Public Works and Safety Committee
Standing Committee Meeting Agenda
Monday, March 24, 2014
5:00 PM

Location:
Municipal Office Building
701 N 7th Street
Kansas City, Kansas 66101
5th Floor Conference Room (Suite 515)

Name
Commissioner Mike Kane, Chair
Commissioner Hal Walker
Commissioner Tarence Maddox
Commissioner Angela Markley
Commissioner Jane Philbrook
Jeff Bryant - BPU

I. Call to Order/Roll Call

II. Approval of standing committee minutes from February 18, 2014

III. Committee Agenda

Item No. 1 - ORDINANCE: US ENVIRONMENTAL PROTECTION AGENCY/STATE OF...

Synopsis:
The partial consent decree that the Unified Government entered into with the US Environmental Protection Agency and the State of Kansas requires the Unified Government to certify that it has sufficient legal authority to effectively administer an Illicit Discharge Program, Industrial Stormwater Management Program, Construction Site Stormwater Management Program, and Post-Construction Stormwater Management Program, submitted by Misty Brown, Legal.

Tracking #: 140090
Item No. 2 - RESOLUTION: SAFE FUND

Synopsis:
Requesting the adoption of a resolution of support for the Dotte Trot, a 5K and 10K run, sponsored by the Surviving Spouse and Family Endowment Fund, "SAFE fund", submitted by Jennifer Myers, Legal.
Tracking #: 140087

Item No. 3 - COMMUNICATION: CRACK AND SEAL

Synopsis:
Public Works will present information on crack sealing of streets. Crack seal is a critical preservation process for asphalt pavements, submitted by Bill Heatherman, County Engineer. For information only.
Tracking #: 140045

Item No. 4 - COMMUNICATION: NEW PUBLIC SAFETY BUILDING

Synopsis:
At the request of Commissioner Murguia to appear to make a presentation on a new public safety building in Argentine. For information only.
Tracking #: 140096

Item No. 5 - COMMUNICATION: CITY OF EDWARDSVILLE SEWER SERVICE

Synopsis:
The city of Edwardsville is proposing to develop near 110th & I-70 (south side) and therefore needs sewer service, submitted by Bob Roddy, Public Works. This Edwardsville project will install a pump station on the south side of I-70.
Tracking #: 140093

Item No. 6 - COMMUNICATION: POLICE DEPARTMENT ON ANIMAL CONTROL

Synopsis:
At the request of Commissioner Philbrook, a presentation by Captain Angell of the Kansas City, Kansas Police Department on Animal Control, submitted by Jenny Myers, Legal. For information only
Tracking #: 140094
IV. Public Agenda

Item No. 1 - APPEARANCE: KATIE BARNETT

Synopsis:
Discussion regarding animal control legislation and policy changes.
Tracking #: 140097

V. Outcomes

VI. Adjourn
The meeting of the Public Works and Safety Standing Committee was held on Tuesday, February 18, 2014, at 4:30 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner Kane, Chairman; Commissioners, Walker (arrived at 4:31 p.m.), Maddox, Markley, Philbrook; and BPU Board Member Bryant.

Chairman Kane called the meeting to order. Roll call was taken and all members were present as shown above.

Approval of standing committee minutes for January 13, 2014. On motion of Commissioner Philbrook, seconded by Commissioner Maddox, the minutes were approved. Motion carried unanimously.

Committee Agenda:

Item No. 1 – 140040… Resolution declaring the Missouri River-Jersey Creek Connector Trail Project (CMIP 1611) to be a necessary and valid improvement, and authorizing a survey of land for said project, submitted by Jerod Letcher, Engineering.

Bill Heatherman, County Engineer, said this is a routine item in a project as we move forward on getting easements. This project is in the CMIP.

Action: Commissioner Markley made a motion to approve the resolution, seconded by Commissioner Philbrook, and forward to full commission. Roll call was taken and there were five “Ayes,” Bryant, Philbrook, Markley, Maddox and Kane. Commissioner Walker abstained.
Item No. 2 – 140041… Resolution declaring Pump Station No. 12 (3102 W. 43rd Ave.) Elimination (CMIP 6303) to be a necessary and valid improvement, and authorizing a survey of land for said project, submitted by John Menkhus, Engineering.

Bill Heatherman, County Engineer, said this is a similar action. This location is basically 43rd and Mission Road. It’s fairly minor. All of the work will be in areas that really shouldn’t be of too much concern, but we do need to move forward with this type of action.

Action: Commissioner Philbrook made a motion to approve the resolution, seconded by Commissioner Maddox, and forward to full commission. Roll call was taken and there were six “Ayes,” Bryant, Philbrook, Markley, Maddox, Walker and Kane.

Adjourn

Chairman Kane adjourned the meeting at 4:32 p.m.
Staff Request for Commission Action

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 3/24/2014
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 4/10/2014

Confirmed Date: 4/10/2014

Changes Recommended By Standing Committee (New Action Form required with signatures)

<table>
<thead>
<tr>
<th>Date</th>
<th>Contact Name</th>
<th>Contact Phone</th>
<th>Contact Email</th>
<th>Ref</th>
<th>Department / Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/12/2014</td>
<td>Misty Brown</td>
<td>573-5067</td>
<td><a href="mailto:mbrown@wycokck.org">mbrown@wycokck.org</a></td>
<td>Legal</td>
<td></td>
</tr>
</tbody>
</table>

Item Description:
The partial consent decree that the Unified Government entered into with the US Environmental Protection Agency and the State of Kansas requires the Unified Government to certify that it has sufficient legal authority to effectively administer an Illicit Discharge Program, Industrial Stormwater Management Program, Construction Site Stormwater Management Program, and Post-Construction Stormwater Management Program. The proposed ordinance changes clarify and enhance the Unified Government's authority in regards to the programs set out in the partial consent decree.

Action Requested:
Forward to Full Commission for approval.

Publication Required

Publication Date: 4/17/2014

Budget Impact: (if applicable)

Amount: $
Source:
  √ Included In Budget
  √ Other (explain)

File Attachment
ORDINANCE NO. __________

AN ORDINANCE relating to the Unified Government's legal authority; amending original sections 8-612, 8-614, 8-632, 8-634, 8-637, 30-1, 30-2, 30-3, 30-5, 30-6, 30-8, 30-32, 30-123, and 30-327 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas has entered into a federal consent decree with the US Environmental Protection Agency and the State of Kansas; and

WHEREAS, the cooperative agreement addresses enhanced operation and maintenance of Unified Government's sewer systems as well as the development of a comprehensive plan to address wet weather-related sewer overflows; and

WHEREAS, the partial consent decree requires the Unified Government to adopt and maintain ordinances authorizing the Unified Government to inspect, assess penalties, issue enforceable orders and stop-work orders and other such acts required to effectively administer an Illicit Discharge Program, Industrial Stormwater Management Program, Construction Site Stormwater Management Program, and Post-Construction Stormwater Management Program; and

WHEREAS, additional legal authority is required to comply with the federal consent decree.

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

Section 1. That Article XIV of Chapter 8 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 8-612. - Definitions.

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

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

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

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

**County administrator** means the individual appointed by the mayor/CEO of the Unified Government as the Unified Government county administrator or his designee.

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

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

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

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

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

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

**Notice to comply** means a written notice from the Unified Government engineer of deficiencies in the sediment and erosion control management of the site.

**Notice of default** means a written notice from the Unified Government engineer warning of further enforcement action including creation of lien or revocation of permit.

**Permit** means the land disturbance permit issued by the Unified Government authorizing land disturbance activities in accordance with the requirements of this article.

**Permittee** means any person to whom a land disturbance permit is issued pursuant to this article.
Permittee's agent means any representative, contractor, foreman, or superintendent who acts at the instruction of, or with the permission of, or to the benefit of the permittee.

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

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.

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

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

Qualified erosion control professional means a natural person with at least one of the following qualifications:

(1) A certified professional in erosion and sediment control, certified by CPESC, Inc.

(2) A professional engineer who has received a minimum of 12 hours' classroom instruction in sediment and erosion control taught by a certified professional erosion control specialist.

(3) A landscape architect duly licensed by the state board of technical professions to practice landscape architecture who has received a minimum of 12 hours' classroom instruction in sediment and erosion control taught by a certified professional erosion control specialist.

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

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

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

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

Storm drain means any enclosed structure for the conveyance of storm water runoff, including culverts, box culverts, storm sewer mains, or tunnels.
Stripping means any activity by which the vegetative cover is removed or significantly disturbed, including tree removal, clearing, grubbing and storage, or removal of topsoil.

Unified Government engineer means the individual appointed by the county administrator as Unified Government engineer or his designee.

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

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

(Ord. No. O-125-06, § 1(8-612), 12-14-2006)

Sec. 8-614. - Land disturbance permit.

(a) Permit required. No person may engage in any land disturbance activity, including persons engaged in land disturbance activity related to utility installation or maintenance, without first obtaining a land disturbance permit from the Unified Government, except as provided in this article. Any land disturbance permit shall encompass all land disturbance activity at the locations and during the times covered by the permit, whether such land disturbance activity is performed by the permittee, his contractor or subcontractors, a utility or its contractors, or any other independent agent. The permit fee shall be doubled for sites where land disturbance has occurred without a permit in violation of this article.

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

(c) Exemptions. A permit is not required under this article for the following:

(1) Any land disturbance activity that, in the course of the subject development, disturbs or will disturb a cumulative total of less than one acre of surface area;

(2) All land farming operations, including plowing or tilling of land for the purpose of crop production or the harvesting of crops on land located in the agricultural districts, including AG and AG (county) zoning districts;

(3) Any noncommercial garden in any zone that disturbs less than one acre of surface area; or
(4) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(d) Application.

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

(2) A land disturbance permit will only be issued in the name of the current property owner.

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

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

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

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

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

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

(2) Adequate control of dust by watering, or other control methods acceptable to the director of the health department air quality division;

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

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

(5) Pollution Prevention Plan and any other conditions believed necessary to protect the general public's health, safety, and welfare; and

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

(g) Modification of plan.

(1) Modifications of the approved plan must be submitted to the Unified Government, and shall be processed in the same manner as the original plan, where:

a. Field inspection or evaluation reveals the inadequacy of the approved plan to accomplish its erosion and sediment control objectives; or

b. The permittee or permittee's agent finds that because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out.

(2) When a modified plan is required the Unified Government engineer may require the installation of interim erosion and sediment control measures to protect stream channels, other properties, or the general public from damage. Interim measures
will remain in effect until modifications or revisions to the plan are approved and implemented.

(h) Assignment or transfer.

(1) 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 owner of the property obtains a permit or until a completion certificate is issued for the portion sold.

(2) 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 Unified Government engineer. The Unified Government 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.

(j) Revocation of permit.

(1) Permittees hold land disturbance permits pursuant to this article as a privilege and not as a right. The Unified Government reserves its right, as provided herein, to revoke any land disturbance permit, without refund of the permit fee, in the event of a breach of the terms and conditions of the land disturbance permit. A breach shall include but is not be limited to the following:

a. Violation of any material provision of the land disturbance permit;

b. Evasion or attempt to evade any material provision of the land disturbance permit;

c. Any material misrepresentation of any fact in the permit application;

d. Failure to maintain the required insurance;

e. Failure to implement the soil, erosion and sediment control measures in a timely manner;

f. Failure to correct a defect or condition indicated on an order issued pursuant to this article;
(2) If the Unified Government engineer determines that the permittee has committed a breach of a condition placed in the land disturbance permit, the Unified Government engineer shall, prior to revocation of the permit issue a notice of default pursuant to section 8-616(d). The permittee's failure to take corrective action shall be cause for immediate revocation of the permit.

(3) If a permit is revoked, the permittee shall also reimburse the Unified Government for the Unified Government's reasonable cost including administrative costs, restoration costs, the costs of collection and legal and attorneys' fees incurred in connection with such revocation.

(4) A revoked permit shall not be reinstated. A new permit application based on a revised plan that addresses the causes of nonperformance must be submitted. Such plan will be processed in the same manner as the original plan.

(5) The Unified Government engineer may, in emergency situations require the installation of interim erosion and sediment control measures to protect stream channels, other properties, or the general public from damage. Such measures will remain in effect until the new plan is approved and implemented.

(k) Appeals.

(1) Whenever a person shall deem themselves aggrieved by any decision or action taken by the Unified Government engineer acting under the authority of this article, the person may file an appeal with the county administrator with a copy to the engineer within ten calendar days of the date of notice of such decision or action.

(2) The person shall be afforded a hearing on the matter before the county administrator or his designated representative within 30 days of filing the appeal. A written decision will be issued within 30 days of the hearing. At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. The county administrator will affirm, modify, or rescind the action in writing within 30 calendar days of the hearing.

(3) In cases where compliance with the decision or action taken by the Unified Government engineer would cause undue hardship and the county administrator finds that it is in public interest to extend the time limit for such decision or action, or grant exceptions to, or waive requirements of, or grant a variance from a
specific provisions than the county administrator may extend the time limit of such decision or action, or may grant exceptions to, or waive requirements of, or grant a variance from a specific provision. The county administrator shall give due consideration to the purposes for this article as stated in section 8-611.

(4) Once an appeal has been taken, the order of the Unified Government engineer shall be stayed until a decision is rendered by the county administrator, unless the Unified Government engineer determines in writing that a stay will pose a threat to public safety, natural resources, other properties, or the integrity of the public infrastructure.

(5) Any such person shall have 30 days after the county administrator's written decision is issued to institute an action in the district court of the county. An action pending before the court shall stay compliance with the county administrator's decision, unless the county administrator determines in writing that a stay will pose a threat to public safety, natural resources, other properties, or the integrity of the public infrastructure.

(Ord. No. O-125-06, § 1(8-614), 12-14-2006)

Section 2. That Article XV of Chapter 8 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 8-632. - Definitions.
In this article, these words and phrases have the following meanings:

County administrator. The individual appointed by the mayor/CEO of the Unified Government as the Unified Government county administrator or his/her designee.

County engineer. The individual appointed by the county administrator as the Unified Government county engineer or his/her designee.

Developer. 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. 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. 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.

Director. The individual appointed by the county administrator as director of water pollution control or his/her designee.

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

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.

Stormwater. 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. 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. 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.

(Ord. No. O-25-10, § 1, 5-6-2010)

Sec. 8-634. - Stormwater treatment facility design and construction.

(a) Developer to prepare stormwater treatment plan. In conjunction with final development plan, final plat, building permit applications, and other building or land development applications as may be identified in the supplemental regulations, the developer shall submit a stormwater treatment plan. The plan shall consist of construction drawings for stormwater treatment facilities that meet the requirements of the design criteria, a construction sequence for protection of the stormwater treatment facilities from construction phase sedimentation, a projected maintenance schedule, and a Pollution Prevention Plan. For multi-lot subdivisions the stormwater treatment plan shall also include maintenance agreements as deemed necessary by the director.

(b) No separate permit. The director shall review and approve the stormwater treatment plan. Review, approval, construction inspection, warrantee and performance bond for the
stormwater treatment facilities shall be an integral part of the performance required under previously adopted or subsequently amended Unified Government regulation of buildings and development. A separate permit or bond for construction of the stormwater treatment facility is not required.

(c) **Developer to construct.** The developer shall construct the stormwater treatment facilities according to the approved plan and the adopted construction standards.

(d) **Prevent damage from construction phase sediment.** Developer shall manage the construction sequence to protect the stormwater treatment facilities from construction phase sedimentation.

(e) **Unified Government construction period inspection.** In addition to inspections established under previously adopted or subsequently amended Unified Government regulation of buildings and development, the director may during the construction period inspect any stormwater treatment facility required under this article to ensure that it is correctly installed and adequately protected from construction phase sedimentation.

*Ord. No. O-25-10, § 1, 5-6-2010*

**Sec. 8-637. - Enforcement.**

(a) **Withhold development authorization.** Whenever the director determines the stormwater treatment plan does not meet the design standard the director may take any of the following actions without prior notice of violation:

1. Withhold the recordation of a final plat for which the stormwater treatment plan is required;

2. Withhold from the agenda of the planning and zoning board the final development plan or final plat for which the stormwater treatment plan is required;

3. Withhold the issuance of or place a stop work order on a building permit for which the stormwater treatment plan is required.

(b) **Withhold occupancy permits.** Whenever the director determines required stormwater treatment facilities have not been constructed according to plan and adopted construction standards, or have been contaminated by construction phase sediment the director may, without prior notice of violation, withhold the issuance of a temporary or final certificate of occupancy.

(c) **Stop work.** Whenever the director determines required stormwater treatment facilities have not been constructed according to plan and adopted construction standards, or have been contaminated by construction phase sediment the director may issue a stop work
order. Issuance of a stop work order shall be followed as soon as practicable with a notice of violation identifying the conditions precipitating the stop work order.

(d) Notice of violation. Whenever the director determines a stormwater treatment facility owner is in violation of the inspection and maintenance requirements of this article the director may issue a notice of violation in the form prescribed. A notice of violation may, after notice and an opportunity to be heard, include an order of the director for compliance with legal requirements of this article or regulations, orders, permits or other legal requirements hereunder. The director shall issue a notice of violation prior to initiating either prosecution of the violation or abatement and recovery of cost.

(e) Prosecution of violation stormwater treatment facility owners. Whenever the director determines a stormwater treatment facility owner has not corrected the conditions listed in a notice of violation within the time period for remedy established in the notice, the director may instigate appropriate proceedings at law or in equity to correct or abate the violation. If the fine assessed is not paid in a timely manner, the fine assessed may be certified to the Unified Government clerk and it shall, in accordance with law, become a lien upon the subject property. This amount shall be listed on the tax bill and be collected in the manner of ordinary taxes as authorized by law.

(f) Abatement and cost recovery. Whenever the director determines a stormwater treatment facility owner has not corrected the conditions listed in a notice of violation within the time period for remedy established in the notice, the director may authorize the Unified Government or its agents to go upon the land and correct the violation. Work may be accomplished by contract or otherwise at the discretion of the director. Unified Government is not obligated to provide cost estimates of the corrective work to the stormwater treatment facility owner prior to doing the work. Unified Government is not obligated to seek the lowest cost for the corrective work. The stormwater treatment facility owner shall reimburse the Unified Government for all costs incurred by the Unified Government to correct the deficiency, including construction, engineering, inspection, administrative costs and interest at the current rate published by the secretary of state pursuant to K.S.A. 16-204, and amendments thereto. The Unified Government may deny or delay all other permits on the subject property until the reimbursement is made. If in any event the amount due is not paid, the amount due may be certified to the Unified Government clerk and it shall, in accordance with law, become a lien upon the subject property. This amount shall be listed on the tax bill and be collected in the manner of ordinary taxes as authorized by law.

(g) Prosecution of violation impairing and interfering. Whenever the director determines a person is in violation of this article the director may, without prior notice, instigate appropriate proceedings at law to assess fines pursuant to section 8-639 penalties.
(h) **No order of precedence implied.** Except where the foregoing enforcement activities require the prior issuance of a notice of violation, the director is not obligated to follow any order of precedence in applying enforcement actions.

(i) **Form and service of notice of violation.** When required prior to a subsequent enforcement action, a notice of violation shall be given in the manner proscribed below:

1. **Form.** Notice shall be in writing and shall include the location and description of the stormwater treatment facility in violation of this article. The notice shall describe the nature of the violation and the required corrective action and shall include a reasonable time limit for corrective action. The notice shall include a statement of the Unified Government’s right to file a lien, and shall inform the stormwater treatment facility owner of the right to appeal.

2. **Service.** Notice may be delivered to the stormwater treatment facility owner in person, or may be sent by certified mail, to the owner at the address provided in the stormwater facility registry, or in any other manner as authorized by law. Method of delivery is at the option of the director. In the case that the registry information is incomplete the notice may be delivered to the property owner at the address of record.

(Ord. No. 0-25-10, § 1, 5-6-2010)

Section 3. That Article I of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

**Sec. 30-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless the context of usage indicates otherwise, the meaning of terms in this chapter and not defined in this section or in chapter 1 shall be defined in the Glossary of Water and Wastewater Control Engineering prepared by the Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association and Water Pollution Control Federation, copyright 1981, or its replacement.

*Act or the act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

*Applicant* means any person requesting a permit to use the public sewer under any of the provisions of this chapter.
Approval authority means the EPA or Kansas Department of Health and Environment (KDHE). As regards the pretreatment program, if the pretreatment program has been formally delegated to the KDHE, it shall mean the director of the division of environment of KDHE.

Authorized representative of industrial user means any of the following:

(1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation.

(2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively.

(3) A duly authorized representative of the individual designated in this definition if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Best management practices (BMPs) includes, but is not limited to, schedules of activities, prohibitions of practices, maintenance policies and other management procedures that are implemented to prevent or reduce the discharge of pollutants into the municipal sewer system, and to minimize the pollution of waters of the United States. The term "BMPs" also includes pretreatment equipment installation and requirements, operating procedures, practices to control runoff from developed sites, spillage or leaks, sludge or waste disposal, or drainage from raw material storage, and other structural controls such as dry extended detention ponds, wet ponds, infiltration basins, infiltration trenches, porous pavement, bioretention, sand and organic filters, stormwater wetlands, grassed swales, grassed filter strips, catchbasins, in-line storage, and manufactured products for stormwater inlets.

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter as under EPA/KDHE-approved laboratory procedure in milligrams per liter, under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

BTEx means the sum of the concentrations of benzene, toluene, ethylbenzene and the isomers of xylene (o-xylene, m-xylene and p-xylene), as determined by an analytical method approved by the EPA or KDHE.

Building drain means that part of the lowest horizontal piping of a drainage system that receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two feet (0.61 meters) outside the outer face of the building wall.

Building sewer, sewer service or private sewer means the sewer maintained and controlled by private persons for the purpose of conveying sewage or stormwater to public sewers including the extension from the building drain to the public sewer. The building sewer
shall be deemed to begin at a point two feet outside the building or foundation wall. The building sewer ends at the point of connection to the public sewer and includes the connection.

_Bypass_ means the intentional diversion of wastestreams from any portion of an industrial user’s treatment facility.

_COD (chemical oxygen demand)_ means the oxygen-consuming capacity of inorganic and organic matter present in wastewater, expressed as the amount of oxygen consumed from a chemical oxidant as under EPA/KDHE-approved laboratory procedure in milligrams per liter.

_Class I-A_ includes all wastewater or sewage discharged into a sanitary sewer by residential users.

_Class I-B_ includes all wastewater, sewage and industrial waste discharged into a sanitary sewer from commercial establishments that are not class II or class III. The term "class I-B" includes residential structures with three or more units that discharge into a sanitary sewer.

_Class II_ includes all wastewater, sewage and industrial waste discharged into a sanitary sewer from establishments that sell prepared food for consumption.

_Class III_ includes all wastewater, sewage and industrial waste discharged into a sanitary sewer from permitted industrial users.


_Combined sewer_ means a sewer designed to receive any combination of surface runoff and wastewater, sewage or industrial wastes.

_Connection or sewer connection_ means an attachment of a building sewer to a public sewer, or the location where such an attachment occurs. If the context specifically requires the interpretation, it also means the attachment of a newly constructed public sewer to an existing public sewer.

_Control authority_ means the water pollution control division, KDHE or the EPA, depending on the level of oversight or jurisdiction for a facility or location.

_Cooling waters_ means the water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.
**Development** means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**Direct discharge** means the discharge of treated or untreated wastewater directly to the waters of the state.

**Director** means the director of the water pollution control division or his designee.

**Domestic sewage** means the waterborne wastes derived from ordinary living processes and of such character as to permit its discharge into a public sewer without treatment or into a private on-site wastewater system.

**Domestic wastes** means liquid wastes from the noncommercial preparation, cooking and handling of food or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

**Drainageway** means a natural or manmade stormwater conveyance system.

**Environmental Protection Agency** or **EPA** means the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other official of such agency.

**Fats, oils and grease** means oily or grease materials typically derived from animal or vegetable origins that that have the potential for accumulations and blockage of sewers or otherwise may interfere with the operation of the collection system or publicly-owned treatment works (POTW), or become a removal problem at the POTW. FOG shall include all pollutants identified as FOG by an EPA-approved testing method or originate from mineral and petroleum-based products such as motor oil and industrial sources.

**Garbage** means solid wastes from the domestic or commercial preparation, cooking or dispensing of food, or from the handling, storage, or sale of food or produce.

**Harmful quantity** means the amount of any substance that the director determines will cause an adverse impact to the storm drainage system, including the municipal separate storm sewer system (MS4), or will contribute to the failure of the Unified Government to meet the water quality-based requirements of the NPDES permit for discharges from the MS4.

**Health department** means the public health department of the Unified Government.

**Health officer** means the director of the health department or his designee.

**Illicit connection** means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter a municipal separate storm sewer system.
Illicit discharge means any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater, except discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit.

Industrial user means any user contributing industrial wastes to the municipal sewer system.

Industrial wastes or industrial wastewater means the liquid or waterborne wastes from industrial manufacturing processes, trade, commerce, or business, including medical offices or facilities, other than domestic sewage.

Infiltration means water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

Inflow means water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers other than in combined sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

Interceptor sewer commonly means a public sewer that carries large flows concentrated from many tributary or secondary sewers; specifically it means a sewer designated by the director as an interceptor sewer.

Interference means the inhibition or disruption of the municipal sewer system, treatment processes or operations that contributes to a violation of any requirement of the Unified Government's NPDES permit. The term includes prevention of sewage sludge use or disposal by the Unified Government in accordance with section 405 of the act (33 USC 1345), or any criteria, guidelines or regulations developed (present or future) pursuant to the Solid Waste Disposal Act (SWDA) ((RCRA) PL 94-580; 42 USC 6901 et seq.), the Clean Air Act (PL 91-604; 42 USC 7401 et seq., as amended), the Toxic Substances Control Act (PL 94-469; 15 USC 2601 et seq.), or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the Unified Government.

Low pressure sewer system or LPS means a sewage collection and transport system operated at a low pressure in which building sewers are pressurized and discharge directly into a pressurized public sewer. Compared to other force mains that receive concentrated flows of wastewater from a gravity sewer at, usually, a single pump station, an LPS is designed for low
flow, usually operates at lower pressure, and usually has multiple pressurized building services connected.

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

*MBAS (methylene blue active substance)* means any substance that brings about the transfer of methylene blue, a cationic dye, from an aqueous solution into an immiscible organic layer upon equilibrium.

*Municipal separate storm sewer system (MS4)* means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catchbasins, curbs, gutters, roadside ditches, manmade channels, or storm drains):

1. Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other sewer district, flood control district or drainage district, or similar entity, or an Indian Tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA (33 USC 1288) that discharges to waters of the United States;

2. Designated or used for collecting or conveying stormwater;

3. Which is not a combined sewer; and

4. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

*Municipal sewer system* means the facilities that are owned or operated by the Unified Government for the collection, transportation, pumping, treating and disposal of wastewater, sewage, and industrial waste. Such facilities may include, but are not limited to, sanitary sewers, combined sewers, interceptor sewers, low pressure sewers, pump stations, force mains, treatment plants, sludge handling and disposal facilities, and outfalls.

*National categorical standard or pretreatment standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the act (33 USC 1317(b) and (c)) which applies to a specific category of industrial users.

*National pollutant discharge elimination system permit* or *NPDES permit* means a discharge permit issued by the approval authority pursuant to section 402 of the act (33 USC 1342).
National prohibitive discharge standard or prohibitive discharge means any regulation developed under the authority of section 307(b) of the act (33 USC 1317(b)) and 40 CFR 403.5.

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

New source means:

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after publication of proposed pretreatment standards under section 307(c) of the Clean Water Act, 33 USC 1317(c) et seq., which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

a. The building, structure, facility or installation is constructed at a site at which no other source is located;

b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

c. The production or wastewater generating processes of the building, structure, facility or installation are at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria stated in subsections (1)b or (1)c of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source, as defined under this section, has commenced if the owner or operator has:

a. Begun, or caused to begin as part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment;

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is
necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

North American Industry Classification System (NAICS) means the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. It replaces Standard Industrial Classification (SIC).

Obligations means any obligations of the Unified Government payable from the revenues of the sewer system.

Pass through means a discharge which exits the publicly owned treatment works into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).

Permit means a written permit issued by the director or health officer approving and authorizing activities related to the municipal sewer system or the treatment and disposal of wastewater as identified in this chapter. Specific types of permits are addressed in the various articles of this chapter.

Permitted industrial user means any person that has a wastewater discharge permit issued by water pollution control.

Person means any individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state or any interstate body or any other entity or group whose discharges are treated at the POTW.

$pH$ means the logarithm of the reciprocal of the concentration of the hydrogen ions, represented by S.U. (standard units).

Photographic processing facility means a facility that processes images from silver-sensitive films and papers. This includes, but is not limited to, commercial photographic and film processing facilities, in-house photographic processing facilities, microbiology labs, printers, X-
ray and other medical, dental, industrial, or institutional diagnostic facilities which use silver-based imaging materials, the processing of which produces a silver-rich solution.

*Pollutant* means any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

*Pollution* means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

*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.

*Pretreatment* or *treatment* means the reduction of the amount of pollutants, the removal of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the municipal sewer system. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except by dilution as prohibited by federal regulation.

*Pretreatment requirements* means any substantive or procedural requirements relating to pretreatment, other than a national pretreatment standard imposed on an industrial user.

*Private on-site wastewater system* means any sewage system designed or constructed for disposal of domestic sewage or industrial wastes in which there will not be any discharge of raw or treated wastes into any freshwater aquifer or into any watercourse or into any sanitary sewer or onto any adjacent properties other than that of the property served.

*Public sewer* means that portion of the municipal sewer system designed for the collection and transport of wastewater from the service connection to the sewage treatment works.

*Residential user* means discharges from a single-family dwelling or duplex.

*Sanitary sewer* means a sewer that carries wastewater, sewage or industrial wastes, and to which stormwaters, surface waters, and groundwaters are not intentionally admitted.

*Septic hauler* means any person who cleans and/or transports approved wastewater or sludge from septic tanks, grease traps, portable toilets, car/truck wash operations, chemical or petroleum processes or sewer cleaning.
Sewage treatment works means that portion of the municipal sewer system that is designed for the treatment and disposal of wastewater and the handling and disposal of the concentrated wastes from that process.

Sewer means a pipe or enclosed conduit for the collection and transport of wastewater and/or stormwater.

Significant industrial user means:

(1) All categorical industrial users.

(2) Any noncategorical industrial user that:

a. Discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excluding sanitary noncontact cooling and boiler blowdown wastewaters);

b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant receiving the wastewater; or

c. The control authority or approval authority has determined has a reasonable potential to adversely affect the POTW treatment plant by inhibition, pass through or pollutants, sludge contamination, or endangerment of POTW workers.

The control authority may decide to remove any noncategorical industrial user from the list of significant industrial users if the industrial facility has no reasonable potential to violate any pretreatment standards (general and specific prohibitions or local limits).

Significant noncompliance (SNC) means noncompliance in one or more of the following categories:

(1) Category 1. Chronic violations of wastewater discharge limits, defined herein as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(2) Category 2. Technical review criteria (TRC) violations, defined herein as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH.)
(3) *Category 3.* Any other violation of a pretreatment effluent limit (daily, maximum or longer term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(4) *Category 4.* Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(5) *Category 5.* Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) *Category 6.* Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules

(7) *Category 7.* Failure to accurately report noncompliance.

(8) *Category 8.* Any other violation or group of violations that the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

*Silver-rich solution* means a solution containing sufficient silver such that cost-effective recovery can be done either on-site or off-site. Within photographic processing facilities, such solutions include, but are not limited to, fix and bleach-fix solutions, stabilizers (e.g., plumbless stabilizers and chemical washes), low replenished (low-flow) washes, and all functionally similar solutions. It does not include such low silver solutions as used developers, bleaches, stop baths, pre-bleaches, or stabilizers following washes and wash waters.

*Slug* means any discharge of wastewater, sewage, industrial waste, or substance, which, in quantity of flow, exceeds, for any period of duration longer than 15 minutes, more than five times its average 24-hour rate, or which contains a pollutant discharge which exceeds the concentration limit or load allocation by more than five times the values stated in the industrial users wastewater discharge permit.

*Standard industrial classification (SIC)* means a classification pursuant to the most recent edition of the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget.

*Storm drainage system* means all surfaces, structures and systems that contribute to, manage, or convey stormwater, including private drainage systems, the MS4, retention and
infiltration facilities, natural drainageways, surface water, groundwater, waters of the state and the United States.

*Storm sewer* or *storm drain* means a sewer that carries stormwaters and surface waters and other unpolluted water identified in the Unified Government NPDES permit, but excludes wastewater, sewage, and industrial wastes.

*Stormwater* means any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Suspended solids* means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

*Tap* or *tapping* refers to the materials, labor and operations necessary to create or replace a connection.

*Total toxic organics (TTO)* means total toxic organics, which is the summation of all quantifiable values greater than 0.01 milligram per liter of all constituents included in 40 CFR 413.02(i) or its replacement.

*Toxic pollutant* means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of section 307(a)(1) of the act (33 USC 1317(a)(1)).

*Uncontaminated* means not containing harmful quantities of pollutants.

*Unified Government sewer system* means the municipal sewer system owned and operated by the Unified Government.

*Unpolluted water* means water of quality equal to, or better than, the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

*Upset* means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards, limitations in a wastewater discharge permit, or local standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

*User* or *sewer user* means any person who contributes, causes, or permits the contribution of wastewater into the municipal sewer system.
Wastewater or sewage means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated.

Wastewater discharge permit has the meaning as set forth in article II of this chapter.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

(Code 1988, § 30-1; Ord. No. O-46-05, § 1, 6-2-2005)

Cross reference—Definitions generally, § 1-2.

See. 30-2. - Abbreviations.

The following abbreviations apply to this chapter:


(2) BPU—Board of Public Utilities.

(3) EPA—Environmental Protection Agency.

(4) KDHE—Kansas Department of Health and Environment.

(5) mg/l—Milligrams per liter.

(6) MS4—Municipal Separate Storm Sewer System.

(7) NPDES—National Pollutant Discharge Elimination System.

(8) POTW—Publicly Ownned Treatment Wworks.

(9) SIC—Standard Industrial Classification.

(10) SWDA—Solid Waste Disposal Act, 42 USC 6901 et seq.


(12) TSS—Total suspended solids.

(13) FOG — Fats, oil and grease.
(14) I&I – Infiltration and inflow.

(15) PPP – Pollution Prevention Plan.

(16) NAISC—North American Industry Classification System.

(Code 1988, § 30-2; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-3. - Violations and penalties.

(a) *Injunctive relief.* If any person violates the provisions of this chapter or regulations, orders, permits or other legal requirements or any order of the Unified Government, the chief counsel may commence an action for legal or equitable relief in any court with appropriate jurisdiction.

(b) *Civil penalties.* When the director determines that a user has violated an order of the director or has failed to comply with any provisions of this chapter or regulations, orders, permits or other legal requirements and the orders, rules, regulations and permits issued hereunder, the user shall be subject to a penalty not exceeding $300.00 per offense in addition to paying for the damages incurred and restoration thereof $1000.00 per violation, with recurrence on any succeeding day being a separate violation. Each 15-minute period in which a violation continues shall be considered a separate offense subject to the penalty discussed herein. Such civil penalties shall be recovered by the director by civil action in a court of appropriate jurisdiction. In addition to the civil penalties provided herein, the Unified Government may in any such action recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation, as well as any damages to the facilities of the Unified Government or to the environment by appropriate suit at law against the person found to have violated this chapter or the regulations, orders, permits or other legal requirements orders, rules and regulations and permits issued hereunder.

(c) *Criminal penalties.* Unless otherwise stated, any person violating any provisions of this chapter or regulations, orders, permits or other legal requirements hereunder wherein (1) such violation is an intentional violation, (2) such violation is a violation with any identifiable environmental harm, personal injury or damage to public or personal property, (3) any person knowingly has made any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a permit issued hereunder, or who has falsified, tampered with or knowingly rendered inaccurate any monitoring device or method, and (4) any person has committed within a period of two (2) years a second or additional violation of the same or comparable regulatory requirement shall upon conviction be guilty of a class B class A violation.
(d) Publication of list of violators. The Unified Government shall semiannually publish, in the largest daily official newspaper published in the area served by the water pollution control division of the Unified Government, a list of the industrial users which, during the previous six calendar months, were in significant noncompliance as defined in this section.

(e) Administrative penalties and orders. Any person violating any provisions of this chapter or regulations, orders, permits or other legal requirements hereunder an order of the county administrator shall be subject to the imposition of administrative penalties as further provided herein, which administrative penalties shall not exceed $1,000 per violation except with the consent of the person charged, with recurrence on any succeeding day being a separate violation. The county administrator shall have the authority to establish impose administrative penalties after notice and an opportunity to be heard. The county administrator shall further have the authority to issue administrative orders in response to violations of the pretreatment standards after, except in emergency conditions, notice and an opportunity to be heard. Any such administrative order may require immediate compliance or compliance on a schedule defined therein, interim steps prior to full compliance, cessation of discharge, reporting, and correction and mitigation of environmental or other conditions caused by the violation. In the event of any emergency condition in which the county administrator finds it necessary to issue an administrative order prior to notice and an opportunity to be heard, notice and an opportunity to be heard shall be provided as soon as practicable and requirements and hold administrative hearings to determine the appropriate penalties for such violations.

(f) Notice of violation. Whenever the director finds that any user has violated or is violating this chapter or regulations, orders, permits or other legal requirements hereunder, wastewater discharge permit, or any prohibition, limitation or requirements contained herein, the director may serve upon such user a written notice stating the nature of the violation and require that within 30 days of the date of the notice, or within such shorter period that the director finds necessary, the user shall submit in writing, to the director, a plan for the correction of the conditions that caused the noncompliance.

(Code 1988, § 30-3; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-5. - Appeals.

Unless otherwise provided, any person aggrieved by an action of the director or health officer issuing or refusing any permit, issuing a written notification of violation, or suspending or revoking any permit, or any other final action imposing affirmative or negative obligations on such user under this chapter may appeal such decision to the county administrator or his designee. No notice of violation under section 30-3 (f) of this chapter, no requirement only for information or data concerning a regulated activity, and no action of the director or health
officer not imposing specific affirmative or negative obligations shall be appealable. The county administrator must receive the written appeal within 15 days of the date of the director's action, identifying the action appealed from, the relevant facts, and any information that such person requests the county administrator to consider. The county administrator or his designee may in his discretion either informally decide the appeal without a hearing or may hold a hearing at which such person may present his arguments and evidence. At any hearing held pursuant to this section 30-5 chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. The county administrator will affirm, modify, or rescind the action in writing within 15 days of the appeal or any hearing held hereunder. Exhaustion of the opportunity for appeal under this section 30-5 shall be a jurisdictional prerequisite for judicial review of any action of the director or health officer.

(Code 1988, § 30-5; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-6. - Inspections and entry powers.

(a) Whenever the director or an authorized representative (including KDHE or EPA) elects to inspect facilities or properties to determine or verify their compliance with this chapter or Unified Government regulations, orders, permits or other legal requirements, or has cause to believe that there exists or potentially exists in or upon any premises any condition which constitutes a violation of this chapter or Unified Government regulations, orders, permits or other legal requirements, the director and other duly authorized employees or contractors of the Unified Government, KDHE, or EPA, bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provision of this chapter. Where a user has security measures in force that would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Unified Government, KDHE, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and the director, KDHE, or EPA may obtain a search warrant for the purposes of this article from a court of competent jurisdiction in the event entry is denied or resisted. The director, KDHE, and EPA shall have authority to inquire into any industrial process including but not limited to metallurgical, chemical, oil refining, ceramic, paper, or other industries, or other uses or activities having a direct or indirect bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment, or to the storm drainage system.
(b) While performing the necessary work on private properties referred to in subsection (a) of this section, the director or duly authorized employees or contractors of the Unified Government shall observe all safety rules applicable to the premises established by the company.

(c) The director and other duly authorized employees or contractors of the Unified Government bearing proper credentials and identification shall be permitted to enter private properties of all industrial users and other sewer users for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, operation, and maintenance of any portion of the municipal sewer system.

(d) The director shall have the right to set up on the property of any discharger to the sanitary or storm drainage system such devices that are necessary to conduct sampling of discharges to the sanitary or storm drainage system. The industrial user shall provide protection from damage to automated sampling or flow metering equipment installed on its property.

(e) The director shall have the right to enter the premises at any reasonable time to inspect, maintain, repair, and/or install structural controls for the management of stormwater and wastewater. In the event that the owner or occupant refuses entry after a request to enter has been made, the Unified Government is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.

(f) In the event that the Unified Government incurs costs for any of the activities conducted in this section, which costs result from a violation of this chapter or Unified Government regulations, orders, permits or other legal requirements, the Unified Government may establish a lien against the property to recover such costs.

(Code 1988, § 30-6; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-8. - Falsifying information.

Reserved. Any person shall be guilty of a class B violation who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a permit issued hereunder, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter.

(Code 1988, § 30-8; Ord. No. O-46-05, § 1, 6-2-2005)

Section 4. That Article II of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:
Sec. 30-32. - General requirements.

(a) No person shall discharge sewage, wastewater, industrial waste, or other polluted water from any commercial, institutional or industrial establishment into the municipal sewer system without a valid wastewater discharge permit from the director if such discharge is from one of the following:

(1) An industry the processes of which place it in an EPA pretreatment category as set out in 40 CFR 405—471 or amendment thereto.

(2) A significant industrial user, as defined in this chapter.

(3) A discharging, nonsignificant industry with a potential to discharge toxic, hazardous, or toxic wastes or wastewater of such a strength that it has the potential to interfere with the treatment process.

(b) Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the Unified Government. Wastewater discharge permits may contain any or all of the following:

(1) Limits on the average and maximum wastewater constituents and characteristics.

(2) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.

(3) Requirements for installation and maintenance of inspection and sampling facilities.

(4) Specifications for monitoring programs that may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.

(5) Compliance schedules.

(6) Requirements for submission of technical reports or discharge reports, including, but not limited to, compliance with categorical deadline and periodic reports on continued compliance. All reports submitted shall be signed and certified by a duly authorized representative of the user and shall be accompanied by a certification statement as required by 40 CFR 403.6(a)(2)(ii) or its amendment.

(7) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the director, and affording director access thereto for inspection, review and photocopying.
(8) Requirements for notification of the director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the municipal sewer system.

(9) Requirements for notification of slug discharges.

(10) Requirements for Pollution Prevention Plans as provided in section 3-327 herein and additional requirements addressing and regulating storm water runoff from the establishment.

(11) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.

(12) Other conditions as deemed appropriate by the director to ensure compliance with this chapter.

(c) Other discharge limits may be established as determined by the director. A new wastewater discharge permit may be required when the discharge limits are exceeded, the character of waste is changed from that described on the wastewater discharge permit application, or the wastewater discharge permit expired.

(d) Processing fees for new wastewater discharge permits or temporary wastewater discharge permits shall be determined from the approved tiered system of wastewater discharge permit fees. These fees shall be based on the average daily flow to the municipal sewer system, as determined by the records from the BPU for the previous 12 months (or available date, if the facility has not been in operation for a minimum of 12 months). Processing fees for the renewal of wastewater discharge permits shall be determined from the approved tiered system of wastewater discharge permit fees. These fees shall be based on the average daily flow to the municipal sewer system, as determined by the director.

(e) Wastewater discharge permits issued to significant industrial users will be annual or as otherwise determined by the director. The user shall apply for wastewater discharge permit reissuance no less than 30 days prior to the expiration of the user's existing wastewater discharge permit. The terms and conditions of the wastewater discharge permit may be subject to modification by the Unified Government during the term of the wastewater discharge permit as limitations or requirements as identified in this article are modified or other just causes exist. The user shall be informed of any proposed changes in the wastewater discharge permit at least 30 days prior to the effective date of change. Any changes or new conditions in the wastewater discharge permit shall include a reasonable time schedule for compliance. Wastewater discharge permits issued to all other industrial users shall be issued for a period not longer than five years.

(Code 1988, § 30-41; Ord. No. O-46-05, § 1, 6-2-2005)
Section 5. That Article V of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-123. Discharge to storm sewers.

(a) Prohibited illicit discharges to storm drainage system.

(1) No person shall release or cause to be released into the storm drainage system any discharge that is not composed entirely of uncontaminated stormwater, except as allowed in subsection (b) of this section. Common stormwater contaminants include sediment, trash, yard waste, lawn chemicals, pet waste, wastewater, used motor oil, petroleum products, cleaning products, paint products, other household hazardous waste, and toxic substances.

(2) Notwithstanding the provisions of subsection (b) of this section, any discharge shall be prohibited by this section if the discharge in question has been determined by the director to be a source of pollutants to the storm drainage system.

(3) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) No person shall maliciously destroy or interfere with BMPs implemented pursuant to this chapter.

(b) Acceptable nonstormwater discharges. Unless specifically identified by the director or KDHE, the following nonstormwater discharges are deemed acceptable and not a violation of this section:

(1) A discharge authorized by an NPDES permit other than the NPDES permit for discharges from the municipal separate storm sewer system (MS4);

(2)—(1) Water line flushing;

(3) Landscape irrigation;

(4)—(2) Diverted streamflow;

(5)—(3) Rising groundwater;

(6)—(4) Uncontaminated groundwater infiltration as defined under 40 CFR 35.2005(20) to separate storm sewers;

(7)—(5) Uncontaminated pumped groundwater;

(8)—(6) Contaminated groundwater may be pumped into the storm sewers if authorized by KDHE and approved by the Unified Government;

(9)—(7) Discharges from potable water sources;
(10)(8) Foundation drains
(11)(9) Air conditioning condensate;
(12)(10) Irrigation waters;
(13)(11) Springs;
(14)(12) Water from crawl space pumps;
(15)(13) Footing drains;
(16) Lawn waterings;
(17)(14) Individual residential car washing;
(18)(15) Flows from riparian habitats and wetlands;
(19)(16) Dechlorinated swimming pool discharges excluding filter backwash;
(20)(17) Street wash waters excluding street sweepings;
(21)(18) Discharges or flows from emergency firefighting activities; and
(22)(19) Heat pump discharge waters (residential only);
(23)(20) Treated wastewater meeting requirements of an NPDES permit; and
(24)(21) Other pollutants determined not to be a significant source of pollutants to waters of
the state, a public health hazard or a nuisance.

(c) Requirements applicable to certain discharges. The owner of property that discharges
stormwater to a storm drainage system, including property with a facility on-site which the
director has identified as a high-risk commercial facility with a high potential for pollutant
discharges to the storm drainage system, shall implement the following practices to reduce
the risk associated with their operations.

(1) Private drainage system maintenance. The owner of any private drainage system shall
maintain the system to prevent or reduce the discharge of pollutants. This maintenance
shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance
of vegetative cover, and removal of debris from pipes and structures.

(2) Minimization of irrigation runoff. A discharge of irrigation water that is of sufficient
quantity to cause a concentrated flow in the storm drainage system is prohibited.
Irrigation systems shall be managed to reduce the discharge of water from a site.

(3) Cleaning of paved surfaces required. The owner of any paved parking lot, street or
drive shall clean the pavement as required to prevent the buildup and discharge of
pollutants. The visible buildup of mechanical fluid, waste materials, sediment or debris
is a violation of this chapter. Paved surfaces shall be cleaned by dry sweeping, wet
vacuum sweeping, collection and treatment of wash water or other methods in
compliance with this article. This section does not apply to pollutants discharged from
construction activities.

(4) Maintenance of equipment. Any leak or spill related to equipment maintenance in an
outdoor, uncovered area shall be contained to prevent the potential release of
pollutants. Vehicles, machinery and equipment must be maintained to reduce leaking fluids.

(5) **Materials storage.** In addition to other requirements of this Code, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.

(6) **Pesticides, herbicides and fertilizers.** Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.

(7) **Prohibition on use of pesticides and fungicides banned from manufacture.** Use of any pesticide, herbicide or fungicide, the manufacture of which been either voluntarily discontinued or prohibited by the EPA or any federal, state or Unified Government regulation is prohibited.

(8) **Open drainage channel maintenance.** Every person owning or occupying property through which an open drainage channel passes shall keep and maintain that part of the drainage channel within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or retard the flow of water through the drainage channel. In addition, the owner or occupant shall maintain existing privately owned structures adjacent to a drainage channel, so that such structures will not become a hazard to the use, function, or physical integrity of the drainage channel.

(d) **Release reporting and cleanup.** Property owners and the persons, responsible for a known or suspected release of materials which results in or may result in illegal discharges to the storm drainage system shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of a release of a hazardous material, the responsible person shall comply with all state, federal, and local laws requiring reporting (including immediate notification of the director), cleanup, containment, and any other appropriate remedial action in response to the release. In the event of a release of nonhazardous materials, the property owner and the persons responsible shall notify the director no later than 5:00 p.m. of the next business day.

Section 6. That Article VIII of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-327. – Administration and authority.

The stormwater and surface water utility, under the direction of the county administrator or his designee, shall have the power to:
(1) Administer the acquisition, design, construction, maintenance and operation of the stormwater and surface water management system;

(2) Administer and enforce this article and all regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the stormwater and surface water management system including, but not limited to, the quantity, quality and/or velocity of the stormwater and surface water conveyed thereby;

(3) Advise the Unified Government commission on matters relating to the stormwater and surface water management system;

(4) Review plans concerning extensions and replacement of the stormwater and surface water management system and make recommendations to the Unified Government commission;

(5) Make recommendations for design guidelines and standard construction specifications for developments;

(6) Make recommendations to the Unified Government commission concerning establishing ordinances and regulations to protect and maintain water quality within the stormwater and surface water management system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter adopted or amended;

(7) Analyze the cost of services and benefits provided by the stormwater and surface water management system and the structure of fees, charges, rentals, fines and other revenues of the stormwater and surface water utility annually;

(8) Require Pollution Prevention Plans for discharges to the stormwater collection system. PPPs may include, without limitation, requirements to investigate and identify the presence or absence of pollutants in stormwater runoff, to determine quantities or concentrations of any such pollutants, to determine volumes and rates of stormwater flow, to develop plans for the reduction or elimination of such pollutants subject to the approval of the stormwater and surface water utility, and to reduce or eliminate pollutants in stormwater or volumes or rates of stormwater flow to standards that may be specified by permit or order. The stormwater and surface water utility may prioritize classes of users and facilities for PPP programs by residential or nonresidential status, industrial or commercial process or business, size, location within sewer sheds, and other factors necessary or convenient to effectively implement its stormwater control programs.

(9) Establish Pollution Prevention Plan, operation, maintenance and other requirements for privately-owned stormwater facilities necessary and convenient to implement the purposes and programs of this article VIII.

(10) Require FOG control as to discharges to the sanitary sewer system.
(11) Require I&I control as to discharges to the sanitary sewer system. Such I&I control may include requirements to investigate and identify the presence or absence of I&I that originates on the property of the sewer system user, to determine quantities of any such I&I, to develop plans for the reduction or elimination of I&I subject to the approval of the stormwater and surface water utility, and to reduce or eliminate I&I to standards that may be specified by permit or order. The stormwater and surface water utility may prioritize classes of users and facilities for I&I control by residential or nonresidential status, industrial or commercial process or business, size, location within sewer sheds, and other factors necessary or convenient to effectively implement its I&I programs.

(12) Administer programs pursuant to guidelines hereafter adopted by the Unified Government commission, that provide for credits and/or incentives that reduce drainage fees assessed against properties that utilize privately owned and maintained stormwater and surface water retention or detention facilities or conduct activities, or provide services which reduce costs of the operating budget of the utility.

(Ord. No. O-56-08, § I(30-327), 7-31-2008)

Section 7. This ordinance shall take effect and be in full force after its passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CIYT, KANSAS

THIS ______ DAY OF ____________________, 2014.

______________________________
Mark Holland
Mayor/CEO

ATTEST:

______________________________
Unified Government Clerk

Approved as to form:

______________________________
Misty S. Brown
Assistant Counsel
SUMMARY

TO: Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas

FROM: Misty Brown
Senior Counsel

DATE: March 13, 2014

RE: Proposed Changes to establish legal authority per the PCD

Legislative Background:

- On May 20, 2013, the Unified Government and the State of Kansas entered into a federal Partial Consent Decree (PCD) with the Department of Justice on behalf of the United States Environmental Protection Agency.

- The PCD addresses the enhancement of the operation and maintenance of the Unified Government’s sewer systems and requires the Unified Government to develop a comprehensive plan to address sewer related matters in the future.

- The PCD requires the Unified Government to certify that they have sufficient legal authority to comply with and administer the programs set out in the PCD.

- The Unified Government had substantial legal authority in place prior to the PCD, but there were several areas in which this authority was lacking or additional clarification was required.

- One area that required substantive changes, the Fat Oil and Grease (FOG) Program, was brought before the Commission separately in November of 2013. Other programs that involve substantive changes will be brought before the Commission separately in the future.
• The proposed ordinance changes that are currently before the Commission are not substantive and seek to clarify and update the current set of ordinances to more fully comply with the spirit of the PCD.

Summary of Proposed Changes:

• A definition and requirements for Pollution Prevention Plans (PPP) was added to the Sewer and Sewer Disposal, Land Disturbance, and Post Construction Stormwater Treatment Ordinances.

• The enforcement provisions of the Post Construction Stormwater Treatment Ordinances were enhanced to specify that a notice of violation could include an order to comply.

• Numerous definitions and abbreviations were added to the Sewer and Sewer Disposal Ordinances.

• The violations and penalty, appeals, and inspection and entry powers sections of the Sewer and Sewer Disposal Ordinances were amended to better match the requirements set by state and federal law.

• Additions were made to the Stormwater and Surface Water Utility Ordinances to better define what is deemed an acceptable non-stormwater discharge, reference high-risk commercial facilities and to clarify that the utility has the authority to require PPP, FOG control, and limit inflow and infiltration.
Staff Request for Commission Action

Tracking No.
140087

Type: Standard
Committee: Public Works and Safety Committee
Proposed for the following Full Commission Meeting Date: 04/10/2014

Date of Standing Committee Action: 3/24/2014
(If none, please explain):

☑ Changes Recommended By Standing Committee (New Action Form required with signatures)

<table>
<thead>
<tr>
<th>Date</th>
<th>Contact Name</th>
<th>Contact Phone</th>
<th>Contact Email</th>
<th>Ref</th>
<th>Department / Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/11/2014</td>
<td>Jennifer Myers</td>
<td>573-5084</td>
<td><a href="mailto:jmyers@wycokck.org">jmyers@wycokck.org</a></td>
<td>Legal</td>
<td></td>
</tr>
</tbody>
</table>

Item Description: **ONLY VISIBLE TEXT WILL BE PRINTED**
Requesting the adoption of a resolution of support for the Dotte Trot, a 5K and 10K run, sponsored by the Surviving Spouse and Family Endowment Fund, “SAFE fund” and the Unified Government Public Safety departments, to honor those Unified Government Public Safety employees who have lost their lives in the line of duty. Proceeds of the Dotte Trot will benefit the SAFE endowment fund.

Action Requested: **ONLY VISIBLE TEXT WILL BE PRINTED**
Adopt Resolution.

Publication Required

Budget Impact: (if applicable)

Amount: $
Source:
☑ Included In Budget
☑ Other (explain)

Supporting Documentation
RESOLUTION NO. ____________

A RESOLUTION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS APPROVING THE DOTTE TROT, A RUN TO HONOR THOSE PUBLIC SAFETY EMPLOYEES WHO HAVE LOST THEIR LIVES IN THE LINE OF DUTY

WHEREAS, the Kansas City, Kansas Police Department, the Kansas City, Kansas Fire Department, and the Wyandotte County Sheriff’s Department would like to honor those Unified Government public safety employees who have lost their lives in the line of duty.

WHEREAS, the Kansas City, Kansas Police Department, the Kansas City, Kansas Fire Department, and the Wyandotte County Sheriff’s Department would like to partner with the Surviving Spouse and Family Endowment Fund, “SAFE fund”, which provides immediate and long term financial support for surviving spouses and dependents of public safety officers who lose their life in the performance of their duties.

WHEREAS, the SAFE fund provides benefits to surviving spouses and dependents including: $10,000 immediate contribution for line of duty death; $5,000 immediate contribution while on duty death; $5,000 immediate contribution for catastrophic injury; a holiday memorial contribution; no cost funeral and burial services; no cost legal services; and a contest for a SAFE memorial educational scholarship to a dependent of a qualified full time public safety officer employed within the SAFE geographic area.

WHEREAS, the SAFE fund, along with the Kansas City, Kansas Police Department, the Kansas City, Kansas Fire Department, and the Wyandotte County Sheriff’s Department, would like to sponsor the Dotte Trot, a 5K and 10K run, to be held at Wyandotte County Lake, to honor Unified Government public safety employees who have lost their lives in the line of duty and to benefit the SAFE endowment fund. The proceeds of the Dotte Trot will benefit the SAFE endowment fund.

WHEREAS, through the SAFE foundation, the Unified Government and the community of Wyandotte County/ Kansas City, Kansas, can show its support and appreciation for our public safety officers who keep us secure and provide protection to our community.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

1. That the Unified Government Board of Commission of Wyandotte County/Kansas City, Kansas endorses and supports the Dotte Trot, a 5K and 10K run,
sponsored by SAFE and the Unified Government Public Safety departments, to honor those who have lost their lives in the line of duty.

ADOPTED BY THE COMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS _____ DAY OF ________________, 2014.

Mark Holland, Mayor/CEO

ATTEST:

________________________________
Unified Government Clerk

Approved as to Form:

________________________________
Jennifer L. Myers, Assistant Counsel
Staff Request for Commission Action

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 3/24/2014

Proposed for the following Full Commission Meeting Date: 4/10/2014

Changes Recommended By Standing Committee (New Action Form required with signatures)

<table>
<thead>
<tr>
<th>Date</th>
<th>Contact Name</th>
<th>Contact Phone</th>
<th>Contact Email</th>
<th>Ref.</th>
<th>Department / Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/31/2014</td>
<td>Bill Heatherman</td>
<td>x5416</td>
<td>Bheatherman@wycokck...</td>
<td></td>
<td>Public Works</td>
</tr>
</tbody>
</table>

Item Description:
Public Works will present information on crack sealing of streets. Crack seal is a critical preservation process for asphalt pavements. It involves filling in small cracks with a flexible rubber-like material to prevent water from intruding into the subbase. Public Works is beginning the use of this procedure again, starting in 2014. Work will be performed by contract. We will also discuss the process for neighborhood communications.

Action Requested:
Submitted for approval by the Commission.

Publication Required

Budget Impact: (if applicable)

Amount: $130,000
Source: Allocated $130,000 of available maintenance funds for first phase.
☑ Included In Budget Using existing budgeted funds.
☐ Other (explain)
Staff Request for Commission Action

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 3/24/2014
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 4/10/2014
Confirmed Date: 4/10/2014

☑” Changes Recommended By Standing Committee (New Action Form required with signatures)

<table>
<thead>
<tr>
<th>Date: 3/13/2014</th>
<th>Contact Name: Janet Guilfoil</th>
<th>Contact Phone: 5040</th>
<th>Contact Email: <a href="mailto:jguilfoil@wycokc.org">jguilfoil@wycokc.org</a></th>
<th>Ref:</th>
<th>Department / Division: Commissioner's Office</th>
</tr>
</thead>
</table>

Item Description:
At the request of Commissioner Murgaia, requesting to make a presentation on a New Public Safety Building in Argentine. For information only.

Action Requested:
For information only.

☐ Publication Required

Budget Impact: (if applicable)
Amount: $
Source:
☑ Included In Budget
☐ Other (explain)

File Attachment or References: 4
Staff Request for Commission Action

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 3/24/2014
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 4/10/2014

Confirmed Date: 4/10/2014

Changes Recommended By Standing Committee (New Action Form required with signatures)

<table>
<thead>
<tr>
<th>Date</th>
<th>Contact Name</th>
<th>Contact Phone</th>
<th>Contact Email</th>
<th>Ref</th>
<th>Department / Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/12/2014</td>
<td>Robert Roddy</td>
<td>573-5415</td>
<td><a href="mailto:Broddy@wycokck.org">Broddy@wycokck.org</a></td>
<td></td>
<td>Public Works</td>
</tr>
</tbody>
</table>

Item Description:
The City of Edwardsville is proposing to develop near 110th & I-70 (south side) and therefore needs sewer service. This Edwardsville project will install a pump station on the south side of I-70. Edwardsville is requesting a utility easement on U.G. property. The value of this easement could be worth significant dollars.

Action Requested:
Staff is requesting input and direction from the Commission on whether the easement should be given or sold to the City of Edwardsville. A map of the property and easement is attached.

Publication Required

Budget Impact: (if applicable)

Amount: $
Source:
☑ Included In Budget The sale of the easement will positively impact government revenues.

☐ Other (explain)
Staff Request for Commission Action

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 3/24/2014
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 4/10/2014
Confirmed Date: 4/10/2014

Changes Recommended By Standing Committee (New Action Form required with signatures)

<table>
<thead>
<tr>
<th>Date</th>
<th>Contact Name</th>
<th>Contact Phone</th>
<th>Contact Email</th>
<th>Ref.</th>
<th>Department / Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/13/2014</td>
<td>Jenny Myers</td>
<td>573-5084</td>
<td><a href="mailto:jmyers@wycokck.org">jmyers@wycokck.org</a></td>
<td>Legal</td>
<td></td>
</tr>
</tbody>
</table>

Item Description:
At the request of Commissioner Philbrook, a presentation by Captain Angell of the Kansas City, Kansas Police Department on Animal Control.

Action Requested:
For information only.

Publication Required

Budget Impact: (if applicable)

Amount: $
Source:
- Included In Budget
- Other (explain)

File Attachment File Attachment File Attachment File Attachment
From: Katie Barnett [mailto:katie@barnettlawoffice.com]
Sent: Monday, February 10, 2014 4:53 PM
To: Godsil, Carol
Cc: Philbrook, Jane W.; Guilfoill, Janet
Subject: Re: Request for Standing Committee

Carol,

I would like to formally request to appear before the PW/S Standing Committee on March 24th to make a presentation regarding animal control legislation and policy changes. I am giving the presentation for my client, Professionals for a Humane and Safe Kansas City - a coalition of animal shelters in the metro area. (http://phskc.org/) My contact information is below. Please let me know if you have any questions or need anything further.

Take care,
Katie

--
Katie Bray Barnett
Attorney at Law

Barnett Law Office LLC
1611 St. Andrews Dr., Suite 22
Lawrence, Kansas 66047
785-727-9789
katie@barnettlawoffice.com
www.barnettlawoffice.com

Licensed to Practice in Kansas
March 13, 2014

Ms. Barnett:

This is to confirm that your request to appear before a standing committee of the Unified Government to discuss legislation policy and education for Animal Control has been approved to be heard by:

**COMMITTEE:** Public Works and Safety Standing Committee  
**DATE:** Monday, March 24, 2014  
**TIME:** 5:00 p.m.  
**LOCATION:** Municipal Office Building  
701 North 7th Street, 5th floor conference room (Suite 515)  
Kansas City, KS 66101

If you have any questions, do not hesitate to contact me at 573-5263.

Sincerely,

[Signature]

Bridgette D. Cobbins  
& Interim Chief Hanson  
Kansas City, KS Police Department