

## **ORDINANCE NO. 12-53**

### **AN ORDINANCE OF THE CITY OF RICHMOND STATING THE EROSION PREVENTION AND SEDIMENT CONTROL REQUIREMENTS FOR LOTS WITH LESS THAN ONE ACRE OF LAND DISTURBANCE AND NOT PART OF A LARGER COMMON PLAN OF DEVELOPMENT AND REPEALING ORDINANCE NO. 04-07.**

**WHEREAS**, the City of Richmond now operates under the requirements of the Kentucky Pollutant Discharge Elimination System (KPDES), and

**WHEREAS**, the City of Richmond has a storm water permit which provides authorization to discharge under the KPDES general permit for small municipal separate storm sewer systems (MS4), and

**WHEREAS**, one of the six (6) minimum control measures required is Construction Site Stormwater Runoff Control, and

**WHEREAS**, the City of Richmond must be compliant with the MS4 storm water permit and finds it necessary to enact an ordinance to control construction site runoff from construction site lots of less than one acre that are not part of a larger common plan of development.

**NOW, THEREFORE BE IT ORDAINED** by the City of Richmond Board of Commissioners:

#### **Section 1 Authority**

1. This ordinance shall be adopted pursuant to the powers granted and limitations imposed by Kentucky laws, including the enforcement authority granted to Kentucky cities in KRS 83A.065.
2. This ordinance and all references made herein is adopted pursuant to the powers granted and limitations imposed by the Federal Clean Water Act, and in particular those parts that authorize local governments to require any state or federal department or agency to comply with all local water pollution control requirements.
3. The Planning and Zoning Department for the City of Richmond and their duly authorized designees are responsible for implementing all the provisions within and referenced by this ordinance.

#### **Section 2 Procedures**

- (1) All construction site development must include measures to reduce or eliminate the impact of off-site soil deposition, sediment off-tracking, construction waste, and blowing debris.

- (2) Each Construction site that is less than one acre and not part of a common plan of development shall have in-place before the commencement and during the construction activity the minimum control measures identified below.
- (A) The minimum applicable control measures are:
- Installation and maintenance of a properly designed construction entrance.
  - Installation and maintenance of erosion control fabric to prevent the deposition of soils and sediments offsite via sheet-flow.
  - Installation and maintenance of rock silt checks where necessary.
  - Approved stabilization practices as identified in the “Kentucky Best Management Practices for Construction Activity” shall be required for non-vegetated soils or stockpiled soils not being actively worked for a period of fourteen (14) calendar days.
  - Provide an acceptable means to contain construction generated waste debris onsite.
  - Provide off-site disposal of construction generated debris. Acceptable off-site disposal is limited to a permitted contained or construction demolition debris (CDD) landfill. The burying or burning of debris onsite is not considered an acceptable disposal measure.
- (3) During Construction, it shall be the responsibility of the individual site general contractor (builder) to maintain community property such as streets and sidewalks free of collected debris, sediments, and trash. Contractor (builder) responsibility shall be along the frontage length of the subject property with the community property.
- (4) A construction site greater than one (1) acre or less than one (1) acre and part of a larger common plan of development is not applicable to this ordinance.

### **Section 3      Inspections**

This Ordinance provides the City of Richmond and its officers and agents the following:

1. The right to enter and inspect construction sites with any land disturbances for the presence of properly installed and functioning erosion and sediment control practices, construction debris containment and disposal activities, and to assure compliance with the minimum control measures identified in Section 2.
2. The right to require modifications to the control measures in-place along with the correlating physical placement of the modifications at the site, when in the opinion of the City, the current control measures are not functioning to the degree necessary to prevent or minimize erosion, provide proper sediment control, or provide acceptable protection of community property with regards to off-site tracking and blowing debris. All expense for modifications required by the City shall be borne by the Contractor (builder). No expense

for proper control measure maintenance and/or operation shall be borne by the City.

**Section 4 Enforcement**

Enforcement shall include the following outline, with five working days being allowed for the correction of each non-compliant occurrence before the next enforcement action for that occurrence is administered:

1. First Occurrence Non-Compliance – Issue Notice of Violation (NOV). An offense of the same nature as previous offense, even if previously corrected under a NOV, will constitute a second offense to be enforced through a Stop Work Order.
2. Second Occurrence or Continued Non-Compliance – First Stop Work Order
3. Third Occurrence or Continued Non-Compliance – Second Stop Work Order includes a Five Hundred Dollar per calendar Day (\$500/C-day) fine payable to the City of Richmond that will accrue until the site is brought back into compliance. Additionally, a complaint will be filed with Kentucky Division of Water.
4. The right to take civil action against any Contractor (builder) that consistently and persistently fails to be compliant with the requirements of this Ordinance or fails to pay fines levied upon through the administration of this Ordinance.

**Section 5 Ordinance No. 04-07 is hereby repealed in its entirety**

This ordinance shall be in full force and effect upon second reading, adoption and publication by the City of Richmond.

**DATE OF FIRST READING: November 27, 2012**

**MOTION BY: Commissioner Blythe**

**SECONDED BY: Commissioner Baird**

**DATE OF SECOND READING: December 11, 2012**

**MOTION BY: Commissioner Thomas**

**SECONDED BY: Commissioner Baird**

| <b>VOTE</b>         | <b>YES</b> | <b>NO</b> |
|---------------------|------------|-----------|
| Commissioner Baird  | x          |           |
| Commissioner Blythe | x          |           |
| Commissioner Morgan | x          |           |
| Commissioner Thomas | x          |           |

Mayor Barnes

x

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Mayor

Attest:

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**City Clerk**