

**HARDIN COUNTY, KENTUCKY
ORDINANCE NO. 320 SERIES 2019**

**AN ORDINANCE RELATING TO
POST-CONSTRUCTION RUNOFF CONTROL MAINTENANCE
IN HARDIN COUNTY, KENTUCKY**

Section I. Introduction / Purpose

WHEREAS, Hardin County Fiscal Court (Court) was issued a Stormwater Phase II General Permit (KPDES No. KYG200003) by the KY Division of Water, latest update May 1, 2018. The permit states that the Court must develop and implement an ordinance that addresses post-construction runoff control BMP maintenance from new development and redevelopment projects located within the MS4 area that disturb one acre or more, and from projects that disturb less than 1 acre if they are part of a larger common plan of development that disturbs one acre or more.

WHEREAS, the permittee shall require all new development or redevelopment within the MS4 area to establish and enter into a long-term maintenance agreement and maintenance plan for the approved management practices for property owners.

WHEREAS, the purpose of this ordinance is comply with the KPDES permit, protect water quality, and promote the public welfare by regulating the design and construction of stormwater facilities in new development and redevelopment projects and will be applicable to development throughout unincorporated Hardin County.

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of County of Hardin, Commonwealth of Kentucky:

Section II. Definitions

Best Management Practice (BMP) – A measure that is implemented to protect water quality and reduce the potential for pollution associated with stormwater runoff consistent with the Hardin County Fiscal Court Best Management Practices Handbook, which is hereby adopted by reference as if set out in full and made a part hereof, as may be duly amended or modified. This includes but is not limited to detention ponds, extended detention ponds, retention ponds, swales, bioretention systems, vegetated filters, hydrodynamic separators, porous pavement, underground storage or other approved devices.

County – As referenced herein, County shall mean Hardin County, a county elected official, county employee, representative or designated person or agency. It may include the County

Engineer, Road Supervisor, Code Enforcement Officer, Deputy Judge/Executive, Employee of the Planning Commission such as the Director, Planner or Building Inspector.

MS4 - a regulated small MS4 is defined as any small MS4 located in an "urbanized area" as defined by the U.S. Bureau of Census. (Those areas in un-incorporated Hardin County within the Urban Area Boundary and outside the limits of incorporated cities.)

Stormwater Plan - A document approved at the site design phase that outlines the measures and practices used to control stormwater runoff at a site.

Stormwater Manual – The Stormwater Manual adopted herewith by the County and incorporated into this Ordinance by reference to provide standards for the design and construction of stormwater facilities. From time to time, the County may revise, modify, or amend the Stormwater Manual as provided by law. When referenced in this Ordinance, the current edition, latest revision of the Stormwater Manual shall be used.

Stream – Any river, creek, or channel in which water flows for substantial periods of the year.

Urban Area Boundary - Boundary as defined and established by the US Bureau of Census.

Section III. Scope of Coverage

- A) Long term maintenance agreements are required on developed sites located within the unincorporated Hardin County with a Stormwater Management Plan that includes post-construction BMPs.

Section IV. Design

- A) All stormwater BMPs shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Design guidelines are outlined in the most recent version of the Hardin County Stormwater Manual. Other engineered sources may be used if submitted and approved by Hardin County Engineering Department.
- B) Stormwater easements and covenants shall be provided by the property owner for access for facility inspections and maintenance. Easements and covenants shall be recorded with the Hardin County Clerk's Office prior to the issuance of a permit.
- C) Final design shall be approved by the County Engineer.

Section V. Routine Maintenance

- A) All stormwater BMPs shall be maintained in accordance with design specifications and the site specific Operation and Maintenance (O&M) Plan. At a minimum, these measures must comply with the most recent version of Hardin County Best Management Practices Handbook and Kentucky Transportation Center Best Management Practices (BMPs) for Controlling Erosion, Sediment and Pollutant Runoff from Construction Sites, as recommended by the manufacturer or other sources as approved in the permit.
- B) The person(s) or organization(s) responsible for maintenance shall be designated in the plan. Options include:
 - 1) Property Owner
 - 2) Homeowner's association, provided that provisions for financing necessary maintenance are included in deed restrictions or other contractual agreements.
- C) Maintenance agreements shall specify responsibilities for financing maintenance.

Section VI. Nonroutine Maintenance

- A) Nonroutine maintenance includes maintenance activities that are expensive but infrequent, such as pond dredging or major repairs to stormwater structures.
- B) Nonroutine maintenance shall be performed on an as-needed basis based on information gathered during regular inspections.
- C) If nonroutine maintenance activities are not completed in a timely manner or as specified in the approved plan, Hardin County may complete the necessary maintenance at the owner's/operator's expense

Section VII. Inspection

- A) The person(s) or organization(s) responsible for maintenance shall inspect stormwater BMPs on a regular basis as outlined in the O&M Plan.
- B) Authorized representatives of Hardin County Engineering Department may enter at reasonable times to conduct on-site inspections or routine maintenance..
- C) For BMPs maintained by the property owner or homeowner's association, inspection and maintenance reports shall be filed with Hardin County Engineering Department as provided for in the O&M Plan.

- D) Authorized representatives of Hardin County Engineering Department may conduct inspections to confirm the information in the reports.

Section VIII. Enforcement

- A) Whenever the County finds that a person has violated a prohibition or has failed to meet a requirement of this Ordinance, the County may order compliance by sending a written notice of violation to the property owner. All violations shall be corrected within the time period specified in the notice, but in no case shall such time period be less than twenty-four (24) hours. The notice of violation shall be mailed to the property owner, or by personally serving, or by causing to be personally served, the property owner with a written notice of violation. If the violation is not corrected as specified, the County may, without limitation:
 - 1) Order such work as is necessary to leave the site in a safe condition and to achieve compliance with this Ordinance and the Stormwater Manual.
- B) Penalties – The County may commence appropriate legal action and/or seek equitable relief, including injunctive relief, against any person who fails to abate a violation and/or to restore an affected property prior to the deadline established in the notice of violation. Any person who violates, neglects, omits, or refuses to comply with any provision of this Ordinance shall, upon conviction, be fined not less than \$10.00 nor more than \$500.00 for each offense. The time of violation shall be measured from the time written notice to correct is given to the owner. Each day a violation is maintained shall constitute a separate offense. Any recoverable cost of corrective action shall be in addition to fines imposed as a penalty. The imposition of any penalty shall not exempt the violator from compliance with the provisions of this Ordinance.

Section X. 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.

Section XI. Effective Date

The effective date of this Ordinance shall be July 1, 2019.

Section XII. Conflicts

All ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of said conflict.

Given First Reading on this the 9th day of July, 2019.

Given Second Reading on this the 23rd day of July, 2019.

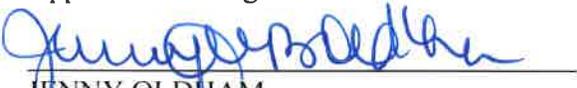
Adopted on this the 23rd day of July, 2019.


HARRY L. BERRY
HARDIN COUNTY JUDGE/EXECUTIVE

Attested by:


DEBBIE DONNELLY
HARDIN COUNTY COURT CLERK

Approved as to legal form:


JENNY OLDHAM
HARDIN COUNTY ATTORNEY
F:\05-019 Ordinance\PostConstructionRunoffControl

PUBLISHED
THE NEWS ENTERPRISE
SUNDAY, JULY 14, 2019

PUBLIC NOTICE

Hardin County Fiscal Court, in its regular meeting on 9 July 2019, had the first reading of Ordinance No. 320, Series 2019 entitled:

**AN ORDINANCE RELATING TO POST-
CONSTRUCTION RUNOFF CONTROL
MAINTENANCE IN HARDIN COUNTY,
KENTUCKY**

A Second Reading of the proposed Ordinance will be held on 23 July 2019 at a Regular Fiscal Court meeting at 3:30 P.M., at the Hardin County Government Building, 150 N. Provident Way, 3rd Floor, Fiscal Courtroom, Elizabethtown, Kentucky.

A copy of the full text of the ordinance is available in the office of the Hardin County Judge/Executive's Office, 150 North Provident Way, Suite 314, Elizabethtown, Kentucky, Monday through Friday from 8:00 a.m. to 4:30 p.m.

/s/ Harry L. Berry
Hardin County Judge/Executive