

ORDINANCE NO. 22-52

AN ORDINANCE AMENDING OLATHE MUNICIPAL CODE SECTIONS 17.02.060, 17.02.100, 17.04.040, 17.04.050, 17.04.060, 17.04.070, 17.06.100, 17.08.020, 17.08.030, 17.10.020, 17.10.030, 17.10.040, 17.12.030, 17.12.050, 17.14.070, 17.16.050, AND THE TITLE OF CHAPTER 17.12 PERTAINING TO STORMWATER; AND REPEALING THE EXISTING SECTIONS AND CHAPTER TITLE; AND ADDING SECTION 17.04.041 PERTAINING TO PRIVATE RESIDENTIAL DRAINAGE SYSTEMS, SECTION 17.04.043 PERTAINING TO DRIVEWAY CULVERTS, AND SECTION 17.12.060 PERTAINING TO LAND DISTURBANCE PERMIT EXCEPTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section 17.02.060 of the Olathe Municipal Code is hereby amended to read as follows:

“17.02.060 Definitions.

“Active Stream Zone” is the area of the stream that lies between the ordinary high water mark established on each side.

“Applicant” means a property owner or agent of a property owner who has filed an application for a permit that is subject to the requirements of this Title.

“Best Management Practices” or “BMPs” mean the utilization of methods, techniques or products that have been demonstrated to be the most effective and reliable in minimizing adverse impacts on water bodies and the adjacent Stream Corridors, including but not limited to, 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 physical **facilities structures**, schedule of activities, prohibitions of practices, maintenance procedures, and other management practices which, when properly designed, installed and maintained, will be effective to prevent or reduce the discharge of water or air pollution, treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or

water disposal, or drainage from raw materials storage associated with Land Disturbance activities regulated by this Title.

“Car” means any vehicle meeting the definition for passenger car, bus, pickup truck, motorcycle, recreational vehicle, or motor home given in Chapter 10.01 of the Olathe Municipal Code.

“Certified Professional in Erosion and Sediment Control (CPESC)” means an individual who is currently holding such certification as issued by CPESC, Inc., or other Person holding a State license authorizing them to prepare and submit an Erosion and Sediment Control Plan.

“Certificate of [Occupancy](#)” means a document issued by the proper authority allowing for the occupancy or use of a building, and certifying that the structure or use has been constructed or will be used in compliance with all the applicable codes and ordinances of the City of Olathe.

“Channel” means a watercourse of perceptible extent which periodically or continuously contains moving water or which forms a connecting link between two bodies of water.

“City” means the City of Olathe, Kansas.

“City Engineer” means the City Engineer for the City of Olathe, Kansas, or duly designated representative.

“City Planner” means the ~~City Planner~~ [Chief Planning and Development Officer](#) for the City of Olathe, Kansas, or duly designated representative.

[“City Manager” means the City Manger for the City of Olathe, Kansas, or duly designated representative.](#)

“Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

“Code” means the Olathe Municipal Code.

“Dedication” or [“Dedicate”](#) means the deliberate conveyance by a property owner or developer of private land for public use.

~~“Detention Facility” or “Detention Facilities” means a stormwater management technique of which the primary function is~~ all structures designed, constructed, and maintained to control the peak rate of surface water runoff by utilizing temporary storage and a controlled rate of release. This may include, but not be limited to, the use of reservoirs, roof tops, parking areas, holding tanks, in-pipe and in-channel storage.

“Developer” means a person who engages in development of real estate, whether or not that person is the landowner.

“Development” means any man-made change to improved or unimproved real property including the construction or reconstruction of buildings or structures; paving, excavation, grading, filling or similar operations; or the filing and recording of a subdivision plat.

~~“Differential runoff” means the volume and rate of flow of stormwater runoff discharged from a parcel of land or drainage area which is or will be greater than that volume or rate which existed prior to the proposed development or redevelopment.~~

~~“Director” means the Director of Public Works or the Director’s authorized representative.~~

“Discharge” means the addition or introduction, directly or indirectly, of any pollutant, stormwater, or any other substance into the MS4 or surface waters.

“Domestic sewage” means human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, retail and commercial establishments, factories, and institutions, that is free from industrial waste.

~~“Dry-bottom basin” means a natural or artificial stormwater storage area which is designed and maintained for temporary containment of stormwater runoff.~~

“Erosion” means the wearing away of land by the action of wind, water, gravity or ice or a combination thereof.

“Erosion and Sediment Control Plan”, ~~or “Plan”~~, means a Plan for the control of soil erosion and sedimentation resulting from land disturbing activity, and may include, without being limited to, the drawings, specifications, construction documents, schedules, or other related documents which establish the Best Management Practices (BMPs) on a project. The Plan ~~shall~~ must include any information required to review the design of the BMPs and to ensure proper installation, maintenance, inspection, and removal of the BMPs, along with the details required to construct any portion of the final storm sewer system that was impeded by a BMP.

“Erosion and Sediment Control Standards”, ~~or “Standards”~~ means the Erosion and Sediment Control design criteria and specifications adopted in writing by the City Engineer.

“Extremely hazardous substance” means any substance listed in the appendices to 40 CFR Part 355, Emergency Planning and Notification.

“Fertilizers” means any substance or compound that contains a plant nutrient element in a form available to plants and is used primarily for its plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers.

“Floodplain” means a land area adjoining a river, stream, watercourse, or lake which is likely to be flooded in a one-hundred-year flood.

“Floodway” means the channel of a watercourse and the adjacent land area that must be reserved in order to discharge a one-hundred-year flood without cumulatively increasing the water surface elevation more than 1.0 foot.

“Freeboard” means a factor of safety expressed as the difference in elevation between the top of the detention basin dam and the maximum design surface water elevation resulting from the storm for which the basin’s required storage volume was determined.

“Governing Body” means the City Council for the City of Olathe, Kansas.

“Hazardous household waste” (HHW) means any material generated in a household (including single and multiple residences) by a consumer which, except for the exclusion provided in 40 CFR Section 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261 or K.A.R 28-29-23b.

“Hazardous substance” means any substance listed in Table 302.4 of 40 CFR Part 302.

“Hazardous waste” means any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.

“Illicit discharge” means any discharge to the City’s municipal separate storm sewer system (MS4) that is not composed entirely of stormwater, except discharges pursuant to a NPDES permit.

“Impervious Cover” means those surfaces that cannot effectively infiltrate rainfall, including building rooftops, pavement, sidewalks, and driveways.

“Industrial waste” means any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade, or business.

“Infiltration” means the process of percolating stormwater into the subsoil.

“Land Disturbance” means any activity that changes the physical conditions of landform, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation. Such activities include, but are not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging and storing of materials.

“Land Disturbance Permit” means a permit issued by the City Engineer ~~subsequent to approval of Final Stormwater Management plans and Erosion and Sediment Control Plans under this Title~~ [for Land Disturbance](#).

“Landowner” means the legal or beneficial owner or owners of a lot or tract. The holder of a contract to purchase or other person having an

enforceable proprietary interest in a lot or tract ~~shall be~~ is deemed a landowner.

“Maintenance Agreement” means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

“Municipal separate storm sewer system” (MS4) means the system of conveyances, (including roads with drainage systems, municipal streets, private streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

“NPDES” means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 318, 402 and 405 of the federal Clean Water Act.

“NPDES Permit” means for the purpose of this Title, a permit issued by United States Environmental Protection Agency (EPA) or the State of Kansas that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

“Off-Site Facility” means a ~~stormwater treatment~~ Detention F facility and/or Stormwater Treatment Facility located outside the subject property boundary described in the permit application for land development activity, including facilities that may accept runoff from multiple projects.

“Oil” means any kind of oil in any form, including but not limited to: petroleum, fuel oil, crude oil, synthetic oil, motor oil, bio-fuel, cooking oil, grease, sludge, oil refuse, and oil mixed with waste.

“One-hundred-year storm” means a rainstorm having a one percent chance of being equaled or exceeded in any given year.

“Ordinary High Water Mark” is the line on the shore established by the fluctuation of water indicated by a physical characteristic such as a clear

natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, presence of litter or debris, or other appropriate means.

“Perennial Vegetation” means grass or other appropriate natural growing vegetation that provides substantial land cover, Erosion protection and soil stability and that is capable of sustained and healthy growth over multiple years under the constraints of shade, temperature, and moisture that will be prevalent on the site. For the purposes of this Title, annual grasses that do not regenerate after winter, ornamental plants or shrubs that do not offer effective Erosion and Sediment protection, and plants that are not suitable for the expected growing conditions on the site ~~shall~~ are not ~~be~~ considered Perennial Vegetation.

“Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns, including all federal, State, and local governmental entities.

~~“Permit” means a Land Disturbance Permit.~~

“Pesticide” means a substance or mixture of substances intended to prevent, destroy, repel, or migrate any pest, or substances intended for use as a plant regulator, defoliant, or desiccant.

“Petroleum Product” means a product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel or lubricant in a motor vehicle, boat or aircraft including motor oil, motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil and #1 and #2 diesel fuel.

“Planning Commission” means the Planning Commission for the City of Olathe, Kansas.

“Plat” means a legally recorded plan of a parcel of land showing the location and dimension of such features as streets, lots, easements, and other elements pertinent to a subdivision.

“Pollutant” means any substance or material which contaminates or adversely alters the physical, chemical or biological properties of the waters including changes in temperature, taste, odor, turbidity, or color of the water. Such substance or material may include but is not limited to, dredged spoil, spoil waste, incinerator residue, sewage, pet and livestock waste, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, yard waste, hazardous household wastes, oil and petroleum products, used motor oil, anti-freeze, litter, pesticides, and industrial, municipal, and agricultural waste discharged into water.

“Property Owner” means the named property owner as indicated by the records of the Johnson County, Kansas Records and Tax Administration.

“Recreational field” is a facility such as picnic area, playground, soccer, baseball, softball and football fields, excluding parking lots and paved facilities such as tennis and basketball courts.

“Redevelopment” means development on a tract of land with existing structures where all or most of the existing structures would be razed and a new structure or structures built.

“Release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the MS4 and/or surface waters.

“Sanitary sewer” means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to a sewage treatment plant and to which stormwater, surface water, and groundwater are not intentionally admitted.

“Sediment” means any solid material, organic, or inorganic, that has been deposited in water, is in suspension in water, is being transported or has been removed from its site of origin by wind, water, ice or gravity as result of soil erosion. Sedimentation is the process by which eroded material is transported and deposited by the action of wind, water, ice or gravity.

“Septic tank waste” means any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

“Sewage” means the domestic sewage and/or industrial waste that is discharged into the sanitary sewer system and passes through the sanitary sewer system to a sewage treatment plant for treatment.

“State” means the state of Kansas.

“Stop Work Order” means an order issued which requires that all construction activity on a site be stopped.

“Storm Sewer System” means any conveyance or system of conveyances for stormwater, including road with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, as well as any system that meets the definition of a municipal separate Storm Sewer System or “MS4” as defined by the Environmental Protection Agency in 40 CFR 122.26.

“Stormwater” means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Stormwater runoff” means water resulting from precipitation which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation and which flows over the surface.

“Stormwater Treatment Facility” or “Stormwater Treatment Facilities” ~~or “Facilities”~~ means all structures, plantings, natural features, or other physical elements that are designed, constructed and maintained in accordance with this Title and which are provided to prevent or reduce stormwater pollution ~~or to control stormwater runoff volume and discharges.~~

“Stream” is a body of running water moving over the earth’s surface in a channel or bed, such as a creek, rivulet or river that flows at least part of the year. Streams are dynamic in nature and their structure is maintained through build up and loss of sediment. Streams are typically formed by natural forces but also include drainage ways, outside of street right-of-

way, which were formed by man in the past. Storm sewer systems and roadside ditches in street right-of-way are not considered streams.

“Stream Corridor” is a stream and the adjacent land that is set aside in conformance to this Title and which is substantially preserved in a natural state.

“Surface Waters” means any body of water classified as “surface waters” by the State of Kansas, including streams, rivers, creeks, brooks, sloughs, draws, arroyos, canals, springs, seeps, cavern streams, alluvial aquifers associated with these surface waters, lakes, man-made reservoirs, oxbow lakes, ponds, and wetlands, as well as any other body of water classified by the federal government as a “water of the United States”.

“Ten-year storm” means a rainstorm with a ten percent chance of being equaled or exceeded in any given year.

“Tributary” or “Tributary area” means all of the area contributing stormwater runoff to a given point.

“Twenty-five-year storm” means a rainstorm with a four percent chance of being equaled or exceeded in any given year.

“Unified Development Ordinance” (“UDO”) means the Unified Development Ordinance for the City of Olathe, Kansas, found in Title 18 of the Olathe Municipal Code.

“Waste” means any garbage, refuse, sludge or other discarded material which is abandoned or committed to treatment, storage or disposal, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial mining, community and agricultural activities. Waste does not include solid or dissolved materials in domestic sewage or irrigation return flows or solid or dissolved materials or industrial discharges which are point sources subject to permits under the State of Kansas. The Federal definition of solid waste is found at 40 CFR 257.2.

“Water Bodies” means surface waters including rivers, streams, lakes, ponds and wetlands, including all areas designated by the federal government as water of the United States.

“Water quality standard” means the law or regulation that consists of the beneficial designated use or uses of a water body, the numeric and narrative water quality criteria that are necessary to protect the use or uses of that particular water body, and an anti-degradation statement.

“Watercourse” means any stream, creek, brook, branch, depression, reservoir, lake, pond, or drainageway in or into which stormwater runoff flows. It is a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

“Wet-bottom basin” means a stormwater storage area which is designed and maintained to contain water temporarily and to hold permanently an additional volume of water at a level below the discharge structure of the storage area. A wet-bottom basin must have a minimum surface area equal to five percent (5%) of the upstream watershed area, up to two hundred forty (240) acres, and a depth of not less than four (4) feet.”

SECTION TWO: Section 17.02.100 of the Olathe Municipal Code is hereby amended to read as follows:

“17.02.100 Appeals.

~~Any Person aggrieved by a decision of the City Engineer in the enforcement of this Title shall have the right to appeal any such order, requirement, decision or determination to the Board of Code Review, as established by Chapter 2.74* of the Olathe Municipal Code, in accordance with the following procedures:~~

~~(A) A hearing before the Board of Code Review shall be held within thirty (30) days of a final order, requirement, decision or determination of the City Engineer. The Board shall consider any information offered by the aggrieved Person bearing on the dispute and shall recommend to the City Engineer as appropriate: reversal, modification or confirmation. The City Engineer, who shall be present at the meeting, shall act upon the recommendation in a manner consistent with his/her responsibilities under these regulations.~~

~~(B) Any Person aggrieved by any final decision of the City Engineer, following review by the Board of Code Review, may seek review by a court of competent jurisdiction in the manner provided by the laws of the State [may](#)~~

submit a written appeal to the City Manager within ten (10) calendar days of the date of the notice of such decision. The City Manager's decision is a final decision of the City."

SECTION THREE: Section 17.04.040 of the Olathe Municipal Code is hereby amended to read as follows:

"17.04.040 The Minor System.

The minor system ~~shall~~ consists of structures ~~storm-drainage-facilities~~ including, but not necessarily limited to, ~~infiltrations-systems~~ Detention Facilities and Stormwater Treatment Facilities, and roadway curb and gutter, open Channels, swales and enclosed conveyance systems, all as defined in this Chapter, which transport storm runoff to the major system (regulatory floodplain). Minor system facilities are those designed to accommodate runoff resulting from a storm with a given design frequency."

NEW SECTION FOUR: Section 17.04.041 is hereby added to the Olathe Municipal Code:

"17.04.041 Private residential drainage systems.

Private residential drainage systems including, but not limited to, roof drains, sump pump discharge pipes, and French drains, are not part of the minor system. Discharges from private residential drainage systems must terminate no fewer than four (4) feet inside the boundary line of the private property generating the discharge or four (4) feet from the public right-of-way, whichever is closer to the discharge. Such discharges must not be connected to the minor system without approval of the City Engineer. Such discharges terminating closer than four (4) feet from the boundary line of the private property or the public right-of-way, or terminating within the public right-of-way or another public or private property are declared to be a public nuisance and may be abated at the cost of the property owner in accordance with state or municipal law."

NEW SECTION FIVE: Section 17.04.043 is hereby added to the Olathe Municipal Code:

"17.04.043 Driveway Culverts.

Driveway culverts in the right-of-way are private infrastructure to be maintained and replaced at the expense of the property owner.”

SECTION SIX: Section 17.04.050 of the Olathe Municipal Code is hereby amended to read as follows:

“17.04.050 Management Controls for New Developments.

(A) Management controls are regulations applicable to new Developments in the minor system under the provisions of this Title. Such controls ~~shall~~ limit any activity that will adversely affect hydraulic function of Detention ~~F~~facilities, open Channels, drainage swales, Stormwater Treatment Facilities or enclosed Stormwater conveyance systems contained within the minor system as previously defined.

(B) Exceptions to the applicability of the use of management controls for new Developments ~~shall~~ must be granted in the following situations:

- (1) Additions to, improvements or repair of existing single-family and duplex dwelling structures;
- (2) All Development Projects of less than one acre, including new construction of any one single-family or duplex dwelling units;
- (3) On land used for agricultural purposes where no change in grade over that which has existed historically will take place;
- (4) Construction of any buildings or structures on a site which has been previously provided with Stormwater management control Facilities as a part of a larger unit of Development.”

SECTION SEVEN: Section 17.04.060 of the Olathe Municipal Code is hereby amended to read as follows:

“17.04.060 Management Methods.

The following methods may be utilized upon approval of the City Engineer. Use of these methods ~~shall~~ must be fully in accordance with the ~~design criteria~~ [Technical Specifications and Design Criteria for Public Improvement Projects](#) and performance standards as set forth in this Title:

(A) ~~Detention Storage~~. Runoff may be stored in temporary or permanent ~~Detention~~ basins, or through rooftop or parking lot ponding, or percolation storage, or by other acceptable means and installed in accordance with the UDO. Detention may be allowed through Off-site Facilities with the approval of the City Engineer.

(B) *Open Channels*. Maximum feasible use ~~shall~~ must be made of existing drainageways, open Channels, and drainage swales that are designed and coordinated with the design of building lots and streets.

(C) *Streets and Curbs*. Streets, curbs, and gutters ~~shall be~~ are an integral part of the Stormwater runoff management system. To the maximum extent possible, drainage systems, street layout and grades, ~~lotting~~ subdivision lot patterns and the location of curbs, inlets, site drainage and overflow swales ~~shall~~ must be concurrently designed in accordance with the standards set forth in this Title.

(D) *Enclosed Conveyance System*. Enclosed conveyance systems consisting of inlets, conduits, and manholes may be used to convey Stormwater runoff.

(E) *Stormwater Treatment Facilities and Infiltration Systems*. Stormwater ~~management~~ Treatment Facilities ~~systems~~ are those ~~systems~~ facilities designed to capture and control runoff from frequent storm events in order to remove Pollutants and reduce downstream Channel Erosion. Examples include, but are not limited to, rain gardens, bioretention cells, wetlands and structural filtration systems. Stormwater Treatment Facilities should be located onsite, closest to the source of pollution.

(F) *Other*. The Stormwater runoff management practices enumerated in this section ~~shall~~ are not ~~constitute~~ an exclusive listing of available management practices. Other generally accepted practices and methods may be utilized where approved by the City Engineer.”

SECTION EIGHT: Section 17.04.070 of the Olathe Municipal Code is hereby amended to read as follows:

“17.04.070 Public and Private Responsibilities Under the Stormwater Management System.

(A) *Public Responsibilities.* The administration of the regulations contained in this Title ~~shall be~~ are the responsibility of the City Engineer, who ~~shall~~ will review and approve Stormwater management plans as provided herein. Inspection of Private Best Management Practices (BMPs) will be the responsibility of the City Engineer.

(B) *Private Responsibilities.* Each Developer of land within the City has the responsibility to provide ~~on the Developer's property~~ all approved Stormwater Treatment Facilities and Detention Facilities to ensure adequate pollution removal and flood control ~~the adequate drainage and control of~~ for Stormwater Runoff ~~on~~ from the Developer's property both during and after construction of such Facilities. All installed BMPs ~~shall~~ must remain accessible for ~~annual~~ inspection by the City.

(C) *Maintenance.*

(1) *Operation and maintenance of publicly owned Facilities.* The City Department of Public Works ~~shall~~ will be responsible for the maintenance of all drainage structures and improved Watercourses which are within public right-of-way or are under public ownership.

(2) *Maintenance.* Stormwater Treatment Facilities and Detention Facilities ~~shall~~ must be maintained by the Property Owner, occupant or agent in charge of such property.

(3) *Failure to maintain.* If the City Engineer determines that the Property Owner, occupant or agent in charge of any lot, piece or parcel of land on which a drainage control structure or BMP exists or abuts has failed to properly maintain such Facility as previously set forth, then he/she ~~shall~~ must notify the Property Owner, occupant or agent in charge of the violation in writing. If the Property Owner, occupant or agent in charge fails, neglects or refuses to comply with the requirements specified in the notice, the City Engineer ~~shall proceed to cause~~ may have the necessary remedial work ~~to be~~ performed and ~~shall~~ report the costs of such remedial work to the City Clerk.

The City Clerk ~~shall~~ will then follow the provisions of [Chapter 6.06 of the Olathe Municipal Code or](#) K.S.A. 12-1617e to collect the City's cost, including mailing a statement of costs to the last-known address of the Property Owner, occupant or agent in charge of the property and if such costs are not paid to the City within ten days of such notice, the Governing Body ~~shall~~ will pass an ordinance levying a special assessment for such costs against the property on which the Facility exists or abuts, and the City Clerk ~~shall~~ will certify such assessment to the County Clerk for collection and payment to the City the same as other assessments and taxes are collected and paid.”

SECTION NINE: Section 17.06.100 of the Olathe Municipal Code is hereby amended to read as follows:

“17.06.100 Deviations.

(A) The City Engineer may approve deviations from the specific terms of this Chapter which would not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship for the Applicant, and provided that the spirit of this Chapter ~~shall be~~ is observed, the public safety and welfare secured and substantial justice done for the Applicants.

(B) An application for a deviation may only be granted upon a finding that all of the following conditions have been met:

(1) That the granting of the deviation will not adversely affect the rights of adjacent Landowners;

(2) That the strict application of the provisions of this Chapter would constitute unnecessary hardship upon the Landowner represented in the application. That the deviation desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;

(3) That granting the deviation will comply with the general spirit and intent of this Chapter;

(4) That it has been determined the granting of a deviation will not result in extraordinary public expense, create nuisances, cause fraud on or

victimization of the public or conflict with existing local, federal, or State laws. Upon consideration of the factors listed above and the purposes of this Chapter, the City may attach such conditions to the granting of deviations as it deems necessary to further the purpose of this Chapter; and

(5) Granting the deviation will comply with the minimum requirements of the MARC BMP Manual and the EPA Clean Water Act.

(C) In considering deviation applications, the City Engineer has the discretion of using any or all of the following project evaluations when, in the judgment of the City Engineer, these evaluations are relevant and appropriate. No individual evaluation and/or combination of evaluations are necessarily required for an application to be approved, and the City Engineer may weigh these evaluations in light of all the following considerations in determining whether or not to approve an application:

- (1) Any increase in danger to life and property due to flooding or Erosion damage;
- (2) The susceptibility of the proposed facility to damage from factors such as flooding, Stream bank Erosion and Channel migration and the effect of such damage on the individual owner;
- (3) The availability of alternative locations for the proposed Development;
- (4) The compatibility of the proposed Development with the City's comprehensive plan;
- (5) The deviation is the minimum necessary to afford relief;
- (6) Any decrease in the average width of the Stream Corridor set aside;
- (7) Any increase to bank instability or bank Erosion and the resulting effects on other properties;
- (8) The extent to which the proposed Development retains the natural terrain within the Stream Corridor while avoiding such activities such as filling, grading and constructing retaining walls.

(9) The extent to which the proposed Development provides protection from negative impacts to water quality, base flow potential through infiltration, runoff velocity, temporary storage area for flood waters and Sediment retention capability which is compatible with the intent of this Chapter; and

(10) The extent to which the proposed Development provides aesthetic enhancement, preservation of habitat for plants and animals, recreational opportunities, educational value and effective screening from adjoining land uses which are compatible with the intent of this Chapter.

(D) Denial of an application for deviation maybe appealed to the ~~Board of Code Review~~ City Manager within ten (10) calendar days of the date of notice of such denial. The City Manager's decision is a final decision of the City."

SECTION TEN: Section 17.08.020 of the Olathe Municipal Code is hereby amended to read as follows:

"17.08.020 Preliminary Stormwater Management Plan.

(A) A preliminary Stormwater Management Plan must be submitted at the same time as any application submitted pursuant to Title 18 (Unified Development Ordinance) for the following: Preliminary Site Development Plan, Section 18.40.110, or Preliminary Plat, Section 18.40.150 ~~shall accompany all preliminary applications for land Development.~~ The preliminary Stormwater Management Plan must include conceptual Stormwater Management Plans, sufficient information to evaluate the existing hydrologic and environmental characteristics of the Development, impacts of the proposed Development, preliminary sizing for Detention Facilities and Stormwater Treatment Facilities, and locations of any existing or proposed Stream Corridors, floodplains, access easements, conservation easements, or tracts, and a description of the maintenance responsibility for proposed private Detention Facilities and Stormwater Treatment Facilities. The City Engineer may set additional minimum submittal requirements.

(B) Following the receipt of the preliminary Stormwater Management Plan, a general review meeting ~~shall~~ will be conducted ~~and shall include with~~ the City Engineer, City Planner, representatives of the Developer and the Developer's engineer. The purpose of this meeting review ~~shall be~~ is to discuss jointly agree ~~on~~ the conceptual methods proposed to be utilized and the possible effects of the

proposed Development on existing or future adjacent Developments. The receipt of the preliminary Stormwater Management Plan and the occurrence of the meeting is a prerequisite to submission of a final Stormwater Management Plan but does not obligate the City to issue any permits or approvals. The City Engineer has the discretion to waive the requirement of submitting a preliminary Stormwater Management Plan prior to submission of a final Stormwater Management Plan.”

SECTION ELEVEN: Section 17.08.030 of the Olathe Municipal Code is hereby amended to read as follows:

“17.08.030 Final Stormwater Management Plan.

(A) ~~Following the review of the preliminary Stormwater Management Plan and after the general approval of the preliminary plan by the City Engineer, a~~ A final Stormwater Management Plan ~~must~~ shall be prepared for each phase of the proposed Development as each phase is developed. A final Stormwater Management plan must be submitted at the same time as any application submitted pursuant to Title 18 (Unified Development Ordinance) for the Final Site Development Plan or Final Plat. No building permit will be approved or released for a site which requires a final Stormwater Management Plan until the City has approved such plan. ~~The submittal of the final plan shall coincide with the application for final approval of the Development and shall constitute a will refinement of the concepts approved in the preliminary plan.~~ If a Development is to be phased, the total area of the Development ~~is to~~ must be considered in all calculations and Detention Facilities and Stormwater Treatment Facilities should be designed for each phase which would be compatible with those of the total Development plan.

(B) The final Stormwater Management Plan, in addition to the information from the preliminary Stormwater Management Plan, ~~shall~~ must include all of the information required in the Standards found in Chapter 17.10 and any other submittal requirements as determined by the City Engineer, as well as the following minimum Landscape and Stabilization Requirements:

- (1) A list of vegetative stabilization and management techniques to be used at a site after construction is completed.
- (2) An explanation of how the site will be stabilized after construction.

- (3) Identify the responsible party for the maintenance of vegetation at the site.
- (4) Identify the practices that will be employed to ensure adequate vegetative cover is preserved.
- (5) The name and address of the State registered landscape architect who prepared the design.

(C) The final Stormwater Management Plan ~~shall~~ will be reviewed by the City Engineer. If it is determined according to present engineering practice that the proposed Development will provide control of Stormwater runoff in accordance with the purposes, design criteria and performance standards of these regulations and will not be detrimental to the public health, safety, and general welfare, the City Engineer ~~shall~~ will, in writing, either approve the plan or conditionally approve the plan, setting forth the conditions thereof. ~~If approved, a Land Disturbance Permit for the Development shall be granted. All Stormwater Treatment Facilities, Detention Facilities, and other methods of treating or controlling Stormwater runoff referenced in the final Stormwater Management Plan must be shown on any final plat for the proposed Development.~~

If it is determined that the proposed development will not control stormwater runoff in accordance with these regulations, the City Engineer ~~shall~~ must not approve the stormwater management plan. If not approved, the application and data ~~shall~~ must be returned to the Applicant for corrective action and resubmittal.”

SECTION TWELVE: Section 17.10.020 of the Olathe Municipal Code is hereby amended to read as follows:

“17.10.020 Stormwater Conveyance and Detention Criteria.

(A) All drainage components ~~shall~~ must be designed in accordance with the *Olathe Technical Specifications and Design Criteria for Public Improvements* manual as adopted in the UDO.

(B) *Stormwater Detention Standards.* The *Olathe Technical Specifications and Design Criteria for Public Improvements* manual contains the

complete requirements for Detention [Facilities](#). Below are the general requirements for Stormwater ~~D~~etention in Olathe:

All development projects larger than one (1) acre ~~shall be required to~~ [must](#) control the rate at which stormwater is released from the developed site in order to mitigate increases in stormwater runoff caused by the development. This ~~shall~~ [must](#) be accomplished through [Detention Stormwater Treatment](#) Facilities, which ~~shall~~ [must](#) be designed to manage Stormwater runoff generated by the 99% (1-year) and 10% (10-year) chance (return frequency) design storms. In watersheds where the City Engineer is aware of known downstream flooding concerns, the City Engineer may, at his or her discretion, require, in addition to the above required design storms, Detention of larger storm events up to the 1% (100-year) design storm to provide protection against increases in downstream flooding and Stream bank Erosion. [Detention may be provided through Off-Site Facilities with the approval of the City Engineer in accordance with Section 17.16.050 \(G\).](#)

(C) *Easements*. Permanent easements for the Detention and conveyance of Stormwater, including easements of access to structures ~~shall~~ [must](#) be dedicated to the City. Any restrictions ~~shall~~ [must](#) be clearly indicated on the Plat, [or recorded through a separate instrument](#).

~~(D)—*Land Disturbance Permits*. A Land Disturbance Permit for projects including Detention Facilities can be granted by the City Engineer only after the final Stormwater Management Plan has been approved and all easements have been dedicated, accepted, and recorded, and all required maintenance assurances and required bonds have been executed.”~~

SECTION THIRTEEN: Section 17.10.030 of the Olathe Municipal Code is hereby amended to read as follows:

“17.10.030 Stormwater Treatment Criteria.

(A) The City Engineer ~~shall~~ [will](#) adopt and maintain Stormwater Treatment Standards to implement and interpret the provisions of this Title. The 2012 edition of the Mid-America Regional Council and American Public Works Association Manual of Best Management Practices for Stormwater Quality (MARC BMP Manual), and all appendices, ~~shall be~~ [is](#) the basis of these Stormwater Treatment Standards. ~~Included in t~~[The](#) Stormwater Treatment

Standards ~~shall be~~ will include any additional technical guidance or exceptions to the MARC BMP Manual which have been adopted by the City Engineer. The additional guidance or exceptions may include, but not be limited to, modified BMPs, design criteria, construction specifications, or standard details. Copies of all adopted standards ~~shall~~ will be ~~on file and~~ available in the City's Public Works Department.

(B) *Minimum Control Requirements.* All Stormwater Treatment Facilities ~~shall~~ must be designed to provide ~~a combination~~ pollutant removal ~~and water volume control~~ that satisfies the level of service and value rating calculations set forth in the Stormwater Treatment Standards and other requirements established by City approved watershed management plans or studies.

(C) *Non-Structural Stormwater Practices.* Non-structural Stormwater treatment practices are encouraged to minimize the reliance on structural practices. Applicants wishing to obtain credit for using non-structural practices must ensure that these practices are documented and will remain unaltered by subsequent property owners by locating the facility in a conservation easement, separate tract dedicated for Stormwater Treatment Facilities or similar instrument as approved by the City Engineer.”

SECTION FOURTEEN: Section 17.10.040 of the Olathe Municipal Code is hereby amended to read as follows:

“17.10.040 Modifications and Appeals to Standard Criteria.

The Stormwater Treatment Standards ~~shall~~ must be adopted and amended by the City Engineer following a public input process.

(A) *Redevelopment Projects.* The City Engineer may modify or reduce requirements on Redevelopment projects in the City.

(B) *Modifications to Allow Alternate Compliance.* In addition, the City Engineer may waive or modify any of the Stormwater Treatment Standards to encourage the implementation of alternative or innovative practices that implement the intent of the modified standards and provide equivalent public benefits without significant adverse impacts on surrounding Developments. Such modifications may be granted for issues including, but not limited to:

(1) Approval of alternate materials, devices, techniques, details or specifications for individual Stormwater Treatment Facilities that would be expected to provide similar or better performance.

(2) Evaluations of credits, ratings, or level of service calculations to account for unique or special technical considerations.

(3) Corrections, clarifications or modifications to requirements which the City Engineer has found to give inadequate or undesirable performance.

(C) Appeals of decisions made by the City Engineer related to the Stormwater Treatment Standards ~~shall~~ must be made to the ~~Board of Code Review.~~ City Manager within ten (10) calendar days of the date of notice of such decision. The City Manager's decision is a final decision of the City."

SECTION FIFTEEN: The title of Chapter 17.12. of the Olathe Municipal Code is hereby amended to read as follows:

"Chapter 17.12. BONDS, MAINTENANCE ASSURANCES, AND ~~STORMWATER~~ LAND DISTURBANCE PERMITS"

SECTION SIXTEEN: Section 17.12.030 of the Olathe Municipal Code is hereby amended to read as follows:

"17.12.030 Performance and Maintenance Bonds for Stormwater Treatment Facilities ~~and Other Private Stormwater Improvements.~~

(A) *Construction Plan Requirements.* The City Engineer ~~shall have the authority~~ is authorized to set minimum construction plan submittal requirements by written policy or checklist.

(B) *Performance Bond or Other Security Required.* ~~The City Engineer shall require the submittal of a~~ A performance bond, letter of credit, or other appropriate security approved by the City must be submitted for Stormwater Treatment Facilities. The amount of the performance ~~bond~~ security shall must be 1.25 times the total construction cost of the Stormwater Treatment Facilities as estimated by the Developer's engineer and approved by the City Engineer.

Performance Bond Waiver for Single Lot Developments: If Stormwater Treatment Facilities only serve a single building lot and a building is being constructed, a performance bond may be waived by the City Engineer provided all Stormwater Treatment Facilities are constructed and certified prior to issuance of a Certificate of Occupancy as required by the UDO). When seasonal or environmental conditions cause a delay in constructing the Stormwater Treatment Facilities, the City Engineer may approve issuing a Certificate of Occupancy provided a performance bond is posted in accordance with this section.

(C) *Release of Performance Bond.* The performance bond will be released only when all of the following conditions have been met:

(1) At least 80% of the land area served by the Stormwater Treatment Facilities has permanent stabilization in place.

(2) All of the Stormwater Treatment Facilities covered by the bond have been constructed and certified in accordance with this Chapter.

(3) If the Stormwater Treatment Facility is constructed prior to final stabilization of at least 80% of the land area served by the Facility, and the most recent certification of the Facility is more than ninety (90) days old, an updated certification by the City Engineer ~~shall be~~ is required to verify that the Facility is fully functional.

(D) *Maintenance Bond.* Prior to issuance of a [Land Disturbance Permit](#) for construction of a Stormwater Treatment Facility, the Developer and/or contractor ~~shall~~ must submit a maintenance bond. The Developer and/or contractor ~~shall~~ must be responsible for all regular maintenance and repairs to of the Stormwater Treatment Facility while the maintenance bond is in effect including, but not limited to, repairs necessary due to damage caused by intentional or unintentional acts of others. The maintenance bond ~~shall~~ must be in the amount of 100% of the construction cost of the Facilities and can be utilized for any maintenance or rehabilitation costs associated with the Stormwater Treatment Facility deemed necessary by the City, including, but not limited to, removal of siltation, mowing, replacement of vegetation, piping repairs, replacement of underdrains, other repairs to the Facility, and any administrative or engineering costs associated with such maintenance and repairs. The

maintenance bond ~~shall~~ must remain in effect for a period of two (2) years following initial certification of the Stormwater Treatment Facility.

(E) *Timing of Stormwater Treatment Facility Construction.* Stormwater Treatment Facilities ~~shall~~ must be constructed as early as feasible during the Development process. However, since some commonly used Stormwater Treatment Facilities are sensitive to construction generated silt when upstream areas are under construction, the following provisions are allowable for timing of such Facility construction:

(1) For a Stormwater Treatment Facility serving a single building lot, the Facility ~~shall~~ must be constructed concurrently with the Development of the site and building, subject to exceptions set forward in Section 17.12.030 B, paragraph 2, of this Chapter.

(2) When Stormwater Treatment Facilities serve multiple Development lots within a common plan of Development, a Stormwater Treatment Facility can be final graded, and permanent vegetation installed only after 80% of the land area served by the Facility has achieved permanent stabilization unless the City Engineer approves a shortened schedule. Additionally, Stormwater Treatment Facilities must be installed and certified within six (6) months of permanent stabilization of the entire land area served by the Facility. Land area served by the Facility ~~shall~~ means those areas served by the Facility within the common plan of Development and ~~shall~~ does not include Off-Site Facilities even if the Off-Site Facilities are Tributary to the Facility.

(3) For Stormwater Treatment Facilities serving multiple Development lots within a common plan of Development, no Certificate of Occupancy ~~shall~~ will be issued for any building or site unless a Permit has been issued authorizing construction of required Facility to serve the building or site.

(F) *Failure to Construct a Required Stormwater Treatment Facility.* When construction of a Stormwater Treatment Facility is delayed beyond the limits as provided in this Section, the City Engineer may utilize any or all of the following enforcement mechanisms to ensure timely construction of the Facility:

(1) Draw upon performance bond funds as necessary to construct the Stormwater Treatment Facility. In the event that the performance bond funds are not adequate to cover all costs associated with construction of said Facility, or performance bonds are not available, the City Engineer may assess the property owners for any additional costs in accordance with this Chapter.

(2) Withhold issuance of building permits for properties proposed to be served by such Stormwater Treatment Facility.

(3) Withhold issuance of Certificates of occupancy for permitted work that is proposed to be served by such Stormwater Treatment Facility.

(4) Issue Stop Work Orders for permitted work for any or all property that is proposed to be served by such Stormwater Treatment Facility.”

SECTION SEVENTEEN: Section 17.12.050 of the Olathe Municipal Code is hereby amended to read as follows:

“17.12.050 ~~Stormwater~~ Land Disturbance Permits; Land Disturbance Permits for Grading Only.

~~(A) No Person shall receive any Permits for building, grading, or other land Development without meeting the requirements of this Title and obtaining a Land Disturbance Permit. Additionally,~~ No Person shall is allowed to initiate any grading or other Land Disturbance activity without first obtaining a Land Disturbance Permit.

~~(B) A Land Disturbance Permit for projects including Detention Facilities and Stormwater Treatment Facilities can be granted by the City Engineer only after the Final Stormwater Management Plan has been approved; all easements have been dedicated, accepted, and recorded; all required maintenance assurances and required bonds have been executed; and all applicable fees have been paid. Requirements for plans accompanying Permit applications and other related procedures are described in Chapter 17.08 of this Title and Land Disturbance Permit requirements are detailed in Chapter 17.10. Upon approval of the Stormwater management plan, acceptance of the Applicant’s assurances of performance and maintenance as provided in these regulations, and payment by~~

~~the Applicant of the Land Disturbance Permit fee (Permit fees shall be established by resolution of the Governing Body), the City Engineer shall issue a Land Disturbance Permit.~~ The Permit ~~shall~~ must set forth the terms and conditions of the approved Stormwater management plan. A Land Disturbance Permit is valid for two (2) years from date of issuance and then expires. After expiration, the Applicant must re-apply for new permit.

(C) The City Engineer has the discretion to issue a “Land Disturbance Permit-Grading Only” prior to submission of a Stormwater Management Plan and prior to satisfaction of any other requirements for issuance of a Land Disturbance Permit. The City Engineer will examine the scope of the grading work to determine which Land Disturbance Permit requirements, if any, must be satisfied.”

NEW SECTION EIGHTEEN: Section 17.12.060 is hereby added to the Olathe Municipal Code:

“17.12.060 Land Disturbance Permits – Exceptions.

(A) A Land Disturbance Permit is not required for the following:

(1) Land disturbance activities that cumulatively disturb less than one acre, and are not part of a larger common plan of development or sale which disturbs a cumulative area of 1 acre or more, and involves fill of less than 3 feet in height, and containing less than 50 cubic yards, and does not create a slope in excess of 3 horizontal to 1 vertical, and does not obstruct a drainageway.

(2) Work to correct or remedy emergencies, including situations that pose an immediate danger to life or property or substantial flood or fire hazards.

(3) Agricultural uses.

(4) Land disturbance activities specifically authorized by a building permit which includes an erosion and sediment control plan covering the entire area of disturbance. This exemption is not intended to exempt the building permit from erosion and sediment control requirements in Title 17.

(5) Linear utility projects with less than 1,000 feet of cumulative open trench construction that are located outside the boundaries of a development project.

(B) If the Land Disturbance activity threatens or impedes the ability of the City to meet its own permit requirements under the NPDES, the City Engineer may terminate the exemption and require the applicant to obtain a Land Disturbance Permit in full compliance with Title 17.”

SECTION NINETEEN: Section 17.14.070 of the Olathe Municipal Code is hereby amended to read as follows:

“17.14.070 ~~Variances~~Deviations.

(A) The City Engineer may grant a ~~variance to~~ deviation from the Erosion and Sediment Control Standards, provided all of the following conditions are met:

(1) The ~~variance~~ deviation complies with the general spirit and intent of the Erosion and Sediment Control Standards.

(2) The granting of the ~~variance~~ deviation will not adversely affect the rights of adjacent Landowners.

(3) The granting of the ~~variance~~ deviation will not result in substantial public expense, create nuisances, cause fraud on or cause harm to the public or conflict with existing local, federal or State laws, rules or regulations.

(4) The ~~variance~~ deviation will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

(B) Appeals of decisions made by the City Engineer related to Erosion and Sediment Control Standards ~~shall~~ must be made to the City Manager within ten (10) calendar days of the date of notice of such decision. The City Manager's decision is a final decision of the City ~~the Board of Code Review.~~”

SECTION TWENTY: Section 17.16.050 of the Olathe Municipal Code is hereby amended to read as follows:

“17.16.050 Site Location and Placement.

The location of Stormwater Treatment Facilities ~~shall~~ must be consistent with their function while also conforming to the uses and constraints of the site. ~~The Such-F~~ facilities' location ~~shall~~ must be approved by the City Engineer, and ownership and maintenance responsibility established in accordance with Section 17.16.080. At a minimum, all Stormwater Treatment Facilities will be shown on final construction plans and in the maintenance plan.

(A) *Centralized and Common Stormwater Treatment Facilities.* All centralized and common facilities for Stormwater management will be shown on preliminary Plats, preliminary plans, final plans and final Plats. The perimeter of the Facility ~~shall~~ must be documented by a legal boundary description as required by the City Engineer in the form of a separate tract.

(B) *Distributed Stormwater Treatment Facilities.* The City may determine that some distributed Stormwater Treatment Facilities cannot be described practically by separate legal boundaries on plans or Plats. In such circumstances, provisions will be made for maintenance of the Facilities, documentation of their presence, and easements and rights of access, as set forth in Section 17.16.080.

(C) *Residential Single-Family and Two-Family Areas.* Generally, Stormwater Treatment Facilities for residential single-family and two-family Developments ~~shall~~ must be centralized and located on a common tract, to be owned and maintained by a homes association.

The City Engineer may allow a limited number of distributed Facilities on individual residential tracts, provided the Applicant demonstrates that substantial provisions are in place to ensure long-term operation, maintenance and inspection of such Facilities without undue burden to the City for tracking or monitoring compliance.

(D) *Private Facilities in the Public Street Right-of-Way.* Privately owned and operated Stormwater Treatment Facilities ~~shall~~ must be located outside of the public street right-of-way unless approved in writing by the City Engineer and a corresponding right-of-way Maintenance Agreement ~~shall~~ must be recorded that provides for private maintenance responsibility in the public street right-of-way.

(E) *Coordination with Utility Easements.* Stormwater Treatment Facilities ~~shall~~ must not be co-located within utility easements unless approved by the City Engineer.

(F) *Detention Facilities ~~Ponds~~.* When Detention Ffacilities for peak flood control are required under the provisions of Chapter 17.10, such Ffacilities may be co-located with Stormwater Treatment Facilities, provided that the Ffacilities are designed to meet the requirements of both uses.

(G) *Off-Site Facilities.* The City Engineer may consider proposals to manage Stormwater runoff in Off-Site Facilities that treat runoff from the proposed Development and comply with the Stormwater Treatment Standards. The Off-Site Facility ~~shall~~ must be in place prior to or concurrently with the proposed Development. Long-term operations and maintenance responsibilities for the Ffacilities must be established by legal agreements, approved by the City and recorded with Johnson County, Kansas Records and Tax Administration.


(H) Stream Corridors as required in Chapter 17.06 of this Title are considered a beneficial Stormwater Treatment Facility, therefore credit will be granted by the Stormwater Treatment Standards. In limited circumstances, which are specifically included in the Stormwater Treatment Standards, the outer one-third (1/3) of the designated Stream Corridor may incorporate additional features which enhance the Corridor's Stormwater treatment function. Such Facilities must be consistent with the long-term integrity of the Stream Corridor as a natural, riparian zone.”

SECTION TWENTY-ONE: Existing Sections 17.02.060, 17.02.100, 17.04.040, 17.04.050, 17.04.060, 17.04.070, 17.06.100, 17.08.020, 17.08.030, 17.10.020, 17.10.030, 17.10.040, 17.12.030, 17.12.050, 17.14.070, 17.16.050, and the existing title of Chapter 17.12 are hereby repealed.

SECTION TWENTY-TWO: This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

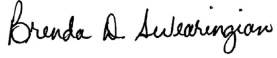
PASSED by the Governing Body this 18th day of October, 2022.

SIGNED by the Mayor this 19th day of October, 2022.


John W Bacon (Oct 19, 2022 10:07 CDT)

Mayor


ATTEST:



City Clerk



APPROVED AS TO FORM:


Ron Shaver (Oct 19, 2022 10:53 CDT)

City Attorney

Publish and return the Proof of Publication to the City Clerk and City Attorney.

The Legal Record

1701 E. Cedar St., Ste. 111
Olathe, KS 66062-1775
(913) 780-5790

ATTN: CITY CLERK
CITY OF OLATHE
100 E SANTA FE ST
OLATHE KS 66061-3409

First published in The Legal Record, Tuesday, October 25, 2022.
PUBLICATION SUMMARY OF ORDINANCE NO. 22-52, PASSED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS ON THE 18th DAY OF OCTOBER 2022.

SUMMARY

On October 18, 2022, the Governing Body of the City of Olathe, Kansas passed Ordinance No. 22-52 making amendments to Title 17 of the Olathe Municipal Code pertaining to the stormwater management process and clarifying permit types.

The complete text of this ordinance may be obtained or viewed free of charge at the office of the Olathe City Clerk, Olathe City Hall, 100 East Santa Fe Street, Olathe, Kansas, or on the City's official website address <http://www.olatheks.org/government/city-clerk/public-notices>, where a reproduction of the original ordinance will be available for a minimum of one week following this summary publication.

This summary is certified this 19th day of October 2022.

/s/ Rachelle R. Breckenridge
Rachelle R. Breckenridge
Assistant City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.
10/25

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

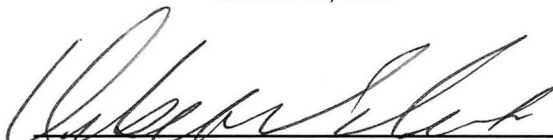
SUMMARY OF ORDINANCE NO. 22-52
10/25/22



Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

October 25, 2022



Notary Public

DEBRA VALENTI
Notary Public-State of Kansas
My Appt. Expires Aug. 21, 2023

L99443
Publication Fees: \$17.60