



COMMONWEALTH OF KENTUCKY
COUNTY OF GREENUP
ORDINANCE NO. 02-2006

EROSION AND SEDIMENT CONTROL ORDINANCE

Section I. Introduction/ Purpose

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in **Greenup County**. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in **Greenup County**.

It is the intent of this Ordinance to be pursuant to and consistent with U.S. Environmental Protection Agency (EPA) Regulations 40CRF 122.26 and KRS 224 and 5.060. Also, it is intended to comply with the State of Kentucky's National Pollution Discharge Elimination System (NPDES) General Permit and the General KPDES Permit for Storm Water Point Source Discharge Activities.

Section II. Definitions

- Clearing: Any activity that removes the vegetative surface cover.
- Drainage Way: Any channel that conveys surface runoff throughout the site.
- Erosion Control: A measure that prevents erosion.
- Erosion and Sediment Control Plan: A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.
- Grading: Excavation or fill of material, including the resulting conditions thereof
- Perimeter Control: A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.
- Phasing : Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.
- Sediment Control: Measures that prevent eroded sediment from leaving the site.

AN ORDINANCE OF THE GREENUP COUNTY FISCAL COURT, GREENUP, KENTUCKY, PROVIDING REGULATION OF NON-STORMWATER DISCHARGES TO THE STORMWATER SYSTEM.

WHEREAS, the Greenup County Fiscal Court desires to provide for the health, safety and general welfare of the citizens of Greenup County by regulating the contribution of pollutants to the municipal storm water system by non-stormwater discharges by any user; and

WHEREAS, the Greenup County Fiscal Court desires to prohibit illicit connections and discharges to the municipal storm sewer system; and

WHEREAS, the Greenup County Fiscal Court desires to establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Ordinance.

HEREFORE, BE IT ORDAINED, THE GREENUP COUNTY FISCAL COURT AUTHORIZES AND DECLARES general restrictions, requirements and conditions for non-stormwater discharges.

The full text of said ordinance is available for public inspection at the office of the Greenup County Court Clerk, Ordinance Book No. 2, during regular business hours at the Greenup County Courthouse, Greenup, Kentucky.

CONFLICT, all ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

If any provision of this Ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this Ordinance shall continue in full force and effect.

GIVEN SECOND READING, APPROVED, ADOPTED AND PASSED at the regular meeting of the Fiscal Court of Greenup County, Kentucky, held on the 10th day of January, 2006. On the same occasion signed in open session by the County Judge/Executive, as evidence of his approval, under seal by the Fiscal Court Clerk, ordered to be filed and recorded as required by law, and declared to be in full force and effect according to law.

Robert W. Carpenter
GREENUP COUNTY JUDGE/EXECUTIVE

ATTEST:
R. Diane Carpenter
FISCAL COURT CLERK

First Reading: December 13, 2005
Second Reading and Passage: January 10, 2006

Published January 26, 2006

GREENUP CO. NEWS / TIMES

**COMMONWEALTH OF KENTUCKY
COUNTY OF GREENUP
ORDINANCE NO. 01-2006**

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Robert W. Carpenter
Robert W. Carpenter
Greenup County Judge/Executive
ATTEST:

R. Diane Carpenter
R. Diane Carpenter
Fiscal Court Clerk

First Reading:
December 13, 2005
Second Reading and Passage:
January 10, 2006
Published: January 29, 2006

DAILY INDEPENDENT



Section IV. Review and approval

- A) _____ (*erosion and sediment control agency*) will review each application or a site development permit to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, _____ (*erosion and sediment control agency*) shall, in writing:
- 1) Approve the permit application;
 - 2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of the regulations, and issue the permit subject to these conditions; or
 - 3) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
- B) Failure of the _____ (*erosion and sediment control agency*) to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and _____ (*erosion and sediment control agency*). Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by _____ (*erosion and sediment control agency*).

Section V. Erosion and Sediment Control Plan and Design

The Erosion and Sediment Control Plan and Design must comply with the Kentucky Erosion Prevention and Sediment Control Field Guide.

Section VI. Inspection

- A) _____ (*erosion and sediment control agency*) or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the _____ (*erosion and sediment control agency*) shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify _____ (*erosion and sediment control agency*) at least two working days before the following:
- 1) Start of construction
 - 2) Installation of sediment and erosion measures
 - 3) Completion of site clearing
 - 4) Completion of rough grading
 - 5) Completion of final grading
 - 6) Close of the construction season
 - 7) Completion of final landscaping
- B) The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to _____ (*erosion and sediment control agency*) at the time interval specified in the approved permit.

Section VII. Enforcement

- A) Stop-Work Order; Revocation of Permit
In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, _____ (*erosion and sediment control agency*) may suspend or revoke the site development permit.

- Site: A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.
- Site Development Permit: A permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.
- Stabilization: The use of practices that prevent exposed soil from eroding.
- Start of Construction: The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.
- Watercourse: Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by **Greenup County**.
- Waterway: A channel that directs surface runoff to a watercourse or to the public storm drain.

Section III. Permits

- A) Construction within any zoning district in **Greenup County** shall conform to the provisions of the Kentucky Pollutant Discharge Elimination System (KPDES) Permit.
- B) No person shall be granted a site development permit for land-disturbing activity without the approval of an Erosion and Sediment Control Plan by _____ (*erosion and sediment control agency*).
- C) Any person proposing site development for land-disturbing activity that would require the uncovering of 1 acre or more must submit a signed Notice of Intent (NOI) to KDOW and a copy to (*erosion and sediment control agency*). A signed Notice of Termination (NOT) shall also be submitted to KDOW with a copy sent to (*erosion and sediment control agency*) after the site has been finally stabilized. Also, a Sediment Control Permit must be obtained from (*erosion and sediment control agency*).
- D) No site development permit is 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.
- E) A permit fee of \$100 shall be submitted to (*erosion and sediment control agency*) in order to obtain a Sediment Control Permit.

B) Violation and Penalties

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. Any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

Section VIII. 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.

THEREFORE, BE IT ORDAINED, THE GREENUP COUNTY FISCAL COURT AUTHORIZES AND DECLARES general restrictions, requirements and conditions for controlling the design, construction, use and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in Greenup County to safeguard the citizens, protect property and prevent damage to the environment.

CONFLICT, all ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

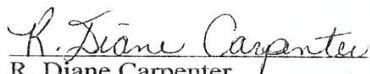
If any provision of this Ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this Ordinance shall continue in full force and effect.

GIVEN SECOND READING, APPROVED, ADOPTED AND PASSED at the regular meeting of the Fiscal Court of Greenup County, Kentucky, held on the 11th day of April, 2006. On the same occasion signed in open session by the County Judge/Executive as evidence of his approval, under seal by the Fiscal Court Clerk, ordered to be filed and recorded as required by law, and declared to be in full force and effect according to law.



Robert W. Carpenter
Greenup County Judge/Executive

ATTEST:



R. Diane Carpenter
Fiscal Court Clerk

First Reading: March 21, 2006
Second Reading: April 11, 2006

17100

COMMONWEALTH OF KENTUCKY
GREENUP COUNTY FISCAL COURT

AMENDMENT TO ORDINANCE NO. 164



Upon proper motion, vote, first and second readings, BE IT HEREBY ORDAINED that Greenup County Ordinance No. 164, relating to discarded items, blighted or abandoned property, is Amended at its relevant part to include the following additions:

PURPOSE

The purpose of this Amendment is to prevent blight or potential blight in Greenup County.

FINDINGS

The Greenup County Fiscal Court finds that blighted or unsafe residential or commercial structures may pose a threat to the health, safety and general welfare of a community, and may reduce the value and unreasonably interfere with the use and enjoyment of properties in the vicinity of such premises. The Greenup County Fiscal Court also finds that residential or commercial structures within the jurisdiction of the Greenup County Fiscal Court should not be allowed to become blighted or unsafe or to remain in such a condition.

DEFINITIONS

For the purpose of this Ordinance, "Blighted Property" is defined as any structure which meets any two (2) of the following conditions:

1. Has been vacant and/or boarded for at least six months;
2. Has been the subject of complaint(s);
3. Is no longer being maintained for useful occupancy;
4. Is in a dilapidated condition or lacks normal maintenance or upkeep;
5. Has no current electrical utility service.

WHO MAY BRING ACTION

Any Greenup County resident may file a petition (anonymously, if preferred) in the Office of Solid Waste, said petition to declare "Blighted Property", said petition shall state the grounds upon which a finding of "Blighted Property" is sought, the address of the property, the name and address of the property owner(s), if known.

DUE PROCESS

Once a petition is received in the Greenup County Solid Waste's Office, the Greenup County Solid Waste Director shall:

1. Investigate the property for blighted conditions
2. If the property has blighted conditions then:
 - a. The Solid Waste Director shall
 - i. Issue a verbal warning, if possible, to the property owner that blighted conditions exist and a quick resolution to the problem is desired.
 - ii. If verbal warning is ignored, send a copy of the petition to the last known address of the property owner.
 - iii. If verbal warning is ignored, place a copy of the petition in a conspicuous place on the property sought to be declared "Blighted Property".

- iv. If verbal warning is ignored, file a copy of the petition in the minutes of the next Fiscal Court meeting.

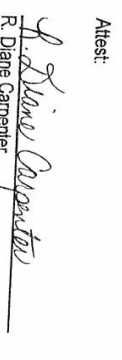
3. If at the end of thirty (30) days of notification, the Solid Waste Director has determined blighted conditions still exist then:
 - a. The Solid Waste Director shall
 - i. Send a second notice to the last known address of the property owner(s) to start correcting the violation within thirty (30) days.
 - ii. Place a second notice in a conspicuous place on the property directing the property owner(s) to start correcting the violation within thirty (30) days.
 - b. If at the end of the thirty (30) days, said property owner is making reasonable progress to correct the violation, then the thirty (30) days maybe extended at the discretion of the Greenup County Solid Waste Director.

AUTHORITY OF THE COUNTY TO DECLARE PROPERTY AS "BLIGHTED PROPERTY" AND ASSESS THE COST OF SAID REMOVAL OR DESTRUCTION TO THE PROPERTY OWNER(S) INCLUDING PLACING A LIEN OF THE REAL ESTATE

Should the property owner(s) fail to remedy the structural defects within said thirty (30) days and upon the recommendation of Greenup County Solid Waste Director, the Greenup County Fiscal Court shall have the power to declare said property "Blighted Property" and may then direct the Greenup County Attorney to file a suit in the Greenup County Circuit Court seeking a declaration of "Blighted Property" and further to seek the removal or destruction of said property.

This Amendment to Ordinance No. 164 hereby authorizes the Greenup County Circuit Court to assess all costs of the action, including but not limited to, the cost of removal or destruction of the blighted property, and that said costs may be recovered against the owner(s) of the "Blighted Property" either by judgment, or by lien on the property, or by both.


Robert W. Carpenter
Greenup County Judge/Executive

Attest:

R. Diane Carpenter
Greenup County Fiscal Court Clerk

First Reading Date: August 15, 2006
Second Reading Date: September 12, 2006