

**Ordinance No. 2424**

**ORDINANCE PROVIDING FOR PREVENTION OF EROSION AND CONTROL OF SEDIMENT; DEFINING TERMS USED IN THE ORDINANCE; ESTABLISHING THE SCOPE OF COVERAGE OF THE ORDINANCE AND EXCEPTING THEREFROM CERTAIN ACTIVITIES; ESTABLISHING EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES; PROVIDING METHODS FOR ACHIEVING SOIL STABILIZATION; ESTABLISHING EROSION AND SEDIMENT CONTROL PROCEDURES; PROVIDING FOR THE INSPECTION OF DISTURBED AREAS; AND IMPOSING PENALTIES FOR FAILURE TO CORRECT VIOLATIONS AFTER NOTIFICATION BY APPROPRIATE CITY OFFICER; AND IMPOSING FINE OF NOT LESS THAN FIFTY DOLLARS NO MORE THAN TWO HUNDRED DOLLARS FOR EACH DAY A VIOLATION REMAINS UNABATED, AFTER NOTICE FROM APPROPRIATE CITY OFFICER**

WHEREAS, Erosion by wind and water of exposed ground surfaces in the City of Glasgow constitutes an ongoing problem, both with respect to areas which have been exposed for long periods of time and upon which no current construction is taking place, and also upon areas of current construction, and

Whereas, the City of Glasgow wishes to establish erosion prevention and sediment control procedures, and provide penalties for the violation of same,

NOW THEREFORE, be it hereby ordained by the Glasgow City Council as follows:

**SECTION 1: PURPOSE**

The purpose of this ordinance is to provide procedures to implement Best Management Practices (BMP's) to reduce soil erosion and to prevent or minimize water quality impacts where the natural ground cover has been disturbed.

**SECTION 2: DEFINITIONS**

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give the meaning they have in common usage and to give this Ordinance the most reasonable application.

EROSION - The process by which the ground surface is worn away by the action of wind or water.

EXCAVATION OR CUT - Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated, and shall include the conditions resulting therefrom.

FILL - A deposit of soil, rock or other non-deteriorating material used by man, to replace or supplement the original soil or sub-soil.

GRADING - Any stripping, excavating, filling, stockpiling of soil or any combination thereof, and shall include the land in its excavated or filled condition.

NATURAL FEATURES - Shall include but not be limited to, existing water courses, soils, vegetation (including grasses, shrubs, legumes, etc.) and tree stands having trees five (5) inches or greater in diameter or fifteen (15) feet or greater in height, whichever is less.

NATURAL GROUND SURFACE - Any ground surface in its original state before any grading, excavation or filling.

SEDIMENT - Any solid material, both mineral and organic that is in suspension, is being transported, or has been moved from its site or origin by air, water or gravity as a product of erosion.

SLOPE - Any inclined, exposed surface of a fill, excavation, or natural terrain.

SOIL - All earth material of whatever origin that overlies bedrock, and may include the decomposed zone of bedrock, which can be readily excavated by mechanical equipment.

STRIPPING - Any activity which removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

### SECTION 3: SCOPE OF COVERAGE

Grading, stripping, excavating, filling or otherwise disturbing the natural ground cover during new development, redevelopment or other land disturbing activities shall only be permitted in conformance with this Ordinance.

### SECTION 4: EXCEPTIONS

The following activities are exempt from the application of this ordinance:

- (A) Accepted agricultural land management practices such as plowing, cultivation, construction of agricultural structures, nursery operations such as the removal and/or transplanting of cultivated sod, shrubs, and trees, tree cuttings at or above existing ground level, and logging operations leaving the stump, ground cover and root mat intact.
- (B) Installation of lateral sewer lines, telephone lines, water lines, electric lines, gas lines or other public service facilities.
- (C) Excavations for cemeteries for human or animal burial.
- (D) Grading as a maintenance measure or for landscaping purposes on existing developed lots or parcels, provided:
  - (1) The aggregate area(s) affected, or stripped at any one time does not exceed 10,000 square feet, and is not within a natural drainage way (i.e. designated flood plain);

- (2) Proper vegetative cover is re-established as soon as possible on all disturbed areas; and
- (3) No significant erosion and sediment problems result from grading of the natural ground cover.

## SECTION 5: EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES

### (A) GENERAL EROSION AND SEDIMENT CONTROL TECHNIQUES

General techniques shall include but are not limited to silt fences, straw bales, rock checks, earthen dams, timber dams, diversion ditches, silt traps, silt basins, seeding and sodding. The "Kentucky Best Management Practices For Construction Activities" prepared by the Division of Conservation and Division of Water, Natural Resources and Environmental Protection Cabinet (current issue) should be used as a guideline by reference for Erosion Prevention and Sediment Control.

### (B) DUST CONTROL

Dust control shall be utilized in association with all earth moving and site grading activities and in areas with frequent construction traffic.

### (C) CONSTRUCTION ENTRANCE

A stabilized construction entrance shall be constructed wherever vehicles are leaving a construction site to enter a public road or at any unpaved entrance/exit location where there is a risk of transporting mud or sediment on paved roads. The developer shall remove all loose soil, mud or sediment from any public road at the end of each days work.

### (D) SOIL STABILIZATION

The following Best Management Practices shall be used to achieve soil stabilization:

- (1) MULCH - Areas requiring stabilization during December through February shall receive only mulch (hay, straw, or other natural fiber – spread for a 75% or greater ground coverage. Mulching shall be used whenever permanent or temporary seeding is used.
- (2) TEMPORARY SEEDING – Temporary seeding shall be used for soil stabilization when grades are not ready for permanent seeding, except during December through February. Only rye grain or annual rye grass seed shall be used for temporary seeding.
- (3) PERMANENT SEEDING – Permanent seeding shall be applied within fourteen (14) days after final grade has been reached, except December through February. Permanent seeding shall also be applied on any areas that will not be disturbed again for a year, even if final grades have not been reached.

## SECTION 6: EROSION AND SEDIMENT CONTROL PROCEDURES

### (A) CONSTRUCTION OF EROSION AND SEDIMENT CONTROL DEVICES

The natural ground cover shall not be disturbed until proper on-site erosion and sediment control best management practices are implemented.

(B) EXPOSURE TIME

(1) DEVELOPMENT PLAN NOT REQUIRED

Where a Development Plan is not required by any applicable Zoning Ordinance or Subdivision Regulation, soil stabilization, as described in Section (5)(D) above, shall be required for all disturbed areas where the natural ground cover has been graded and inactive for fourteen (14) days.

(2) DEVELOPMENT PLAN REQUIRED

Where a Development Plan is required by any applicable Zoning Ordinance or Subdivision Regulation, permanent soil stabilization, as described in Section (5)(D) above, shall be required for all graded areas fourteen (14) days after final grade is reached.

(C) MAINTENANCE DURING AND AFTER CONSTRUCTION

On any property on which grading or other disturbance of the natural ground surface has been performed pursuant to this Ordinance, the owner or the owner's agent shall, at a minimum, daily inspect and maintain all erosion and sediment control devices or other protective devices, plantings, and ground cover installed while construction is active. After construction is complete, the owner or the owner's agent shall continue to regularly inspect and maintain all erosion and sediment control devices and any soil stabilization measures until adequate turf cover is established to prevent soil erosion and sedimentation.

(D) INSPECTION

The Building Inspector, Code Enforcement Officer or any City Official charged with the enforcement of this Ordinance may periodically visit any disturbed area where the natural ground cover has been graded to inspect the effectiveness of the soil erosion and sediment control measures. The enforcement official may at any point make recommendations to improve measures.

## SECTION 7: VIOLATIONS AND PENALTIES

(A) FAILURE TO COMPLY WITH ORDINANCE

If the owner or their agent fails to accomplish adequate control measures an enforcement official may issue a warning. If the violation is not abated within seven (7) days from delivery of the warning, a penalty shall be assessed.

(B) CORRECTION OF VIOLATIONS

In the event the owner or their agent fails to take corrective action within five (5) days of issuance of the warning. A stop work order may be issued for developments where a building permit has been issued.

(C) PENALTIES

Failure to take corrective action required by the issuance of a warning shall constitute a violation, and the owner and/or person in control of the property on which such violation is occurring shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred dollars (\$200.00 for each day such condition remains unabated.

SECTION 8: CITY NOT LIABLE

- (A) Nothing contained in this Ordinance is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents for any injury or damage resulting from the failure of responsible parties to comply with the provisions of this Ordinance, or by reason or in consequence of any inspection, notice, order, certificate, building permit, permission or approval authorized or issued or done in connection with the implementation or enforcement of this Ordinance, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.
- (B) The Building Inspector, Code Enforcement Officer or any City Employee charged with the enforcement of this Ordinance, acting in good faith and without malice on behalf of the City, shall not be personally liable for any damage that may accrue to persons or property as a result of any act required by the City, or by reason of any act or omission in the discharge of these duties. Any suit brought against the Building Inspector, Code Enforcement Officer or any City Employee because of an act or omission performed in the enforcement of any provisions of this Ordinance, shall be defended by the City.
- (C) Nothing in this Ordinance shall impose any liability on the City or any of its officers or employees for construction or clean up of the erosion and sediment control measures listed herein.

SECTION 9: THIS ORDINANCE SHALL TAKE EFFECT UPON ITS  
PASSAGE AND PUBLICATION ACCORDING TO LAW