

A SUMMARY OF ORDINANCE NO. 2005-04 ENTITLED "AN ORDINANCE ESTABLISHING EROSION AND STORM WATER CONTROL"

This is a summary of Ordinance No. 2005-04 entitled "An Ordinance Establishing Erosion and Storm Water Control" and is intended to comply with KRS 83A.060(4) as a correct summary of this Ordinance.

This Ordinance is developed as a health, safety and welfare ordinance and is necessary because development of land using improper construction measures in the city have failed to provide for erosion controls causing significant erosion and have caused water runoff problems; the construction of black-top surfaces and failing to provide for resulting water runoff control have caused additional problems. This ordinance is intended to address these problems.

The Ordinance applies to anyone moving, disturbing or placing surface material of more than twenty (20) tons within a six (6) month period of time. Such person is required to apply for approval a plan for erosion and water run off with the City Building Inspector. The property owner is responsible for compliance with this ordinance. Failure to do so results in a fine of not less than one thousand dollars (\$1,000.00) or more than ten thousand dollars (\$10,000.00). The Building Inspector will issue a "Cease Work" order. An appeal may be made to the City Council, afterwards to the Circuit Court. The City is also empowered to seek injunctive relief to stop the activity. If the Circuit Court enters an Order in favor of the City, the property owners is also responsible for attorney fees, court costs and expert fees. The City may also file a lien against the property for the fine, fees and costs.

The property owner or someone acting on his behalf is required to submit a plan of the planned nature of the removal, to include a plan for erosion or water control. The plan is to be drawn to scale, identify adjacent property owners and boundaries, identify structures or natural features within 250 feet of the planned site that have significant impact on drainage or silt controls, have a soil survey, the anticipated time of exposure prior to completion, identify the topography at contour intervals of 10 feet (five feet if conditions warrant), identify proposed additional structures, provide plans for drainage, retaining walls and other anti-erosion devices, with a drainage map and an estimate of the estimated runoff used to determine the drainage device and effects on upstream drainage and any potential adverse effect. The plan may also include sediment basins or other structural devices; any sediment basins shall be designed by certified engineers in keeps with Soil Erosion and Sediment Guideline for London.

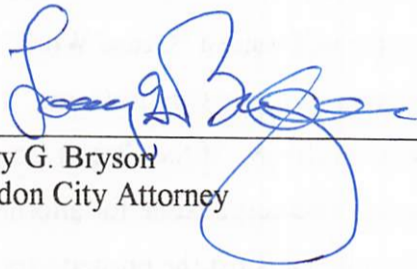
The Building Inspector, in granting or denying the request, should consider the erosion plan as it relates to the site conditions, with minimal land disturbance, considering both surface and storm water drainage due to the increased runoff during land grading. The Building Inspector should consider temporary and permanent vegetative cover and sedimentary basins to catch and trap excessive sediment from the development.

Summary of Ordinance No. 2005-04 continued

The developer is also required to submit a plan for storm water drainage designed to handle storm runoff from storms occurring on average frequency of 100 years. This plan is to be approved by the City Building Inspector but also recommended by the Superintendent of the City Street Department.

This plan is to be a detailed storm water plan showing the drainage basin, adjacent land uses, planned site use and runoff analysis, with details for channeling, diverting or retaining the on site water with location of storm sewers, catch basins, culverts, manholes and other structures. This plan is required to be certified by an engineer, particularly that the figures are correct and the design is adequate for minimizing outflow. There is a \$25.00 review fee for this submitted plan.

This summary is certified by City Attorney Larry G. Bryson to comply with KRS 83A.060(9) and is effective on publication of the summary.



Larry G. Bryson
London City Attorney

COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO.2005-04

AN ORDINANCE ESTABLISHING EROSION AND STORM WATER CONTROL

For health, safety and welfare reasons, particularly due to problems experienced by the citizens of London in land use and because the development of property in the City of London is causing significant problems with storm water and erosion, the City Council of the City of London. Significant erosion results from rainfall and runoff over unprotected soil. Erosion is increased by intense rainfalls, long slopes, steep slopes, and/or lack of vegetative cover. These conditions are caused or aggravated by improper construction, grading or excavation practices which fail to adequately provide for erosions control. Blacktopping of areas of the City has caused significant problems in water run-off and failure to make provisions for the control of water run-off.

For such reasons, the City of London does hereby ordain as follows:

1. That this Ordinance shall apply to any person ("person" as used in this Ordinance is to include but not limited an individual, partnership, limited liability company, corporation or other legal entity) who engages in the placement, digging or removal of soil or the surface of the property, whether such surface is solid, gravel, sand, rock, blacktop or any substance of any nature, or engages in construction or other activity ("activity") that involves the disturbance, movement or placement of more than twenty (20) tons of soil or topsoil material from a single tract of real estate within the City of London within a six (6) month period of time.
2. Any person engaged in activity defined in (1) above shall submit for approval to the Building Inspector of the City of London a plan for the control of soil erosion and storm water run-off, prior to the activity as defined above or movement of the soil or other material as defined above from the property. Persons required to submit such a plan to the Office of the Building Inspector shall include either the person engaged in the activity on the property or the owner of the property; it shall be the responsibility of the property owner to assure compliance with this Ordinance.

3. Failure to the property owner to submit or have submitted on his/her behalf such a plan as defined in [1] above, shall be assessed not less than one thousand dollars (\$1,000) or more than ten thousand dollars (\$10,000) by the Office of the Building Inspector. In addition, the Building Inspector shall issue an immediate "Cease Work" order upon the discovery of any "activity" (as defined in [1] occurring without having first submitted a plan and received approval of the Office of Building Inspector for such activity. An appeal of such assessment may be made by the property owner to the City Council of the City of London. The provisions of KRS 15B shall apply to such hearings. Appeals from the findings of the City Council may be made to the Circuit Court of Laurel County and the review shall be of the record made at the hearing. In addition to the assessment and cease work, the City of London may also seek immediate injunctive relief from the Laurel Circuit Court to stop further activity on the property. If the Circuit Court enters Judgment for the City of London, the property owner shall be liable for the attorney fees of the City, court costs and expert fees. The City may also file a lien against the property for such attorney fees, costs, fees and the assessments of the Building Inspector.
4. The plan referred to in [1] shall include a statement of the planned nature of the removal of the material (i.e., that approximately 600 tons of topsoil will be removed; that 200 square yards of blacktop will be placed for parking, etc.) and the plan for erosion or water control.
5. The plan submitted by or on behalf of the property owner shall be drawn at a scale of 1"=100' (or less) indicating:
 - a. the site location as well as the adjacent properties.
 - b. Identification of any structure or natural feature on the land adjacent to the site and within 250' which has a significant impact on drainage or siltation controls. If the development is to be in stages, the plan shall include the entire tract to be developed.
 - c. 1. Property boundary bearings and distances for the site on which the work is to be performed.

2. A soil survey or a description of the main soil types (available from the Laurel County Soil Conservation District).
 3. The anticipated time of exposure of each area prior to the completion of effective erosion and sediment control measures.
 4. Existing topography at contour intervals not exceeding ten (10) feet; five feet where conditions warrant.
 5. Location and identification of any proposed additional structures or development on the site, except single-family and two-family residential structures and their accessory structures in a subdivision (if applicable).
 6. Plans and specifications for all drainage provisions, retaining walls, cribbing, planting, anti-erosion devices or other protective devices (whether temporary or permanent) to be constructed in connection with, or as a part of the proposed work, together with a map showing the drainage area of land tributary to the site and a statement explaining the amount of estimated runoff used to determine the design characteristics of any drainage device. Upstream drainage must be considered and explained if any adverse effect is possible.
 7. Plans for removal, recontouring or other final disposition of sediment basins or other structural improvements or devices included in the plan.
 8. If a sedimentation basin is required, it should be designed by certified Engineers in accordance with the Soil Erosion and Sediment Control Guidelines for London.
6. In granting or denying the plan submitted, the Building Inspector shall consider the following:
- a. The erosion control plan should relate to the site specific conditions.
 - b. The plan should keep land grading and land disturbance to a minimum under the circumstances.
 - c. Both surface and storm water drainage should be integrated to accommodate the increased runoff during land grading.
 - d. To prevent soil erosion existing, temporary and future protective vegetative cover should be emphasized.

e. The plan shall coordinate grading operation and sediment control measures so as to minimize land exposure to erosion.

f. Sediment basins below high sediment producing areas should be planned, installed and maintained as safety devices to catch and trap excessive sediment from the development site.

g. The plan should utilize available technology to keep soil erosion to a minimum level.

7. Any ordinance or parts of ordinances in conflict herewith are repealed. Should any part of this ordinance be found unconstitutional or unenforceable for any reason, the remainder of this Ordinance shall remain valid.

Ken Smith

Mayor Ken Smith

Attested: *Connie McKnight*
Connie McKnight, City Clerk

First Reading: _____

Second Reading: _____

Publication: _____