



Escalation & Enforcement Measures for the
Proper Maintenance of Construction Site Runoff Controls

Prior to the issuance of a City of Liberty Land Disturbance Permit the below self-identified party (hereafter defined as the Permittee) shall sign this form. By signing, the Permittee acknowledges receipt, understanding and agreement to adhere to the City of Liberty's escalation and enforcement measures for the proper maintenance of Construction Site Runoff Controls pursuant to the current City of Liberty's Code of Ordinances.

Pursuant to the City of Liberty Code of Ordinances the following escalation procedures and enforcement measures shall be followed when a deficiency of Construction Site Runoff is identified.

1. Determination of non-compliance shall be made:
 - a. as a result of a documented deficiency within a SWPPP (Storm Water Pollution Prevention Plan) inspection report.
 - b. as a result of a compliance site inspection conducted by a member of City Staff.

2. Upon determination of non-compliance:
 - a. an electronic notification shall be sent to the email address provided on this form. Electronic notification shall detail the deficiency and include a copy of this form.The Permittee is responsible for providing photographic documentation, to the City, showing that corrective action has been taken. Documentation shall be submitted through the SmartGov Portal.

3. Within 7 calendar days of electronic notification:
 - a. If photographic documentation of corrective actions has not been received or documentation of other mitigating factors as to why the corrective actions have not been completed within 7 days of the electronic notification then all City issued permits shall be suspended. All work conducted after this shall be uninspected and shall not be accepted by the City of Liberty.Lifting of suspensions shall only be made after the Permittee has provided photographic documentation, to the City, showing that corrective action has been taken. Documentation shall be submitted through the SmartGov Portal.

4. Within 30 calendar days of electronic notification:
 - a. If corrective actions have not be taken or other suitable documentation of mitigating factors as to why the corrective actions have not be completed within 30 days of the electronic notification, then all City issued permits shall be revoked and the violation deemed a nuisance.
 - b. a \$500.00 fine shall be issued to the Permittee for each day of continued non-compliance beginning on the 31st day. $[(\$500.00) \times (\text{number of days})] = \text{Total fine}$

Revoked permits shall not be reissued. The Permittee shall be required to apply for a new permit. A new permit shall only be issued if the Permittee:

- provides photographic documentation showing that corrective action, for the violations resulting in revocation, has been made.
- makes full payment of all fines associated with the revoked permit.

Note – A total of (3) permit suspensions shall warrant the revocation of a permit. Permit suspensions do not need to be consecutive to warrant revocation.

The above procedures/measures are derived from the City of Liberty Code of Ordinances which may be found at the following location <https://www.libertymissouri.gov/19/City-Code>. Below are applicable excerpts from Chapter 31 of the City of Liberty Code of Ordinances (*The below excerpts are provided for the convenience of the Permittee and are superseded by the most recent edition of the code as found at the above link*):

“Sec. 31-98. - Enforcement of construction site runoff control.

- (a) The city may suspend or revoke any permit associated with the site or any permit associated with the person(s) holding the permit(s) for the site for non-compliance with this article.*
- (b) Upon discovery of a violation of this article, the contractor will be notified and given up to seven (7) days to remedy the violation. The owner may request a hearing before the city to review any violation notice within the given time frame. If such a request is made, the city shall promptly set a hearing on the matter. The hearing shall be conducted by the city. Any person aggrieved by a decision of the city may appeal his/her decision to the Circuit Court of Clay County.*
- (c) If the violation has not been remedied within the time frame set forth in the notice, the permit(s) will be suspended. Once the violation has been remedied, the suspension will be lifted.*
- (d) If the violation for which the permit(s) was suspended is not corrected within thirty (30) days, the permit(s) shall be revoked and the violation deemed a nuisance.*
- (e) After three (3) suspensions of a permit for the same site for similar violations, the permit(s) will be revoked. All applicable procedures from other chapters will have to be followed for re-issuance of the permit(s). Additionally, any remediation or abatement costs will be required to be paid prior to re-issuance.”*

“Sec. 31-121. - Appeals.

Any person aggrieved by a decision of the director of public works in the enforcement of this chapter shall have the right to appeal any such order, requirements, decision, or determination in accordance with the following procedures outlined in chapter 30, article V, board of zoning adjustment:

- (1) The aggrieved party may appeal the action of the director of public works to the city council by filing written notice within ten (10) calendar days of the action of the director of public works. The city council shall consider any information offered by the aggrieved person bearing on the dispute and may recommend to the director of public works an appropriate course of action; either reversal, modification, or confirmation. The director of public works, who shall be present at the hearing, shall act on the recommendation in a manner consistent with his/her responsibilities under these regulations.*
- (2) Any person aggrieved by any final decision of the director of public works following review by the city council may seek review by a court of competent jurisdiction in the manner provided by the laws of the State of Missouri.”*

“Sec. 31-141. - Penalty for violation—Actions.

In addition to any specific penalties set forth in individual articles, the violation of any provision of this chapter is a misdemeanor, and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00); and the City of Liberty, Missouri shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of this title and to abate nuisances maintained in violation thereof; and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure, or land. Each day of any violation of this chapter shall constitute a separate offense.”

Permitee: _____
[Signature]

[Printed name and Title]

Mailing Address for Giving Notices

Telephone Number

Fax Number

E-mail address