

ORDINANCE NO. 04-011

AN ORDINANCE OF THE CITY OF PIONEER VILLAGE ESTABLISHING THE GUIDELINES AND REGULATIONS NECESSARY TO COMPLY WITH THE MUNICIPAL SEPARATE STORM DRAINAGE SYSTEM REQUIREMENTS MANDATED BY THE FEDERAL AND STATE GOVERNMENTS FOR THE PROTECTION OF THE PUBLIC AND WATERS WITHIN THE BOUNDARIES OF THE CITY, PROVIDING FOR ENFORCEMENT AND PENALTIES FOR NONCOMPLIANCE.

WHEREAS, the City of Pioneer Village is required to comply with the mandates of the federal/state government concerning regulation of the stormwater system and contributing discharge sources, and

WHEREAS, the City of Pioneer Village must accomplish these federal/state mandates by the adoption of regulatory ordinances, and

WHEREAS, the City of Pioneer Village wishes to provide for the health, safety, and general welfare of the citizens of Pioneer Village through the relations of non-storm water discharges and drainage to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges and drainage by any user.**
- (2) To prohibit Illicit Connections, Discharges and Drainage to the municipal separate storm sewer system.**
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.**

WHEREAS, the City of Pioneer Village believes during the construction process, soil is the most vulnerable to erosion by wind and water. This eroded soil endangers water resources by reducing water quality, and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches, and the dredging of lakes. In addition, clearing and grading during construction causes the loss of native vegetation necessary for terrestrial and aquatic habitat, and to provide a healthy living environment for citizens of Pioneer Village.

As a result, the purpose of this regulation is to safeguard persons, protect property, prevent damage to the environment and promote the public welfare by guiding, regulating, and controlling the design, construction, and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land in the City of Pioneer Village.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PIONEER VILLAGE, as follows:

SECTION 1. DEFINITIONS.

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency: employees or designees of the City of Pioneer Village designated to enforce this ordinance.

Best Management Practices (BMPs): schedules of activities, prohibition of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management and construction practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Certified Contractor: An individual who has received training and is certified by EPA and/or Public Protection Cabinet to construct, inspect and maintain erosion and sediment control practices.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Clearing: Any activity which removes the vegetative surface cover.

Drainage Way: Any natural or constructed feature that conveys concentrated surface runoff throughout a site.

Erosion Control: Measures that prevent erosion.

Erosion and Sediment Control Plan: A set of plans prepared by or under the direction of a licensed professional engineer or landscape architect indicating the specific measures and sequencing to be used controlling sediment and erosion on a development site both before, during and after construction.

Grading: Excavation or fill of material, including the resulting conditions thereof.

Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 5 of this ordinance.

Illicit Connections: An illicit connection is defined as either of the following:
Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by EPA (or by a State under authority delegated pursuant 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Perimeter Control: A barrier that prevents sediment from leaving a site either by filtering sediment-laden runoff, or diverting it to a sediment trap or basin.

Phasing: Clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Sediment Control: Measures that prevent eroded sediment from leaving the site.

Site: A parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site Development Permit: A permit issued by the municipality for which the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.

Stabilization: The use of practices that prevent exposed soil from eroding.

Start of Construction: The first land-disturbing activity associated with a development, including land preparation such as clearing, grading and filing; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Storm Drainage System: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Wastewater: means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Watercourse: Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the City of Pioneer Village.

Waterway: A channel that directs surface runoff to a watercourse, or to the public storm drain.

SECTION 2. APPLICABILITY.

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City of Pioneer Village or its designated agent.

SECTION 3. RESPONSIBILITY FOR ADMINISTRATION.

The City Council or its designee/agent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the City of Pioneer Village may be delegated in writing by the City of Pioneer Village to persons or entities acting in the beneficial interest of, or in the employ of the City.

SECTION 4. ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

SECTION 5. DISCHARGE PROHIBITIONS.

Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (a) Discharges specified in writing by the City of Pioneer Village or its designated agent as being necessary to protect public health and safety.
- (b) Dye testing is an allowable discharge, but requires a verbal notification to the City of Pioneer Village or its designated agent.
- (c) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections.

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

SECTION 6. SUSPENSION OF MS4 ACCESS.

Suspension due to Illicit Discharges in Emergency Situations

The City of Pioneer Village, or its designee/agent may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the City Council of the City of Pioneer Village for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City of Pioneer Village.

SECTION 7. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity KPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Pioneer Village prior to the allowing of discharges to the MS4.

SECTION 8. MONITORING OF DISCHARGES.

A. Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities.

- (a) The City of Pioneer Village or its designated agent shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. The owner/lessee/operator of the facilities shall make the necessary arrangements to allow access to representatives of the City of Pioneer Village.

- (b) Facility operators shall allow the City of Pioneer Village or its designated agent ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- (c) The City of Pioneer Village or its designated agent shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City of Pioneer Village to conduct monitoring and/or sampling of the facility's storm water discharge.
- (d) The City of Pioneer Village or its designated agent has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the designated City agent and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (f) Unreasonable delays in allowing the designated City agent access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the designated City agent reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- (g) If the designated City agent has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the designated City agent may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 9. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The City of Pioneer Village will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense,

reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

SECTION 10. WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 11. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City of Pioneer Village in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice address and mailed to the City of Pioneer Village within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 12. ENFORCEMENT.

A. Notice of Violation.

Whenever the City of Pioneer Village or its designated agent finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City of Pioneer Village or its designated agent may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

SECTION 13. APPEAL ON NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the City. The notice of appeal must be received within thirty (30) days from the date of the Notice of Violation. Hearing on the appeal before the City Council or its designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

SECTION 14. ENFORCEMENT MEASURES AFTER APPEAL.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within thirty (30) days of the decision of the municipal authority upholding the decision of the designated City agent, then representatives of the City of Pioneer Village shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION 15. COST OF ABATEMENT OF THE VIOLATION.

Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within thirty (30) days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special

assessment against the property and shall constitute a lien on the property for the amount of the assessment.

SECTION 16. INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City of Pioneer Village or its designated agent may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION 17. COMPENSATORY ACTION.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the City of Pioneer Village may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

SECTION 18. PERMITS.

A. No person shall be granted a site development permit for land-disturbing activity which would require the uncovering of one (1) or more acres without the approval of the City of Pioneer Village or its designated agent.

B. No site development permit is required for the following activities:

1. Any emergency activity which is immediately necessary for the protection of life, property or natural resources.
2. Existing nursery and agricultural operations conducted as a permitted main or accessory use.

C. Each application shall bear the name(s) and address(es) of the owner, developer or designated contractor of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee as may be established by the City of Pioneer Village.

D. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan.

E. Review and approval

1. The City of Pioneer Village or its designated agent will review each application for a site development permit to determine its conformance with the provisions of this ordinance. Within thirty (30) days after receiving an

application, the City of Pioneer Village or its designated agent shall, in writing:

- a. approve the permit application;
 - b. approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 - c. disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.
2. Failure of the City of Pioneer Village or its designated agent to act on original or revised applications within thirty (30) days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the City of Pioneer Village or its designated agent. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the City of Pioneer Village or its designated agent.

SECTION 19. EROSION AND SEDIMENT CONTROL PLAN.

A. The Erosion and Sediment Control Plan shall include:

1. A soil survey map identifying soils, and existing vegetative cover. A soil survey will be available at the City of Pioneer Village, or the local ASCS office.
2. A sequence of construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary erosion and sediment measures, and establishment of permanent vegetation.
3. All erosion and sediment control measures necessary to meet the objectives of this ordinance throughout all phases of construction and permanently, after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
4. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
5. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

B. Modifications to the plan:

1. Major amendments of the erosion and sediment control plan shall be submitted to the City of Pioneer Village or its designated agent and shall be processed and approved, or disapproved, in the same manner as the original plans.
2. Field modifications of a minor nature may be authorized by the City of Pioneer Village or its designated agent by written authorization to the permittee.

SECTION 20. DESIGN REQUIREMENTS.

Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth by the City of Pioneer Village, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of City of Pioneer Village.

A. Clearing and Grading

1. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all statutes and ordinances.
2. Clearing techniques that retain natural vegetation and retain natural drainage patterns, shall be used to the satisfaction of the City of Pioneer Village.
3. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
4. Cut and fill slopes shall be *no greater than 2:1*, except as approved by the City of Pioneer Village or its designated agent to meet other community or environmental objectives.

B. Erosion Control

1. Soil must be stabilized using appropriate temporary measures if construction activity is halted for a period of 14 days.
2. If vegetative erosion control methods, such as seeding, have not become established within *two weeks*, the City of Pioneer Village or its designated agent may require that the site be reseeded, or that a non-vegetative option be employed.
3. On steep slopes or in drainage ways, special techniques that meet the design criteria established by the City of Pioneer Village shall be used to ensure stabilization.

4. Soil stockpiles must be stabilized or covered at the end of any period of inactivity exceeding fourteen days.
5. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
6. Techniques that divert upland runoff past disturbed slopes shall be employed.

C. Sediment Controls

1. Sediment controls shall be provided in the form of settling basins or sediment traps or tanks, and perimeter controls.
2. Where possible, settling basins shall be designed in a manner that allows adaptation to provide long term stormwater management.
3. Adjacent properties when possible may be protected by the use of a vegetated buffer strip, in combination with perimeter controls.

D. Waterways and Watercourses

1. When a wet watercourse must be crossed regularly during construction, a temporary stream crossing shall be provided, and an approval obtained from the City of Pioneer Village and any required state agency.
2. When in-channel work is conducted, the channel shall be stabilized before, during and after work.
3. All on-site stormwater conveyance channels shall be designed according to the criteria established by the City of Pioneer Village.
4. Stabilization adequate to prevent erosion must be provided at the outlets of all pipes and paved channels.

E. Construction Site Access

1. A temporary access road shall be provided at all sites.
2. Other measures may be required at the discretion of the City of Pioneer Village or its designated agent in order to ensure that sediment is not tracked onto public streets by construction vehicles, or washed into storm drains.

SECTION 21. INSPECTION.

A. The City of Pioneer Village or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify

the permittee wherein the work fails to comply with the erosion and sediment control plan as approved. Plans for grading, stripping, excavating, and filling work bearing the approval of the City of Pioneer Village shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the City of Pioneer Village or its designated agent at least two (2) working days before the following:

1. Start of Construction
2. Erosion and sediment control measures are in place and stabilized.
3. Rough Grading has been completed
4. Final Stabilization

B. The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved erosion and sediment control plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for additional control measures. All inspections shall be documented in written form and maintained at the site and produced upon request of the City of Pioneer Village or its designated agent.

C. The City of Pioneer Village or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section B.

SECTION 22. ENFORCEMENT.

A. Stop-Work Order; Revocation of Permit

In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City of Pioneer Village may suspend or revoke the site development permit.

B. Violation and Penalties

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this ordinance is committed, continued or remitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than Two Hundred Fifty Dollars

\$250.00 for each offense, each day shall constitute a separate offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

SECTION 23. REMEDIES NOT EXCLUSIVE.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City of Pioneer Village or its designated agent to seek cumulative remedies.

SECTION 24. VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION 25. SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 26. EFFECTIVE DATE.

Sections one (1), two (2), three (3), four (4), five (5), six (6), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), twenty three (23) and twenty four (24), of this Ordinance shall be in full force and effect the 1st day of January, 2005.

Sections seven (7), eight (8), nine (9), eighteen (18), Nineteen (19), twenty (20), twenty one (21), and twenty two (22) of this Ordinance shall be in full force and effect on the 1st day of January 2006.

SECTION 27. PUBLICATION.

This Ordinance shall be published according to law.

SECTION 28. REPEAL.

Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance.

Given first reading at a regular meeting of the City Council of the City of Pioneer Village, Bullitt County, Kentucky, on the 26th day of October, 2004. Given second reading, voted upon and passed at the regular meeting of the City Council of the City of Pioneer Village, Bullitt County, Kentucky, the 23rd day of November, 2004.

Votes for _____; Votes against _____; Not Voting _____.

Gary W. Hatcher
GARY W. HATCHER, MAYOR

ATTEST:

Tonya S. Hall
TONYA S. HALL, CITY CLERK