ORDINANCE NO. 2003-06

AN ORDINANCE ADOPTING REGULATIONS DESIGNED TO LESSEN OR AVOID HAZARDS TO PERSONS AND PROPERTY CAUSED BY INCREASED STORMWATER RUNOFF OR BY OBSTRUCTION OF DRAINAGE; PROVIDING FOR DEFINITIONS, DESIGN CRITERIA AND PERFORMANCE STANDARDS; AND PROVIDING FOR ADMINISTRATION, ENFORCEMENT AND IMPLEMENTATION, WITH A SEVERABILITY CLAUSE, REPEALER CLAUSE, PENALTY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, it has been determined that management of stormwater runoff and drainage is important for preservation of soil stabilization, for prevention of flooding, and for protection of the persons, property and the environment; and

WHEREAS, the City Council in and for the City of Russellville, Kentucky, finds it to be in the best interest of the health, safety and welfare of the citizens of Russellville for the promulgation of a Stormwater Management Ordinance;

NOW, THEREFORE, be it ordained by the City Council of the City of Russellville, Kentucky as follows:

SECTION I - GENERAL

A. Purpose: The purpose of this Ordinance is to reduce or eliminate the hazards to public health and safety caused by excessive stormwater runoff, reduce economic losses to individuals and the community at large, enhance broader social and economic objectives, and protect, conserve and promote the orderly development of land and water resources. The provisions of this Ordinance further supplement ordinances regulating:

1. The subdivision, layout and improvement of lands located within the corporate limits of city of Russellville;

2. The excavating, filling and grading of lots and other parcels of areas;

3. The construction of buildings and the drainage of the sites on which those structures are located to include parking and other paved areas;

4. The design, construction and maintenance of stormwater drainage facilities and systems.

B. Conflicting Ordinances: The provisions of this Ordinance shall be deemed as additional requirements to standards required by the Ordinances of the City of Russellville, statutes and laws of the Commonwealth of Kentucky, and laws of the United States of America. In the case of conflicting requirements, the most restrictive shall apply.

C. Other Permits: Before starting any activities regulated by this Ordinance, an applicant shall comply with the requirements set forth in other applicable Ordinances with respect to the submission and approval of preliminary and final subdivision plats, improvement plans, building and zoning permits, inspections, appeals and similar matters, along with those set forth in this Ordinance and as may be required by State statutes and the regulations of any department of the State of Kentucky.

D. Definitions: For the purpose of this Ordinance, the following definitions are adopted:

1. *Detention Facility* - Any structure which is designed to collect and store surface water for subsequent gradual discharge.

2. *Drainage Facility* - Any component of the drainage system. The total drainage system consists of two distinct components, the minor system and the major system. Both systems must be jointly planned and properly engineered.

3. *The Minor Drainage System* - The initial stormwater collection network which conveys the runoff from relatively frequent rainfall events. Elements of the minor system include yard swales, street or roadway curbs and gutters, and storm sewers or open ditches which collect and concentrate local storm runoff. The minor system may be thought of as the drainage system which handles the local storm runoff generated within the confines of a subdivision or a neighborhood. It is not practical or economical to size the minor system components for major or infrequent storm events. The objective in minor system planning and design is to provide for convenience, eliminate nuisance ponding of water and frequently occurring minor flood damage, and to minimize street maintenance efforts. The design storm return period for the minor system is 10 years.

4. *The Major Drainage System* - The system that conveys the runoff when capacity of the minor system is exceeded or inoperable due to temporary blockage. The major system

consists of major channels, large conduits and impoundments, as well as the less obvious watercourses inundated during surcharging and overflow from the minor system. The objective in major system planning and design is to eliminate property damage and loss of life during major storm events. The design storm return period for the major system is 100 years.

5. *Excess Stormwater Runoff* - That portion of the stormwater which exceeds the safe storm drainage capacity of storm sewers or natural drainage channels serving a specific watershed.

6. *Protected Channel* - A channel which receives stormwater discharge and which is paved, rip-rapped or otherwise improved by addition of man-made materials so as to reduce the potential for erosion.

7. *Safe Storm Drainage Capacity* - The quantity of stormwater runoff that can be transported by a channel or conduit without having the water surface rise above the top of the channel or conduit.

8. *Stormwater Channel* - A natural or man-made open watercourse with definite bed and banks which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.

9. *Stormwater Runoff* - Water that results from precipitation which is not absorbed by the soil or vegetation or evaporated and which flows over the ground surface or is collected in channels or conduits.

10. *Stormwater Runoff Release Rate* - The rate of which storm-water runoff is released from dominant to servient land.

11. *100-year 24-Hour Frequency Rainfall* - A precipitation event of 24-hours duration, having a one percent chance of occurring in any one year.

12. *Floodplain* - The general floodplain area is that portion of the flood hazard area subject to periodic flooding and delineated by the latest revision of the flood hazard boundary maps prepared by the Federal Emergency Management Agency and designated as the 100-year floodplain boundary.

Where no map exists, boundaries of area may he determined by hydrologic calculation. In calculating the boundaries of the floodplain the regulatory flood shall be a 100-year frequency flood and it shall be assumed that the entire drainage area contributing stormwater runoff which is deposited in the channel location in question will be developed as the City zoning and subdivision regulations suggest.

13. *Floodway* - The floodway is that portion of the flood hazard determined by the hydraulic calculations as the stream channel and overbank areas which are capable of conveying the regulatory flood discharge, a 100-year frequency flood discharge, keeping it within designated heights and velocities. The floodway is intended to be kept free of encroachment to carry the deeper fast moving water, and to serve as the primary drainage way for conveyance of floodwater. The designated height for determining the floodway boundaries is one foot increase of the 100-year flood elevations.

SECTION II: DESIGN CRITERIA AND PERFORMANCE STANDARDS

A. Applicability: A Stormwater Management Plan shall be required for any residential, commercial, industrial, institutional or utility development. No final subdivision plat shall be approved and no building permits shall be issued and no construction shall take place or be allowed to continue, until and unless the Stormwater Management Plan has been reviewed and approved by the City of Russellville.

This ordinance shall apply to any of the above-listed developments notwithstanding plat approval prior to its passage. Provided, however, that any subdivision or development which has been platted and approved by the Joint Logan Cities and County Planning Commission and the City of Russellville prior to the passage of this ordinance and for which building permits have been issued, shall be exempt from compliance. However, any additions to existing subdivisions or development or the addition of new structures for which building permits have not been issued, in existing subdivisions or commercial development, shall be required to comply with this ordinance, beginning the effective date of adoption.

B. Stormwater Management Plan: The required Stormwater Management Plan shall identify means for controlling the stormwater runoff release rate from the development and providing storage

potential for the excess stormwater runoff where required. All computations, plans and specifications related to the implementation of this ordinance must be prepared and sealed by a professional engineer registered in Kentucky. The Stormwater Management Plan shall contain but not be limited to the following information unless specifically excluded by the City's Drainage Coordinator:

1. A topographic map of the project site and adjacent areas, of suitable scale and contour interval, which shall define the location of streams, the extent of floodplains and calculated high water elevations, the shoreline of lakes, ponds, swamps and detention basins including their inflow and outflow structures, if any.

2. Maps showing predevelopment and post-development drainage areas used for computations of the drainage design runoff hydrographs and hydrologic data for each drainage area: runoff curve number, time of concentration, area, etc.

3. The location and flowline elevation of all existing sanitary, storm, or combined sewers.

4. Detailed determination of runoff anticipated for the ~~entire project site following development indicating design~~ volumes and rates of the projected runoff for each portion of the watershed tributary to the storm drainage system, the calculations used to determine said runoff volumes and rates and restatement of the criteria which have been used by the project engineer throughout his/her calculations.

5. A layout of the proposed stormwater management system including the location, size and elevations of all drainage structures, storm sewers, channels and channel sections, detention basins, and analyses regarding the effect said improvements will have upon the receiving channel and its high water elevation.

6. The slope, type, and size of all existing and proposed storm sewers and other waterways.

7. For all detention basins, a plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations.

8. For all detention basins, design hydrographs of inflow and outflow for the 10-year, 1-hour, 25-year, 24-hour, and 100-year, 1-hour design runoff events for the site under developed conditions and the calculated 10-year 1hour, 25-year, 24-hour and 100-year, 1-hour peak flows from the site under natural and developed conditions.

9. For minor drainage system, the design storm return period is ten (10) years. For major drainage system, the design storm return period is 100 years.

10. A profile and one or more cross sections of all existing and proposed channels or other open drainage facilities, showing existing conditions and the proposed changes thereto, together with the highwater elevations expected from stormwater runoff under the controlled conditions called for by these regulations and the relationship of structures, streets, and other utilities to such channels.

11. Embankment design computations including seepage control slope protection and freeboard calculations use Soil Conservation Service criteria as a guide? for permanent pool basins.

~~12. Calculations of effects (if any) on established flood~~ plain boundaries.

C. Design Criteria: The following rules shall govern the design of improvements with respect to managing stormwater runoff:

1. *Methods of Determining Stormwater Runoff Rate and Volume* - For the design of drainage and storage facilities runoff discharge rate and total volume shall be calculated using the Rational Method, Soil Conservation Service Method or some other accepted method as agreed in advance with the City's Drainage Coordinator.

2. *Release Rate* - The controlled release rate of stormwater runoff from all developments described in II(A) shall not exceed the pre-development peak rate for a storm event of given frequency and duration. The rate at which stormwater runoff is delivered to a designated stormwater storage area shall be unrestricted.

In the event the natural downstream channel or storm sewer system is inadequate to accommodate the release rate pro-

vided above, then the allowable release rate shall be reduced to that rate permitted by the capacity of the downstream channel or storm sewer system.

3. *Development Design* - Streets, blocks, lots, parks, and other public grounds shall be located and laid out in such a manner as to minimize the velocity of overland flow and allow maximum opportunity for infiltration of stormwater into the ground, and to preserve and utilize existing and planned streams, channels, and detention basins, and include, whenever possible, streams and floodplain within parks and other public grounds.

Consideration must be given in the preparation of development drainage plans to preclude adverse impacts due to higher rates and volumes of flow that will occur during construction.

4. *Detention* - The increased stormwater runoff resulting from the proposed development may be accommodated by the provision of appropriate detention facilities including wet or dry bottom reservoirs, flat roofs, parking lots, underground vaults, road embankment, recreation area, or streets. The following shall govern the design of detention facilities:

(a) Storage Volume: The volume of storage potential provided in detention facilities shall be sufficient to control the -excess stormwater runoff, from the site in its developed state for the 10-year, 1-hour, 25-year, 24-hour and 100-year, 1-hour frequency rainfalls as published by the U. S. Weather Bureau. The allowable stormwater release rate from the detention facilities shall not be exceeded regardless of the depth of stormwater contained in the required stormwater detention facility.

(b) Release Rate: At no time during the design storm shall the stormwater runoff release rate exceed the allowable release rate as set forth in Section II(C)(2).

(c) Release Velocity: Detention facilities shall release stormwater at a non-erosive velocity. Protected channels receiving detention discharge shall incorporate features to reduce velocity to non-erosive levels at the point where such discharge enters the unprotected channel. If release is into a subsurface

conduit the energy gradient in the receiving facility shall not be increased beyond the slope of the conduit.

(d) Spillway: Emergency spillways shall be provided to permit the safe passage of runoff generated from a 100-year, 24-hour storm, or greater if required by State law.

(e) Freeboard: Detention facilities shall have adequate capacity to contain the storage volume of tributary stormwater runoff with at least one (1) foot of freeboard above the water surface of flow in the emergency spillway in a 100-year, 24-hour storm or as required by State law.

C: Performance Standards

1. *Stormwater Channel Location* - Generally acceptable locations of stormwater channels in the design of a subdivision may include but are not limited to the following:

(i) Adjacent to roadways;

(ii) In a depressed median of a double roadway, street or parkway provided the median is wide enough to permit slopes of one (1) foot drop in six (6) feet horizontal or flatter;

(iii) Centered on lot lines or entirely within the real yards of a single row of lots or parcels;

(iv) In each of the foregoing cases, a drainage easement with sufficient width to facilitate maintenance and design flow shall be provided and shown on the plat;

(v) If it is deemed to be appropriate by the design engineer to discharge concentrated surface water on an adjoining property at a location other than a natural or manmade drainage way, a written agreement between the parties or a general release, or an easement should be obtained for allowing the condition to exist;

(vi) The owner or developer may discharge storm water which has not been concentrated into a lower lying property, if the post-development peak rate does not exceed the pre-development peak rate and if the increase in volume caused by the development will not have an adverse impact on the lower lying property.

2. *Storm Sewer Outfall* - The storm sewer outfall shall be designed to provide adequate protection against downstream erosion and scouring.

3. *Detention Basin* -

(i) Some major detention structures may also be required to comply with additional Commonwealth of Kentucky design criteria.

(ii) The facility shall be protected form soil erosion during all probable flow conditions imposed by the design storms.

(iii) Unlined spillways shall be placed on either undisturbed ground or on a stabilized foundation and not on fill material.

~~(iv)~~ Side slopes for grassed areas shall not be steeper than 2:1 (horizontal: vertical).

(v) The earthen side slopes of retention basins (permanent ponds) steeper than 3:1 shall be protected from erosion using a rip rap layer one foot thick or other suitable material extending from a level three feet below the permanent pool design elevation to the maximum water surface elevation determined during routing of the 10-year, 1-hour design storm runoff.

(vi) Where possible, the shape of the basin shall conform to the natural topography.

(vii) Where detention/retention basins are planned to be within 300 feet of a residence or recreational area, additional design criteria shall be considered so as not to create a potential or actual health or safety hazard. The following are possible requirements:

(a) landscaping and/or fences;

(b) trash racks and barriers to prevent entrance into the inlet and outlet structures;

(c) grading to prevent steep drop-offs;

(d) signs to alert persons that the basin will flood during heavy rains.

(viii) Control devices subject to theft or vandalism shall be adequately protected (bolted, heavy duty chain and lock, etc.).

(ix) Railing of fences shall be placed around the tope edge of inlet and outlet structures where the drop is equal to or greater than 3.5 feet.

(x) Grass bottoms in detention basins shall be designed with minimum slopes of two percent to promote adequate surface drainage.

(xi) Where multiple-purpose use of the detention/retention area is planned or poor draining soils are found, provisions for adequate low flow drainage may be required.

(xii) Detention/retention basins having permanent pool may be provided with a drain pipe and a suitable gate or valve located at the upstream end of the drain pipe. The drain pipe and valve shall be so configured to permit complete draining of the basin.

(xiii) To provide a maintenance access (for a three acre feet basin or larger), the following requirements shall be satisfied:

(a) Unobstructed access ways shall be designed and shown on plans and constructed with the facility;

(b) The length of the access way from public right-of-way shall be minimized;

(c) Multiple accesses may be required;

(d) Grading of access ways to facilities should leave slopes which are not too steep (5:1 maximum) to accommodate maintenance vehicles;

(e) Detention/retention facilities requiring review by state agencies will have at least one all weather access roadway to include a minimum ten feet wide surface to the satisfaction of the City Engineer.

(xiv) Underground box chambers for temporary storage of storm water shall be provided with more than one access point for ventilation and cleaning. Rectangular chambers shall have a minimum height of 36 inches to facilitate maintenance. Underground circular chambers shall have minimum height of 36 inches.

(xv) Watertight pipe shall be provided on all outlet where the 25-year design storm headwater exceeds twice the diameter of the pipe. The use of anti-seep collars shall be evaluated when the headwater exceeds six feet.

4. *Sinkhole Drainage Areas* - For the purposes of this section, the following definitions shall apply:

Sinkhole: Any closed depression formed by removal (typically underground of water, surficial soil, rock or other material). The existence of a sinkhole shall be as indicated by the closed depression contour lines on topographic maps or other documents. Its actual limits may, however, be determined by field measurements with concurrence of the City's Drainage coordinator. Sinkholes may be either circular in plan or irregular depending upon structural control.

Immediate Sinkhole Drainage Area: Any area that contributes surface water directly to the sinkhole(s); this does not include areas which contribute surface water indirectly to a sinkhole (via streams).

Sinkhole Cluster Area: Any area that contributes surface water other than by way of a stream to a sinkhole which is located in a group of two or more sinkholes clustering together.

(a) *Plan Requirements* - A sinkhole, the immediate sinkhole drainage area, a sinkhole cluster area or portions of such

items shall be shown on any development or preliminary subdivision plan for land where they exist. Sinkhole related non-buildable areas and restricted fill area shall be shown on final subdivision plans and development plans.

(b) *Sinkhole Related Non-Buildable Areas* - Based upon the topography, geology, soils, and known history of the sinkhole (such as past filling) and the developer's engineer's storm water analysis and plan, the City's Drainage Coordinator shall establish sinkhole related non-buildable areas. No buildings, parking areas or other structures shall be permitted, within the sinkhole related non-buildable area.

This non-buildable area shall follow the limits of the sinkhole in most cases. However, the non-buildable area may be expanded or contracted by action of the City of Russellville where warranted due to the nature of the specific sinkhole, the underlying geology, soils, drainage and any related information such as depth to bedrock. In sinkhole cluster areas, the City may require the developer to provide recommendations from a consulting engineer and a consulting hydrogeologist based upon substantial and state-of-the-art field studies and evaluation of the specific sinkhole system. Such studies will be reviewed by the City's Drainage Coordinator.

(c) *Development in Sinkhole Drainage Areas* - Development may occur in the immediate sinkhole drainage area if the developer provides alternative surface drainage away from the sinkhole, while keeping the water in the same surface drainage basin, and provided further that the water shall not go into another sinkhole drainage area off the petitioner property, nor into another stream of known flooding problems. The immediate sinkhole drainage area (or portion thereof) which cannot be provided with an alternative drainage system car: be deleted from the development area and be used to meet the normal open space requirements.

For portions of the immediate sinkhole drainage area where alternative surface drainage methods cannot be provided, as determined by the City's Drainage Coordinator, the developer may choose one of the following options:

(d) *Sinkhole Surface Drainage Analyses* - The sinkhole can be used for surface runoff drainage of a proposed development if the conditions of either of the following alternatives are met:

Alternative 1 - A sinkhole can be used for surface runoff of a proposed development with or without retention or detention facilities as recommended by a consulting engineer and a consulting hydrogeologist, provided that any increase in the quantity of surface runoff due to development of the entire sinkhole drainage area in question will not aggravate flooding on the proposed development adjacent existing development, or connected/adjacent sinkhole subsurface systems. Such engineering and geological report must be substantive and based on state-of-the-art field studies and evaluation of the specific sinkhole system. The City of Russellville shall not approve development proposals subject to Alternative 1 provisions unless the study findings meet the requirements of this subsection.

Alternative 2 - A sinkhole can be used for surface drainage of a proposed development if all of the following conditions and provisions are met:

(i) That the runoff from the development area is either (1) completely retained in a retention basin or (2) retained in a detention basin. The flow rate out of the above basins shall be regulated sot hat it is no greater than the flow rate into the sinkhole of the development area prior to development for each of the following storms: ten (10) year/one (1) hour; twenty-five (25) year/twenty-four (24) hour storm; or a one hundred (100 year/one (1) hour storm. The outflow rate shall not aggravate flooding on downstream properties for any of these storms.

(ii) As previously noted, the developer may elect to divert enough of the sinkhole drainage area so that the development of the remaining area does not increase the total quantity of runoff into the sinkhole. where additional runoff is anticipated, a consulting engineer and a hydrogeologist shall evaluate and show the effect of any additional quantity of runoff to the sinkhole and sinkhole system. For approval, the study must show the development will not aggravate flooding on the proposed development, adjacent lands, or connected/adjacent sinkhole systems.

(iii) Where the sinkhole outlet is offsite, either the runoff leaving the subject property must be shown to be no greater in flow or in quantity than that which existed before development or written approvals must be submitted from owners of the property where any increase in flow or quantity of water must go to reach the sinkhole outlet. Easement areas shall be approved by the City, based upon the developer's engineer calculations of proposed ponding elevation.

(5) *Filling in Sinkhole Drainage Areas* - Development may involve some filling of the sinkhole drainage area or sinkhole upon approval by the City's Drainage Coordinator. However, no principal or accessory buildings with soil bearing foundations shall be permitted to be constructed on fill within the limits of any sinkhole.

(6) *Required Plan Notes* - For any land which includes a sinkhole related non-buildable area, or restricted fill area, the developer shall place the following note on the final subdivision plan or development plan:

(a) Based upon the evidence presented, the City of Russellville has identified sinkhole related non-buildable areas on this plan. However, approval of this plan is not be interpreted as any guarantee that future sinkhole problems will not occur due to either natural or human activities.

The following notes may be required in whole or part by the City depending upon the nature of the sinkhole and the method of treatment (if any) constructed by the developer:

(b) Any related non-buildable area identified here has been determined to be unsuitable for any construction activity, and no buildings, parking areas or other structures shall be permitted within this area.

(c) Any sinkhole or restricted fill area identified here has been determined to be unsuitable for soil. bearing foundations, and the entire structure of any building (including the floor system) constructed therein must be founded on solid rock.

(d) No basement or first floor elevations shall be lower than an elevation, USGS datum, to be determined on a case-by-case basis, said elevation being at least one (1) foot above the one hundred (100) year six (6) hour storm assuming no outflow from the sinkhole.

Based upon the facts of each case, additional notes may be required or the above language modified as deemed appropriate by the City of Russellville.

(e) *Lot Lines* - Whenever the plans call for the passage and/or storage of stormwater runoff along lot lines, the grading of all such lots shall be prescribed and established for the passage and/or storage of waters, and no structure or vegetation which would obstruct the flow of stormwater shall be allowed, nor shall any change be made to the prescribed grades and contours of the specified stormwater channels.

(f) *Manholes* - All utility sewer manholes constructed in an area designed for the storage or passage of stormwater, shall be provided with either a water-tight manhole cover or be constructed with a rim elevation of a minimum of one (1) foot above the high water elevation of the design storm.

(g) *Easement* - Permanent easements for the detention and conveyance of stormwater, including easements of access to structures and facilities shall be dedicated to the City.

(h) *Obstruction of Drainage* - The keeping of disposal of grass clippings, trash, debris, obstructions or unwanted materials into the storm sewers or within or along stormwater channels or in adjacent flood plain areas which may wash into sewers and channels is prohibited.

(i) *Permits Required for Construction Within Floodplains* - Construction within floodplains will require authorization by the City of Russellville; Kentucky Natural Resources and Environmental Protection Cabinet, and the U.S. Army Crops of Engineers, where applicable. Each agency should be consulted well in advance of construction for assistance in completing the required permits.

(j) *Maintenance* - Provisions acceptable to the City for perpetual maintenance of detention facilities, outlet works, and appurtenances shall be made, as provided in Section III(B) of this Ordinance.

SECTION III: BONDS, MAINTENANCE ASSURANCES, AND FEES

A. Performance Bonds and Other Assurances for Completion and Operation of Stormwater Improvements: Upon approval of the Stormwater Management Plan, but before the issuance of a building permit or subdivision plat approval, the City of Russellville shall require the applicant to post a performance band, cash escrow, certified check, or other acceptable form of performance security an the amount sufficient to ensure the execution of the plan. After determination by the City's Stormwater and Drainage Coordinator that all facilities are constructed in compliance with the approved plan, the performance bond or other securities shall be released.

B. Maintenance Agreement: A maintenance agreement, approved by the City Council assuring perpetual maintenance of the stormwater management improvements shall be executed by the City and the applicant. An operation and maintenance ("O&M") plan should be an integral component of the stormwater management plan. As a minimum, the (O&M) plan should address the following activities:

1. Structural repairs, such as bank stabilization, pump repair, or pipe replacement.

2. Dredging operations to remove sediment accumulations.

3. Debris removal to ensure inflow and discharge of stormwater

4. Housekeeping maintenance, such as gross cutting, weed removal, fence repair and litter removal.

5. Mosquito control, e.g., spraying, fish stocking, and vegetation control.

The O&M plan should also assign maintenance responsibilities among all involved parties (homeowners, municipality, park or school district, etc.).

C. Fees: Fees will be assessed for the review of plans submitted as follows:

	FEE
1. Subdivisions with less than five (5) homes or commercial development of two (2) acres or less with impervious coverings less than 50%.	$ 75.00
2. Subdivisions of five (5) to ten (10) homes or commercial developments of two (2) acres or less with impervious coverings of more than 50%.	150.00
3. Subdivisions of greater than ten (10) homes total development or commercial developments of greater than two (2) acres with greater 50% impervious coverings.	300.00

The above referenced fees shall be assessed and remitted to the Russellville Building and Zoning Department, who shall forward them to the City Finance Department at least monthly.

SECTION IV: ADMINISTRATION

A. Responsibility: The administration of this Ordinance shall be the responsibility of the City of Russellville.

B. Variances:

1. *Standards* - Variations from these standards, provisions, and specifications may be granted when it is demonstrated to the satisfaction of the City Council that, owing to special conditions, a strict adherence to the provisions of this Ordinance will result in unnecessary hardship and that the spirit and intent of the Ordinance will be observed.

2. *Procedure* - A request for variation shall be filed by the owner, seeking to develop or change the use of his property, or his agent with the City's Drainage Coordinator who shall refer it, together with his or her recommendation, to the City Council for decision. The request for variation shall be written and shall state specifically what variation is sought and the public's interest in granting the variation.

C. Official Maps and Profiles: Responsibility for all changes to official maps and profiles remain with the City Council.

D. Interpretation: In the interpretation and application of this Ordinance, the provision expressed herein shall be held to be the minimum requirements and shall be liberally construed in favor of the City of Russellville and shall not be deemed a limitation or repeal of any other powers granted by State statutes or exercised by home rule units.

SECTION V: ENFORCEMENT

A. Inspection: The City's Drainage coordinator shall be responsible for determining whether the Stormwater Management Plan is in conformance with requirements specified in Section II, and whether development is proceeding in accordance with the approved Stormwater Management Plan. Periodic inspection of the development site shall be made by the City's Drainage Coordinator to ensure that the Stormwater Management Plan is properly implemented.

The City's Drainage Coordinator and other duly authorized employees bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection observation, and measurement, in accordance with the provisions of this Ordinance.

B. Enforcement:

1. *Work Suspension* - In the event that a developer fails to file and have approved a Stormwater Management Plan or if work performed does not conform to the provisions of the approved Stormwater Management Plan and specifications, a written notice to comply shall be served upon the developer. Such notice shall set forth the nature of the correction required and the time within which corrections shall be made.

Failure to comply with such notice shall result in the issuance of a stop-work order applicable to all construction activity except that necessary for correction of the violation. Upon correction of the violation, the stop-work order shall be voided and construction may resume. The City may further file an action to enjoin further work to be performed until such time as the developer complies with the provisions of this Ordinance.

2. *Bond Forfeiture* - In the event of continued violation of the approved Stormwater Management Plan, a public hearing on the matter shall be conducted by the City Council.

Written notice of such hearing shall be served upon the developer by registered mail, and shall state:

(a) The grounds for complaint;

(b) The time and place such hearing is to be held.

Such notice shall be served at least fifteen (15) days prior to the date set for the hearing. At any such hearing, the developer shall be given an opportunity to be heard, and he may call witnesses and present evidence on his behalf. After such hearing, if the City Council concludes that the issuance of additional correction notices would be futile, any bonds or cash deposits posted with the City shall be forfeited, whereupon said security shall be sued for completion of the stormwater management plan as approved.

C. Penalties: Any person, firm or corporation who violates or fails to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than dollars nor more than dollars; and in addition thereto shall be held liable for all court costs and attorney fees incurred by the City in enforcing this Ordinance.

A separate offense shall be deemed committed upon each day during or on which a violation or occurs or continues.

SECTION VI. SEVERABILITY

The provisions of this Ordinance are severable. If any sentence, clause or part of this Ordinance or the application there of to any particular state of case is for any reason fund to be unconstitutional, illegal or invalid, such unconstitutionality, illegal it or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance, it being the legislative intent of this body to ordain and enact each other.

SECTION VII. REPEALER CLAUSE

All ordinances or parts of ordinances in conflict herewith and now in effect are hereby repealed.

SECTION VIII. EFFECTIVE DATE

This ordinance shall become effective upon passage and publication as required by law.

FIRST READING conducted on April 8, 2003.

SECOND READING CONDUCTED AND PASSAGE by roll call vote this 22nd day of April, 2003.

AYES: Barrett, Ken; Bell, Patricia; Hankins, Jean; Jones, Russell; Sweatt, Marie; Wren, Howard

NAYS: none.

ABSENT: none.

ABSTAINING: none.

Shirlee Yassney

SHIRLEE YASSNEY, MAYOR

ATTEST:

Peggy S. Jenkins

PEGGY S. JENKINS, CITY CLERK

LEGAL PUBLICATION OF ORDINANCE IN SUMMARY

The City Council of Russellville, Kentucky, has enacted Ordinance 2003-06 entitled "AN ORDINANCE ADOPTING REGULATIONS DESIGNED TO LESSEN OR AVOID HAZARDS TO PERSONS AND PROPERTY CAUSED BY INCREASED STORMWATER RUNOFF OR BY OBSTRUCTION OF DRAINAGE; PROVIDING FOR DEFINITIONS, DESIGN CRITERIA AND PERFORMANCE STANDARDS; AND PROVIDING FOR ADMINISTRATION, ENFORCEMENT AND IMPLEMENTATION, WITH A SEVERABILITY CLAUSE, REPEALER CLAUSE, PENALTY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE".

In accordance with KRS 86A.060(9), the undersigned, a licensed, practicing attorney in the Commonwealth of Kentucky, summarizes this Ordinance as follows:

1. This Ordinance has been enacted in to address the need for an effective Stormwater Management Plan for the City of Russellville, Kentucky.

2. City Council has determined that this Ordinance is necessary for the health, safety and welfare of the citizens of Russellville, Logan County, Kentucky.

3. This Ordinance describes its general applicability, its design to be read in conjunction with, or in repeal of, other legislation, as the case may be; its impact on other permits that may be required.

4. This Ordinance provides definitions for the following terms: "Detention Facility"; "Drainage Facility"; "The Minor Drainage System"; "The Major Drainage System"; "Excess Stormwater Runoff"; "Protected Channel"; "Safe Storm Drainage Capacity"; "Stormwater Channel"; "Stormwater Runoff"; "Stormwater Runoff Release Rate"; "100-year 24-Hour Frequency Rainfall"; "Floodplain" and "Floodway".

5. This Ordinance specifies that Stormwater Management Plan shall be required only for new residential, commercial, industrial, institutional or utility developments. However, any additions to existing subdivisions or development or the addition of new structures for which building permits have not been issued, in existing subdivisions or commercial development, shall be required to comply with this Ordinance.

6. This Ordinance identifies the requirements for a Stormwater Management Plan, the rules governing design of improvements with

respect to managing stormwater runoff, and the performance standards of a Stormwater Management Plan.

7. This Ordinance delineates the requirements for bonds and maintenance assurances.

8. Certain fees are mandated in this Ordinance for new developments, or for new additions to existing developments, and they are:

a. Subdivisions with less than five (5) homes or commercial development of two (2) acres or less with impervious coverings less than 50%.	$ 75.00
b. Subdivisions of five (5) to ten (10) homes or commercial developments of two (2) acres or less with impervious coverings of more than 50%.	150.00
c. Subdivisions of greater than ten (10) homes total development or commercial developments of greater than two (2) acres with greater 50% impervious coverings.	300.00

9. This Ordinance provides for its Administration to be the responsibility of the City of Russellville; it outlines the procedure for variances from the Ordinance that will be within the authority of City Council.

10. Enforcement of this Ordinance shall be by the City of Russellville's Drainage Coordinator, who shall have the authority to issues Work Suspensions, and Bond Forfeitures may be ordered after proper notice with an opportunity for a hearing before City Council.

11. This Ordinances provides for the following penalty: "Any person, firm or corporation who violates or fails to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than dollars nor more than dollars; and in addition thereto shall be held liable for all court costs and attorney fees incurred by the City in enforcing this Ordinance.

A separate offense shall be deemed committed upon each day during or on which a violation or occurs or continues."

12. This Ordinance becomes effective upon its publication in a newspaper of general circulation in the City of Russellville, Kentucky.

The full text of this Ordinance is available for copying and inspection at City Hall, Russellville, Kentucky, during normal business hours.

The City Council of Russellville, Kentucky enacted this Ordinance after a first reading conducted on April 8, 2003 and a second reading conducted on April 22, 2003.

This Ordinance is in effect immediately upon publication.

CERTIFICATION OF COUNSEL

I hereby certify that the foregoing is an accurate summary of City of Russellville Ordinance 2003-06.

C. Robert Hedges
Russellville City Attorney
157 West Fifth Street
P. O. Box 335
Russellville, KY 42276-0335
270-726-9604

LEGAL PUBLICATION OF ORDINANCE IN SUMMARY

The City Council of Russellville, Kentucky, has enacted Ordinance 2003-05 entitled "AN ORDINANCE AMENDING ORDINANCE 99-16, 'AN ORDINANCE ADOPTING A CODIFICATION OF PERSONNEL CLASSIFICATION PLAN AND CODIFICATION OF PERSONNEL PAY PLAN, PROVIDING FOR WAIVER THEREOF, REPEALING PRIOR CONFLICTING ORDINANCES AND REGULATIONS, WITH SEVERABILITY CLAUSE, BY PROVIDING JOB DESCRIPTIONS AND PAY CLASSIFICATIONS AS SHOWN IN EXHIBIT A, AND REPEALING ORDINANCE 82-8 AND ORDINANCE 99-2, AND PROVIDING FOR AN EFFECTIVE DATE' BY ELIMINATING THE POSITION OF ASSISTANT POLICE CHIEF AND BY ADDING THE POSITION OF PATROL CAPTAIN, AND PROVIDING FOR A SEVERABILITY CLAUSE, REPEALER CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE".

In accordance with KRS 86A.060(9), the undersigned, a licensed, practicing attorney in the Commonwealth of Kentucky, summarizes this Ordinance as follows:

1. This Ordinance has been enacted to eliminate the position of Assistant Police Chief, and to eliminate the job description for Assistant Police Chief for the City of Russellville, Kentucky, Police Department. This is shown by Exhibit "A" to this Ordinance.

2. This Ordinance further creates the position of Patrol Captain, and provides for a job description for Patrol Captain, for the City of Russellville, Kentucky, Police Department. This is shown by Appendix "I" to this Ordinance.

3. This Ordinance amends Ordinance 99-16 to provide for elimination from the Index of Established Positions the position of Assistant Police Chief. This is shown by Exhibit "A" to this Ordinance.

4. This Ordinance further amends Ordinance 99-16 to provide for insertion into the Index of Established Positions the position of Patrol Captain. This is shown by Exhibit "A" to this Ordinance.

5. This Ordinance repeals any prior conflicting Ordinances, specifically Ordinance 82-8, Ordinance 99-2 and 99-16, to the extent of any such conflict.

6. City Council has determined that this Ordinance is necessary for the health, safety and welfare of the citizens of Russellville, Logan County, Kentucky.

7. The full text of this Ordinance, including Exhibit "A" and Appendix "I" is available for copying and inspection at the office of the City Clerk for the City of Russellville, 168 South Main Street, Russellville, Kentucky, during normal business hours.

8. This Ordinance becomes effective upon its publication as required by law. This Summary constitutes publication as contemplated by KRS 86A.060(9).

The City Council of Russellville, Kentucky enacted this Ordinance after a first reading conducted on March 18, 2003 and a second reading conducted on April 8, 2003.

This Ordinance is in effect immediately upon publication.

CERTIFICATION OF COUNSEL

I hereby certify that the foregoing is an accurate summary of City of Russellville Ordinance 2003-05.

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