

COMMONWEALTH OF KENTUCKY  
CITY OF LONDON  
ORDINANCE NO. 2006-19

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 erosion 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 soil or topsoil material from a single tract of real estate within the City of London.
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 of 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 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 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. Scope of Coverage: No grading, stripping, excavating or other disturbance of the natural ground cover shall occur prior to submission and approval by the City Building Inspector of an erosion and sediment control plan in compliance with this Ordinance, unless exempted herein.
5. Exemptions: No grading permit or erosion and sediment control plan shall be required for the following activities:
  - 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 drainage, constitute a potential erosion hazard, or act as a source of sedimentation to any adjacent land or watercourse.
  - f. Grading as a maintenance measure or for landscaping purposes provided the aggregate area(s) affected or stripped at any one time does not exceed sixty five hundred (6500) square feet, and is not within a floodplain or a natural water course and proper vegetative cover is reestablished as soon as possible on all disturbed areas.
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 as contained in Article 504.3-504.4 of Ordinance # 917 for the City of London.
  9. 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.
10. Storm Water Drainage: Provisions shall be made by the developer for the collection and channelization of storm water runoff by means of a storm water drainage system designed to handle the runoff from storms occurring on average frequency of one-hundred (100) years. The proposed system shall be subject to review and approval of the Building Inspector, with the recommendation of the City Street Department.
- PLANS REQUIRED: All construction, excavation, development, building or paving in the City of London are required to submit a storm water management plan. Except for those items described in (5) hereinabove. The plan must show the following items:
- a. Name of drainage basin in which property is located.
  - b. Adjacent land uses.
  - c. Proposed use of site.
  - d. Runoff analysis.

Inflow

On-site Flow (before and after deviation)

Outflow (based on plan to mitigate impact)

- e. Details for channelizing water on-site (natural/artificial systems) showing location and site of all structures (storm sewers, inlets, catch basins, manholes, culverts, swales, etc.) for one and two family residential dwellings any site with a 5:1 Ratio of screen space to surface will be exempt. This can be reduced if the Owner chooses to utilize a infiltration pit designed and certified by an Engineer or by the Office of the City Building Inspector.
  - f. Details for diverting, detaining or retaining water on-site showing location, type and specifications for structures.
  - g. Certification by Engineer that the figures are correct and that the design is adequate for minimizing outflow.
11. At the time any plan is submitted, the developer shall pay a fifty Dollar (\$50.00) review fee.
12. 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. Should any part of this ordinance be found unconstitutional or unenforceable for any reason, the remainder of this Ordinance shall remain valid.

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Mayor Ken Smith

Attested: \_\_\_\_\_  
Connie McKnight, City Clerk

First Reading: \_\_\_\_\_08/07/06\_\_\_\_\_

Second Reading: \_\_\_\_\_

Publication: \_\_\_\_\_