

EROSION PREVENTION AND SEDIMENT CONTROL ORDINANCE

**COMMONWEALTH OF KENTUCKY
COUNTY OF BULLITT
ORDINANCE NO. 13-10**

**An Ordinance Relating to the Regulation,
Control, and Elimination of Soil Erosion
and Sedimentation Resulting from
Land Disturbance Activities in Bullitt County**

BE IT ORDAINED by the Fiscal Court of Bullitt County, Kentucky:

SECTION 1- AUTHORITY

This Ordinance is adopted pursuant to the powers granted and limitations imposed by Kentucky laws, including the statutory authority granted to Kentucky counties in Kentucky Revised Statutes Chapter 67.

This Ordinance is adopted pursuant to requirements of the National Pollutant Discharge Elimination System and the Kentucky Pollutant Discharge Elimination System stormwater Phase II General Permit.

SECTION 2- PURPOSE/SCOPE

The requirements and procedures set forth in this Ordinance are intended to protect the general health, safety, and welfare of the citizens of Bullitt County, and more specifically:

- A. To control or eliminate soil storage, soil erosion, and sedimentation resulting from land disturbance activities during construction within Bullitt County;
- B. To establish guidelines, conservation practices and planning activities which minimize soil erosion and sedimentation at construction sites;
- C. To comply with all applicable provisions of the National Pollutant Discharge Elimination System and the Kentucky Pollutant Discharge Elimination System stormwater General Permit for Phase II communities; and
- D. To establish legal authority and procedures for the issuance, approval, administration and enforcement of an Erosion Prevention and Sediment Control Permit.

SECTION 3- DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meaning stated below:

- A. *Applicant* is the property owner or developer who submits an application to the Issuing Authority for an Erosion Prevention and Sediment Control Permit pursuant to this Ordinance.
- B. *Bedrock* is solid rock that is in place.
- C. *Bench* is a relatively level step excavated into earth material on which fill is to be placed.

- D. *Best Management Practices ("BMPs")* are techniques or series of techniques which are proven to be effective in controlling runoff, erosion and sedimentation.
- E. *Borrow* is earth material acquired from an off-site location for use in grading on a site.
- F. *Clearing and Grubbing* is the cutting and removal of trees, shrubs, bushes, windfalls and other vegetation, including removal of stumps, roots and other remains in the designated areas.
- G. *Common Plan of Development or Sale* means a contiguous area where multiple separate and distinct construction activities are planned to occur at different times on different schedules under one plan, e.g., a housing development of five 1/4 acre lots.
- H. *Contractor* is a person who contracts with the permittee, landowner, developer, or another contractor (i.e. subcontractor) to undertake any or all of the land disturbance activities covered by this Ordinance.
- I. *Co-Permittee* is any person, other than the permittee, including but not limited to a developer or contractor, who has or represents financial or operational control over the land disturbance activity.
- J. *Detention Basin* is a temporary or permanent, natural or manmade structure that provides for the temporary storage of stormwater runoff.
- K. *Developer* is any person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.
- L. *Enforcement Agency* is the Bullitt County Department of Code Enforcement (also referred to as "Code Enforcement").
- M. *Engineer* is a professional engineer licensed in the Commonwealth of Kentucky to practice in the field of civil engineering.
- N. *Erosion* is the wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities.
- O. *Erosion Prevention and Sediment Control ("EPSC")* is the prevention of soil erosion and control of solid material during land disturbance activity in order to prevent its transport out of the disturbed area by means of air, water, gravity, or ice.
- P. *Erosion Prevention and Sediment Control Permit* is a permit required by this Ordinance for land disturbance activities.

- Q. *Erosion Prevention and Sediment Control Plan* is a detailed plan that includes a set of Best Management Practices or equivalent measures designed to control surface runoff and erosion, to retain sediment on a specific development site or parcel of land, and to generally prevent water pollution during the period in which pre-construction and construction related land disturbances, fills, and soil storage occur, and before final improvements are completed, all in accordance with this Ordinance.
- R. *Erosion Control Inspector* is a person designated by the Enforcement Agency who has attended a Bullitt County sponsored or approved training course on Erosion Prevention and Sediment Control.
- S. *Federal Clean Water Act* means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.)
- T. *Flood plain* is the One Hundred (100) year Flood plain, which is that area adjoining a watercourse which could be inundated by a flood that has a One percent (1%) chance of being equaled or exceeded in any given year and is delineated on the Federal Emergency Management Agency Floodway Maps.
- U. *General Permit* is a Kentucky Pollutant Discharge Elimination System Stormwater General Permit for stormwater discharges related to construction activities that disturb One (1) acre or more. Coverage under this General Permit is obtained by filing a Notice of Intent with the Kentucky Division of Water.
- V. *Grade* is the vertical location of the ground surface.
- *Existing Grade* is the grade prior to grading.
 - *Rough Grade* is the stage at which the grade approximately conforms to the approved plan.
 - *Finish Grade* is the final grade of the site which conforms to the approved plan.
- W. *High Quality Waters* are surface waters categorized as high quality pursuant to 401 KAR 10:030, Section 1.
- X. *Individual Erosion Prevention and Sediment Control Plan* is a specific construction site plan prepared by a licensed professional engineer, drawn to an appropriate scale, which shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading, the water sources, and the measures proposed to minimize soil erosion and off-site sedimentation.
- Y. *Issuing Authority* is the Bullitt County Department of Code Enforcement (also referred to as "Code Enforcement").
- Z. *Kentucky Pollutant Discharge Elimination System ("KPDES")* means a permit issued by the Kentucky Division of Water under designated authority

by the United States Environmental Protection Agency, whether the permit is applicable on an individual, group, or general area-wide basis.

AA. *Land Disturbance Activity* is any construction-related land change that may result in soil erosion from wind, water and/or ice, and the movement of sediments into or upon waters, lands, or rights-of-way within Bullitt County, including, but not limited to, construction, demolition, clearing and grubbing, grading, excavating, transporting, and filling of land. Land Disturbance Activity does not include the following:

- Minor land disturbance activities, including, but not limited to, underground utility repairs, replacement of existing utilities, home gardens and landscaping, minor repairs, and maintenance work;
- Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles;
- Cemetery graves;
- "Agricultural Use" as defined under KRS 100.111;
- Resource Extraction activity pursuant to the Kentucky Pollutant Discharge Elimination System General Permit or a facility specific individual KPDES Permit;
- Site investigations, such as geotechnical explorations, clearing for surveying work, monitoring wells, and archaeological explorations, that are undertaken prior to submittal of an application for preliminary subdivision platting; and
- Emergency work to protect life, limb, or property and emergency repairs. If the Land Disturbance Activity would have required an approved EPSC Permit except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of this Ordinance.

BB. *National Pollutant Discharge Elimination System ("NPDES")* means a permit program developed by the United States Environmental Protection Agency that controls water pollution by regulating point sources that discharge pollutants into waters of the United States.

CC. *Notice of Termination ("NOT")* is a form filed when a Permittee is no longer conducting any Land Disturbance Activity resulting in stormwater discharges, or when the Permittee is no longer the responsible party for the site designated in an EPSC Permit.

DD. *Outfall* is the point of discharge to any watercourse from a public or private stormwater drainage system.

EE. *Permittee* is the Applicant in whose name a valid EPSC Permit is duly issued pursuant to this Ordinance and his/her agents and/or employees.

FF. *Qualified Personnel* is a person that will perform construction and post-construction inspections, and that can demonstrate one or more of the following current qualifications:

- Professional Engineer License in good standing in the Commonwealth of Kentucky with demonstrated experience in Erosion Prevention and Sediment Control on construction sites;
- Professional Land Surveyor License in good standing in the Commonwealth of Kentucky with demonstrated experience in Erosion Prevention and Sediment Control on construction sites;
- Landscape Architect License in good standing in the Commonwealth of Kentucky with demonstrated experience in Erosion Prevention and Sediment Control on construction sites;
- Professional Certification in Erosion Prevention and Sediment Control in good standing in the Commonwealth of Kentucky;
- Erosion Prevention and Sediment Control Inspector Certification in good standing from the Louisville/Jefferson County Metropolitan Sewer District; and/or
- Certification or Qualification of any similar program in the Commonwealth of Kentucky or another state in the United States, as long as said program required testing and the person passed said test.

GG. *Retention Basin* is a temporary or permanent, natural or manmade structure that provides for the storage of stormwater runoff by means of a permanent pool of water.

HH. *Runoff* is any water flowing over the ground surface, including, but not limited to, rainfall, snowmelt or irrigation water.

II. *Sediment* is soils or other superficial materials transported by surface water as a product of erosion.

JJ. *Sedimentation* is the process or action of sediment deposition caused by erosion.

KK. *Site* is the entire area of land on which the Land Disturbance Activity is proposed in the permit application pursuant to this Ordinance.

LL. *Site Plan* is a plan or set of plans showing the details of any Land Disturbance Activity of a site, including, but not limited to, the construction of structures, open and enclosed drainage facilities, stormwater management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

MM. *Slope* is the incline of a ground surface expressed as a ratio of horizontal

distance to vertical distance.

NN. *Soil* is naturally occurring surficial deposits overlying bedrock.

OO. *Standard Erosion Prevention and Sediment Control Plan* is a construction site plan indicating proper placement of perimeter controls for small projects disturbing less than One (1) acre of land with the potential for construction site runoff to impact adjacent properties or local water quality. Copies of the Standard Erosion Prevention and Sediment Control Plan shall be made available by the Bullitt County Department of Code Enforcement.

PP. *Stripping* is any activity which removes or significantly disturbs the vegetative surface cover including clearing, grubbing of stumps and root mat, and topsoil removal.

QQ. *Structure* is anything manufactured, constructed, or erected which is normally attached to or positioned on land, including buildings, portable structures, earthen structures, roads, parking lots, and paved storage areas.

RR. *Topsoil* is the upper layer of soil.

SS. *Utility* is the owner/operator of any underground facility including an underground line, facility, system and its appurtenances used to produce, store, convey, transmit or distribute communications, data, electricity, power, heat, gas, oil, petroleum products, potable water, stormwater, steam, sewage and other similar substances.

TT. *Watercourse* is any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale or wash in which waters flow either continuously or intermittently.

UU. *Watershed* is a region draining to a specific river, river system, or body of water.

VV. *Wetlands* are lowland areas such as marshes that are saturated with moisture as defined in Sec. 404 of the Federal Water Pollution Control Act Amendments of 1987.

SECTION 4- PERMITS

A. No person shall undertake any construction-related Land Disturbance Activity as defined herein of One (1) acre or more without first obtaining an Erosion Prevention and Sediment Control Permit from the Bullitt County Department of Code Enforcement. Notwithstanding the foregoing, Land Disturbance Activity shall not include any "Agricultural Use" as defined under KRS 100.111.

B. No person shall undertake any construction-related Land Disturbance Activity associated with a Common Plan of Development of One (1) acre or more

without first obtaining an Erosion Prevention and Sediment Control Permit from the Bullitt County Department of Code Enforcement for the entire site for the duration of the project. For purposes of this Ordinance, the Permit issued for the entire site shall be the Primary Permit. The Primary Permittee is responsible for ensuring compliance with the provisions of this Ordinance for the entire site associated with a Common Plan of Development.

- C. No person shall undertake any construction-related Land Disturbance Activity on any individual lot(s) or parcel(s) of less than One (1) acre that is associated with a Common Plan of Development of One (1) acre or more without first obtaining an Erosion Prevention and Sediment Control Permit from the Bullitt County Department of Code Enforcement for said individual lot(s) or parcel(s). Permittees for an individual lot(s) or parcel(s) within a Common Plan of Development are responsible for maintaining proper Erosion Prevention and Sediment Control measures on said individual lot(s) or parcel(s). Thereafter, individual lot owners shall be required to obtain an EPSC Permit only if their activity alters the original drainage plan filed for the development with the Bullitt County Department of Code Enforcement.

D. Exemptions:

The following activities are exempt from obtaining an Erosion Prevention and Sediment Control Permit and from the provisions of this Ordinance:

1. Underground utility repairs, replacement of existing utilities, minor repairs and maintenance work;
2. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles;
3. Home gardens and Landscaping;
4. Cemetery graves;
5. Agricultural Use and Operations as defined under KRS 100.111;
6. Resource Extraction activity pursuant to the Kentucky Pollutant Discharge Elimination System General Permit or a facility specific individual KPDES Permit;
7. Site investigations, such as geotechnical explorations, clearing for surveying work, monitoring wells, and archaeological explorations, that are undertaken prior to submittal of an application for preliminary subdivision platting; and
8. Emergency work to protect life, limb, or property and emergency repairs, including work and repairs as a result of flooding, fire, or natural disaster.

E. Erosion Prevention and Sediment Control Permit Application and Form:

1. A written Application from the property owner(s), or an authorized representative, in the form prescribed by this Ordinance, shall be required for each Erosion Prevention and Sediment Control Permit. Each

Application shall also contain an EPSC Plan as set forth in Section 6 herein.

2. EPSC Applications shall contain the following information:

- (a) Name, address, and telephone number of Applicant(s);
- (b) Name(s), address(es), and telephone number(s) of any and all contractors, subcontractors or other persons performing any land disturbing or land filling activities and their respective tasks;
- (c) Name, address, and telephone number of the person responsible for the preparation of the Final Plat and Site Drawings (roadways, grading and drainage, utilities, etc.);
- (d) Name, address, and telephone number of the person responsible for the preparation of the EPSC Plan (only applicable to Individual EPSC Plans);
- (e) Address of site;
- (f) Date of the application; and
- (g) Signature(s) of Applicant(s) or an authorized representative.

The information required for this application may be modified as needed by the Bullitt County Department of Code Enforcement.

F. A Permittee shall be responsible for the installation, good repair and maintenance, and ultimate removal of all temporary and permanent EPSC measures.

G. Fiscal Surety:

- 1. A Permittee shall post a Fiscal Surety, consisting of a bond, certified check, performance guarantee, or other instrument, acceptable to and approved by the Bullitt County Department of Code Enforcement. The Fiscal Surety shall be posted prior to the issuance of the EPSC Permit.
- 2. The Fiscal Surety shall be in an amount equal to One Hundred Twenty-Five percent (125%) of the estimated cost of the required EPSC measures, as approved by the Bullitt County Department of Code Enforcement. Whenever appropriate, a Fiscal Surety for the EPSC measures may be combined with and posted in conjunction with other required security instruments, such as those required for final plat approval (Article VI of the Subdivision Regulations) or other building approvals.
- 3. Upon expiration of the period designated in the EPSC Permit to complete installation of the EPSC measures, if the Bullitt County Department of Code Enforcement finds that the required temporary or permanent improvements or control measures have not been installed or maintained properly or are not in good repair or functioning properly, then Code Enforcement may declare the Permittee to be in default. Upon declaration

of default, Code Enforcement may demand such amounts from the Fiscal Surety as required to remedy the default.

H. Notice of Termination:

Upon receipt by the Bullitt County Department of Code Enforcement of a formal Notice of Termination from the Permittee, an inspection of the site shall be conducted to determine if construction is finished, final stabilization has been established, all required improvements and controls have been properly installed, and all temporary controls have been removed. If all conditions have been met and all requirements of the EPSC Permit have been satisfied, then Code Enforcement shall release the Permittee of all Permit obligations and release any Fiscal Surety.

I. KPDES General Permit:

Compliance with the provisions of this Ordinance and any EPSC Permit issued herewith does not exempt the Permittee from obtaining coverage from the Kentucky Division of Water under the KPDES Stormwater General Permit for storm discharges related to construction activities that disturb One (1) acre or more. The Permittee shall provide a copy of any Notice of Intent filed with the Kentucky Division of Water to the Bullitt County Department of Code Enforcement at the time of the EPSC Permit application submittal.

J. Relation to Other Laws:

Nothing in this Ordinance shall be construed to exempt a person from procuring other required local, state, or federal permits or complying with the requirements and conditions of such other permits. For example, all requirements of the Kentucky Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction Activities (Permit KYR100000) shall be met in addition to the requirements of this Ordinance.

K. High Quality Waters:

For discharges from construction sites to high quality waters, EPSC measures are required to protect existing in-stream water uses and the level of water quality necessary to protect existing in-stream water uses. In these circumstances, EPSC measures shall be consistent with the requirements included the Kentucky Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction Activities (Permit KYR100000).

SECTION 5- REVIEW AND APPROVAL

- A. The Bullitt County Department of Code Enforcement shall review each application for an EPSC Permit to determine its conformance with the

provisions of this Ordinance. Within Thirty (30) calendar days after receiving a completed application and EPSC Plan, Code Enforcement shall, in writing:

1. Approve the application and EPSC Plan and issue the EPSC Permit;
 2. Approve the application and EPSC Plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Ordinance, and issue the EPSC Permit subject to these conditions; or
 3. Disapprove the Permit application and EPSC Plan, indicating the reason(s) and procedure for submitting a revised application and/or submission.
- B. The Land Disturbance Activity covered under an EPSC Permit shall begin within Two (2) years from the issuance date of the Permit, and satisfactory progress, in the determination of the Bullitt County Department of Code Enforcement, toward completion of all work must occur, or the Permit may be revoked, and the Permittee shall be required to reapply for a new Permit.
- C. The EPSC Permit shall remain in effect until the permitted activities are completed, the Permittee files a Notice of Termination of the Permit, a final inspection has been conducted, and all conditions and requirements have been satisfactorily met in the determination of the Bullitt County Department of Code Enforcement.
- D. The Bullitt County Department of Code Enforcement shall be the Enforcement Agency responsible for receipt and consideration of information submitted by the public related to EPSC.

SECTION 6- EROSION PREVENTION AND SEDIMENT CONTROL PLAN

- A. Any Application for an EPSC Permit shall include an Erosion Prevention and Sediment Control Plan approved by the Bullitt County Department of Code Enforcement as set forth herein:
1. Standard EPSC Plan — A Standard EPSC Plan shall be required for Land Disturbance Activity pursuant to this Ordinance resulting from construction of a primary residence and accessory structures on single lots of less than One (1) acre. Said Standard EPSC Plan shall be required as part of the Building Permit Application Form. Notwithstanding the foregoing, if the Land Disturbance Activity may result in a hazard or nuisance potential to adjacent property or watercourse, or includes the placement of fill upon which a structure may be erected, then an Individual EPSC Plan as set forth below shall be required.
 2. Individual EPSC Plan - An Individual EPSC Plan shall be required for all other Land Disturbance Activities pursuant to this Ordinance. An Individual EPSC Plan shall be prepared by a licensed professional engineer, drawn to an appropriate scale, and shall include sufficient

information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and measures proposed to minimize soil erosion and off-site sedimentation. The responsible party shall perform all clearing, grading, drainage, construction, and development in strict accordance with the approved Plan and this Ordinance. An Individual EPSC Plan shall include the following:

- (a) A letter of transmittal, which includes a project narrative;
- (b) An attached vicinity map showing the location of the site in relationship to the surrounding area's watercourses, water bodies, sinkholes and other significant geographic features, and roads and other significant structures;
- (c) An indication of the scale used;
- (d) The name, address, and telephone number of the property owner, or authorized representative, where the Land Disturbance Activity is proposed;
- (e) Ground contours, minimum Two (2) foot intervals, for the existing and proposed topography;
- (f) The proposed grading or Land Disturbance Activity, including the surface area involved, excess spoil material, use of borrow material, and specific limits of disturbance;
- (g) Utility locations within Fifty (50) feet of the site boundaries;
- (h) A clear and definite delineation of any areas of vegetation or trees to be saved;
- (i) A clear and definite delineation of any wetlands, sinkholes, natural or artificial water storage detention areas, and drainage ditches on the site;
- (j) A clear and definite delineation of any One hundred (100) year floodplain on or near the site;
- (k) Any Storm drainage system(s), including quantities of flow and site conditions around all points of surface water discharge from the site;
- (l) Standard details for stormwater facilities and EPSC measures;
- (m) Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation, including provisions to preserve topsoil and limit disturbance;
- (n) Design details for both temporary and permanent erosion control structures;
- (o) Details of temporary and permanent stabilization measures;

(p) A chronological construction schedule and time frame, including, at a minimum, the following construction activities:

- Clearing and grubbing;
- Construction of erosion control devices;
- Installation of permanent and temporary stabilization measures;
- Grading;
- Utility installation;
- Building, parking lot, and site construction;
- Final grading, landscaping or stabilization;
- Implementation and maintenance of final erosion control structures; and
- Removal of temporary erosion control devices.

(q) A Best Management Practices Plan that identifies and ensures the implementation of appropriate pollution prevention measures for non-stormwater discharges, including:

- Proper handling of solid waste materials such as building materials;
- A properly designed construction entrance to minimize off-site vehicle sediment tracking;
- Procedures to minimize dust generation; and
- A plan to properly manage sanitary wastes.

B. The Applicant may propose the use of any Erosion Prevention and Sediment Control techniques in an EPSC Plan, provided such techniques are proven to be as, or more effective than the equivalent Best Management Practices as contained in the *Kentucky Erosion Prevention and Sediment Control Field Guide* as published by the Kentucky Division of Water.

C. An effective EPSC Plan shall comply with the provisions of this Ordinance and ensure that soils will be prevented from being deposited onto adjacent properties, rights-of-ways, storm drainage systems, wetlands, or watercourses.

D. The Bullitt County Department of Code Enforcement may request a pre-construction conference with the Permittee to discuss a project's impact on local water quality and to work cooperatively to develop an effective EPSC Plan.

SECTION 7- DESIGN REQUIREMENTS

- A. The design, testing, installation, and maintenance of Erosion Prevention and Sediment Control measures shall adhere to the criteria, standards and specifications as set forth in the *Kentucky Erosion Prevention and Sediment Control Field Guide* as published by the Kentucky Division of Water.
- B. At a minimum, the following requirements shall be met:
1. Cut and fill slopes shall be no greater than 2H:1V (2 feet horizontal per 1 foot vertical), unless otherwise approved by the Bullitt County Department of Code Enforcement;
 2. Clearing and grading, except as necessary to establish sediment control devices, shall not commence until sediment control devices have been installed;
 3. Erosion control methods shall include the following:
 - (a) Soil stabilization by seeding/mulching within Fifteen (15) days of mass grading operations for borrow (excavation) and fill areas;
 - (b) Stabilizing soil stockpiles at the end of each workday; and
 - (c) Installing diversion ditches or other techniques where upland runoff occurs past disturbed areas;
 4. Sediment control methods shall include installing retention basins, sedimentation basins and traps, and/or other similar facilities at the most downstream runoff location within the site;
 5. Waterway (creeks, ditches, etc.) protection shall include the installation of a temporary stream crossing, on-site stormwater drainage systems, and the stabilization of outlets at all pipes;
 6. Prevention of mud and debris onto public roadways by construction equipment and vehicles shall include the installation of crushed stone construction entrances or an on-site tire washing station at the point of ingress and egress to the public roadway; and
 7. Scheduled maintenance during and after construction of graded surfaces, EPSC facilities, and drainage structures.
 8. For both new development and re-development, all discharges to high quality waters are required to protect existing in-stream water uses. The level of water quality necessary to protect the existing uses must be maintained. EPSC measures shall be consistent with the requirements included the Kentucky Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction Activities (Permit KYR100000).

SECTION 8- INSPECTIONS

- A. The Bullitt County Department of Code Enforcement, through its duly

authorized agents, may conduct inspections of any Land Disturbance Activities subject to an EPSC Permit under this Ordinance.

- B. To ensure compliance with the approved EPSC Plan and to examine field practices to determine if control measures are adequate, authorized agents of the Bullitt County Department of Code Enforcement shall have the authority to inspect any Land Disturbance Activity subject to the conditions of an EPSC Permit issued pursuant to this Ordinance and to review records of all inspections, repairs and modifications made by the Permittee.
- C. The Permittee shall provide the Bullitt County Department of Code Enforcement with Twenty Four (24) hours notice prior to the beginning of the initial Land Disturbance Activity.
- D. The Permittee is responsible for utilizing Qualified Personnel for the self-inspection of all stormwater control measures, discharge locations, vehicle exits, disturbed areas of the construction site, and material storage areas at least once every Seven (7) days (and within 24 hours of the end of a storm that is 0.5 inches or greater) and of areas that have been temporarily or finally stabilized at least once a month. Revisions to the EPSC Plan based on the results of these self-inspections shall be implemented within Seven (7) days.
- E. The Permittee shall prepare an Inspection Report consistent with the requirements of a KPDES General Permit for Stormwater Point Source Discharges — Construction Activities after each inspection and shall keep copies at the job site for inspection and review by the Bullitt County Department of Code Enforcement. At a minimum, the Inspection Report shall include the date, time of day, name of the person conducting the inspection, company represented, scope of the inspection, major observations relating to the EPSC Plan and BMPs installed, and subsequent changes. Code Enforcement may conduct inspections to confirm the validity of the Inspection Reports.
- F. The Permittee shall be self-policing and shall correct or remedy any EPSC measures that are not effective or functioning properly at all times during the various phases of construction.

SECTION 9- FEES

An Erosion Prevention and Sediment Control Permit shall not be issued until any fees required by the Bullitt County Department of Code Enforcement, in accordance with the Fee Schedule adopted by Bullitt County Fiscal Court, have been paid. Said fees may be charged for the cost of plan reviews, permit issuance, and inspections conducted pursuant to the authority granted under this Ordinance.

SECTION 10- ENFORCEMENT

- A. The Bullitt County Department of Code Enforcement shall be responsible for the enforcement of this Ordinance.
- B. The Bullitt County Department of Code Enforcement may issue a Stop-Work Order pursuant to an EPSC Permit as a result of a violation of the terms of the Permit or any provision of this Ordinance, including, but not limited to, the following violations:
- Undertaking any Land Disturbance Activity regulated under this Ordinance without an approved EPSC Permit;
 - Failure to fully implement the terms of an EPSC Plan; and
 - Failure to satisfy any of the conditions of an EPSC Permit and/or EPSC Plan.
- C. For the purposes of this section, a Stop-Work Order is validly issued by posting a copy on the site of the Land Disturbance Activity in reasonable proximity to the location where the Land Disturbance Activity is taking place. Additionally, a copy of the Order, in the case of work for which an EPSC Permit has been approved, shall be mailed by first class mail, postage pre-paid, to the address listed by the Permittee on the Permit. In the case of work for which there is not an approved EPSC Permit, a copy of the Order shall be mailed by first class mail, postage pre-paid, to the person listed as the property owner.
- D. Following issuance of a Stop-Work Order, if the Permittee fails to cease the non-compliant Land Disturbance Activity or fully comply with an approved EPSC Permit and/or corresponding EPSC Plan within Five (5) calendar days, the Bullitt County Department of Code Enforcement may revoke any approved EPSC Permit for said Permittee.
- E. The Bullitt County Department of Code Enforcement may reinstate an approved EPSC Permit and retract a revocation if the Permittee corrects all violations and complies with the conditions of the EPSC Permit and Plan and the provisions of this Ordinance.
- F. Following the issuance of a Stop-Work Order, in the event that an approved EPSC Permit has not been issued and any person fails to cease the non-compliant Land Disturbance Activity, the Bullitt County Department of Code Enforcement may pursue any available remedies, criminal or civil, allowed by law, including injunctive relief.
- H. Any person receiving a Stop-Work Order may appeal the determination of the Bullitt County Department of Code Enforcement to Bullitt Circuit Court.

SECTION 11- PENALTIES

A. Criminal Penalties:

Any person violating any of the provisions of this Ordinance shall upon conviction thereof be guilty of a Class B Misdemeanor and shall be fined in an amount not to exceed Two Hundred Fifty dollars (\$250.00), or shall be imprisoned for a term not to exceed Ninety (90) days, or both such fine and imprisonment. Each day a particular violation occurs shall constitute a separate offense.

B. Civil Penalties:

In addition to the criminal penalties set forth above, any person convicted of violating any of the provisions of this Ordinance shall be liable to Bullitt County Fiscal Court for a civil penalty in an amount not to exceed Four Thousand dollars (\$4,000.00) for each offense. Each day a particular violation occurs shall constitute a separate offense. Said civil penalty may be assessed and imposed by Bullitt District Court, pursuant to KRS § 24A.120.

SECTION 12- INTERPRETATION AND APPLICATION

This Ordinance shall be interpreted, construed and applied to insure consistency with the requirements of Kentucky law, the Federal Clean Water Act and all amendments thereto, and any Kentucky Pollutant Discharge Elimination System and/or National Pollutant Discharge Elimination System permits.

SECTION 13 - INCONSISTENT ORDINANCES REPEALED

All Ordinances which are hereafter found or determined to be in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 14- SEVERABILITY

Should any part or section of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, all other parts or sections of this Ordinance which are not found to be unconstitutional or otherwise invalid shall survive and remain in full force and effect.

SECTION 15- EFFECTIVE DATE

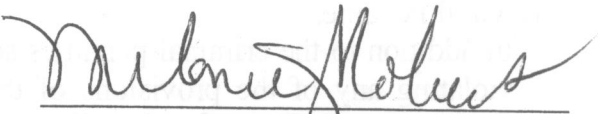
This Ordinance shall take effect and be in full force upon passage and publication pursuant to law.

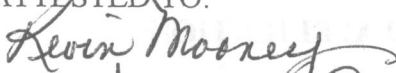

Given First Reading at a Regular Meeting of the Fiscal Court of Bullitt County, Kentucky on the 7th day of May, 2013.

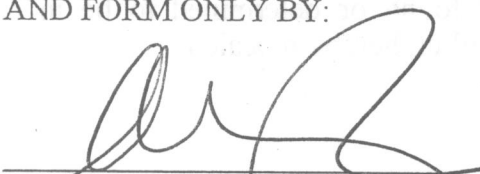
Given Second Reading, voted upon and passed at a Regular Meeting of the Fiscal Court of Bullitt County, Kentucky on the 21st day of May, 2013.

BULLITT COUNTY FISCAL COURT

05-21-13
DATE


MELANIE J. ROBERTS
COUNTY JUDGE/EXECUTIVE

ATTESTED TO:


KEVIN MOONEY
BULLITT COUNTY CLERK

APPROVED AS TO LEGALITY
AND FORM ONLY BY:

MONICA MEREDITH ROBINSON
BULLITT COUNTY ATTORNEY

Recorded in Fiscal Court Order
Book 039 Page 693-697

Recorded in County Ordinance
Book 4 Page 275-283

Ordinance # 13-20
Erosion Prevention, etc.
Adopted 05-21-13