

COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO. 2006-23

AN ORDINANCE FOR CONTROL OF SOIL EROSION

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 soil erosion. 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 erosion control. Eroded soil necessitates the repair and cleaning of storm sewers, ditches and other facilities in the storm water system and streets and way of the City. The eroded soil endangers water resources by reducing water quality and causing the silt in the aquatic habitat for fish and other desirable species. The regulations of the Ordinances are intended to prevent soil erosions and or provide, where applicable, the submission of plans to prevent or minimize soil erosion.


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

1. Prior to any excavation, grading, stripping of land or other surface land disturbance, the property owner shall notify the London City Building Inspector in writing at least forty eight (48) hours in advance of his/her plan of excavation, grading or stripping of the land of its natural ground cover and stating the approximate area of land that will be disturbed. However, no written notification to the London City Building Inspector shall be required for the following:
 - a. Any emergency activity, which is immediately necessary for the protection of life, property, or natural resources.
 - b. Agricultural practices such as plowing, cultivation, construction of agricultural structures, nursery operations such as removal and/or transplanting of trees.
 - c. Installation of lateral sewer lines, telephone lines, electric lines, gas lines or the installation of similar public service facilities.
 - d. Excavations at cemeteries for human or animal burial.
 - e. Excavation or fill provided that it does not impair existing surface draining, constitute a potential erosion hazard, or act as a source of sedimentation to any adjacent land or watercourse.
2. The London City Building Inspector shall view the area planned to be disturbed within forty eight (48) hours (during business days) of the written notification. Failure of London City Building Inspector or his designee to view the property within the designated 48 hours shall constitute approval of the property owner's excavation plan.

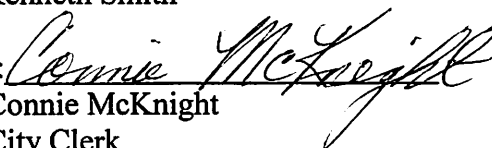
3. The London City Building Inspector shall determine if an erosion plan is necessary for the area to be disturbed.
4. Factors to be considered by the Building Inspector shall include:
 - a. Conditions particular to the area of property such as the topography of the area on which the soil disturbance will occur;
 - b. Adjoining property owners;
 - c. Elevation of the property;
 - d. The location of streams and other waterways, and
 - e. Any other factors deemed significant in the disturbance of the land.
5. If the Building Inspector determines that a plan for control of soil and sediment control is necessary, the property owner shall submit a plan to the Building Inspector. The plan shall address 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 may be required as a part of the plan, for the purpose of a safety device to catch and trap excessive sediment from the development site. If a sedimentation basin is required, it should be designed by certified Engineers in accordance with the Soil Erosion and Sediment Control Guidelines as contained in Article 504.3-504.4 of Ordinance # 917 for the City of London.
 - g. The plan should utilize available technology to keep soil erosion to a minimum level. The plan may require drainage provisions, retaining walls, cribbing, planting, anti-erosion devices or other protective devices (whether temporary or permanent) to be constructed with, or as part of the proposed work, together with a map showing the drainage area of land tributary to the site and statement explaining the amount of estimated runoff used to determine the design characteristics of any drainage device. Upstream drainage much be considered and explained if any adverse effect is possible.
 - h. The plans shall address removal, recontouring or other final disposition of sediment basins or other structural improvements or devices included in the plan.
6. The failure of the property owner to submit a plan when such is deemed required by the Building Inspector shall result in a fine of not more than one

thousand dollars. In addition, the Building Inspector shall issue an immediate "Cease Work Order" upon the discovery of any activity within the provision of this Ordinance without having first submitted a plan and received approval of the Office of Building Inspector for such disturbance.

7. Should the property owner disagree with the plan or requirement of a plan as determined by the Building Inspector, the property owner may appeal to the City Council of the City of London. The provisions of KRS 13B 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 of the hearing. In addition to the assessment and cease work, the City of London may also seek immediate injunctive relief from the Laurel County 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 assessments of the Building Inspector.
8. If a plan is necessary, at the time a plan is submitted, the property owner shall pay a permit fee of \$50.00
9. If any section, sentence, clause or part of this Ordinance is for any reason declared illegal, unconstitutional or otherwise invalid, such declaration shall not affect the remaining portions of this Ordinance.
10. Any ordinance or parts of ordinances in conflict herewith are repealed. This ordinance is intended to comply with State and Federal law. Nothing contained herein is intended to conflict with either Federal or State law.
11. This Ordinance shall be effective immediately on publication.



Mayor Kenneth Smith

Attested: 
Connie McKnight
City Clerk

First Reading: October 2, 2006
Second Reading November 6, 2006
Publication: November 10, 2006