deemed necessary to ensure the validity of the reports filed

under subsection 301.2 of this Code or to otherwise ensure proper installation, operation and maintenance of storm water best management practices (BMP) and to determine the overall effectiveness of the storm water pollution prevention plan (SWPPP) and the need for additional control measures.

*301.3 Removal from approved list of qualified special inspectors:* Failure of the special inspector to conduct required inspections and file accurate valid inspection reports with the County as required by subsection 301.2 shall constitute cause to remove the special inspector from the approved list of special inspectors. A special inspector that has been removed from the approved list has the right to appeal to the Board.

## **Article IV—Penalties**

### **SECTION 407.401 GENERAL PENALTY.**

**401.1.** Whenever in this Land Disturbance Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Chapter or the Code adopted in this Chapter or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the City prison or workhouse instead of the County Jail.

401.2. Every day any violation of this Chapter or the Code adopted in this Chapter or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.

401.3. Whenever any act is prohibited by this Chapter or the Code adopted in this Chapter, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do said act. Whenever any act is prohibited by this Chapter or the Code adopted in this Chapter, an attempt to do the act is likewise prohibited.

**Section 2.** This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS \_\_\_ DAY OF SEPTEMBER 2023.

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Russ Fortune, Mayor

Attest:

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Frank Johnson, City Clerk/Administrator