

**COMMONWEALTH OF KENTUCKY
CAMPBELL COUNTY
CITY OF COLD SPRING
ORDINANCE NO. 14-1008**

**AN ORDINANCE OF THE CITY OF COLD SPRING, KENTUCKY
FOR CONTROLLING CONSTRUCTION SITE
EROSION AND SEDIMENT CONTROL**

Whereas, this Ordinance is being enacted pursuant to mandates imposed by the Federal Clean Water Act, in particular those parts that require local governments to comply with water pollution control requirements.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cold Spring, Kentucky that from and after the passage, approval and publication of this Ordinance for controlling construction site erosion and sediment and the Code Enforcement Board shall administer and enforce this ordinance as prescribed:

SECTION 1. PURPOSE AND INTENT.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Cold Spring, Kentucky through the regulation and controlling of construction site erosion and sediment. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

1. Promote the public welfare by regulating the design, construction, use and maintenance of development or other activity that involves site grading, clearing, or disturbance of topsoil;
2. Control soil erosion by wind and water, and reduce siltation of ditches, streams and impoundments;
3. Preserve native vegetation;
4. Protect water quality and enhance aquatic habitat;
5. Delineate requirements for permit applications and issuance of permits for site development activities;
6. Establish legal authority to carry out all inspection, surveillance and monitoring

procedures necessary to ensure compliance with this ordinance.

SECTION 2. DEFINITIONS.

For the purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Administrative Manual: A manual developed by the Code Enforcement Board and distributed to the public to provide information for the effective administration of this ordinance, including but not limited to the following documents:

1. Application/Certification For Storm Water Management and Construction Erosion and Sediment Control
2. City of Cold Spring Storm-Water Process and Fee Schedule for Construction Erosion/Sediment Control Plan Review and Inspection
3. Construction Storm Water Pollution Prevention Plan (SWPPP) Template

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

Certified Contractor: A person or firm who has received training to install, inspect and maintain erosion and sediment control practices.

Code Enforcement Board: is the enforcement agency and or any duly authorized designee.

Clearing: Any activity that removes all or a portion of existing vegetative cover.

Drainage Way. Any channel that conveys surface runoff within a site.

Design Manual: The City of Cold Spring storm water Design Manual referenced herein shall refer to the Northern Kentucky Regional Storm Water Management Rules and Regulations and the Sanitation District 1 - Storm Water Best Management Practices Manual as the City of Stormwater Design Manual.

Development: New development created by the addition of built upon area to land void of built upon area as of the effective date of this ordinance.

Disturbance: Any use of the land by any person or entity which results in a change in the natural cover or topography of the land.

Drainage Area: That area of land that drains to a common point on a project site.

Erosion Control: Measures that limit wind, rainfall or runoff from displacing exposed or disturbed soil.

Erosion and Sediment Control Plan: A set of drawings or narrative indicating the specific measures and sequencing to be used to control sediment and erosion on a site during and after construction. On larger sites or in special circumstances these plans may be required to be prepared by or under the direction of a licensed professional engineer.

Floodplain: The low, periodically-flooded lands adjacent to streams. For land use planning purposes, the regulatory floodplain is usually viewed as all lands that would be inundated by the Regulatory Flood.

KDOW means: to refer to the Kentucky Division of Water.

Kentucky Pollutant Discharge Elimination System (KPDES) Storm Water Discharge Permit means: a permit issued by the Kentucky Division of Water (KDOW) under delegated authority by the United States Environmental Protection Agency (USEPA) pursuant to 33 USC ' 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Grading: Excavation, fill or other disturbance of soil material, including deposition on or removal of in-situ material from a site.

Land disturbing activity: Any construction-related land change that may result in soil erosion from wind, water and/or ice, and the movement of sediments into or upon waters, lands, or rights of way within the City of Cold Spring including, but not limited to, construction, demolition, clearing and grubbing, grading, excavating, transporting, and filling of land. Land disturbing activity does not include the following:

- Minor land disturbing activities, including, but not limited to, underground utility repairs; replacement of existing utilities at a single location; home gardens and landscaping; and minor repairs;
- Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles;
- Excavation or filling of graves in a cemetery;
- "Agricultural Use" as defined under KRS 100.111;
- Resource Extraction activity pursuant to the Kentucky Pollutant Discharge Elimination System General Permit or a facility specific individual KPDES Permit;
- Site investigations, such as geotechnical explorations, clearing for surveying work, monitoring wells, and archaeological explorations, that are undertaken prior to submittal of an application for a preliminary subdivision plat; and
- Emergency work to protect life, limb, or property, and emergency repairs.

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

Owner: The legal or beneficial owner of land, including but not limited to a fee owner, mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.

Perimeter Control: A barrier at or near the limits of disturbance, which prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Person(s): Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

Phasing: Clearing a parcel of land in distinct segments, with the stabilization of each segment completed before the clearing of the next.

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

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

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

Stabilization: The use of practices that limit the erosion of exposed soil.

Start of Construction: The initial land-disturbing activity associated with a development, including land preparation, clearing, grading, and filling; excavation for basements, footings, piers, or foundations; and installation of accessory structures.

Storm Water Management Permit: A permit required for all development and redevelopment unless exempt pursuant to this ordinance, which demonstrates compliance with this ordinance.

Stormwater Pollution Prevention Plan (SWPPP): a document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Watercourse: Any open drainageway, including, but not limited to lakes, ponds, rivers, streams, and bodies of water owned or maintained by the City of Cold Spring.

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

SECTION 3. APPLICABILITY.

This ordinance shall apply to the City of Cold Spring boundary limits and enforced by the Code Enforcement Board.

SECTION 4. RESPONSIBILITIES, RIGHT OF ACCESS.

The Code Enforcement Board or duly authorized designee shall administer and implement the provisions of this ordinance and enforced by Code Enforcement Board. Any powers granted or duties imposed upon the Code Enforcement Board may be delegated to persons or entities acting in the beneficial interest of or in the employ of the Code Enforcement Board

(a) Every person who improves land or changes the contour of land in any manner shall be responsible for the protection against erosion; and for reestablishing permanent ground cover.

(b) Every such person shall be responsible for the cleaning of city streets, storm and sanitary sewers, and open channels on private land in or upon which soil or other matter has been deposited from such lands.

(c) Before any land disturbing activity, or before any building or structure is demolished, erected, constructed or reconstructed, every person proposing such development shall present an erosion and sediment control plan for protection of the site against erosion and for reestablishing permanent ground cover. The plan shall be submitted to the codes administrator for review and approval as part of the demolition permit or building permit submittal. A demolition permit or a building permit shall not be issued to such person prior to approval of the erosion and sediment control plan.

(d) No erosion and sediment control plan is required for the following activities:

- (1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
- (2) Existing nursery and agricultural operations conducted as a main or accessory use.
- (3) Any activity disturbing one (1) acre or less of land. For these small sites, certain minimum erosion control requirements shall apply (see Section 7-203 (h)).

(e) The City shall be permitted to enter and inspect lands and facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.

(f) In addition to all other remedies, and after such time as the codes administrator shall have determined a failure of a developer or builder to comply with this section,

the codes administrator may institute an injunction, mandamus, or appropriate action or proceeding in any court of competent jurisdiction to prevent the work or occupancy of such building, structure or land.

SECTION 5. SEVERABILITY.

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

SECTION 6. ULTIMATE RESPONSIBILITY.

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

SECTION 7. EROSION AND SEDIMENT CONTROL PLAN CONTENT, DESIGN REQUIREMENTS.

(a) For those areas that are greater than one acre of disturbed area a storm water pollution prevention plan (SWPPP) shall be required. A storm water pollution prevention plan (SWPPP) shall be prepared and implemented in accordance with KYR10. All construction site operators working on site shall comply with requirements of the SWPPP and KYR10.

A current copy of the SWPPP shall be readily available at the construction site from the date of project initiation to the date of Notice of Termination. The person with day-to-day operational control over the plan's implementation shall keep a copy of the SWPPP readily available whenever on site (a central location accessible by all on-site operators is sufficient for sites that are part of a common plan of development). If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the plan's location shall be posted near the main entrance at the construction site.

(b) Each erosion and sediment control plan shall bear the name and address of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm.

(c) For sites containing more than one (1) acre of disturbed area, a Notice of Intent (NOI) must be filed with the Kentucky Division of Water (KDOW). Prior to submittal of the NOI to KDOW, the complete NOI submittal shall be submitted to the City for review and comment. The City reserves the right to review the NOI submittal for conformance with this Ordinance, and this review is separate and apart from State approval of any plan.

(d) Each erosion and sediment control plan shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the erosion and sediment control plan submitted by the developer, and that a certified contractor shall be on site

on all days when construction activity related to site work or grading takes place.

(e) In the event of a violation of the provisions of this and/or any other City Ordinance regarding stormwater/erosion control, the applicant may be required to file with the Code Enforcement Board performance bond, or letter of credit, in an amount deemed sufficient by the City to cover all costs of temporary or permanent erosion and sediment control improvements for such period as specified by the City, and engineering and inspection costs to cover the cost of repair of erosion and sediment control improvements installed on the site.

(f) Review and Approval: The City will review each erosion and sediment control plan (SWPPP) to determine its conformance with the provisions of this ordinance. Within thirty (30) working days after receiving an application, the City shall, in writing:

- (1) Approve the erosion and sediment control plan (SWPPP);
- (2) Approve the erosion and sediment control plan (SWPPP) subject to such reasonable conditions as may be necessary to secure the objectives of this regulation, and issue the permit subject to these conditions; or
- (3) Disapprove the erosion and sediment control plan (SWPPP), indicating the reasons for denial and the procedure for submitting a revised plan.

(g) Erosion and Sediment Control Plan (SWPPP): Erosion and Sediment Control Plans (SWPPP) shall include the following:

- (1) A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code.
- (2) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
- (3) All erosion and sediment control measures necessary to meet the objectives of this ordinance throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the adoption of intermediate plans may be required at the close of each season.
- (4) Seeding mixtures and rates, types of sod, method of seedbed preparation, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures. Specify alternative methods based on seasonal needs.
- (5) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

(h) Small Site Requirements: For construction sites of one (1) acre or less

disturbed area, the following minimum erosion control measures shall be used, if applicable:

- (1) An approved construction entrance;
 - (2) Perimeter control, if there is potential for disturbed soil to be deposited onto or in streets, storm sewers, drainage channels or streams;
 - (3) Contained washout facility for concrete trucks;
 - (4) Trash control;
 - (5) Prompt cleanup of any silt or other debris discharged to streets, gutters, storm sewers or streams.
- (i) Design Requirements: Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the Design Manual , and shall be adequate to prevent transportation of sediment from the site. Design requirements include:
- (1) Cut and fill slopes shall be no greater than 2:1, (horizontal: vertical), except as approved by the City to meet other community or environmental objectives.
 - (2) Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with State and Federal regulations. Clearing techniques shall retain natural vegetation and drainage patterns to the maximum extent practicable, as described in the City's Technical Stormwater Manual.
 - (3) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and stabilized.
 - (4) Phasing is encouraged on all sites, with the size of each phase to be established at plan review and as approved by the City.
 - (5) Erosion control measures shall include the following:
 - (a) Stabilization of disturbed areas must be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased and will not resume on any portion of the site for a period of fourteen (14) days. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed..
 - (b) If seeding or another vegetative erosion control method is used, adequate temporary erosion control may be required until permanent cover is established.
 - (c) Special techniques that meet the design criteria outlined in the Technical Stormwater Manual on steep slopes or in drainage ways shall be used to ensure stabilization.
 - (d) Soil stockpiles must be contained at the end of each workday,

with adequate measures taken to control and treat runoff.

- (e) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
 - (f) Techniques shall be employed to prevent the blowing of dust or sediment from the site.
 - (g) Techniques that divert upland runoff past disturbed slopes shall be employed.
 - (h) Techniques shall be employed to minimize soil compaction and preserve topsoil, but these measures are not required where the intended function of a specific area dictates that topsoil be compacted, disturbed or removed.
- (6) Sediment control measures may be required to include, if applicable:
- (a) Settling basins, sediment traps, or tanks and perimeter controls.
 - (b) Settling basins that are designed in a manner that allows adaptation to provide long term storm water quantity and quality management, if required by the City.
 - (c) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.
- (7) Waterway and watercourse protection requirements shall include:
- (a) A temporary stream crossing installed and approved by the Kentucky Division of Water if a wet watercourse will be crossed regularly during construction.
 - (b) Stabilization of the watercourse channel before, during, and after any in-channel work.
 - (c) Design all on-site storm water conveyance channels according to the criteria outlined in the Design Manual.
 - (d) Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.
 - (e) Vegetative filter strips may be required along watercourses, in conformance with the stormwater best management practices manual (Sanitation District #1 of Northern Kentucky date February 2012).
- (8) Construction site access requirements shall include:
- (a) Approved temporary access entrance(s) provided at all sites.
 - (b) Other measures necessary to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

SECTION 8. INSPECTION ENFORCEMENT.

- (a) The City may make inspections as hereinafter required and may approve that portion of the work completed or may notify the permittee of

those portions of the work that fail to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the City shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the City at least two working days before the following:

- (1) Start of construction.
- (2) Installation of sediment and erosion measures.
- (3) Completion of site clearing
- (4) Completion of rough grading
- (5) Completion of final grading
- (6) Close of the construction season
- (7) Completion of final landscaping

(b) The permittee or his agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures, and to provide maintenance as needed. All inspections shall be documented in written form and submitted to the City at the time interval specified in the approved permit. The City will make regular inspections to verify the reports submitted by the permittee.

(c) In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site, the site development permit may be suspended or revoked.

(d) Violation and Penalties: No person shall construct, enlarge, alter, repair, or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance.

(e) Written Notice: Any person violating any of the provisions of this ordinance shall be served by the City with written notice stating the nature of the violation. Within five

(f) (5) business days of the receipt date of this notice, permittee shall submit to the City an explanation of the violation and a corrective action plan for the satisfactory correction and prevention thereof, to include specific required actions. Submission of this plan in no way relieves the permittee of potential liability for any violation occurring before or after receipt of the notice of violation. The permittee shall permanently remedy all violations upon approval of this corrective action plan.

(g) Revocation of permit: Any user violating any of the provisions of this ordinance or a permit or order issued hereunder, may be subject to termination of its authority to continue work.

(h) In addition to any other penalty authorized by this ordinance, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation, including but not limited any costs of remediation or repair of erosion prevention and sediment control at the site.

SECTION 9. CLEAN UP BY CITY; CHARGES AGAINST PREMISES.

(a) The city shall have the right to clean streets, storm sewers, ditches or streams, or employ other persons to do so. In such event the person responsible for the deposit of soil or other matter in or upon streets, storm sewers, ditches or streams shall be liable to the city for the reasonable expenses or costs thereof. There shall be included in the computation of such reasonable costs the City's actual costs for labor, equipment and supplies, and the administrative cost to the city, if applicable.

(b) Charges for removal and cleaning shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for thirty (30) days after it has been rendered, the city may file with the county court clerk a statement of a lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred, the date same was incurred, and a notice that the city claims a lien for that amount. Notice of such lien claim shall be mailed to the owner of the premises if his address is known; provided, however, that failure of the city to mail such notice, or the failure of the land owner to receive such notice, shall not affect the right to enforce the lien for such charges as provided herein.

SECTION 10. ENFORCEMENT AND PENALTIES

A. Notice of Violation.

Any of the following enforcement remedies and penalties, to be applied independently or in a sequence as deemed necessary, shall be available to the City in response to violations of this ordinance.

(a) Notice of Violation – Enforcement proceedings for this Ordinance shall be initiated by the issuance of a notice of violation (NOV) by the Code Enforcement Board. Failure to remedy the violation within seven (7) days of receipt of the Notice of Violation shall result in a citation for a civil offense. Each day such violation continues after receipt of a citation shall be considered a separate offense. The civil administrative fine for each citation (violation) of this Ordinance shall be not less the \$100 and not more than \$1,000. The civil fine shall be paid directly to the City of Cold Spring. The party cited may appeal the citation and request a hearing before the City of Cold Spring Code Enforcement Board as set forth in Cold Spring Ordinance No. 05-876 and all amendments thereto. The issuance and collection of all civil offenses shall also be governed under Cold Spring Ordinance 05-876 and all amendments thereto.

The City may also obtain injunctions or abatement orders to insure compliance with this ordinance or pursue administrative remedies.

(b) Legal Proceedings, Notification of Kentucky Division of Water – The Code Enforcement Board may pursue appropriate legal proceedings for the enforcement of this Ordinance, and the City shall be entitled to recover its costs expended and reasonable attorney's fees in such proceedings. If the person, property, or facility has or is required to have a stormwater discharge permit from KDOW, the City shall notify the appropriate State authorities of the violation.

(c) Revocation of permit, improvement or development plans. Permits, improvement plans

or development plan approvals may be revoked for any substantial departure from the approved plans thereby resulting in an illicit discharge as defined herein.

(d) Stop Work Orders – For violations involving active construction sites, the Code Enforcement Board may issue a Stop Work Order and require that all activities cease, except those actions that are necessary to eliminate the illicit discharge.

(e) Suspension of MS4 access due to illicit discharges in emergency situations – The City may, without prior notice, suspend MS4 discharge access when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, 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 persons.

(f) Suspension of MS4 access due to the detection of illicit discharge – Any entity discharging to the MS4 or any conveyance in violation of this Ordinance may have its MS4 access terminated in 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. Reinstatement of MS4 access to premises terminated pursuant to this Ordinance without the prior approval of the City constitutes a violation.

(g) Cost of abatement of a violation – Any person causing a violation of this Ordinance 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 fees and costs incurred by the City for such response, cleanup and removal. This shall include but not be limited to personnel costs of any City departments, or designated contractor costs, replacement costs of supplies and equipment contaminated as a result of the discharge, proper disposal of contaminated 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 the city shall have a lien against the property for its recoverable costs if these costs are not paid within ninety (90) days of invoice.

SECTION 11. APPEAL OF NOTICE OF VIOLATION

Any person receiving a Notice of Violation may appeal the determination of the Code Enforcement Board's agent and/or designee pursuant to Cold Spring Ordinance No. 05-876 and all amendments thereto.

SECTION 12. ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within three (3) days of the decision of the Code Enforcement Board, shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall

be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Code Enforcement Board or designated contractor to enter upon the premises for the purposes set forth above.

SECTION 13. COST OF ABATEMENT OF THE VIOLATION

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

Any person violating any of the provisions of this article shall become liable to the city by reason of such violation with all collection set forth in Cold Spring Ordinance No. 05-876 and any amendments thereto.

SECTION 14. INJUNCTIVE RELIEF

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

SECTION 15. COMPENSATORY ACTION

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, The Code Enforcement Board may impose upon violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

SECTION 16. VIOLATIONS DEEMED A PUBLIC NUISANCE

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

SECTION 17. CRIMINAL PROSECUTION

Any person that has violated or continues to violate this ordinance may be referred for criminal prosecution subject to a criminal penalty of \$1,000 dollars per violation per day and/or imprisonment for a period of time not to exceed thirty (30) days. Said Criminal Prosecution shall only be sought after a minimum of two civil offenses as set forth herein.

The Code Enforcement Board may recover all attorney fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

SECTION 18. REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Code Enforcement Board to seek cumulative remedies.

SECTION 19. ADOPTION OF ORDINANCE

This ordinance shall be in full force and effect upon final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

BE IT FURTHER ORDAINED that the Mayor of the City of Cold Spring and/or his designate be and he is authorized and directed to take all steps necessary to perfect this Ordinance.

ADOPTED this 25th day of August

FIRST READING: 8/11/14

Vote 6 , Yes; 0 , No

SECOND READING: 8/25/14

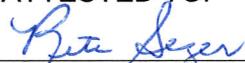
Vote 4 , Yes; 0 , No

**CITY OF COLD SPRING
CAMPBELL COUNTY, KENTUCKY**



MARK STOEBER, MAYOR

ATTESTED TO:



RITA SEGER , CITY CLERK