

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager
SESSION DATE: April 1, 2013
TIME: 4:30 p.m.
PLACE: Second Floor Conference Room

AGENDA:

- **COMPREHENSIVE PLAN**
- **MS4 UPDATE**
- **REVIEW NEWSLETTER – March 29, 2013**
- **REVIEW COUNCIL AGENDA**

COMPREHENSIVE PLAN

By the end of 2003, the City Council with the support of the Planning and Zoning Commission approved our current Comprehensive Plan. A comprehensive plan is a plan that establishes a vision for Kirksville. It is a plan for the City, guided by the City Council with input and support from the Planning and Zoning Commission.

The Kirksville Comprehensive Plan is a document intended to serve as a guide to City leaders, developers, realtors, heads of local organizations, the State of Missouri and area citizens about how our community should grow, how its limited resources should be utilized, and what residents want their community to look like in the future.

The City of Kirksville Comprehensive Plan was developed using a public process that included input from citizens, from representatives of various community organizations and from joint meetings with the City's Planning and Zoning Commission and City Council. The Plan was compiled and offered for review and display on the City's website. Comments and feedback were also solicited again from the community organizations. The final plan was completed and adopted by both the Planning and Zoning Commission and the City Council in December 2003.

Two of the most significant accomplishments of the Comprehensive Plan were the compilation of statistical and historical information about the City, and an agreed upon direction for the City with nine acknowledgements and established goals.

The following acknowledgements come straight from the Comprehensive Plan and are important in setting the foundation for the work that we are doing.

The City of Kirksville will seek to improve the prosperity of its citizens by promoting job creation, job security, and improved compensation.

The City of Kirksville will seek regional partnerships, open communication, enhance transportation, and share with other communities in order to reduce obstacles of isolation (such as economic, cultural, transportation, population or administrative isolation).

The City of Kirksville will utilize the Comprehensive Plan, and all related plans, as dynamic tools to guide future priorities and decision-making.

The City of Kirksville will work with neighborhoods to maintain a high level of quality and integrity.

The City of Kirksville will celebrate and promote the hometown atmosphere and diversity of its residents in the broadest sense.

The City of Kirksville acknowledges that the Comprehensive Plan is meant to be an optimistic route for working towards loftier goals, even goals not yet identified.

The City of Kirksville will promote and support citizen participation and engagement in the community and community issues by providing quality, responsive, and innovative citizen services.

The City of Kirksville acknowledges and supports the diversity of goals by business and 'neighborhoods'.

The City of Kirksville will seek to create, maintain, and improve infrastructure (e.g., sanitary sewer, water distribution systems, telecommunications, recreation and programming opportunities, streets and highways).

We are at the point in the life of this Plan where we want to review the document.

Recommendation: On Monday, we want to discuss the status of the Plan and staff's proposed approach to updating this document.

MS4 UPDATE

National and state stormwater regulations require certain small communities to obtain a National Pollutant Discharge Elimination System, also known as NPDES, permit. Kirksville is one of 150 Missouri communities affected by the Phase II stormwater regulations. Kirksville, like other Missouri communities, has a separate storm sewer system or what is called an MS4 (Missouri separate storm sewer system). We were required to obtain a NPDES permit by March 10, 2003, which we did. The permit requires regulated MS4s to have their storm water management program in place by March 10, 2008. The City began working on our plan providing periodic updates to DNR.

In 2011, the City was required to complete and submit a Stormwater Management Plan. We met that deadline with the assistance of Bartlett and West.

The City's last Missouri State Operating Permit for our MS4 was issued in July 2008 under the NPDES for our MS4. This permit expires June 12, 2013, and all required documents must be submitted by May 12. Prior to the expiration of this permit the City Council must adopt an ordinance that would update our city codes to include review of stormwater plans for new developments, inspection procedures for construction in progress, and a post-construction runoff control program.

Recommendation: The last time we discussed this with the City Council was in August of last year. We want to review the requirements again and prepare for the submission of the ordinance by the first meeting in May in order to meet the required deadline.

NEWSLETTER REVIEW – March 29

REVIEW COUNCIL AGENDA

Attachments

- Staff Report from Brad Selby, Codes and Planning Administrator
- Staff Report from John Buckwalter, Public Works Director
- Illicit Discharge Ordinance
- Implementation Plan and Milestones

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: 2014 Comprehensive Plan

STUDY SESSION MEETING DATE: April 1, 2013

CITY DEPARTMENT: Codes & Planning Department

PREPARED BY: Brad Selby

The City of Kirksville's 2004 Comprehensive Plan is 10 years old and needs to be re-evaluated to keep the city's goals and objectives current to benefit all citizens in the community. A Comprehensive Plan is required by state statute as a way to do "land planning", in order to have zoning, land use, building requirements, etc. The City of Kirksville has historically performed a major update of its Comprehensive Plan every ten years.

The Comprehensive Plan will follow the same basic format as previous versions. Our objective is to encourage feedback from the KHPC, Planning and Zoning Commission, council members, and the general public. The plan is to clearly state what the city's goals and objectives will be and to bring all of our demographics and information up to date.

The basic purpose of a comprehensive plan is to serve as a guide for making the future community a better place to live, work, and play.

We plan to ask for input on:

1. Transportation issues – do we need additional thru routes, are there traffic bottlenecks in the city, do we need more stoplights, fewer stoplights?
2. Land use issues – where do we feel are the best locations for commercial business to expand to, do we have zoning in place to allow this, is business encroaching on residential areas, do we need additional city parks or sidewalks?
3. What entities in the city drive our growth? Do we know what might help these entities grow even more? Additional public facilities, specific street improvements, utility improvements?
4. Do we have blighted areas in the city that we should concentrate on for improvement? What resources do we have that can turn these around?

Questions and ideas of this type will be some of the topics for discussion.

One aspect of the Comprehensive Plan that we would like to change is the last chapter devoted to updates. The stated goals of the city are pretty general. Some of them will stay; some will be modified, and some removed or possibly added. All City employees will be asked to support these goals. Specific goals will be assigned to Department Heads and will be included as part of the Comprehensive Plan. These will be added to and changed during the course of the next 10 years. We would ask that city council authorize the City Manager to review and approve these specific goals as needed during the life of the plan, also to be able to add General goals to the plan, without requiring public hearings and council approval. Each Department Head will be asked to

have a minimum of two specific long or shorter term goals as part of the plan at all times, which will be updated annually.

We will have a package put together in a few months that would be a proposed new 10-year plan. This will be reviewed by the Kirksville Historic Preservation Commission as well as the Planning and Zoning Commission, and their input will be used to support and form the plan. A public hearing will also be held before the P&Z to obtain input from the public.

We would plan to advise the city council from time to time on the development of the plan and on any pertinent issues. After preparation of a plan and an affirmative vote by the P&Z, the plan would eventually come to council for final approval.

If council has any particular areas that they feel this plan should concentrate on, or to go in any other direction they would like to see, we would ask for that input.

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: MS4 Report

STUDY SESSION MEETING DATE: April 1, 2013

CITY DEPARTMENT: Public Works

PREPARED BY: John R. Buckwalter, PE, Public Works Director

Staff last provided a detailed update on the City's Stormwater Management Program and Municipal Separate Stormsewer System (MS4) permit on May 21, 2012. That report addressed the Stormwater Management Program (SWMP) document and the stormwater related construction projects. Several updates on the construction progress have been provided, the intent of this report is update Council on the progress of tasks spelled out in the SMWP, and on the City's MS4 permit.

The City of Kirksville is required to have a permit to discharge water from the City's stormwater system to the waters of the state. As part of the permit process, the City is required to have a Stormwater Management Program, or SWMP. The SWMP must address six minimum control measures taken by the City to minimize pollution of the waters of the state:

1. Public Education and Outreach
2. Public Involvement and Participation
3. Construction Site Runoff Control
4. Illicit Discharge Detection and Elimination
5. Post-Construction Site Runoff Control
6. Pollution Prevention and Good Housekeeping

The City's current permit is issued under the statewide MS4 General Permit MOR040078. The current permit was issued on June 13, 2008, and like all General Permits, will expire on June 12, 2013. Originally all applications for permit renewal were to be submitted 180 days in advance, or by December 12, 2012. The Missouri Legislature intervened, and directed that DNR could not require renewal applications more than 30 days in advance. The City's MS4 permit renewal is now due on May 12, 2013. With the permit application, we will have to submit an updated Stormwater Management Program (SWMP) as well as an updated map of the City's Stormsewer system and all outfalls or point so discharge to the waters of the state. Staff is currently drafting the permit renewal documents.

The City submits a report on our MS4 each year by July 31, addressing progress from June 13th thru June 12th. Our last report was submitted on July 28, 2012. Our program was reviewed by Missouri DNR staff on May 21, 2012 based on our 2011 report and the SWMP submitted in October 2011. That evaluation assessed each of our six MCM's and rated them as:

- | | |
|---------------------------------------|-------------------|
| 1. Public Outreach & Education | Somewhat Adequate |
| 2. Public Involvement & Participation | Somewhat Adequate |
| 3. IDD and Elimination Plan | Inadequate |
| 4. Construction Runoff Control | Somewhat Adequate |
| 5. Post-Construction Runoff | Inadequate |

6. Pollution Prevention

Inadequate

Staff reviewed our SWMP Implementation Plan and Milestones following the May 2012 DNR assessment and advanced a number of milestones, assuming a December 12 renewal deadline. Staff continues to work on tasks identified in the revised table, but has taken advantage of the delayed deadline for submission.

On June 27, 2012 inspectors from the Northeast Region, Missouri Department of Natural Resources conducted a targeted inspection of the Kirksville. The inspection focused on the Illicit Discharge Detection and elimination program. Our IDD program was deemed unsatisfactory. The major issue was lack of a City ordinance prohibiting illicit discharges to the storm sewer system with enforcement provisions, and lack of written IDD prevention plans.

Staff response to DNR comments has focused on development of an acceptable Illicit Discharge Detection and elimination program (IDD). An ordinance based on a national model "Illicit Discharge and Connection Stormwater Ordinance" has been drafted by Public Works, and reviewed by Engineering and Codes. The draft is attached.

The City staff, thru the Watershed Management Commission is working to enhance the public involvement phases of the SWMP. The use of innovative techniques such as rain gardens has been discussed, and joint efforts with faculty and students at TSU are being organized.

The key focus between now and May 12th is development of the required ordinances to update current city codes covering review of stormwater plans for new developments, inspection procedures for construction in progress, and a post-construction runoff control program.

Items identified in the revised timeline for completion in December 2012 have been slipped to April 2013.

Illicit Discharge and Connection Stormwater Ordinance

ORDINANCE NO. _____

SECTION 1 PURPOSE/INTENT

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Kirksville and surrounding areas through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

SECTION 2 DEFINITIONS

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency: employees or designees of the director of the municipal agency designated to enforce this ordinance.

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 5 acres or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this ordinance.

Illicit Connections: An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by EPA or the Missouri Department of Natural Resources, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Person: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution: Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

SECTION 3 APPLICABILITY

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

SECTION 4 RESPONSIBILITY FOR ADMINISTRATION

The City of Kirksville shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the City Manager of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

SECTION 5 SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 6 ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

SECTION 7 DISCHARGE PROHIBITIONS

Prohibition of Illegal Discharges:

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.
- (b) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- (d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections:

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (b) 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.
- (c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

SECTION 8 SUSPENSION OF MS4 ACCESS

Suspension due to Illicit Discharges in Emergency Situations

The City of Kirksville may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge:

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

SECTION 9 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Kirksville prior to the allowing of discharges to the MS4.

SECTION 10 MONITORING OF DISCHARGES

A. Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities:

- (a) The City of Kirksville shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

- (b) Facility operators shall allow the City of Kirksville ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- (c) The City of Kirksville shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
- (d) The City of Kirksville has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Kirksville and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (f) Unreasonable delays in allowing the City of Kirksville access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- (g) If the City of Kirksville has been refused access to any part of the premises from which stormwater is discharged, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

**SECTION 11 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE
STORM WATER POLLUTANTS BY THE USE OF BEST
MANAGEMENT PRACTICES**

The City of Kirksville will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit

discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

SECTION 12 WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 13 NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City Manager, City of Kirksville, 201 S. Franklin Street, Kirksville, Missouri 63501 within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 14 ENFORCEMENT

A. Notice of Violation.

Whenever The City of Kirksville finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

SECTION 15 APPEAL OF NOTICE OF VIOLATION

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 20 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

SECTION 16 ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 7 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION 17 COST OF ABATEMENT OF THE VIOLATION

Within 60 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 20 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 5 percent per annum shall be assessed on the balance beginning on the 30th day following discovery of the violation.

SECTION 18 INJUNCTIVE RELIEF

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION 19 COMPENSATORY ACTION

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

SECTION 20 VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION 21 CRIMINAL PROSECUTION

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of 500 dollars per violation per day and/or imprisonment for a period of time not to exceed 90 days. The authorized enforcement agency may recover all attorneys' fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

SECTION 22 REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SECTION 23 ADOPTION OF ORDINANCE

This ordinance shall be in full force and effect __ days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND ADOPTED this ____ day of _____, 2013, by the following vote:

City of Kirksville SWMP Implementation Plan and Milestones.

This implementation plan is based on comments provided in MoDNR's Phase II MS4 Program Review and Assessment, dated May 25, 2012. The MS4 Permit Renewal Application is due Dec 12, 2012. A copy of a new or revised SWMP must be included. The 2012 renewal date will require advancement of some of the original SWMP milestones.

Item	Reference	Revised Timeline	Oct 2011 SWMP suspense	Responsible
Prepare Information Brochures	SWMP measure 1	Sep 2012	Qtrly from Feb 12	PIO w/ PW
Water Quality Monitoring Program w/ TSU	SWMP measure 2	Nov 2012	Ongoing	TSU, WMC w/PW
Modify Ordinance for New Construction	SWMP measure 3	Sep 2012	Adopt 2013	Codes w/ PW
Plan Review for SW Control				
Enforcement and Penalty Provisions				
Inspection required				
Adopt BMP Design Guidelines	SWMP measure 3	Nov 2012	Adopt September 2012	Codes w/ PW
Develop Plan Review Checklist	SWMP measure 3	Nov 2012	Complete Dec 2012	Codes w/ PW
Create Inspection Forms	SWMP measure 3	Nov 2012	Complete Dec 2012	Codes w/ PW
Add illicit discharge report to CSR system	SWMP measure 4	Aug 2012	ongoing	pw w/PIO
Establish an IDD data base and report	SWMP measure 4	Aug 2012	20 % inspected by Feb 2012	pw w/PIO
Prepare map with ALL outfalls	SWMP measure 4	Jul 2012	assumed complete	Engineering
Establish a training program for IDD staff	SWMP measure 4	Nov 2012	complete January 2013	pw w/codes
Modify Sec 25 Art II of code to address IDD	SWMP measure 4	Nov 2012	Adopt 2013	codes w/ PW
Design Manual for Post Construction SW Mgt	SWMP measure 5	Dec 2012	Complete March 2014	adopt DNR pubs
Modify SWMP to incorporate a plan to immediately develop and implement a post construction runoff program. Must roll in all the tasks in the SWMP goal schedule.	MS4 Review	July 2012	Most by March 2014	PW w/ codes and engr. Will need assistance from B&W
Staff training for facility housekeeping/opr	SWMP Measure 6	Dec 2012	Parks & PW Jan 2013	PW
Chemical Handling and Disposal procedures	SWMP Measure 6	Dec 2012	Complete Jan 2013	PW
Spill Prevention Plan	SWMP Measure 6	Dec 2012	Complete January 2014	PW

PW =Public Works

TSU = Truman State University

WMC=Kirksville Watershed Management Commission

B&W=Bartlett and West Engineers