

ORDINANCE NO. **BG2016 - 24**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE REPEALING THE EXISTING CHAPTER 21 (STREETS AND SIDEWALKS) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES AND APPROVING A REVISED VERSION TITLED PUBLIC INFRASTRUCTURE, RIGHTS-OF-WAY AND STORMWATER, AND FURTHER AMENDING CHAPTER 27 (PROPERTY CODE) TO MAKE RELATED ADMINISTRATIVE REVISIONS

WHEREAS, the City is in the process of reviewing and revising several chapters of its Code of Ordinances; and,

WHEREAS, the Public Works Department recommends amending Chapter 21 (Streets and Sidewalks) of the Code of Ordinances to revise the name of the Chapter and reorganize its contents; and,

WHEREAS, in the process of reorganizing Chapter 21, revisions are also recommended to Chapter 27 (Property Code) related to the placement of temporary real estate signs in public rights-of-way and to update the Property Code fine schedule to reflect penalties outlined in Chapter 21; and,

WHEREAS, it is in the best interests of the City to repeal the existing Chapter 21 (Streets and Sidewalks) and to replace it with a revised Chapter 21 (Public Infrastructure, Rights-of-Way and Stormwater), and to amend Chapter 27 as recommended.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 21 (Streets and Sidewalks) is hereby repealed in its entirety and replaced with a revised Chapter 21 (Public Infrastructure, Rights-of-Way and Stormwater) as follows:

21-1 GENERAL PROVISIONS.

21-1.01 Violation to Place or Erect Obstructions on City Property.

a. It shall be a civil violation as set out in Chapter 27 of this Code for any person to erect

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or place or cause to be erected or placed any building, sign, fence, brick mailbox or column on any city street, alley, sidewalk, right-of-way or any other real property owned or occupied by the City. Other obstructions, including but not limited to large rocks or boulders, posts, stakes and landscape that are deemed a safety hazard to the public shall also be prohibited, with the exception of public utility infrastructure.

b. Any structure that exists within right-of-way as of September 1, 2012 may remain, but may not be enlarged, moved or structurally altered in a way that increases its nonconformity. The Public Works Director or designee shall have the authority to remove the structures should they be deemed an immediate safety concern or impede any public improvement project of the City's streets and infrastructure. Voluntary demolition of a nonconforming structure nullifies its nonconforming rights. If involuntarily destroyed or removed, the nonconforming structure shall retain its nonconforming rights for a period of one year. Failure to re-establish the structure within one (1) year nullifies the nonconforming rights.

c. No structure, sign, fence or vegetation shall be permitted to obscure the vision of the traveling public at any street, alley or driveway intersection as determined by the Public Works Director or designee.

d. Notwithstanding the provisions hereinabove, signs designating entrances to subdivisions may be constructed upon city rights-of-way, provided that prior to the construction, plans and specifications for the construction of the sign are approved in writing by the Planning and Design Division of the Department of Public Works through a right-of-way work permit.

21-1.02 Duty to Remove Obstructions; Authorization of Temporary Obstructions.

Every person owning or acting as agent for or occupying any building or lot in the City shall keep, or cause the sidewalk and right-of-way adjacent to such building or lot to be kept open and free from obstructions, barriers and impediments as described hereinabove; provided however, the

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Public Works Director or designee may allow a temporary obstruction if such obstruction is removed within twenty-four (24) hours following installation. The Public Works Director or designee shall have the authority to remove obstructions within a notified period of time and, if an emergency exists, may order immediate removal of an obstruction without prior notice.

21-1.03 Damage to Curbing, Pavement, Sidewalk and Other Public Infrastructure.

a. It shall be unlawful for any person to intentionally or maliciously damage any curbing, pavement, sidewalk, road signs, traffic signal equipment, street lights and drainage structures or other public infrastructure within City rights-of-way. In addition to any criminal penalties imposed, the Public Works Department shall have the authority to notify any violator to require corrective action. If proper repairs are not made, the City may repair or contract to repair, and the violator shall be responsible for the costs incurred by the City for such repair.

b. It shall be a civil violation for any person to negligently damage any curbing, pavement, sidewalk, road signs, traffic signal equipment, street lights and drainage structures or other public infrastructure within City rights-of-way. The Public Works Department shall have the authority to notify any violator to require corrective action. If proper repairs are not made, the City may repair or contract to repair and the violator shall be responsible for the costs incurred by the City for such repair.

c. In addition to the remedies above, the City Attorney is authorized to pursue any and all appropriate civil actions in order to recover the City's costs for making repairs.

21-1.04 No Construction Materials or Debris on Street.

It shall be a civil violation for any person to track or leave upon any city street, alley or sidewalk any construction materials or debris so as to obstruct or impede traffic or cause property damage or personal injury. Additionally, any person performing work at a construction site on or near any street, alley or sidewalk shall comply with the standards of the current edition of the Manual on

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Uniform Traffic Control Devices (MUTCD) and with right-of-way work permit requirements.

21-1.05 Enforcement and Penalties.

Enforcement proceedings for any civil violations of this Subchapter shall be initiated by the issuance of a notice of violation or a citation by a code official as set out in the procedures in Chapter 2 of this Code. Any person violating any portion of this Subchapter, other than those penalties classified as civil violations as set out in Chapter 27 of this Code, shall be guilty of a violation and shall be subject to criminal fines up to two hundred and fifty (\$250.00) dollars for each offense. Each day that the prohibited action is continued shall constitute a separate offense.

21-2 STORMWATER QUALITY.

21-2.01 Definitions.

The terms as used in this Subchapter are further defined in the City of Bowling Green Stormwater Best Management Practices (BMP) Manual. In addition, the term “person” as used in this Subchapter shall have the same definition as the term “person” in Chapter 27 of this Code.

21-2.02 Purpose.

The United States Environmental Protection Agency through the Clean Water Act promulgated Municipal Separate Storm Sewer System (MS4) Phase II regulations that are enforced by the Kentucky Division of Water (KYDOW) through a permit issued to the City of Bowling Green. The purpose of this Subchapter is to safeguard persons, protect property, prevent damage to the environment, and bring the City of Bowling Green into compliance with its MS4 permit.

21-2.03 Construction Site Stormwater Management.

a. Permits Required, Exceptions, Requirements and Fees.

1. Permits are required to be obtained from the City for all site construction projects and/or land disturbances as set out in the City of Bowling Green Stormwater Best Management Practices (BMP) Manual. The developer shall also coordinate with the KYDOW and the U.S. Army

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Corps of Engineers to determine whether permits are required from those agencies before construction begins. Each developer shall submit an application to the City on a form provided by the City.

2. No permit shall be required from the City for emergency activity that is immediately necessary for the protection of life, property or natural resources, or for nursery and agricultural operations.

3. All permit applications for activities disturbing more than seven hundred and fifty (750 ft²) square feet of soil shall include the appropriate review and inspection permit fee. This review and inspection fee shall be thirty-five (\$35.00) dollars for all residential building permits and two tenths of one cent (\$0.002) per square foot of disturbed area for all other building permits with a minimum fee of seventy-five (\$75.00) dollars.

b. Review and Issuance of Permit.

1. The City will review each permit application to determine its conformance with the provisions of this Subchapter. Approval indicates that minimum requirements or intent are met and does not imply a guarantee of performance. Based on the review of the permit application, the City will:

a) Approve the permit application;

b) Approve the permit application subject to such conditions as may be necessary to meet the requirements/intent of the objectives of this Subchapter, and issue the permit subject to these conditions; or,

c) Deny the permit application, indicating the reason(s) and procedure for submitting a revised application.

2. The City reserves the right to inspect the site prior to any construction activity in furtherance of the review process.

3. The City's approval of the permit is for general compliance with local requirements

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and the KYDOW general permit. The designer is ultimately responsible for the details of design of the plan, with the property owner being responsible for implementation.

c. Right of Entry. The City of Bowling Green or its designated agent may enter the property of the applicant as deemed necessary to make regular inspections to ensure compliance with this Subchapter.

d. General Requirements for Construction Site Stormwater Management. Requirements for the design, maintenance, and a menu of Best Management Practices (BMPs) are located in the City of Bowling Green Stormwater BMP Manual. Site construction in the City shall comply with the provisions of the BMP Manual.

21-2.04 Illicit Discharge; Applicability; Responsibility.

a. Illicit Discharges. Other than naturally-occurring stormwater, no person shall discharge or cause to be discharged into the MS4, or any conveyance, any materials, including but not limited to pollutants or hazardous materials or waters containing any pollutants or hazardous materials that cause or contribute to a violation of applicable water quality standards. Allowable discharges that create or have the potential to create unsafe conditions on city streets or other public rights-of-way are prohibited. The commencement, conduct or continuance of any illegal discharge to the MS4 or any conveyance is prohibited.

b. Illicit Connections. The construction, use, maintenance or continued existence of illicit connections to the MS4 or any conveyance is prohibited. 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. A person is considered to be in violation of this Section if the person connects a line conveying sewage or any other pollutant or hazardous materials to the MS4 or any conveyance or allows such a connection to continue.

c. Applicability. This Section shall apply to all discharges entering the MS4 or any

conveyance generated on any developed and undeveloped lands unless explicitly exempted by the Public Works Director or designee.

d. Responsibility. The City shall administer, implement and enforce the provisions of this Section. The standards set forth herein and promulgated pursuant to this Section are minimum standards; therefore, this Section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution or unauthorized discharge of pollutants or hazardous materials.

e. Discharge exceptions. The following discharges are exempt from discharge prohibitions established by this Section, if such discharges do not violate applicable water quality standards:

1. Water line flushing or water from other potable sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, uncontaminated ground water infiltration, foundation or footing drains, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or natural wetland flows, swimming pools (if discharged to the ground, not to a city street or directly to any part of the MS4 or any conveyance), firefighting activities, street wash water, and any activity related to normal performance of municipal operations such as street sweeping. Dewatering of existing ponds requires a permit from the KYDOW.

2. Discharges specified in writing by the City of Bowling Green as being necessary to protect public health and safety.

3. Use of fluorescent dye in sewer infrastructure for scientific research is allowable.

4. The prohibition shall not apply to any non-stormwater discharge permitted under an National Pollutant Discharge Elimination System (NPDES) permit, waiver or waste discharge order issued to the discharger and administered under the authority of the United States Environmental

Protection Agency (USEPA) or the KYDOW, provided that the permit holder is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations.

f. Suspension of MS4 access due to illicit discharges in emergency situations. The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent danger to the environment, to the health or welfare of people, to the MS4, or to waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the City 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 people.

g. Suspension of MS4 access due to the detection of illicit discharge. Any person discharging to the MS4 or any conveyance in violation of this Section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City shall require the violator to disconnect access to the MS4 at their cost or take corrective action to eliminate the source of the illicit discharge. A person commits a violation if the person reinstates MS4 access to premises terminated pursuant to this Section without the prior approval of the City.

h. Industrial or construction activity discharges. Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with the permit may be required in a form acceptable to the City prior to the allowing of discharges to the MS4 or any conveyance. However, should an illicit discharge be detected from such activities, the City shall have the authority to regulate the site per the provisions of this Section.

i. Monitoring of discharges. This Section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

1. The City shall be permitted to enter and inspect facilities subject to regulation under

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this Section as often as may be necessary to determine compliance with this Section. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow immediate access to representatives of the City.

2. Facility operators shall allow the City immediate 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 stormwater, and the performance of any additional duties as defined by state and federal law.

3. The City shall have the right to install on any permitted facility such devices as are necessary in the opinion of the Public Works Director or designee to conduct monitoring and/or sampling of the facility's discharge.

4. The City shall have 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 flow and quality shall be calibrated to ensure their accuracy.

5. 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 City and shall not be replaced. The costs of clearing such access shall be borne by the operator.

6. Any interference with allowing the City access to a permitted facility is a violation of this Section. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits a violation if the person denies the City reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Section.

7. If the City has been refused access to any part of the premises from which

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stormwater is discharged and is able to demonstrate probable cause to believe that there may be a violation of this Section, 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 Section, or any order issued hereunder to protect the overall public health, safety and welfare of the community, the City may seek all appropriate remedies from any court of competent jurisdiction, including the issuance of a search warrant.

j. Requirement to prevent, control and reduce stormwater pollutants by the use of BMPs. The City shall review and approve BMPs for any activity, operation or facility that may cause or contribute to pollution, discharge of hazardous materials or has the potential to contaminate naturally occurring stormwater or waters of the United States. 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 MS4 or any conveyance through the use of these structural and non-structural 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 such person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants or hazardous materials to the MS4 or any conveyance. These BMPs shall be part of a Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

k. 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 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.

1. 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 or hazardous materials discharging into naturally occurring stormwater, the MS4 or any conveyance, such 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, such person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, such person shall notify the authorized enforcement agency in person or by phone, facsimile or email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Bowling Green within three (3) business days of the notification given. 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 (3) years.

21-2.05 Post Construction Water Quality.

a. Applicability. For construction meeting either of the criteria herein below, review and approval of the Post Construction Stormwater Quality Management Plan as described in the City of Bowling Green Stormwater BMP Manual is required prior to the issuance of any permit:

1. Disturb more than one (1) acre, and create greater than ten thousand square feet (10,000ft²) of new impervious surfaces, irrespective of existing impervious surfaces.
2. Hotspot land uses as defined below:
 - a) Automotive fueling facilities;
 - b) Automotive maintenance and repair facilities;
 - c) Restaurants with grease collection and disposal; and,

d) Other land uses as determined to have a high potential of pollutant discharge into the MS4 as determined by the City.

b. Review and Issuance of Permit.

1. For projects requiring post construction water quality, plans shall be submitted as part of the application process (e.g. building permit, detailed development plan or subdivision). The plans shall conform to the design criteria set forth in the City of Bowling Green Stormwater BMP Manual. Based on the review of the permit application, the City will:

a) Approve the permit application;

b) Approve the permit application subject to such conditions as may be necessary to meet the requirements/intents of the objectives of the Subchapter, and issue the permit subject to these conditions; or,

c) Deny the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

2. The City reserves the right to inspect the site prior to any construction activity in furtherance of the review process.

3. The City's approval of the permit is for general compliance with local requirements and the KYDOW general permit. The designer is ultimately responsible for the details of design, with the property owner being responsible for implementation.

c. Maintenance. The property owner shall be responsible for all maintenance and record keeping as detailed in the Maintenance Agreement set forth in the City of Bowling Green Stormwater BMP Manual.

d. Right of Entry. The City and its agents shall have right of entry to inspect, observe, test or perform any related activity to the installation, operation, maintenance and function of the stormwater infrastructure.

e. General Requirements for Post Construction Stormwater Control. Requirements for design, maintenance and a menu of BMPs are located in the City of Bowling Green Stormwater BMP Manual.

21-2.06 Penalties; Stop Work Orders; Cost of Abatement; Liens.

a. Enforcement proceedings for this Subchapter shall be initiated by the issuance of a notice of violation or a citation by a code official as set out in the procedures in Chapter 2 of this Code. In addition to all procedures as set out in Chapter 2 and other available remedies, the City may also take immediate action to remedy a violation of this Subchapter, including the issuance of a Stop Work Order, for construction under an active permit, detailed development plan or subdivision if work is not in compliance with the requirements of this Subchapter. Any person violating any portion of this Subchapter shall be subject to civil penalties as set out in Chapter 27 of this Code.

b. Any person causing a violation of this Subchapter which requires the City to expend public funds for the response to the violation, its abatement or the cleanup or removal of any prohibited discharges, pollutants or hazardous materials shall be liable to the City for all recoverable costs incurred by the City for such response, cleanup and removal, including but not limited to personnel costs of the Police Department, Fire Department, Public Works Department and other responding City departments, replacement costs of supplies and equipment contaminated as a result of the discharge, proper disposal of offending materials, cleanup, evacuation and administrative and other expenses, including legal expenses, incurred in recovering such costs. Any such illegal discharges shall be considered a public health hazard and nuisance and the City shall have a lien against the property for its recoverable costs.

21-3 CONSTRUCTION, REPAIR, PERMITTING AND MAINTENANCE.

21-3.01 Infrastructure Requirements.

a. New infrastructure or alterations of existing infrastructure must meet specifications set

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forth in the City-County Planning Commission Subdivision Regulations, City of Bowling Green Stormwater BMP Manual, Kentucky Transportation Cabinet (KYTC) Specifications for Road and Bridge Construction, current edition, or other local, regional or national standards or regulations as determined by the Public Works Director or designee. This infrastructure includes, but is not limited to streets, sidewalks and drainage appurtenances. Infrastructure on private property may also be subject to the requirements set herein if there is potential for impacts to right-of-way or adjacent properties due to the construction.

b. Any person proposing or constructing alterations, improvements or other disturbances changing the flow characteristics of stormwater shall have prior approval through permitting or plan approval by the Public Works Director or designee. This includes altering drainage onto an adjoining property or right-of-way, or into any drainage crevice, sinkhole, ditch, closed system, catch basin, dry well, or any other drainage facility whether natural or constructed.

c. Any person proposing or constructing sidewalks, handicap ramps or drive entrances on public right-of-way shall have prior approval through permitting or plan approval by the Public Works Director or designee. All design and construction must meet Americans with Disabilities Act (ADA) requirements as well as all requirements in the City's Traffic Management Manual and other requirements as determined by the Public Works Director or designee.

d. All infrastructure construction activities shall adhere to the approved permit and/or plans. Should there be any modifications to the approved plans, all changes shall be approved by the Public Works Director or designee. Any construction that does not meet these requirements shall be subject to stop work orders, other enforcement actions and immediate remediation. As-built drawings, as defined by the City of Bowling Green Stormwater BMP Manual, shall be required and submitted to the Public Works Director or designee for any stormwater infrastructure improvements that propose retention/detention basins and/or connection to public stormwater infrastructure.

21-3.02 Traffic Management Design Requirements.

a. Access Control Plan.

1. Purpose. The City of Bowling Green adopted the City Traffic Management Manual in order to promote the safety of the motorist and pedestrian, to minimize traffic congestion by limiting points of conflict and to promote the general welfare by preserving the traffic-carrying capacity of public streets.

2. General Requirements for Access Control. Requirements for access are located in the Access Management section of the City's Traffic Management Manual. Any access to a city-maintained right-of-way/roadway must comply with the requirements set forth in that Manual and/or be approved by the Public Works Director or designee.

3. State Requirements for Access Control. All applicable State requirements must be met when seeking access approval to a State or Federal highway. Additionally, any access to state roads within city limits shall be reviewed by the City and City-County Planning Commission.

b. Traffic Impact Study.

1. Purpose. In order to completely evaluate the impacts of proposed land developments on the existing transportation network, it is necessary to set forth Traffic Impact Study Guidelines. The studies conducted are designed to assist the Public Works Department and private planners in making decisions regarding the allowance of major land use changes or new developments. Traffic impact studies should protect future transportation needs, assess impact of changes in land use and suggest ways for mitigating the adverse effects of land use changes.

2. General Requirements for Traffic Impact Studies. Requirements for traffic impact studies are located in the City's Traffic Management Manual.

c. On-Street Parking.

1. Purpose. In order to preserve the primary function of streets in the City, which is

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the movement of vehicles, it is important to maintain control of the location and type of on-street parking allowed.

2. General Requirements. Requirements for on-street parking are located in the Parking section of the City's Traffic Management Manual and set out hereinafter in Chapter 22 of this Code.

21-3.03 Permits, Approvals and Fees.

Any proposed development meeting requirements as set forth in the City of Bowling Green Code of Ordinances, Zoning Ordinance and Subdivision Regulations must obtain permit approvals and pay fees as described in same. All conditions of approval shall be considered an integral part of the approved plans and shall be met. This includes, but is not limited to building, paving, grading, swimming pool, sign, fence, tent, electrical, house moving, manufactured home, and mobile home permits.

21-3.04 Acceptance of Streets for Maintenance.

a. Requirements. Upon the request of the developer or owner, and recommendation of acceptance by the Public Works Director or designee, the City shall accept for maintenance only those streets, roadways and residential stormwater management facilities constructed and developed in conformity with the applicable standards of the City's Public Works Department and City-County Planning Commission.

b. Applicability. This Section shall apply to all platted lots fronting streets not yet accepted by the City for maintenance; provided however, it shall not apply to residential or commercial lots or developments fronting public streets in areas incorporated into the City after the effective date May 1, 2016 which have been constructed and approved according to the rules and regulations of the City-County Planning Commission.

c. Warranties and Inspections. All streets, roadways, stormwater management facilities,

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and similar infrastructure constructed for or accepted by the City for maintenance shall require the developer or contractor to warranty the work for a period as specified in the City-County Planning Commission Subdivision Regulations following the acceptance of the work by the City. The Public Works Director or designee shall have the right of entry to inspect, observe, test or perform any related activity to the operation, maintenance and function of all infrastructure that will be the maintenance responsibility of the City of Bowling Green when complete. Any deficiencies shall be reported to the developer or owner and the City shall not accept such infrastructure until the deficiencies are corrected. The Public Works Director or designee shall also have the right to inspect the work prior to the expiration of the warranty period and shall notify the developer or owner and contractor in writing of deficiencies in the work discovered during the warranty period and the developer or owner and contractor shall remedy those deficiencies within the time specified by the Public Works Director or designee, even if the period necessary to correct the deficiencies occurs beyond the warranty period. If the deficiencies are not remedied in a timely manner and to the satisfaction of the Public Works Director or designee, the Public Works Director or designee may cause the deficiencies to be corrected and pursue all appropriate causes of action against the developer or owner and contractor to recover the City's costs. In addition, failure of the developer, owner or contractor to remedy the deficiencies timely and to the City's satisfaction may result in the removal of the responsible party from future bidding on City projects and may result in the refusal of the City to inspect or approve other streets, roadways, stormwater management facilities, and similar infrastructure for acceptance by the City constructed by the responsible party for a time period within the sole discretion of the City.

21-3.05 Maintenance Responsibility.

a. The City of Bowling Green will be responsible for all repairs and maintenance to accepted infrastructure within its right-of-way. The City of Bowling Green shall be responsible for any repairs needed to drainage structures (headwalls, drop inlets, drywells, or other appurtenances) and

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sinkhole collapses within a single or two-family residential drainage easement and its right-of-way. The City shall not be responsible for erosion repairs in any drainage easements, unless this erosion threatens the function or viability of headwalls, drop inlets, drywells, or other appurtenances at the discretion of the Public Works Director or designee. Repair of the eroded areas as well as the maintenance of vegetation compliant with the City's Code of Ordinances is the sole responsibility of the property owner.

b. The property owner shall be responsible for all necessary repairs for any sinkhole collapse or damage to drainage structures which occur in a drainage easement other than a single or two-family residential.

c. The City shall not be responsible for any items within a drainage easement (trees, playhouses, fences, storage sheds, or other structures). If these items must be removed to make needed repairs, the City is not obligated to replace or reset following the corrective work. The City has the right to prohibit the placement of such items that may interfere with the conveyance of stormwater in a drainage easement. All drainage easements shall be maintained by the respective owner(s) of the respective lot(s) over which said easements cross and no drainage easements shall be altered in any way by filling, changing the contour thereof, or by building any structure thereon, except upon prior written approval of the Public Works Director or designee.

21-3.06 Penalties; Stop Work Orders; Abatement.

a. Any party involved in infrastructure construction without the required permit/plan approvals or involved in work that does not comply with the standards of the City's Public Works Department shall be required to make repairs that meet standards and subject to the following:

1. Enforcement proceedings for this Subchapter shall be initiated by the issuance of a notice of violation or citation by a code official as set out in the procedures in Chapter 2 of this Code. The City may also take immediate action to remedy a violation of this Subchapter, including the

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issuance of a Stop Work Order for construction under an active permit, detailed development plan or subdivision.

2. A Stop Work Order may be issued if the Public Works Department determines any of the following conditions exist:

- i. An imminent safety concern.
- ii. Construction prior to final permit/plan approval.
- iii. Construction without permit application or plan submittal.
- iv. Non-compliance with approved permit/plan and/or regulations.

b. Any person violating any portion of this Subchapter shall be subject to civil penalties as set out in Chapter 27 of this Code. In addition to civil penalties, should the construction not comply with the approved plans, the City may refuse to issue a Certificate of Occupancy.

21-4 CUTS, EXCAVATIONS AND WORK WITHIN RIGHT-OF-WAY.

21-4.01 Right-of-Way Work Permit Required and Fee.

No person shall make any cut or excavation in any city street, alley, sidewalk or right-of-way, or conduct work requiring lane closures, sidewalk closures or detours without first having obtained a written right-of-way work permit from the Public Works Department, Planning and Design Division. Right-of-way work is defined to include any excavation, removal or work in any part of a city right-of-way, street, curb, gutter or sidewalk. Application for such a permit shall be made at least twenty-four (24) hours in advance of the expected date of commencement of the work except in cases of emergency. If the application is approved by the Planning and Design Division, work can commence should all requirements within this Subchapter be met. Each permit issued shall cover only one specific piece of work. Permit fees are fifty (\$50.00) dollars per approved application. All work performed pursuant to the permit shall comply with the current edition of the Manual on Uniform Traffic Control Devices (MUTCD).

21-4.02 Surety Bond Requirements.

No right-of-way work permit shall be issued until the permittee has provided a surety bond. This bond is to ensure that the repair of any cuts or excavations is made in accordance with the standards adopted by the Planning and Design Division. The bond amount shall be based upon the total square footage of disturbance and the unit cost determined by a representative from the Planning and Design Division and adjusted annually based on recent construction pricing data.

Bonding may be provided by a cash bond, performance bond, or letter of credit. The minimum bond amount shall be two hundred and fifty (\$250.00) dollars and a maximum of twenty-five thousand (\$25,000.00) dollars for a single permit. A performance bond or letter of credit may be utilized as a "running bond". This type of bonding may be used to cover multiple permits up to but not to exceed the amount of surety. Running bonds must be renewed on an annual basis. The minimum amount for running bonds shall be one hundred thousand (\$100,000.00) dollars.

A bond release inspection will be conducted ninety (90) days after the final repair of a cut or excavation. The surety posted shall be returned to the permittee upon inspection and approval by the Planning and Design Division.

21-4.03 Insurance Requirements.

Any person or party applying for a right-of-way work permit shall provide proof of insurance at time of application. Coverage must be maintained for the duration of the permitted work. The limits shall be as specified by the Risk Transfer Mechanism section in the Risk Management Manual.

21-4.04 Planning and Design Division Inspections.

The Planning and Design Division shall be responsible for inspecting all cuts and excavations and repair of such cuts and excavations for compliance with repair standards.

21-4.05 Permittee Notification Requirements.

The permittee shall notify the Planning and Design Division at least twenty-four (24) hours in advance, except in cases of emergency, as to the exact time any cut or excavation or backfilling activities will begin, and final repair of any such cut or excavation will commence.

21-4.06 Time Limit for Temporary and Permanent Repairs.

a. Each permitted activity shall be temporarily repaired within forty-eight (48) hours of the completed work (e.g. utility repair) unless otherwise approved by the Planning and Design Division. All permanent repairs must be completed within ten (10) calendar days of commencement of the permitted activity. The specified time limit shall include all clean-up which is required by the Planning and Design Division.

b. Large scale projects in right-of-way must be reviewed and approved by the Planning and Design Division prior to issuance of permit and commencement. Large scale projects shall mean cuts running with lanes for greater than fifty (50') feet, where multiple cuts occur in close proximity or where timely permanent repairs are not feasible due to the scope of the project. The permittee shall have regular meetings with City staff during construction to monitor quality and schedule. Permanent repair timelines may be adjusted as approved by the Planning and Design Division. Temporary repairs for large scale projects shall be cold patch unless otherwise approved by the Planning and Design Division and must be completed as set forth hereinabove and maintained until permanent repairs are complete.

21-4.07 Repairs Made by City; Reimbursement Authorized; Fee Schedule; Use of Bond to Cover Costs.

a. If a permittee should fail to properly repair any cut or excavation in compliance with the standards and requirements of the Planning and Design Division, the Planning and Design Division shall then instruct the Public Works Operations Division to make all necessary repairs. In this event, the City shall be reimbursed by the permittee for all repairs based upon time and material cost plus

twenty-five (25%) percent for overhead expenses.

b. Any work required and fees covered under this Subchapter shall be billed to the permittee. If the permittee refuses to pay the bill within thirty (30) days, the City shall use the proceeds from the bond required hereinabove to cover the bill. Should the surety bond not be sufficient to cover expenses incurred by the City during repairs, liens or other recovery methods may be used.

21-4.08 Safety Precautions.

It shall be the duty of the permittee making any cut or excavation in any city street, alley or sidewalk to provide safety precautions related to their construction. These precautions shall include, but are not limited to: signs, markings, barricades, fencing and other measures.

a. Permittee shall provide barricades or construction fencing sufficient to enclose the work-zone for safety.

b. Construction work-zone shall be barricaded and lighted when the work zone is open during night time for the safety of motorists and pedestrians.

c. All work-zone signage shall comply with the current edition of the Manual on Uniform Traffic Control Devices (MUTCD). Detailed traffic control plans may be required at the discretion of the Public Works Director or designee.

d. It shall be the permittee's responsibility to comply with all laws and regulations including, but not limited to those from the Occupational Safety and Health Administration (OSHA).

21-4.09 Applicability to All Public Utilities and Agencies of All Governments.

a. All of the provisions of this Subchapter shall apply to all public utilities and to all agencies and instrumentalities of all City, County, State and Federal Governments, since the dangers of blocked streets or improperly repaired cuts or excavations are the same, whether caused by private or public parties.

b. However, no agency or instrumentality of the City of Bowling Green, County, State or

Federal government shall be required to pay the permit fee as required hereinabove.

21-4.10 Warranty of Repair and Cutting of Recently Paved Roads.

The permittee shall make proper repairs to ensure minimal future impact to motorists.

a. The permittee shall warranty the excavation repair for a period of five (5) years from the completion of the permanent repair. Excavation repair failure shall be deemed as trench variation or cracking in or immediately adjacent to the repaired area. Trench variation of one half inch ($\frac{1}{2}$ ") or greater along a ten (10') foot straightedge shall constitute failure. Additionally, cracking within one (1') foot outside of the repair shall constitute failure. Should the repair fail, the permittee shall make necessary corrections at the direction of the Planning and Design Division.

b. Should a permittee cut a recently paved street, the permittee shall be required to repave the entire paved section. The use of seamless, thermal bonded asphalt repair, such as infrared repair, may be used in lieu of repaving an entire section. The entire section shall be deemed as the section from the cut to the nearest intersection or one hundred (100') feet on both sides of the cut, whichever is less. A recently paved section shall be defined as paved within two (2) years prior to the excavation.

21-4.11 Penalties; Stop Work Orders; Abatement.

a. Any party involved in right-of-way excavation or work without the required permit or involved in work that does not comply with the standards of the City's Public Works Department shall be required to make repairs that meet standards and subject to the following:

1. Enforcement proceedings for this Subchapter shall be initiated by the issuance of a notice of violation or citation by a code official as set out in the procedures in Chapter 2 of this Code. The City may also take immediate action to remedy a violation of this Subchapter, including the issuance of a Stop Work Order.

2. A Stop Work Order may be issued if the City determines any of the following conditions exist:

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- i. An imminent safety concern.
- ii. Construction prior to final permit/plan approval.
- iii. Construction without permit application or plan submittal.
- iv. Non-compliance with approved permit/plan.

b. Any person violating any portion of this Subchapter shall be subject to civil penalties as set out in Chapter 27 of this Code.

21-5 STREET AND HOUSE NUMBERS.

21-5.01 Uniform System Established.

There is hereby established a uniform system for numbering buildings fronting on all streets, avenues and public ways in the City, and all houses and other buildings shall be numbered in accordance with the provisions of this Subchapter.

21-5.02 Layout of Streets, Designation.

Barren River shall constitute the base line which will divide the City into north and south parts. Russellville Road, from the Louisville and Nashville Railroad Line and from the Russellville Road underpass, shall be considered the base line which divides the City into east and west parts. Hereafter, streets east of this base line running in a generally easterly-westerly direction shall be considered "east" streets and likewise streets west of the Louisville and Nashville Railroad Line and the Russellville Road and running in a generally easterly-westerly direction shall be considered "west" streets.

a. Each building east of the Louisville-Nashville Railroad Line and the Russellville Road, and facing a street running in an easterly direction shall carry a number and address indicating its location each of said base line.

b. Each building west of the Louisville and Nashville Railroad Line, and facing a street running in a westerly direction shall carry a number and address indicating its location west of said

base line.

21-5.03 Numbering of Buildings.

It shall be the duty of the City-County Planning Commission to assign street address numbers to each lot. Multiple family dwellings, duplex houses and other lots with more than one (1) building shall be assigned an address as determined by the City-County Planning Commission policies. It shall be the duty of the owner to use the correct number as designated by the City-County Planning Commission for their property and to not modify it without prior approval from the City-County Planning Commission.

21-5.04 Numbers Required on Buildings; Specifications, Location.

Numbers shall be placed on existing buildings within twenty (20) days after the assigning of the proper number. The cost of the numbers shall be paid for by the property owner and the numbers used shall not be less than four (4") inches in height and not less than half (0.5") an inch in width and shall be made of a durable and clearly visible material. Numbers shall be conspicuously placed immediately above, on or at the side of the principal face or side of each building so that the number can be seen plainly from the street line. Only Arabic numbers shall be used. Roman numerals, script numerals or other types of numerals shall not be allowed. All commercial and industrial property shall have the numbers posted on both the mailbox and building so that the numbers are visible and identifiable at all times during daylight hours to persons in vehicles traveling on the street upon which the building is located. Commercial buildings with multiple occupants shall display visible business names and street numbers on back doors facing a public street providing access to the property.

21-5.05 Streets and Avenues Given Directional Designations.

In addition to the numbers placed on each house or other building as heretofore provided, all streets, avenues and other public ways within the City are given directional designations as set forth

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by the City-County Planning Commission in the Subdivision Regulations.

21-5.06 Numbering Data.

For the purpose of facilitating correct numbering, property numbering data for all streets, avenues and public ways within the City showing the proper numbers of all houses or other buildings fronting upon all streets, avenues or public ways shall be kept in the office of the City-County Planning Commission of Warren County. This information shall be open to inspection of all persons during the office hours of the Planning Commission.

21-5.07 Duty of City-County Planning Commission.

It shall be the duty of the City-County Planning Commission to inform any party applying for a building number of any lot or property as provided in this Subchapter the number assigned to that building. In the case of conflict as to the proper number to be assigned to any building, the Planning Commission shall determine the number of such building.

21-5.08 Owner's Duty; Issuance of Building Permit and Final Approval of Structure Affected by Failure to Perform Duty.

a. Whenever any house, building or structure shall be erected or located in the City after the establishment of a uniform system of house and building numbering has been completed, in order to preserve the continuity and uniformity of numbers of the houses, buildings and structures, it shall be the duty of the owner to procure the correct number as designated from the City-County Planning Commission for the property and to immediately fasten such number so assigned upon the building as provided by this Subchapter.

b. No building permit shall be issued for any house, building or structure until the owner has procured from the City-County Planning Commission the official number of the premises.

c. Final approval of any structure erected, repaired, altered or modified shall be withheld by the Department of Neighborhood and Community Services, Building and Inspection Division, until

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permanent and proper numbers have been affixed to the structure.

21-5.09 Plan Adopted.

For the purpose of clarifying and systematizing the present street naming pattern in the City and to implement the application of the matters set forth in previous sections, there is hereby adopted the following plan:

a. The Public Works Director or designee is hereby authorized to recommend changes in naming of streets, avenues and public ways within the City to the Board of Commissioners.

b. The Public Works Director or designee shall follow the general plan set forth in previous sections and such other rules as are herein set forth.

c. The Public Works Director or designee may hold public hearings at which interested property owners may express their views concerning the changing of the name or names of any street prior to recommendation to the Board of Commissioners.

21-5.10 Subdivision Plats Required to Show Proper Names of Streets; Approval Required.

Every subdivision plat submitted to the City-County Planning Commission for its approval shall show the proper names of any and all streets and these street designations shall be approved by the Planning Commission as well as the City's Communications (911) Center Manager before such new streets are officially named.

21-5.11 City May Change, Rename Streets Upon Recommendation.

The City may change, rename or name an existing or newly established street within the limits of the City at any time upon recommendation of the Public Works Director or designee.

21-5.12 Enforcement and Penalties.

Enforcement proceedings for any civil violations of this Subchapter shall be initiated by the issuance of a notice of violation or a citation by a code official as set out in the procedures in Chapter 2

of this Code. Each day that the prohibited action is continued shall constitute a separate offense.

21-6 SIGNS ABOVE OR WITHIN RIGHT-OF-WAY.

21-6.01 Projecting Types.

No projecting sign over any sidewalk (unless it is a metal electrical illuminating sign) shall be erected or maintained which projects more than two (2') feet from the building to which it is attached.

21-6.02 Illuminated Types: Erection; Specific Regulations.

Metal electrical illuminating signs shall be governed by the following regulations:

a. Such signs shall be placed at least nine (9') feet above the sidewalk and may extend their full width above the same, but that part of such signs nearest the building shall not be further than two (2') feet from the same, while perpendicular signs may be set far enough from the building to be clear from any bay windows. Both sides of such signs as are provided for herein may be illuminated when they project over the street as above described, and all electrical signs shall be illuminated not less than two (2) nights each week from dusk until 10:00 p.m.

b. All signs which shall extend above streets or alleys shall be at least twenty-five (25') feet above the ground.

c. Before the erection of any signs provided for herein, application for a sign permit shall be approved by to the Department of Neighborhood and Community Services, Building and Inspection Division and the Department of Public Works, Planning and Design Division. Such application shall give a description of the sign and state where it is to be erected.

d. If any of the metal electrical illuminating signs provided for herein shall become defective, unsafe or dangerous to the public, the same shall be repaired at the expense of the owner in such a manner and at such times as may be directed by the Public Works Director or designee.

e. Any person erecting, using or maintaining any such signs shall hold the City harmless

from all damages arising from erecting, using or maintaining same.

f. Such signs shall be entirely of metal, letters shall be studded in full outline with electric lights, and may have a border of lights having not less than one-half (½) lamp per square foot of sign surface. Signs must be constructed and approved by Underwriters Laboratories (UL) or other third party review agency and installed in accordance with the current edition of the National Electrical Code.

21-6.03 Temporary Real Estate Signs.

Temporary signs advertising the sale or lease of real estate shall be allowed in city rights-of-way pursuant to the provisions of Chapter 27 of this code.

21-6.04 Enforcement and Penalties.

Enforcement proceedings for any civil violations of this Subchapter shall be initiated by the issuance of a notice of violation or a citation by a code official as set out in the procedures in Chapter 2 of this Code. Each day that the prohibited action is continued shall constitute a separate offense.

2. Chapter 27 (Property Code) is also hereby amended as follows:

...

27-6.04 Duty of Maintenance of Streets, Sidewalks, Drainage Areas and Public Ways.

a. No person shall place, throw, deposit or allow to accumulate or grow or cause to be erected or placed on any street, alley, sidewalk, gutter, storm sewer, public or private drainage ditch or drainage structure or any other public right-of-way, easement or public property, any building, brick mailbox, column, rubbish, garbage, construction or demolition debris, landscaping debris, furniture, signs, large rocks or boulders, fences, posts, stakes, weeds, inoperative or unlicensed motor vehicle, junk or scrap metal as hereinabove declared to be a public nuisance, abandoned property or any other obstruction or encroachment of any nature and any other materials which may do injury to any person, animal or property, including any person traveling on the street, alley, sidewalk or other public

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property, except for premises authorized by the City for such purposes. The presence of such liquids or substances in or upon any street, alley, sidewalk, gutter, storm sewer, public or private drainage ditch or any public right-of-way or easement or property shall constitute a nuisance and is a violation of this Subchapter.

b. Every person owning, occupying or having control or management of any building or lot in the city shall also keep the sidewalk adjacent to such building or lot open and free from all [ice, snow and other] obstructions, barriers and impediments of every description and shall not allow or permit any tree, brush, hedge or other vegetation to grow in a manner which interferes with normal sidewalk traffic or vehicular traffic within the public right-of-way or to permit any tree, brush, hedge or other vegetation to become diseased to such an extent that it becomes a hazard to persons or property using the sidewalk or streets adjacent to such property.

c. No person owning, occupying or having control or management of any building or lot shall deposit snow on any city streets, sidewalks or public ways. No person owning, occupying or having control or management of any building or lot shall allow any drainage appurtenances to cause ice accumulation on any city streets, sidewalks or public ways.

d. In addition to any other remedies in this Chapter, any materials in violation of this Section found on city streets, sidewalks, public ways, public or private drainage areas and other public property may be removed immediately by the City with or without notice to the property owner. Notwithstanding the above provisions, public utility infrastructures shall be allowed. In addition, temporary signs advertising the sale or lease of real estate shall be allowed in city rights-of-way pursuant to the provisions herein below [of Chapter 21 (Streets and Sidewalks)].

1. Temporary real estate signs advertising the sale or lease of real estate shall be allowed in city rights-of-way under the following conditions:

a) Only one sign shall be allowed per parcel of real estate, except for corner lots

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where two signs shall be allowed with one sign allowed per street. Each sign shall advertise only the parcel of real estate that it adjoins.

b) The authorized sign shall be located on the street frontage adjoining the parcel of real estate that is for sale.

c) If the authorized sign is located in a non-paved area, the lawn/grass shall be maintained in compliance with applicable City ordinances.

d) The authorized sign shall be temporary in nature and may be located in city rights-of-way only while the real estate is for sale or lease. The sign shall be removed within ten (10) days after the closing of the sale or lease.

e) The authorized sign shall comply with all other traffic laws, rules and regulations and shall not obstruct the sight triangle or line of sight for the traveling public.

f) The authorized sign shall be located a minimum of ten (10') feet from the edge of the pavement. The authorized sign shall be no more than sixteen (16') square feet in sign face area.

g) Any authorized sign located more than twenty (20') feet from the edge of the pavement may be increased in size not to exceed thirty-two (32 ft²) square feet in sign face area.

h) Any person installing a temporary real estate sign pursuant to these provisions shall be responsible for locating underground utilities and the City shall assume no responsibility or liability for damages or injuries caused by the sign or its installation.

2. Any unauthorized sign which is constructed, located or situated on city rights-of-way may be impounded or removed by the City. The City, within its discretion, may destroy such signs.

...

27-8 PENALTIES.

27-8.01 Property Code Fine Schedule.

Violations of this Chapter and other provisions as set out in other specified chapters of this Code shall be subject to the following schedule of civil fines:

a. If a citation for a violation of this Chapter is not contested by the person charged with the violation, the maximum penalties below shall apply; however, the Board may waive any or all of a penalty for an uncontested violation, if in its discretion, the Board determines that such waiver will promote compliance with this Chapter. The penalties listed below are for each day a violation continues, beginning on the first day after the ending date of the correction period given in the citation. A second offense is an offense that occurs within five (5) years of the determination by the Code Enforcement and Nuisance Board of a prior offense. All others are those that occur within five (5) years of the determination by the Code Enforcement and Nuisance Board of two (2) or more prior offenses.

<u>Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>All Others</u>
Recycling Establishments			
Screening Violations	\$ 100.00	\$ 250.00	\$ 500.00
Property Maintenance and Nuisances			
Structural Violations	\$ 150.00	\$ 300.00	\$ 600.00
Non-Structural Violations	\$ 100.00	\$ 200.00	\$ 400.00
Zoning Ordinance/Subdivision Regulations			
Use Violations	\$ 100.00	\$ 200.00	\$ 300.00
Yard/Dimensional Violations	\$ 50.00	\$ 100.00	\$ 200.00
Sign Violations	\$ 50.00	\$ 100.00	\$ 200.00
Violation of General			
Development Standards	\$ 100.00	\$ 200.00	\$ 300.00
Violation of Development			
Review Procedures	\$ 100.00	\$ 200.00	\$ 300.00
Violation of Overlay District Standards	\$ 250.00	\$ 500.00	\$ 750.00
Obstructions on City [Property] Right-of-Way	\$ 250[100].00	\$ 5[2]00.00	\$ 750[400].00
Damage to City Property/Infrastructure	\$ 500.00	\$1,000.00	\$2,000.00
Stormwater			
Erosion Prevention and Sediment Control	\$500[250].00	\$1,000[500].00	\$2[1],000.00
Illicit Discharge	\$1,000[500].00	\$2[1],000.00	\$4[2],000.00
Post Construction BMP Maint.	\$500[250].00	\$1,000[500].00	\$2[1],000.00
Construction, Repair, Permitting and Maintenance			
Infrastructure Requirements	\$1,000.00	\$2,000.00	\$4,000.00
Maintenance Responsibility	\$ 500.00	\$1,000.00	\$2,000.00
Cuts and Excavations	\$ 500.00	\$1,000.00	\$2,000.00
Chapter 21 Violations Not Specifically Listed	\$ 100.00	\$ 200.00	\$ 400.00

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Cemeteries			
Unleashed Animal	\$ 25.00	\$ 50.00	\$ 100.00
Animal Waste Removal	\$ 25.00	\$ 50.00	\$ 100.00
Animal on Grass	\$ 25.00	\$ 50.00	\$ 100.00
Contractors Licensing			
Expired License	\$ 100.00	\$ 200.00	\$ 300.00
No License	\$ 250.00	\$ 500.00	\$ 750.00
Expired Insurance	\$ 100.00	\$ 200.00	\$ 300.00
No Insurance	\$ 250.00	\$ 500.00	\$ 750.00

b. If the citation is contested and a hearing before the Board is required, the following maximum penalties may be imposed at the discretion of the Board:

<u>Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>All Others</u>
Recycling Establishments			
Screening Violations	\$ 200.00	\$ 500.00	\$1,000.00
Property Maintenance and Nuisances			
Structural Violations	\$ 300.00	\$ 600.00	\$1,200.00
Non-Structural Violations	\$ 200.00	\$ 400.00	\$ 800.00
Zoning Ordinance/Subdivision Regulations			
Use Violations	\$ 200.00	\$ 400.00	\$ 600.00
Yard/Dimensional Violations	\$ 100.00	\$ 200.00	\$ 400.00
Sign Violations	\$ 100.00	\$ 200.00	\$ 400.00
Violation of General			
Development Standards	\$ 200.00	\$ 400.00	\$ 600.00
Violation of Development			
Review Procedures	\$ 200.00	\$ 400.00	\$ 600.00
Violation of Overlay District Standards	\$ 500.00	\$1,000.00	\$1,500.00
Obstructions on City [Property] Right-of-Way	\$ 5[2]00.00	\$1,000[400].00	\$1,500[800].00
Damage to City Property/Infrastructure	\$1,000.00	\$2,000.00	\$4,000.00
Stormwater			
Erosion Prevention and Sediment Control	\$1,000[500].00	\$2[1],000.00	\$4[2],000.00
Illicit Discharge	\$2[1],000.00	\$4[2],000.00	\$8[4],000.00
Post Construction BMP Maint.	\$1,000[500].00	\$2[1],000.00	\$4[2],000.00
Construction, Repair, Permitting and Maintenance			
Infrastructure Requirements	\$2,000.00	\$4,000.00	\$8,000.00
Maintenance Responsibility	\$1,000.00	\$2,000.00	\$4,000.00
Cuts and Excavations	\$1,000.00	\$2,000.00	\$4,000.00
Chapter 21 Violations Not Specifically Listed	\$ 200.00	\$ 400.00	\$ 800.00
Cemeteries			
Unleashed Animal	\$ 50.00	\$ 100.00	\$ 200.00
Animal Waste Removal	\$ 50.00	\$ 100.00	\$ 200.00
Animal on Grass	\$ 50.00	\$ 100.00	\$ 200.00
Contractors Licensing			
Expired License	\$ 200.00	\$ 400.00	\$ 600.00
No License	\$ 500.00	\$1,000.00	\$1,500.00
Expired Insurance	\$ 200.00	\$ 400.00	\$ 600.00

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No Insurance

\$ 500.00

\$1,000.00

\$1,500.00

...

3. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

4. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

5. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on July 19, 2016, and given final reading on August 2, 2016, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: August 2, 2016

APPROVED: Bruce Wilkinson
Mayor, Chairman of Board of Commissioners

ATTEST: Kate Schaller Ward
City Clerk

SPONSORED BY: Kevin D. DeFebbo, City Manager, 07/12/2016, 1:45 p.m.