

**HARDIN COUNTY, KENTUCKY
ORDINANCE NO. 240, SERIES 2005**

**AN ORDINANCE RELATING TO
POST-CONSTRUCTION RUNOFF CONTROL
IN HARDIN COUNTY, KENTUCKY**

Section I. Introduction / Purpose

WHEREAS, Hardin County Fiscal Court (Court) was issued a Stormwater Phase II General Permit (KPDES No. KYG200003) by the KY Division of Water on September 2, 2003. The permit states that the Court must develop and implement an ordinance that addresses post-construction runoff from new development and redevelopment projects that disturb one acre or more, and from projects that disturb less than 1 acre if they are part of a larger common plan of development that disturbs one acre or more.

WHEREAS, the purpose of this ordinance is comply with the KPDES permit, protect water quality, and promote the public welfare by regulating the design and construction of stormwater facilities in new development and redevelopment projects.

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of County of Hardin, Commonwealth of Kentucky:

Section II. Definitions

Best Management Practice (BMP) – A measure that is implemented to protect water quality and reduce the potential for pollution associated with stormwater runoff consistent with the Hardin County Fiscal Court Best Management Practices Handbook, which is hereby adopted by reference as if set out in full and made a part hereof, as may be duly amended or modified. This includes but is not limited to detention ponds, extended detention ponds, swales, bioretention systems, vegetated filters, and hydrodynamic separators.

County – As referenced herein, County shall mean Hardin County, a county elected official, county employee, representative or designated person or agency. It may include the County Engineer, Road Supervisor, Code Enforcement Officer, Deputy Judge/Executive, Employee of the Planning Commission such as the Director, Planner or Building Inspector.

Stormwater Manual – The Stormwater Manual adopted herewith by the County and incorporated into this Ordinance by reference to provide standards for the design and construction of stormwater facilities. From time to time, the County may revise, modify, or amend the Stormwater Manual as provided by law. When referenced in this Ordinance, the current edition, latest revision of the Stormwater Manual shall be used.

Stream – Any river, creek, or channel in which water flows for substantial periods of the year.

Section III. Scope of Coverage

- A) Proposals for Subdivision Plats and Development Plans as required by the County's land use ordinance and subdivision regulations, building permits as required by the Kentucky Building Code, and any other development activity, that involve land disturbance of one acre or more, shall submit the following to the County prior to any construction activity:
 - 1. Stormwater Management Plan showing location of post-construction Best Management Practices.
- B) A Stormwater Management Plan is not required for the following activities:
 - 1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - 2. Existing nursery and agricultural operations conducted as a permitted main or accessory use. However, permitting through regional, state, and federal agencies may be required.
 - 3. Building additions or accessory structures that involve disturbance of less than one acre and are not part of a larger common plan of development that will disturb one acre or more of land.
- C) Each Stormwater Management Plan shall bear the name, telephone information, electronic contact information, and address of the owner/developer of the site and design engineer.
- D) Fees – Applicants proposing development activities covered by this ordinance shall pay a fee as established by a Fee Schedule adopted by the County.

Section IV. Review of Stormwater Management Plan

- A) The County shall review each Stormwater Management Plan and determine its conformance with the provisions of this ordinance. Acceptance indicates that minimum requirements or intent are met and does not imply a guarantee of performance. Based on this review, the County will:
 - 1. Accept the Plan, or
 - 2. Accept the Plan subject to such reasonable conditions as may be necessary to meet the requirements/intent of this ordinance, or
 - 3. Reject the Plan, indicating the reason and procedure for submitting a revised Plan

- B) The County reserves the right to inspect the site prior to any construction activity in furtherance of the review process.
- C) The County's review of the Stormwater Management Plan is for general compliance with this ordinance. The design engineer is ultimately responsible for the details of design, and the property owner is responsible for implementation.

Section V. Contents of Stormwater Management Plan

- A) The Plan requirements are contained in the County Stormwater Manual. The Plan shall be developed and signed by a professional engineer licensed in Kentucky.
- B) Modifications to the Plan shall be processed and accepted or denied in the same manner as Section IV of this ordinance as follows:
 - 1) Major amendments of the Plan require an engineer's signature and shall be submitted to the County for acceptance.
 - 2) Field modifications of a minor nature shall require an engineer's signature and shall be noted and dated on the Plan and available for review by the County.

Section VI. Post-Construction Runoff Control Requirements

- A) Sites regulated by this ordinance shall meet the design criteria set forth in the most recent version of the County Stormwater Manual.
- B) Where required by the Planning Commission, stormwater quantity BMPs shall be designed to reduce peak flows to pre-development levels for the storms contained in the Stormwater Manual.
- C) Stormwater quality BMPs as described in the Stormwater Manual shall be designed to treat the first 0.5 inches of runoff.
- D) Stream and channel protection requirements:
 - 1) A no-disturbance vegetative buffer strip shall be established along streams having a drainage area of 100 acres or more. The buffer strip shall be 25 feet wide on each side of the stream, measured from the stream bank.

Section VII. Inspection

- A) Plans accepted by the County shall be maintained on site throughout the duration of the work.
- B) The Owner shall notify the County in writing when the stormwater BMPs have been installed. The Owner's Engineer shall certify in writing to the County that the BMPs have been constructed and are operating properly.
- C) The County may inspect the BMPs to confirm they have been constructed and are operating properly. If they have not been constructed or if they are not operating properly, the Owner shall be notified and enforcement actions may be taken.
- D) The County may enter the property of the applicant as deemed necessary to make regular inspections.

Section VIII. Submission of Irrevocable Letter of Credit

- A) The County shall not accept a Stormwater Management Plan until the Owner has posted an irrevocable letter of credit in an amount estimated by a licensed engineer and determined by the County as being sufficient to construct the stormwater management facilities.
- B) The County may reduce the letter of credit to an amount sufficient for mitigation when the County determines that the BMPs have been constructed and operating properly. The letter of credit shall be released after the BMPs are operating properly and there is adequate vegetative cover to prevent erosion.

Section IX. Enforcement

- A) Whenever the County finds that a person has violated a prohibition or has failed to meet a requirement of this Ordinance, the County may order compliance by sending a written notice of violation to the property owner. All violations shall be corrected within the time period specified in the notice, but in no case shall such time period be less than twenty-four (24) hours. The notice of violation shall be mailed to the property owner, or by personally serving, or by causing to be personally served, the property owner with a written notice of violation. If the violation is not corrected as specified, the County may, without limitation:
 - 1) Order such work as is necessary to leave the site in a safe condition and to achieve compliance with this Ordinance and the Stormwater Manual.

- 2) Order the stoppage of work that is determined to have created, or to have contributed to, any dangerous conditions.
 - 3) Call the letter of credit that was posted for the site and initiate corrective action by work forces under control of the County, with the cost of such work being recoverable from the letter of credit.
- B) Penalties – The County may commence appropriate legal action and/or seek equitable relief, including injunctive relief, against any person who fails to abate a violation and/or to restore an affected property prior to the deadline established in the notice of violation. Any person who violates, neglects, omits, or refuses to comply with any provision of this Ordinance shall, upon conviction, be fined not less than \$10.00 nor more than \$500.00 for each offense. The time of violation shall be measured from the time written notice to correct is given to the owner. Each day a violation is maintained shall constitute a separate offense. Any recoverable cost of corrective action shall be in addition to fines imposed as a penalty. The imposition of any penalty shall not exempt the violator from compliance with the provisions of this Ordinance.
- C) Stop-Work Order; Revocation of Building Permit – In the event that any person holding a building permit violates the terms of this ordinance, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of the public near the development site or vicinity so as to be materially detrimental to the public welfare or injurious to property or improvements in the vicinity, the County may suspend or revoke the building permit.

Section X. Separability

The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section XI. Effective Date

The effective date of this Ordinance shall be January 1, 2006.

Section XII. Conflicts

All ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of said conflict.

Given First Reading on this the 22nd day of November, 2005.

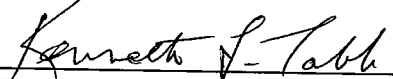
Given Second Reading on this the 13th day of December, 2005.

Adopted on this the 13th day of December, 2005.



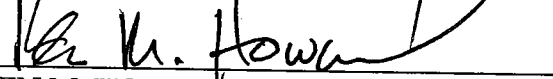
HARRY L. BERRY
HARDIN COUNTY JUDGE/EXECUTIVE

Attested by:



KENNETH L. TABB
HARDIN COUNTY COURT CLERK

Approved as to legal form:



KEN M. HOWARD
HARDIN COUNTY ATTORNEY
FA05-019.Ordinance\PostConstructionRunoffControl