

**Third Permit Cycle:
2018 - 2023**

**CITY OF PADUCAH
STORMWATER QUALITY MANAGEMENT PLAN**



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AI# 8754



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PREFACE

Urbanization has detrimental effects on stormwater quality. Pollutants generated by urban land use can be classified as floatables, sediment, nutrients, oxygen demand, oil and grease, heavy metals, toxic chemicals and bacteria. In order to focus on the stormwater quality impacts of urban land use activities, appropriate control measures must be in place. The City of Paducah Stormwater Quality Management Plan (SWQMP) is a guide for the City to reduce the discharge of pollutants into Paducah's Municipal Separate Storm Sewer System (MS4) to the Maximum Extent Practicable (MEP) and comply with the Kentucky Pollutant Discharge Elimination System (KPDES) MS4 Phase II program requirements specified in the City's permit KYG200021. The Kentucky Division of Water (KDOW) regulates the City's MS4 program. The SWQMP addresses minimum requirements and performance standards through the use of best management practices (BMPs). It does not establish new regulatory requirements, but is to be used as a guide for compliance with the permit. This Plan will be used by the City of Paducah for general planning and implementing to improve the water quality of stormwater runoff discharged to receiving Waters of the Commonwealth from the City of Paducah's MS4 boundary.



I. COMMUNITY BACKGROUND

The City of Paducah qualifies as a Small Municipal Separate Storm Sewer System (MS4) Phase II community as specified by the Environmental Protection Agency (EPA) and the Kentucky Division of Water (KDOW). The City entered into an Interlocal Cooperation Agreement on April 14, 2005, with the Kentucky Transportation Cabinet (KYTC). Paducah is the County seat of McCracken County, located in the northeasterly part of the County and the western part of Kentucky.

McCracken County was originally part of Hickman County, but as population growth occurred, the territory was divided into Hickman, Graves, Calloway, and McCracken Counties. McCracken County was formed on January 15, 1825 and was named after Captain Virgil McCracken, who was killed at the Battle of the River Raisin during the War of 1812. In 1832, Paducah became the county seat of McCracken County.

Paducah, originally known as Pekin, was settled around 1815. Settlers were attracted to the community due to its location at the confluence of the Ohio and Tennessee Rivers, mile markers 934.5 and 0.0 respectively. It is often called the Four-Rivers Area due to the proximity of the Cumberland River, 11.5 miles upstream the Ohio, the Mississippi River, 46.5 miles downstream the Ohio, and of course the Ohio and Tennessee Rivers.

In 1827, William Clark, Superintendent of Indian Affairs for the Mississippi-Missouri region, arrived in Pekin with a title deed to the land he now owned, which was issued by the United States Supreme Court. Clark most likely took stock of the settlers that had arrived at some point before himself, and offered the land for purchase, so they could occupy it with title in their name. If they did not choose to purchase the right to occupy the land, they most likely relocated to another domicile. The town was platted out and named in honor of the largest nation of Native Americans that ever roamed North America, the Padouca Indians. Lewis and Clark had made acquaintance with many of them while on their trek west. A letter written by Clark to his son clearly states the reason for the naming of the town. The community was incorporated in 1830.

Paducah thrived due to its port facilities along the waterways that were used by steamboats. A factory that manufactured red bricks was established and a foundry for making rail and locomotive components was built, ultimately contributing to a river and rail industrial economy.

In 1856, Paducah was chartered as a city. The community continued to capitalize on its geographic location by becoming the site of dry dock facilities for steamboats and towboats and, in turn, headquarters for various bargeline companies. Paducah also became an important railway hub for the Illinois Central Railroad (ICRR) due to its proximity to the coal fields in Kentucky and Illinois.



In 1937, the Ohio River at Paducah rose over its 50-foot flood stage. The flood was considered to be the worst natural disaster in Paducah's history. As a result of the flood, the United States Army Corps of Engineers built a flood wall to replace the earthen levee that had once been in place.

Other significant events in the community's history include the selection of Paducah in 1948 for the development of a new Uranium Enrichment Plant, and the development of the Museum of the American Quilter's Society (MAQS) in Paducah in 1991, which draws quilters from around the world.

Paducah has several Museums to educate and entertain, such as the Paducah Railroad Museum, the River Discovery Museum, the Tilghman Civil War Museum, and the oldest, the William Clark Market House Museum, founded in 1968. Several Festivals such as the American Quilter's Society Quilt Show and Contest in April and October (AQS QuiltWeek™), the LowerTown Arts & Music Festival in May, and BBQ on the River in September attract large crowds for the fun and food.

Major Transportation Corridors & Nearby Communities:

Paducah is located on Interstate 24 and has five exits off the interstate into the city. In addition to I-24, Paducah and McCracken County are served by U.S. Highways 60,62, and 45, as well as State routes KY 994/Old Mayfield Road/16th Street, KY 305/Cairo Road, KY 998/Olivet Church Road, KY 1954/ John L. Puryear Drive, KY 2187/Husbands Road, KY 1286/Friendship Road, and KY 731/32nd Street/Lone Oak Road. The City of Paducah is located approximately 23 miles west of Kentucky Dam Village State Park, 135 miles northwest of Nashville Tennessee, and 175 miles southeast of St. Louis Missouri.

Population Trends:

The City of Paducah's population has seen a decrease over the last fifty years from 34,479 people in 1960 to 25,024 people in 2010. However, McCracken County has been experiencing an increase in population over the last forty years from 57,306 people in 1960 to 65,565 people in 2010.

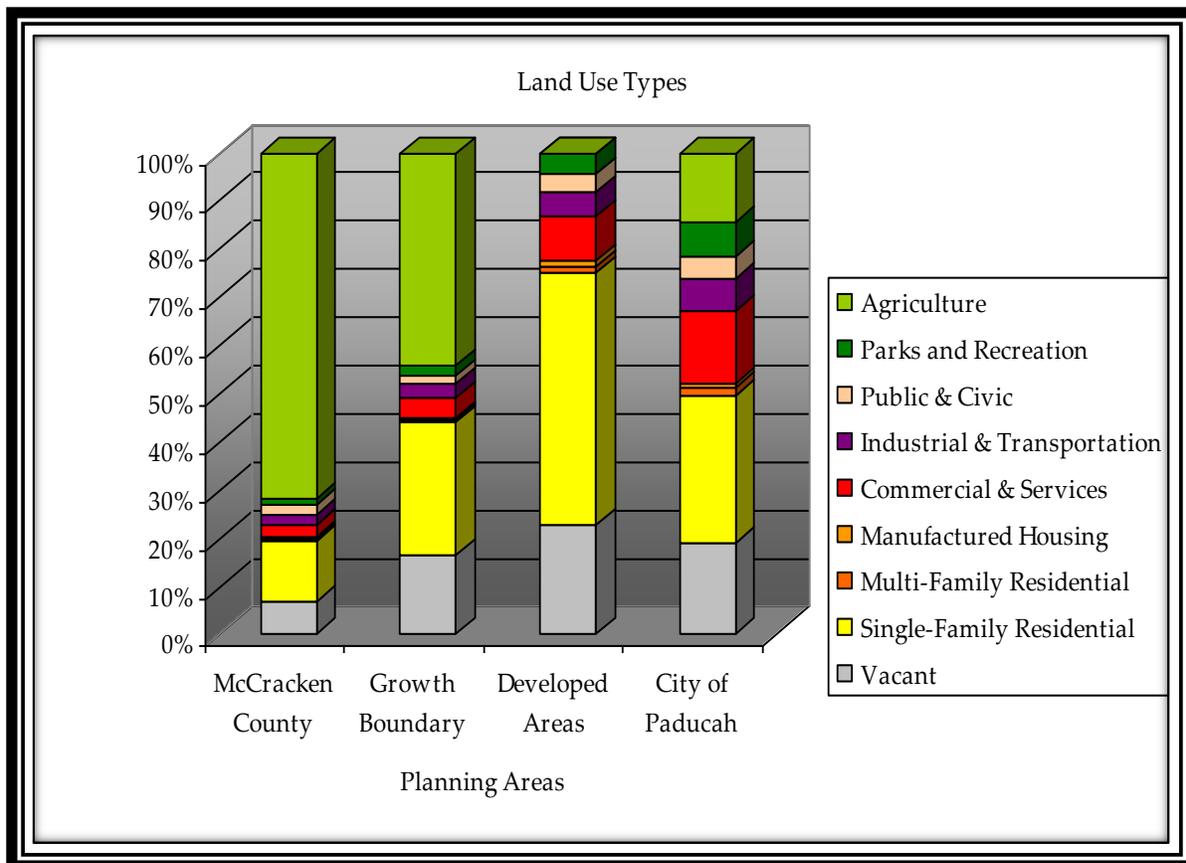
Existing & Future Land Use:

The City of Paducah land use is roughly 30 percent single family residential, 3 percent multi-family residential, 1 percent manufactured housing, 18 percent vacant lots, 15 percent agriculture and forest, 7 percent parks, 15 percent commercial use, 6 percent industrial use, and 5 percent public and civic use.

According to the City of Paducah's most recent Comprehensive Plan, land use reflects the more urban character of McCracken County as a heterogeneous collection of Single-Family Residential (29 percent), Vacant (18 percent), and Agriculture and Forest (14 percent) uses. The apparent forest category is mostly floodplain along

the Ohio River and agriculture in the floodplain of the Information Age Park. Other land uses include: Multi-Family Residential (2 percent), Manufactured Housing (<1 percent), Commercial & Services (14 percent), Manufacturing & Transportation (6 percent), Public & Civic (5 percent), and Parks & Recreation (6 percent). This mix is typical of urban centers since it contains a higher portion of businesses and denser residential areas. However, the abundance of vacant parcels (2,690 parcels) indicates both a challenge and an opportunity to the City of Paducah. Housing Distribution illustrates two trends in McCracken County and Paducah: the presence of a predominant Single-Family Residential Land Use for housing unit choice and very low-density residential development within the County and Growth Areas. Although Paducah houses 41% of the population, it uses only a fraction of the available land area. This implies that areas of McCracken County outside the Paducah City limits are being populated by sprawling, low-density development over a very wide area. See figure 1.1 below illustrating the Existing Land Use Types in Paducah.

Figure 1.1: Existing Land Use Types City of Paducah

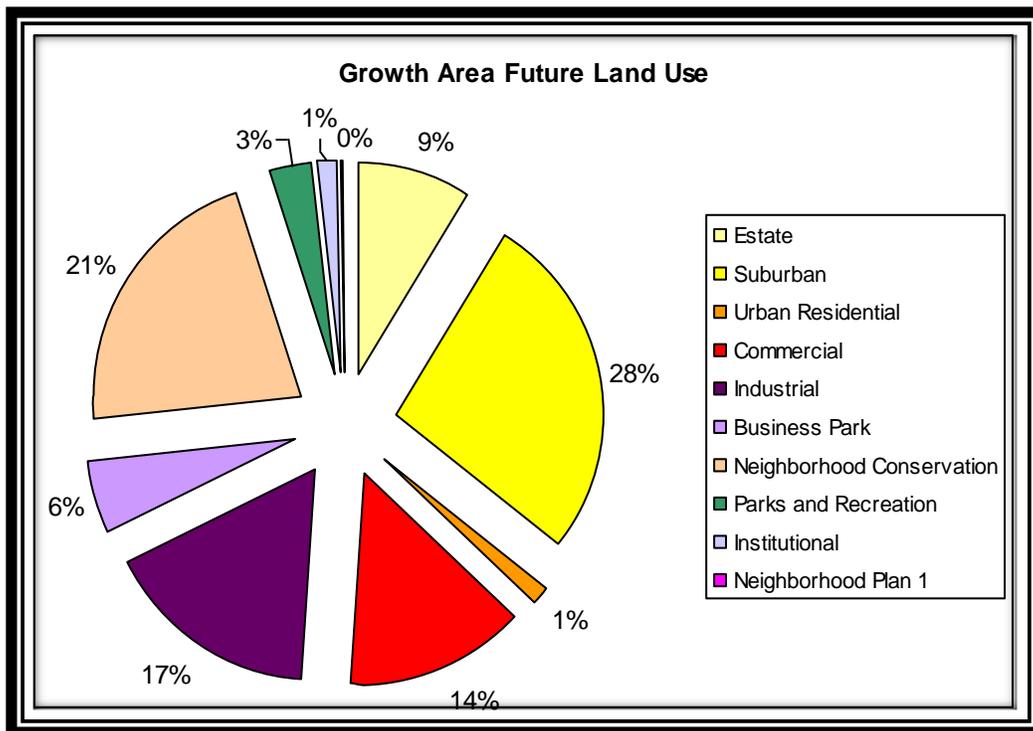


The future character of Paducah and McCracken County is based upon estimates of land use changes within the urban services boundary. This future community character assumes that every parcel will eventually be developed in the next 20 years although this may not, in fact, be the case. As stated previously, there will be more land available for development than any future market demand and many areas within the future growth area may remain in an undeveloped state for many years.

The future community character for the entire growth area will largely resemble the current land use conditions as shown in Figure 1.2 Growth Area Future Land Use. In both the existing and proposed scenarios, residential uses will be the majority of the land area. In the future land use scenario, this includes uses of 3,087 acres as Estate (9 percent), 9,309 acres as Suburban (28 percent), 487 acres as Urban Residential (1 percent), and 7,444 acres as Neighborhood Conservation (21 percent).

There will also be significant portions of Industrial and Commercial character types, as well as smaller areas devoted to Business Parks, Parks and Recreation, Institutional, and Neighborhood Plan 1. These land areas will include 4,865 acres as Commercial (14 percent), 5,852 acres as Industrial (17 percent), 1,938 acres as Business Park (6 percent), 506 acres as Institutional (1 percent), 1,205 acres as Parks & Recreation (3 percent), and 71 acres as Neighborhood Plan 1 (<1 percent).

Figure 1.2: Growth Area Future Land Use





In Table 1.1 below, the land use districts of the Comprehensive Plan are listed, along with the current districts.

Table 1.1: Planning & Zoning Districts

Table 1.1, Planning and Zoning Districts			
Planning Area	Primary Use	Plan Districts	Existing Zoning Districts
Developed Area	Residential	Neighborhood Conservation	R1, R2, R3, R4, AG, RR, UR existing or nonconforming
		Suburban, Moderate Urban	R1, R2, UR R3, R4, MR
	Commercial	Central Business District	B2
		General Business	B1, B3, C
Growth Area	Manufacturing	Manufacturing Business Park	M2, M3, MH M1, ML
		Residential	AG, RR
	Residential	Suburban, Low	R1
		Suburban, Moderate	R2, UR
Holding Zone	Commercial	Neighborhood Conservation	R1, R2, R3, R4, AG, RR, UR existing or nonconforming
		Central Business	B2
	Manufacturing	General Business	B1, B3, C
		Manufacturing Business Park	M2, M3, MH M1, ML
Residential	Rural	AG	
	Neighborhood Conservation	AG nonconforming	



II. LOCAL WATER RESOURCES

Paducah is located on the Ohio River at the mouth of the Tennessee River and approximately forty-six miles upstream from the confluence of the Ohio and Mississippi Rivers. The 981 mile long Ohio River encompasses nearly 204,000 square miles of drainage area from 14 states and is one of the most populated watersheds with more than 25 million people located in the drainage boundary. Additionally, it is one of the most industrialized basins in the United States. As mentioned in the Community Background Section, the Ohio River provides great economic impacts to the City of Paducah. Nonetheless, water quality related problems due to urban and agricultural runoff, industrial waste, acid mine drainage, combined sewer overflows, and wastewater treatment plants exist within the Ohio River.

Forty-six square miles drain through the city limits by means of five primary watersheds of which include Cross Creek, Crooked Creek, Perkins Creek, Island Creek, and the Urban Area feeding into the Ohio River. Paducah is a natural floodplain for the Ohio River. Essential commercial and industrial areas of Paducah as well as the older residential areas are located in the floodplain of the Ohio River, protected by a floodwall/levee system that was constructed between 1939 to 1949. See Appendix A for a map of Kentucky showing the location of Paducah.



Water Quality Conditions

- A) *Approved Total Maximum Daily Loads (TMDLs), specific pollutants, and wasteload allocations (WLAs)*

Being next to the Ohio River, the City of Paducah has several streams that empty near or outside the city limits. The City of Paducah does not have any approved total maximum daily loads with wasteload allocations according to Kentucky Division of Water Health Portal Assessment.

- B) *Impaired waterbodies and specific pollutants with a TMDL actively under development.*

The City of Paducah has two 303(d) listed streams inside its corporate limits. The creeks listed are Island Creek and the Middle Fork of Massac Creek. See Appendix B for an illustration of the 303(d) listed streams in the McCracken County Stream & Watershed Map. At both of these locations, the vast majority of the creek conveys surface runoff originating in McCracken County with minimal impacts to these respective streams originating from Paducah's MS4 outfalls. Although only two 303(d) listed streams are listed that flow through the City of Paducah, there are many more 303(d) listed streams located outside of the city limits. Again, refer to Appendix B McCracken County Stream and Watershed Map for a map of 303(d) listed streams.

The Middle Fork of Massac Creek has 6.4 miles of impairment. From river mile 0.0 to approximately 0.9 the Middle Fork of Massac Creek lies within the City of Paducah corporate limits with the remainder in McCracken County. This area of Paducah is also known as Information Age Park. The 0.9 miles of stream in this area is on the discharge end of the creek. Nitrate/Nitrite (Nitrite + Nitrate as N) is listed as one of the stream impairments. This impairment has suspected sources listed as Agriculture, Crop Production (Crop Land or Dry Land). The other impairment that is listed for this stream is sedimentation/siltation. This impairment has suspected sources listed as Agriculture, Crop Production (Crop Land or Dry Land). Both of these impairments can be attributed to the farmlands that border the creek. This creek receives negligible stormwater runoff contributions from the City of Paducah. See Appendix D for the assessment summary.

Island Creek has 10.1 total miles of impairment. River mile 0.0 to approximately 1.1 of Island Creek lies within the City of Paducah corporate limits. The remainder of the 10.1 miles lies in McCracken County. The 1.1 miles of stream is on the discharge end of the creek. From river mile 0.0 to 5.7, Island Creek is under a warm water



aquatic habitat impairment listed as cause unknown and the suspected source or sources as unknown. For the same river miles, the creek is under a primary contact recreation classification, the creek has an impairment listed as fecal coliform and a suspected source as unknown. However, the Paducah-McCracken County Joint Sewer Agency (JSA) has six combined sewer overflows (CSO) in the Island Creek watershed. From river mile 5.7 to 10.1, the creek is under a warm water aquatic habitat impairment listed as cause unknown and the suspected source or sources as unknown. From river mile 0.0 to 4.75, the creek is under a warm water aquatic habitat impairment listed as specific conductance with the suspected source being legacy coal extraction, petroleum/natural gas activities, and surface mining. In addition to the listed source aforementioned, the impairment of this stream is suspected to have sources such as leaky septic systems, agricultural runoff, underground storage tanks, and combined sewer overflows. This creek receives minimal surface stormwater runoff from the City of Paducah. The majority of the stormwater runoff comes from outside of the City of Paducah’s MS4 jurisdiction. Under the 305(b) Assessment, Island Creek does not support the designated use of primary contact recreation. See Appendix D for the assessment summary.

Table 2.1: Summary of the 2016 303(d) List of Impaired Waters

STREAM NAME	RIVER MILES	POLLUTANT	IMPAIRED USES	SUSPECTED SOURCES
Middle Fork Massac Creek	0.0 to 6.4	Nitrate/Nitrite (Nitrite + Nitrate as N)	Warm Water Aquatic Habitat, Outstanding State Resource Water	Agriculture, Crop Production (Crop Land or Dry Land)
Middle Fork Massac Creek	0.0 to 6.4	Sedimentation/Siltation	Warm Water Aquatic Habitat, Outstanding State Resource Water	Agriculture, Crop Production (Crop Land or Dry Land)
Island Creek	0.0 to 5.7	Fecal Coliform	Primary Contact Recreation Water	Source Unknown
Island Creek	0.0 to 5.7	Cause Unknown	Warm Water Aquatic Habitat	Source Unknown
Island Creek	5.7 to 10.1	Cause Unknown	Warm Water Aquatic Habitat	Source Unknown
Island Creek	0.0 to 4.75	Specific Conductance	Warm Water Aquatic Habitat	Legacy coal extraction, Petroleum/natural Gas Activities, Surface Mining



- C.) *Impaired waterbodies that do not meet water quality standards and therefore, do not support their designated uses and the specific pollutants identified as causing the impairment.*

The City of Paducah has four waterbodies that do not meet water quality standards and do not support their designated uses, a segment of the Tennessee River, Island Creek, Middle Fork of Massac Creek and an unnamed tributary that flows into the Massac Creek. However, according to the 305(b) Assessment conducted by the Kentucky Division of Water (KDOW), the two of the four stream sections mentioned do not require a TMDL at this time. See in Appendix B McCracken County Stream and Watershed Map for a map of 303(d) listed streams.

The Tennessee River from river mile 1.1 to 3.8 receives minimal stormwater runoff from the City of Paducah. This section partially borders some of the most eastern portion of the city. The majority of the watershed that affects this portion of the Tennessee River resides in McCracken County. This section of the river is listed in the 305(b) Assessment. This section of river was evaluated under the primary contact recreation designated use and was listed as a category 5B stream. The pollutant listed in the assessment was fecal coliform and the suspected source is listed as marina/boating pumpout releases. Based on a category 5B listing, the assessed section of the river does not require a TMDL at this time. The categories identified in this background are outlined in the 2016 Integrated Report to Congress on Water Quality more commonly known as the 305(B) report. Under the remaining designated uses, the section of the river was listed as a category 3 stream. When a stream is designated under a category 3 stream, it means that the designated use(s) has/have not been assessed (insufficient or no data available). See Appendix D B for the assessment summary.

An unnamed tributary that flows into the Massac Creek that has a stream mile from 0.0 to 0.8 is in the 305(b) Assessment also flows through some of the outskirts of Information Age Park into Massac Creek. It was evaluated under the primary contact recreation designated use and was determined to be listed as a category 5B stream, meaning that the stream does not require a TMDL. The pollutant listed in the assessment was fecal coliform and the suspected source is a package plant or other permitted small flow discharges. Under the remaining designated uses, the stream was listed as a category 3 stream. This stream receives minimal stormwater runoff from our MS4 jurisdiction. See Appendix D for the assessment summary.

The Middle Fork of Massac Creek from stream mile 0.0 to 6.4 receives minimal stormwater runoff from the City of Paducah. Only .87 miles of the creek is within the City



limits that flows through Information Age Park and into Massac Creek. The majority of the watershed that affects this portion of the Middle Fork of Massac Creek resides in McCracken County of which is designated as an Outstanding State Resource Water (OSRW). This section of the creek is listed in the 305(b) Assessment. This section of stream was evaluated under the warm water and cold water aquatic habitat and was listed as a category 5 stream under these impaired uses. The pollutant listed in the assessment was sedimentation/siltation and the suspected source is listed as crop production (crop land or dry land). Based on a category 5 listing, the assessed section of the creek will require a TMDL for this pollutant. This section of Middle Fork of Massac Creek was also evaluated under the OSRW and the pollutant listed in the assessment was nitrate/nitrite (nitrite + nitrate as N). The suspected source is listed as agriculture and based on a category 5 listing; the assessed section of the creek will require a TMDL for this pollutant. Under the remaining designated uses, the stream was listed as a category 3 stream. This stream receives minimal stormwater runoff from our MS4 jurisdiction. See Appendix D for the assessment summary.

Island Creek has 10.1 total miles of impairment. River mile 0.0 to approximately 1.1 of Island Creek lies within the City of Paducah corporate limits. The remainder of the 10.1 miles lies in McCracken County. The 1.1 miles of stream is on the discharge end of the creek. This section of the creek is listed in the 305(b) Assessment. This section of creek was evaluated under the warm water and cold water aquatic habitat and was listed as a category 5 stream under these impaired uses. The pollutant listed in the assessment was fecal coliform and the suspected source is listed as unknown. Based on a category 5 listing, the assessed section of the creek will require a TMDL for this pollutant. This section of creek also has an unknown impairment and was also evaluated under the warm water and cold water aquatic habitat. This is also listed as a category 5 stream under these impaired uses. The pollutant listed in the assessment was impairment unknown and the suspected source unknown. Based on a category 5 listing, the assessed section of the creek will require a TMDL for this unknown impairment. Lastly, Island Creek from 5.7 to 10.1 has an unknown impairment and was also evaluated under the primary contact recreation water. This is also listed as a category 5 stream under these impaired uses. The pollutant listed in the assessment was impairment unknown and the suspected source unknown. Based on a category 5 listing, the assessed section of the creek will require a TMDL for this unknown impairment. The total watershed drainage area is 17,354 acres whereas the MS4 contributing watershed is 3,230 acres. This section partially borders some of the most eastern portion of the city. The majority of the watershed that affects this portion of the Island Creek resides in McCracken County. Under the remaining designated uses, the stream was listed as a category 3 stream. This stream receives minimal stormwater runoff from our MS4 jurisdiction. See Appendix D for the assessment summary.



The categories identified in this background are outlined in the 2016 Integrated Report to Congress on Water Quality more commonly known as the 305(B) report. Under the remaining designated uses, the rivers, creeks, and streams are categorized as #3 streams. When a stream is designated under a category 3 stream, it means that the designated use(s) has/have not been assessed (insufficient or no data available).

Table 2.2: Summary of the 2016 305(b) List of Impaired Waters Not Requiring a TMDL Pursuant to 2016 305(b) List

STREAM NAME	RIVER MILES	POLLUTANT	IMPAIRED USE(S)	SUSPECTED SOURCES
Tennessee River	1.1 to 3.8	Fecal Coliform	Primary Contact Recreation	Marina/Boating Pumpout Releases
Unnamed Tributary to Massac Creek	0.0 To 0.8	Fecal Coliform	Primary Contact Recreation	Package Plant Or Other Permitted Small Flow Discharges

Table 2.3: Summary of the 2016 305(b) List of Impaired Waters Requiring a TMDL Pursuant to 2016 305(b)

STREAM NAME	RIVER MILES	POLLUTANT	IMPAIRED USE(S)	SUSPECTED SOURCES
Middle Fork Massac Creek	0.0 to 6.4	Sedimentation/Siltation	Warm Water Aquatic Habitat, Cold Water Aquatic Habitat, Outstanding State Resource Water	Crop Production (Crop Land or Dry Land)
Middle Fork Massac Creek	0.0 to 6.4	Nitrate/Nitrite (Nitrite + Nitrate as N)	Outstanding State Resource Water	Agriculture
Island Creek	0.0 to 5.7	Fecal Coliform	Warm Water Aquatic Habitat, Cold Water Aquatic Habitat	Source Unknown
Island Creek	0.0 to 5.7	Impairment Unknown	Warm Water Aquatic Habitat, Cold Water Aquatic Habitat	Source Unknown
Island Creek	5.7 to 10.1	Impairment Unknown	Warm Water Aquatic Habitat, Cold Water Aquatic Habitat	Source Unknown
Island Creek	0.0 to 5.7	Impairment Unknown	Primary Contact Recreation Water	Source Unknown



- D.) Un-impaired waterbodies that have been assessed as meeting their water quality standards, and therefore, supporting their designated uses.

The City of Paducah has one stream listed as an un-impaired waterbody. Massac Creek from river miles 4.3 to 7.5 was assessed as a warm water aquatic habitat. However, other designated uses have not been evaluated according to the 305(b) Assessment. See in Appendix B McCracken County Stream and Watershed Map for a map of 305(b) listed streams and Appendix D for the assessment summary.

Massac Creek from river mile 4.7 to 7.9 is listed in the 305(b) Assessment, which partially flows through the area known as Information Age Park, is listed as fully supporting the designation as warm water aquatic habitat, and the rest of the designated uses are listed under category 3. This stream receives negligible surface stormwater runoff from Paducah’s MS4 jurisdiction. The majority of the stormwater runoff originates from McCracken County.

Table 2.4: Summary of the 2016 305(b) List of Un-Impaired Waters Fully Supporting Designation Prior to 2016

STREAM NAME	RIVER MILES	POLLUTANT	DESIGNATION USE(S)	SUSPECTED SOURCES
Massac Creek	4.3 to 7.5	NA	Warm Water Aquatic Habitat, Cold Water Habitat	NA

- E.) Special Use Waters

Three special use water locations are located within the City of Paducah MS4 limits that receive runoff from Paducah’s MS4. Two of the three locations are designated as special use waters because of the mussels designated under the federally registered endangered species list.

Table 2.5: Summary of the 2016 List of Special Use Waters

STREAM NAME	RIVER MILES	OUTSTANDING STATE RESOURCE WATER	FEDERALLY REGISTERED ENDANGERED SPECIES
Ohio River	933.0 to 937.0	Yes	Potamilus capax
Tennessee River (candidate)	1.1 to 4.2	Yes	Plethobasus cyphus
Middle Fork Massac Creek	0.0 to 6.4	Yes	None listed



Water Quantity Issues

The City of Paducah has several areas of localized flooding. Certain places are designated in the 100-year flood elevation, which are also flood prone areas. These areas of the City experience recent localized flooding during heavy rainfall events as normally should be expected. The City of Paducah is located on the south shore of the Ohio River Mile Marker 934.5 +/- at the confluence of the Tennessee River. By virtue of Paducah's inland waterways geographic location, the City will experience some periodic flooding effects from these rivers. Normally, these events create some disruption but are routinely combated thru the benefit of Paducah's floodwall and levee system.

1. **Karst Features, Reservoirs, Wetlands, and Altered Stream Channels**

The City of Paducah does not have any known karst features. Wetlands that may be in the City of Paducah are regulated by the United States Army Corps of Engineers. The Kentucky Division of Water regulates all floodplain related developments through the application of its stream construction permit regulations.

2. **Drinking Water Intakes, KPDES Permitted Facilities, ETC.**

Paducah Water (PW), the supplier of water for the City of Paducah, has its drinking water intake in the Ohio River. Paducah's proximity to the Ohio & Tennessee Rivers provides easy access to a water supply. These are considered to be surface water sources. A final source water assessment for this system has been completed and is contained in the Source Water Assessment and Protection Plan Susceptibility Analysis and Protection Recommendations for McCracken County. The completed plan is available for inspection and can be obtained at the Purchase Area Development District office at 270.247.7171. A summary of the susceptibility analysis is as follows. An analysis of the susceptibility of PW's water supply to contamination indicates that this susceptibility is generally high. There are numerous petroleum storage facilities along the Ohio and Tennessee Rivers that provide fuel to land and river transportation. Numerous bridges cross the Ohio and Tennessee Rivers, as well as major tributaries such as the Clarks River and Island Creek. These bridges are of greater concern due to the possibility of hazardous materials infiltrating the water source near the intake due to traffic accidents, structural collapse of the bridge, or illegal dumping. River traffic is a concern that has become more prevalent in the past few years due in part to increased news coverage of accidents and collisions. Other potential areas of concern are Island Creek and local farming practices.



Other KPDES permitted facilities are known to exist in the City of Paducah and McCracken County. The map and associated table in Appendix C shows the KPDES permitted facilities

within McCracken County of which include wastewater treatment facilities, gas stations, concrete plants, factories, construction sites, certain agricultural facilities, and water withdrawal sites.

3. **Status Of Recent, Ongoing, Or Planned Restoration Activities That Are Helping To Protect Or Improve Water Quality.**

Recent, ongoing, or planned restoration activities that are helping to protect or improve water quality have been outlined in previous Stormwater Phase II Annual Compliance Reports. The City of Paducah will continue implementing and utilizing activities outlined in this plan, associated with the six minimum control measures (MCMs) to help improve water quality.

Additionally, in 2017, Paducah began a Comprehensive Stormwater Master Planning Process. Phase I of the project would ultimately provide Paducah with recommended capital improvement projects, fine-tuned watershed delineation, problem areas identified, pump station service basins, and recommendations on improving the stormwater and drainage for Paducah. Phase II of the project was initiated in 2018 of which will determine a cost of service required to own, maintain, and operate an MS4 along with evaluating potential funding sources for these efforts. A thirteen citizen panel served on the Stormwater Advisory Committee throughout the process and will continue through Phase II of the project.



IV. MINIMUM CONTROL MEASURES

A. MCM 1 – Public Education and Outreach

Program Overview

The objective of the Public Education and Outreach program is to inform citizens about their roles and responsibilities in maintaining stormwater systems to improve, protect, and enhance water quality. The City of Paducah is required to perform the following:

1. Implement and maintain a public education program to raise awareness about the impacts of stormwater discharges on local waterbodies and the steps that can be taken to reduce stormwater pollution.
2. Prioritize public education and outreach efforts to focus on pollutants impairing or threatening the local waterways.
3. Demonstrate that the education and outreach efforts are targeted to the appropriate audiences and balanced between policy-makers, local citizens, and other stakeholders.
4. Measure the understanding and adoption of the targeted behaviors among the targeted audiences.
5. Measure the targeted audience understanding of their impacts on water quality and the adoption of the behavior changes resulting from the public education and outreach efforts.
6. Track activities relative to the program element as necessary to document compliance with permit requirements and prepare annual system-wide report.
7. Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

Educating the public is a constant challenge when trying to show individuals their activities can directly impact Paducah's local waterways. The goal of public education and outreach is to increase awareness of stormwater quality in the community. As citizens gain a greater understanding of why the program is necessary they will increase personal responsibility and stewardship in the community.

Program Summary

During the last eight years of the MS4 Phase II program permit cycle, the City of Paducah has been adapting to changes to meet the requirements of the program. Under MCM1, the



City of Paducah has made progress in educating the public about stormwater responsibilities.

The City decided to target certain groups such as the Mayor and City Commissioners, City Staff, and the General Public. In 2017, newly elected officials were individually trained on the challenges Paducah faces with stormwater quantity, quality, and MS4 permit requirements. Furthermore, the Engineering - Public Works Department with help from Strand Associates has given multiple presentations to the Commissioners about stormwater and the requirements of the MS4 program. The City of Paducah Commission meetings are held on Public Access Television, allowing the Engineering-Public Works Department to easily provide the public with information on stormwater related issues.

The Engineering-Public Works Department has developed a Stormwater & Drainage brochure that discusses the following items: What's the problem with stormwater?, What can fellow Paducahians do?, What the City is doing about the problems, MS4 permit strategies for reducing pollutants in the City's stormwater runoff and improving water quality through six minimum control measures, major equipment used to reduce flooding and pollutants, and Paducah stormwater and drainage facts. These brochures are available at the front desk as citizens enter City Hall and are also distributed to events such as Bar-B-Q on the River in conjunction with ORSANCO River Aquarium, Ohio River Sweep event, when presentations are given during community groups, and all other events that the City is involved with that the public can be easily reached.

In 2015, Paducah began a Comprehensive Stormwater Master Planning Process. Phase I of the project would ultimately provide Paducah with recommended capital improvement projects, fine-tuned watershed delineation, problem areas identified, pump station service basins, and recommendations on improving the stormwater and drainage for Paducah. Phase II of the project was initiated in 2018 of which will determine a cost of service required to own, maintain, and operate an MS4 along with evaluating funding options. A thirteen citizen panel served on the Stormwater Advisory Committee (SWAC) throughout the process and will continue through Phase II of the project. The SWAC represented the community's interest in stormwater during the Comprehensive Stormwater Master Plan process.

The City of Paducah website has been updated to contain some stormwater messages to promote the stormwater program. The City has also increased the use of social media to educate the public on stormwater quality issues. The Paducah View interviewed the Stormwater & Drainage Engineer on proper yard debris disposal and how yard debris can affect quality of our stormwater and create localized flooding. The interview replays on the Government 11 public access television channel.

Partnering with other agencies such as the Kentucky Transportation Cabinet will help alleviate some of the costs incurred by the City of Paducah. By using Kentucky Transportation Cabinet's Stormwater Toolkit as reference material, this will help save time



in finding materials to help satisfy this MCM. The toolkit can also help the City of Paducah by having the material needed to reach out to the Mayor and City Commissioners, City Staff, and the General Public. To also help relieve cost, certain employees belonging to the City of Paducah Engineering Department will look at some of the free web casts broadcasted by the EPA.

Program Highlights Previous Permit Cycle (2010 – 2017)

- Stormwater and related items that enhance our MS4 program were provided to the Mayor and City Commissioners through 66 City Commission Meetings and approximately 1,674 people were in attendance during these meetings
- 20 different workshops were held that specifically involved stormwater discussions used to educate City staff and other individuals with improving stormwater quality
- Presentations were given to the Lions Club and Rotary Club on stormwater and drainage related topics in Paducah
- Presentation was given at the McCracken County Extension Office Summer Conservation Series on the City's sMS4 Permit requirements and MCMs
- Tree voucher program for an urban reforestation program for trees damaged during the 2009 Ice Storm. This program was used for private property owners to receive a \$25 voucher at participating nurseries to be used toward the purchase of a new tree.
- The City educated the public on their responsibilities associated with the stormwater system through 14 public events where 632 educational brochures, pamphlets, and leaflets were distributed at the following events:
 - Paducah Home and Garden Show at Paducah's Julian Carroll Convention
 - Ohio River Valley Water Sanitation Commission (ORSANCO) "Life Below the Waterline" 2,200 gallon mobile aquarium at annual Bar-B-Q on the River event
 - Water Quality Awareness Banquet held at Maiden Alley
 - Purchase Area Master Gardeners' Spring Plant Sale held May 5th, 2012 at the University of Kentucky Demonstration Garden on County Park Road
 - Purchase Area Master Gardeners' Veggie Bonanza held September 22nd, 2012 at the University of Kentucky Demonstration Garden on County Park Road
 - Comprehensive Stormwater Master Plan Public Meetings
- 51 articles were printed the Paducah Sun on stormwater related issues
- 67 news releases and public service announcements related to stormwater related issues were sent out by the Public Information Officer
- 11 educational activities related to stormwater were sponsored by the City of which reached approximately 1,815 children through the following events:
 - Arbor Day Celebration at Noble Park
 - Saint Mary's Environmental Field Day
 - McCracken County Summer Conservation Series
- The City of Paducah partnered with the Jackson Purchase Foundation, West Kentucky Community & Technical College, and students from Paducah Tilghman High School to implement the Water Smarter! Artistic Rain Barrel Partnership Project. The Stormwater and Drainage Engineer secured funds to purchase the materials for the project and the Public Information Officer sent out Public Service Announcements on the auction for the rain barrels.



- Public Information Officer interviewed the Stormwater and Drainage Engineer in the Paducah View Episode on proper yard debris disposal to prevent localized flooding and reduce nutrients from entering the MS4. Paducah View is a short two to five minute video segment that features a City of Paducah project or program. The WKCTC Television Production Department and Public Information Officer Pam Spencer produce the episodes. Paducah View airs during the rotating slide show between shows on Government 11 (channel 11 for Comcast subscribers).
- Social media outlets are used to educate public on stormwater quality and quantity issues
- Stormwater Phase II web page was visited 5,185 times
- Comprehensive Stormwater Master Plan web page was visited 1,210 times
- Flood Prevention web page was visited 2,844 times
- Floodwall web page was visited 4,815 times
- Recycling web page was visited 14,814 times
- Leaf Collection web page was visited 2,663 times
- The City of Paducah conducted the National Citizen Survey in which the survey asked the citizens questions regarding quality of: overall life in Paducah, natural environment in Paducah, cleanliness, street cleaning, garbage collection, recycling, yard waste pick-up, storm drainage, preservation of natural areas such as open space, farmlands, and greenbelts. 370 surveys were received from the public survey.
- The River Heritage Museum located at 117 South Water Street provides tremendous opportunity for people of all ages to learn about water quantity and quality issues.

Program Narrative

During the next permit cycle, the City of Paducah plans to determine the Best Management Practices (BMPs) and implement those BMPs to use as a public education program. The chosen BMPs are intended to raise awareness about the impacts of stormwater discharges and may be effective tools to potentially reduce stormwater pollution. The Stormwater Quality Management Plan Matrix outlines BMPs for MCM1. The measurable goals outlined in the Stormwater Quality Management Plan Matrix will be evaluated for success based on the items listed in the "Measures of Success" section of the plan.



Task	BMP- Activity Description	Milestone Product/Measurable Goal	Measures of Success	Contributing Parties	YEAR	YEAR	YEAR	YEAR	YEAR
					1 PY 18-19	2 PY 19-20	3 PY 20-21	4 PY 21-22	5 PY 22-23
1. MCM1 PUBLIC EDUCATION AND OUTREACH									
A. Local MS4 Activities									
Community Leaders (Policy Makers)									
1	Provide the Mayor and City Commissioners with status updates on stormwater related issues through City Commission meetings and the News & Notes memorandum.	Provide updates on an as needed basis.	Number of attendees. Number of presentations.	EPW/PIO	X	X	X	X	X
2	Provide training to newly elected officials and City Manager on MS4 permit requirements and updates.	Provide training on an as needed basis.	Number of attendees. Number of presentations.	EPW	X	X	X	X	X
City Staff									
1	Hold specific stormwater meetings/workshops with City staff educating them on their responsibilities associated with improving stormwater quality through their day to day activities and special activities.	Hold at least one meeting per calendar year.	Year 1 - Develop site specific quizzes for each department Year 2-5 - administer quizzes and document improvements	EPW	X	X	X	X	X
2	MS4 Program Coordinator who is responsible for permit implementation will receive twelve hours of documented training per permit year related to furthering the goals and objectives of the small MS4 general permit requirements.	Twelve hours of documented training per calendar year.	Improvements to MS4 program.	EPW	X	X	X	X	X



General Public (Local Citizens and Other Stakeholders)

1	Develop additional educational materials for a public education campaign.	Create brochures and order giveaways items with stormwater quality messages to distribute throughout the community.	Year 1 - Complete brochure Year 2 - Order giveaway items and distribute at public events Year 3 - Increase distribution Years 4 and 5 - Develop new educational materials	EPW	X	X	X	X	X
2	Distribute educational materials including pamphlets, brochures, and leaflets, reminding the general public of their responsibilities associated with the stormwater system.	Utilize environmental events and other public events to distribute education materials. Make materials accessible at City Hall entry desk. Utilize environmental events, other public events, and/or other outlets to distribute education materials.	Years 1 & 2 set coordinate with environmental group to provide educational materials at two events per year. Year 2 begin developing point of sale flyers and distribute once completed. Years 3 - 5 continue to attend 2 events per year to hand out education materials and start posting point of sale flyers.	EPW	X	X	X	X	X



3	Include stormwater and environmental messages on the City website.	Update the messages on the City website at least once during the 2018-2023 permit cycle. Review annually.	Number of hits on stormwater webpage.	EPW/PIO	X	X	X	X	X
4	Utilize the City's social media outlets by posting stormwater related informational posts quarterly.	Stormwater quality or quantity post once per quarter or 4 times per year.	Number of likes, shares, and views of the post.	PIO/EPW	X	X	X	X	X
5	Utilize various media sources including radio, public service announcements, public access television, and newspaper articles to convey messages about the impacts of stormwater runoff on local water quality.	Have messages on various media sources by the end of the permit cycle.	Number of advertisements/announcements per year.	EPW /JSA/ Planning	X	X	X	X	X
6	Conduct stormwater educational activities with school children such as environmental field days.	Reach out to different levels of school children by the end of the permit cycle.	Number of activities per year. Number of school children reached.	PIO/ EPW	X	X	X	X	X
7	Measure the targeted audience understanding of their impacts on water quality and the adoption of the behavior changes resulting from public education and outreach efforts.	Send citizen survey out that includes water quality and quantity questions.	Number of surveys received from public.	EPW	X	X	X	X	X
8	Develop watershed signs and place in heavily used corridors with spill response contact number.	Educate the public what watersheds they live, travel or work in and provide a spill response direct line/EPW telephone number to notify of a spill within a certain watershed.	Year 1 - Develop watershed signs Year 2 - Order signs Years 3 - 5 - Install signs throughout community and maintain signage	EPW	X	X	X	X	X



9	Ensure all storm drains that drain directly discharge to the Ohio River are appropriately marked.	Educate the public on what discharges directly to the River.	Years 1 & 2 - Map all inlets draining to Ohio River Year 3 - Field verify Years 4 & 5 - Install new marking where needed	EPW	X	X	X	X	X
10	Utilize the stormwater exhibits at the River Discovery Center	Coordinate with the River Discovery Center in ways to educate the public about water quality issues and how the City can distribute educational materials and conduct surveys.	Year 1 - Coordination Effort Year 2 - Develop a plan to distribute materials and conduct surveys Years 3- 5 - Measure how many people visit	EPW	X	X	X	X	X



B. MCM 2 – Public Involvement and Participation

Program Overview

The objective of the Public Involvement and Participation program is to conduct activities that allow public participation in the development and implementation of Paducah's Stormwater Quality Management Program (SWQMP). The public can provide valuable insight and assistance in managing a successful SWQMP. An active and involved community is crucial to the success of a stormwater management program because it allows for broader public support, shorter implementation schedules, a broader base of expertise and economic benefits and a conduit to other programs.

The City of Paducah is required to perform the following:

1. Implement a public involvement/participation program that complies with the applicable Kentucky and local public notice requirements.
2. Provide public notice of program participation opportunities by methods designed to reach the intended audience.
3. Track activities relative to this program element as necessary to document compliance with permit requirements and prepare annual system-wide report.
- 4.

Program Summary

During the last eight years of the MS4 Phase II program permit cycle, the City of Paducah has been developing and implementing Best Management Practices (BMPs) to attempt to engage the public in stormwater related issues and activities. As operator of the MS4, the City has helped get the public involved by complying with state laws for public notice requirements. This includes advertising the date and time of the City Commission meetings in the local newspaper, *The Paducah Sun*, posting the meetings minutes on the City's website, and providing the local news media with a copy of the Commission meeting agenda before the meetings. This allows the citizens of Paducah to voice their opinions and concerns on stormwater related issues.

City employees are involved with stormwater activities by helping out with the annual ORSANCO Ohio River Sweep. The Engineering-Public Works Department formed a Stormwater Advisory Committee (SWAC) composed of 13 citizens to assist in the development of the Comprehensive Stormwater Master Plan. During the first phase of the project the SWAC met four times throughout the process. Phase II of the CSMP will have an additional 3 meetings with the stakeholder group. This provided an opportunity to gain



support and understanding of the goals and objectives of Paducah's stormwater and drainage related problems as it relates to both quantity and quality.

As an active member of the Four River's Watershed Team, the City of Paducah has worked closely with the Four River's Watershed basin coordinator and Jackson Purchase Foundation in achieving the same goal of cleaner waterways through public involvement and participation. These partnerships help the City connect to interested citizens and groups who champion high standards of stormwater quality which in turn makes it easier to spread messages on preventing stormwater pollution in our community.

To help offset the cost with this MCM, the City of Paducah plans to partner with more agencies in the future such as the Kentucky Transportation Cabinet. The Kentucky Transportation Cabinet's Stormwater Toolkit, that has been provided to the City of Paducah's Engineering Department, can be used as a reference to help save time finding the materials necessary to help carry out the goals for this MCM.

Program Highlights Previous Permit Cycle (2010 – 2017)

- Provided free dumpster delivery and free dump fees for the river sweep with Ingram Barge in coordination with Living Land and Waters where 180 volunteers participated in cleaning up the river banks of the Ohio River.
- Provided annually free dumpster delivery and free dump fees for the ORSANCO River Sweep where 197 volunteers participated in cleaning up the river banks of the Ohio River and collected approximately 296 thirty gallon trash bags.
- 6 meetings held with the Comprehensive Stormwater Master Plan Selection Committee
- 2 meetings held with the Stormwater Advisory Committee of which included approximately 40 individuals
- 5 meetings held with the Technical Advisory Group on the Comprehensive Stormwater Master Plan of which include approximately 50 individuals
- The City of Paducah partnered with the Jackson Purchase Foundation, West Kentucky Community & Technical College, and students from Paducah Tilghman High School to implement the Water Smarter! Artistic Rain Barrel Partnership Project. The Stormwater and Drainage Engineer secured funds to purchase the materials for the project and the Public Information Officer sent out Public Service Announcements on the auction for the rain barrels.
- Storm drain stenciling was permitted free for 6 blocks along Broadway, Kentucky Avenue, and Jefferson Street for AEP River Operations to stencil storm drains "NO Dumping, Drains to River"
- 198 tree vouchers were given out due to the 2009 Ice Storm where many trees were damaged. To promote urban reforestation the Planning Department gave out \$25 Tree Vouchers to be used at local nurseries for replanting trees in the City of Paducah. Local citizens were still eligible for tree vouchers up to July 1, 2010. Money that was left over from unused tree vouchers was used for various tree planting projects in the City.



Trees are good for the separate storm sewer system because they filter pollutants and reduce stormwater runoff. 198 Tree Vouchers were handed out to Paducah residents. \$5000 was used to purchase trees from local nurseries to be planted in the Perkins Creek Wetland Mitigation Site. \$5000 was used to purchase trees from local nurseries to be planted in various parks maintained by Paducah Parks Services.

- 166 garden plots were rented out in the Community Garden. Lots are approximately 12'x8'. The Community Garden allows residents to get involved in planting gardens in which plants can be used to reduce runoff to the storm sewer system.
- 2,376 pounds of prescription drugs were collected through the City of Paducah Police Department drop box in the Police Department and during prescription Drug Drop Off Events. This provides for a reduction in stormwater pollution by reducing the amount of prescription drugs flushed into the water supply.
- A Stormwater Events Section was created under the Stormwater Phase II website.
- The Public Information Officer included 44 events on the City's public calendar and sent out Public Service Announcements and News Releases for various stormwater events such as the Ohio River Sweep, Dump Day, Arborfest, and the Community Garden.

Program Narrative

During the next permit cycle, the City of Paducah plans to determine and implement appropriate Best Management Practices (BMPs) for achieving a successful Public Involvement and Participation program. In addition, the City of Paducah plans to comply with applicable State, Tribal, and local public notice requirements. The BMPs and measurable goals chosen are intended to help raise awareness about stormwater issues by getting the public involved. The Stormwater Quality Management Plan Matrix outlines BMPs for MCM2. The measurable goals outlined in the Stormwater Quality Management Plan Matrix will be evaluated for success based on the items listed in the "Measures of Success" section of the plan.



Task	BMP- Activity Description	Milestone Product/Measurable Goal	Measures of Success	Contributing Parties	YEAR 1 PY 18-19	YEAR 2 PY 19-20	YEAR 3 PY 20-21	YEAR 4 PY 21-22	YEAR 5 PY 22-23
2. MCM2 PUBLIC INVOLVEMENT/PARTICIPATION									
A. Local MS4 Activities									
1	Sponsor The Ohio River Sweep.	Have city employees aid in the event.	Number of participants in the event. Annual sponsorship. Trash Collected.	EPW	X	X	X	X	X
2	Support storm drain stenciling program. (Citizen Volunteers)	Promote an organization to participate in a storm drain stenciling program at least once during the 2018-2023 permit cycle.	Number of storm drains stenciled/marked annually. Number of volunteers.	EPW	X	X	X	X	X
3	Provide status updates and solicit inputs from the Stormwater Advisory Committee (SWAC) on the MS4 program.	Hold a meeting at least twice per permit cycle.	Year 1 - 3 - continue working with the Stormwater Advisory Committee (SWAC) developed during the Comprehensive Stormwater Master Plan (CSMP) Process Years 4-5 Organize a new SWAC that will meet annually after completion of the CSMP	EPW	X	X	X	X	X
4	Comply with state and local notification requirements by encouraging public participation in all stormwater related activities.	Comply with the state and local public notice requirements.	Comply with public notice requirements as defined under KRS 424 and the City of Paducah Code of Ordinances Chapter 2-179 when public notices or meetings are to be held.	PIO	X	X	X	X	X



5	Develop and Implement a method of advertising the public involvement opportunities.	Post opportunities at the existing City of Paducah website. Send out Public Service Announcements and News Releases utilizing PIO.	Number of Advertisements per year.	PIO	X	X	X	X	X
6	Coordinate a Community Watershed/Neighborhood Cleanup	Hold at least one watershed/neighborhood cleanup during the permit cycle.	Year 1 - Determine areas for cleanup Year 2 - Create event with required materials and paperwork Year 3 - Reach out to organizations interested in volunteer effort Years 4 & 5 - Coordinate Watershed/Neighborhood Cleanup. Number of cleanup participants. Debris/material collected.	EPW	X	X	X	X	X



C. MCM 3 – Illicit Discharge Detection and Elimination

Program Overview

The objective of the Illicit Discharge Detection and Elimination program is to prohibit illicit discharges to the MS4 while gaining thorough awareness of Paducah’s storm sewer system. This awareness allows the City of Paducah to determine the types and sources of illicit discharges entering the system, and establishing legal, technical, and educational means to eliminate these detrimental discharges. The City of Paducah is required to perform the following:

1. Continue to implement and enforce an ordinance or other regulatory mechanism that prohibits illicit discharge to the small MS4.
2. Develop and maintain a storm sewer system map showing the location of all known major outfalls and the names and locations of all surface waters that receive discharges from those outfalls.
 - a. The storm sewer system wide map shall also include the permittee’s small MS4 system, including catch basins, pipes, ditches, flood control facilities (retention/detention ponds), post-construction water quality BMPs and private post-construction water quality BMPs which have been approved by the MS4.
 - b. Provide at a minimum the MS4 boundary and the mapped storm sewer infrastructure.
3. Develop and implement a written plan to address illicit discharges including illegal dumping to the MS4.
4. Have a mechanism and protocols in place that provide for the public reporting of spills and other discharges into the small MS4.
5. Provide appropriate training for municipal field staff on the identification and reporting of illicit discharges into the MS4.
6. Inform responsible entity and the Division of Water’s Regional Office if a sanitary sewer line failure or defect is found during illicit discharge inspections.
7. Track activities relative to the program element as necessary to document compliance with permit requirements and prepare the annual system-wide report.



Program Summary

During the last eight years of the MS4 Phase II program permit cycle, the City of Paducah has been developing and implementing Best Management Practices (BMPs) in an attempt to detect and eliminate illicit discharges to Paducah's storm sewer system. An illicit discharge is defined as "any discharge to an MS4 that is not composed entirely of stormwater."

As operator of the MS4, City of Paducah developed, implemented, and enforced the illicit discharge detection and elimination program. By doing so, the City passed an ordinance enforced under Chapter 42 Article II Nuisance Code Enforcement of the Paducah Code of Ordinances to help eliminate illicit discharges to the MS4. See Appendix E for a copy of City of Paducah Ordinance Chapter 42 Article II. Notices of Violations and fines have been issued against citizens and businesses that are in non-compliance with the illicit discharge ordinance. Illegal dumping is also enforced under Chapter 42 Article II Nuisance Code Enforcement of the Paducah Code of Ordinances. The City IT Department originally mapped the outfalls and the names and locations of all waters of the United States that receive discharges from those outfalls. The Engineering & Public Works Department maintains the layers related to stormwater and ensures they are up to date. See Appendix C for a map of the storm sewer system. Data illustrating inlets, outlets, pipes, and manholes are outlined in the data CD in Appendix H.

Program Highlights Previous Permit Cycle (2010 – 2017)

- In 7 years the City of Paducah has mapped an additional:
 - 230 Storm Outlets
 - 1,090 Storm Inlets
 - 101,723 Linear Feet of Separate Storm Sewer
 - 4,157 Linear Feet of Culvert Pipes
 - 7,927 Linear Feet of Combined Sewer
- Total Infrastructure mapped:
 - 820 Storm Outlets
 - 6,589 Storm Inlets
 - 609,020 Linear Feet of Separate Storm Sewer
 - 22,840 Linear Feet of Culvert Pipes
 - 306,513 Linear Feet of Combined Sewer
- 178 Major Outfalls were screened for Illicit Discharges
- 593 Storm Inlets were screened for Illicit Discharges
- 48,639 linear feet of stream banks and shorelines were walked for locating new outfalls and inspecting for illicit discharges along the stream banks
- Responded to 20 citizen odor complaints that were either odor related or suspected illicit discharges
- 626 complaints received regarding stormwater and drainage
- 7 illicit discharge notice of violations were issued
- 30 illicit discharges were found during inspections and were immediately remediated
- 30 follow up actions were completed
- 315 educational pamphlets and notices were hand delivered or mailed to restaurant establishments and residents within the City's MS4



Program Narrative

The City has previously initiated an illicit discharge program to meet prior regulatory permit requirements, including the adoption of an illicit discharge control ordinance (City Ordinance Number 2005-12-7063) as well as mapping and dry weather screening of major outfalls from the MS4 area. The City's illicit discharge ordinance can be found in Appendix F. The effort to map the entire storm sewer network is an ongoing process along with updating the City wide storm sewer system. Nonetheless, the Engineering-Public Works Department has recently hired an Engineering Technician to manage the updates in GIS as it relates to stormwater and illicit discharge detection and elimination. The mapping process will include field verification of existing storm sewer features, GPS collection, data processing, and drafting storm sewer features.

The current MS4 Phase II permit requires permittees to develop and implement a written Illicit Discharge Detection and Elimination (IDDE) plan and program to meet the requirements of that minimum control measure. The IDDE Plan, found in Appendix F, provides guidelines for the following:

- Locating priority areas.
- Implementing field assessment activities.
- Providing public reporting opportunities.
- Investigating complaints or reports related to illicit discharges.
- Developing timeframes for the investigation and removal of illicit discharges.
- Tracing the source of an illicit discharge.
- Removing the source of an illicit discharge.
- Adopting procedures for evaluation and assessment.

The Stormwater Quality Management Plan Matrix outlines BMPs for MCM3. The measurable goals outlined in the Stormwater Quality Management Plan Matrix will be evaluated for success based on the items listed in the "Measures of Success" section of the plan.



Task	BMP- Activity Description	Milestone Product/Measurable Goal	Measures of Success	Contributing Parties	YEAR 1 PY 18-19	YEAR 2 PY 19-20	YEAR 3 PY 20-21	YEAR 4 PY 21-22	YEAR 5 PY 22-23
3. MCM3 ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)									
A. Local MS4 Activities									
1	Perform stormwater outfall location and mapping program.	Update the storm sewer map each year. Provide all known major outfalls. In the event new major outfalls are found during the permit cycle they will be mapped accordingly.	Increase in number of storm system related attributes each year.	EPW	X	X	X	X	X
2	Develop and implement a written IDDE Plan.	Develop a specific IDDE Plan for the City of Paducah within 90 days of effective permit. Implement Plan.	Submit Plan to KDOW within 90 days. Implement plan Years 1 – 5.	EPW	X	X	X	X	X
3	Have procedures to locate priority areas likely to have illicit discharges.	Follow prioritization guidelines in Paducah’s IDDE Plan. Utilize GIS Mapping, zoning maps, previous Illicit Discharge complaints/notices of violation, and other available data to identify priority areas likely to have Illicit Discharges.	Have priority areas mapped and known major outfalls in priority areas visually inspected by the end of the permit cycle.	EPW	X	X	X	X	X



4	Perform illicit discharge screening.	Utilize Paducah's IDDE Plan to conduct dry weather screening with the ultimate goal of visually inspecting 20% of the major outfalls in the SMS4 system per year or inspecting representative outfalls.	Number of major outfalls visited and screened for illicit discharges. Linear feet of stream banks and shorelines walked for identifying and locating outfalls.	EPW	X	X	X	X	X
5	Mechanism or protocol for public reporting spills and other discharges.	City's Stormwater Phase II website lists the Engineering and Public Works phone number for reporting spills or illicit discharge activity. An online notification for sending emails to the Stormwater & Drainage Engineer will be added to the City's website.	Number of calls received. Online notification added to City's website by Year 3. Number of website alerts received.	EPW	X	X	X	X	X
6	Establish procedure to receive illicit discharge complaint calls and conduct follow-up inspections.	Follow procedure in Paducah's IDDE Plan. Document complaint. Conduct visual screening. Conduct grab sample if necessary. Contact property owner. Engineering and Public Works to contact Division of Water in severe or urgent water quality impairment issues.	Years 1 - 5 Implement plan and track number of complaints received and investigated.	EPW	X	X	X	X	X



7	Conduct illicit discharge detection and elimination.	Per the City of Paducah's IDDE Plan, perform illicit discharge inspections during dry weather events and eliminate if detected.	Number of illicit discharge inspections performed. Number of illicit discharge detections. Number of illicit discharge eliminations.	EPW	X	X	X	X	X
8	Procedures for removing the source of illicit discharges. Provide timeline for abatement of illicit discharges.	Per the City of Paducah's IDDE Plan and existing illicit discharge ordinance enforce removal and abatement procedures.	Number of notices of violation issued. Number of follow up actions. Number of abatements.	EPW	X	X	X	X	X
9	Initiate illicit discharge education efforts (such as bill inserts, brochures, etc.)	Distribute illicit discharge information.	Number of brochures distributed.	EPW	X	X	X	X	X
10	Continue sanitary sewer inspections.	Inspect sanitary sewers on an as needed basis.	Linear feet of sewer system inspected annually.	JSA	X	X	X	X	X
11	Provide training for municipal field staff in identification and reporting of illicit discharges.	Hold two training sessions per permit cycle.	Year 1 - Develop training Years 2-5 - Administer two training sessions with associated quizzes	EPW		X		X	



10	Report or Discovery of Illicit Connections by the City of Paducah.	Report Source and Party Responsible for connection. Coordinate with Utility Companies. Report Activities of corrective Action.	Number of reports or discoveries.	EPW/JSA	X	X	X	X	X
11	Have mechanism and protocols in place that provide for the public reporting of spills and other discharges.	In addition listing a telephone number and email contact on the City Stormwater Phase II page, watershed signs will be place in heavily used corridors with spill response contact number. See MCM 1	Number of signs posted. Number of spills reported during permit cycle.	EPW	X	X	X	X	X



D. MCM 4 – Construction Site Runoff Control

Program Overview

The objective of the Construction Site Runoff Control program is to develop, implement, and enforce a program that reduces pollutants in any stormwater runoff to the small MS4 from construction activities that disturb one acre or more, and active construction sites less than once area in size that are part of a larger common plan of development or sale, located within the small MS4. Sediment remains the primary cause of water quality impairments in Kentucky and sediment runoff rates from construction sites are exponentially higher than all other sources of sedimentation. The City of Paducah is required to perform the following:

1. Continue to implement and enforce an ordinance or other regulatory mechanism that reduces pollutants in any stormwater runoff to the small MS4 from construction activities that disturb one acre or more, and active construction sites less than one acre in size that are part of a larger common plan of development or sale of which will include the following:
 - a. Requirements for construction site operators to implement erosion and sediment control best management practices (BMPs) that shall be protective as Kentucky's General Permit for Stormwater Discharges Associated with Construction Activities (KYR1000000).
 - b. Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
 - c. Requirements for demonstrating that a NOI for coverage under the stormwater construction general permit, individual permit, or KPDES permit has been submitted.
 - d. Establishment of authority for site-plan review which incorporates consideration of potential water-quality impacts.
 - e. Establishment of authority for receipt and consideration of information submitted by the public.
 - f. Establishment of authority for site inspections and enforcement of control measures.
2. Development, implement, and enforce a program to reduce pollutants in stormwater runoff from active construction sites of which will include the following:



- a. A permitting process with plan review to affirm compliance with local ordinances, inspection, and enforcement capability.
 - b. Procedures for periodic inspections of all known permitted construction site during construction to verify proper installation and maintenance of required erosion and sediment controls.
 - c. Development and implementation of an enforcement strategy that includes escalating enforcement remedies to respond to issues of non-compliance.
 - d. A procedure to inventory projects and prioritize site for inspections of which tracks results of inspections and enforcement procedures taken.
 - e. Training program for MS4 staff in fundamentals of erosion prevention and sediment control.
 - f. Procedures for providing educational and training measures for construction-site operators or notifying construction-site operators of available education and training opportunities.
3. Track activities relative to the program element as necessary to document compliance with permit requirements and prepare the annual system-wide report.

Program Summary

During the last eight years of the MS4 Phase II program permit cycle, the City of Paducah has developed certain procedures to help limit the amount of runoff from a construction sites. The City of Paducah passed an ordinance Chapter 50 Article IV Erosion Prevention and Sediment Control to help implement proper erosion and sediment controls on a job site. This ordinance is designed to help control soil erosion and sedimentation resulting from land-disturbing activities within the City. Additionally, the ordinance is used to help establish guidelines, conservation practices, and planning activities, which minimize soil erosion and sedimentation. Included in this ordinance are sanctions to ensure compliance. The ordinance was designed to comply with all applicable provisions as set forth by the Kentucky Pollutant Discharge Elimination System (KPDES) stormwater general permit for MS4 Phase II communities.

Chapter 50 Article IV of the Paducah Code of Ordinances is designed to control land disturbances, soil storage, and erosion and sedimentation resulting from such activities and establishes procedures for issuance, approval, administration, and enforcement of an Erosion Prevention and Sediment Control (EPSC) Permit. The City Stormwater & Drainage Engineer requires the development of an EPSC plan approved by the City, for all activities regulated under this ordinance. The City Engineering-Public Works Department has received, reviewed, and approved commercial site plans for erosion control notations and requirements for the developers and contractors to satisfy the ordinance requirements.



The City used the Kentucky Best Management Practices for Construction Activities, prepared by Division of Conservation and Division of Water, Natural Resources, and Environmental Protection Cabinet to educate employees and contractors on proper construction site waste control requirements. The City has responded to citizen complaints concerning undesirable practices on construction sites within the City limits.

The City of Paducah has had much success during the last permit cycle preparing the stage for a strong EPSC program including passing the necessary ordinance, conducting workshops, and reviewing site plans.

Program Highlights Previous Permit Cycle (2010 – 2017)

- 263 site plans were reviewed by Engineering & Public Works Department to ensure plans were in conformance with Chapter 50 Article IV
- 72 land disturbance permits were issued
- 564 erosion prevention and sediment control inspections were conducted

- 11 notice of violations were issued to construction sites that were not in conformance with Chapter 50 Article IV or the KPDES General Permit
- 1 stop work order was issued
- 6 citizen complaints were received regarding construction sites
- 4 workshops or meetings were held to address construction sites
- 39 educational materials were either hand delivered or emailed

Program Narrative

During the next permit cycle the operator of the MS4 (City of Paducah) plans to determine the BMPs and measurable goals for MCM4 as required by KYG 200000. The City Engineering Department plans to keep enforcing the EPSC ordinance of which is included in Appendix G. The Engineering Department also plans to keep performing construction plan reviews, site inspections, enforce requirements of the EPSC ordinance, educate contractors and developers, and make

EPSC materials available to them. In addition, the City plans to continue to listen and track citizen complaints regarding construction site activities. The Stormwater Quality Management Plan Matrix outlines BMPs for

MCM4. The measurable goals outlined in the Stormwater Quality Management Plan Matrix will be evaluated for success based on the items listed in the "Measures of Success" section of the plan.



Task	BMP- Activity Description	Milestone Product/Measurable Goal	Measures of Success	Contributing Parties	YEAR	YEAR	YEAR	YEAR	YEAR
					1 PY 18- 19	2 PY 19- 20	3 PY 20- 21	4 PY 21- 22	5 PY 22- 23
4. MCM4 CONSTRUCTION SITE STORMWATER RUNOFF CONTROL									
A. Local MS4 Activities									
Update City Ordinances									
1	Requirements for construction site operators to implement appropriate erosion and sediment control best management practices (BMPs) that, at a minimum be as protective as Kentucky's General Permit for Stormwater Construction Sites (KYR100000).	Review and/or Update City Ordinances when new KYR10 Permit is issued. This will be completed within two years of issuance with new permit requirements.	City Ordinances are as protective as KYR 100000.	EPW	X	X	X		
2	Requirements for construction site operators to control waste at the construction site that may cause adverse impacts to water quality.	Review and/or Update City Ordinances when new KYR10 Permit is issued. This will be completed within two years of issuance with new permit requirements. Current ordinance meets BMP.	City Ordinances meet this BMP.	EPW	X	X	X		
3	Requirement that discharges from construction sites to high quality waters will protect existing in-stream water uses and the level of water quality necessary to protect existing in-stream water uses consistent with the KYR 100000.	Review and/or Update City Ordinances when new KYR10 Permit is issued. This will be completed within two years of issuance with new permit requirements. Current ordinance meets BMP for High Quality Water.	City Ordinances meet this BMP.	EPW	X	X	X		



Implement EPSC Ordinance

1	Conduct plan review of construction plans.	Make sure erosion control measures are shown where applicable in construction plans and consider potential water-quality impacts.	Number of site plans reviewed and emails distributed with approved plans.	EPW	X	X	X	X	X
2	Requirements for demonstration that a Notice of Intent for KYR 100000 has been filed for applicable KPDES sites.	Require copy of eNOI submitted to KDOW or copy of response from KDOW that site is covered under KYR 100000 prior to issuing City EPSC Permit.	Number of land disturbance permits issued.	EPW	X	X	X	X	X
3	Perform periodic construction site inspections specific to SMS4 Phase II requirements.	Inspect construction sites to ensure that BMPs are properly installed and maintained. All new sites within two weeks after initiation of land disturbance and monthly on active sites.	Number of site inspections performed and tracked.	EPW/Code Enforcement	X	X	X	X	X
4	Enforce requirements of City Ordinances Chapter 50 Art III and Chapter 50 Art IV.	Ensure that construction sites are in compliance with the site's applicable erosion control, stormwater management, and/or BMP plan.	Number of deficiencies or notice of violations issued.	Code Enforcement/EPW	X	X	X	X	X
5	Establish a procedure for receiving and tracking customer complaints about construction sites.	Utilize citizen complaint database created in the Engineering Department and tracking within GIS.	Number of complaints received annually.	Code Enforcement/EPW		X			



6	Inventory and prioritize sites for inspection by noting what sites are currently active.	Utilize created Construction Site Database.	Excel Spreadsheet that summarizes all site plans reviewed.	EPW	X	X	X	X	X
Education and Training Measures									
1	Sponsor contractor/developer education workshop.	Hold an educational workshop at least once during the 2018-2023 permit cycle. Ensure that construction site operators and developers are trained through KEPSC or approved equivalent and educate operators and developers during site inspections.	Number of individuals that attend workshop.	Code Enforcement/EPW	X	X	X	X	X
2	Make EPSC Guidance materials available to local contractors and inspectors.	Distribute number of booklets and supporting materials based on the amount of material requested by the contractor.	Number of booklets and supporting material distributed.	EPW	X	X	X	X	X
3	Provide Training for MS4 staff in the fundamentals of erosion prevention and sediment control.	Train appropriate staff as necessary.	Year 1 - Develop training Years 2-5 - Administer two training sessions with associated quizzes	EPW	X	X	X	X	X
4	Pre-Construction meeting held with contractor and/or permittee before construction is initiated on sites disturbing greater than 1 acre	Explain expectations of the EPSC plan to contractor and/or permittee	Number of pre-construction meetings held. Number of attendees.	EPW	X	X	X	X	X



E. MCM 5 – Post-Construction Stormwater Management in New Development and Redevelopment

Program Overview

The objective of the Post-Construction Stormwater Management in New Development and Redevelopment program is to establish requirements to install post-construction water quality BMPs on new development and redevelopment sites where the site is one acre or more or smaller than once acre if part of a larger common plan of development or sale. Land development can have a significant impact by increasing the stormwater volume and degrading water quality. In order to reduce pollutants in post-construction stormwater discharges from new impervious surfaces, the goal is to use practices to treat, store, and infiltrate runoff at the source before it can enter the MS4. Promoting infiltration, filtration, and storage are ways to achieve goals of reducing flows and improving water quality. The City of Paducah is required to perform the following:

1. Continue to develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to once acre, including projects less than once acre that are part of a larger common plan of development or sale, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts.
 - a. Include development and implementation of strategies that include a combination of structural and/or non-structural BMPs for the community.
 - b. Enforcement of an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to extent allowable under Kentucky and local law.
 - c. Ensure adequate long-term operation and maintenance of BMPs
2. Post-Construction Stormwater Management refers to the practices implemented to control runoff from the site after construction is complete, and includes structural and non-structural BMPs to obtain permanent stormwater management over the life of the property's use, with the goal of minimizing water quality impacts by attempting to maintain stream stability and pre-development runoff conditions. Additionally, adherence to design specifications, proper operation and maintenance of BMPs, and enforcement procedures are integral parts of stormwater management. The post-construction BMPs chosen should be site specific and take into consideration the condition of the receiving waterbody, and designed to



contribute to the goal of minimizing the impact of stormwater discharges on the water quality and stability of local receiving streams.

- a. Permittees shall develop, adopt, and implement an ordinance or other regulatory mechanism that addresses post-construction stormwater runoff from new and redevelopment projects that disturb at least one acre, and projects less than one acre that are part of a larger common plan of development or sale, located within the small MS4.
 - b. Current small MS4 programs should review and update, if necessary, local requirements for post-construction controls for all new and redevelopment projects. Post-construction control requirements should include an on-site stormwater runoff standard as part of the ordinance.
 - c. The local standard should require, in combination or alone, management measures that are designed, built, and maintained to treat, filter, flocculate, infiltrate, screen, evapotranspire, harvest, and/or reuse stormwater runoff, or otherwise manage stormwater runoff quality. The locally-based water quality standard should specify design parameters (e.g. a design storm) for the sizing of post-construction controls that will require, at a minimum, that the 80th percentile of the annual runoff occurring in a typical year from the site is managed through water quality control practices. Additionally, the permittee should develop an appropriate water quality-based standard for redevelopment projects that reflect local community issues, including water quality impairments.
 - d. For those areas of development and re-development that result in a new or expanded discharge from the small MS4 to high-quality waters, the ordinance or other regulatory mechanism should include standards for runoff control that are considered sufficient to protect existing designated water uses.
3. The permittee should develop and implement project review, approval, and enforcement procedures for new development and redevelopment projects that disturb greater than one acre, and projects less than one acre that are part of a larger common plan of development or sale. Requirements for project review and approval include:
- a. Develop written procedures for the site-plan review and approval process, and a required re-approval process when changes to stormwater management measures are required.



- b. Develop written procedures for a post-construction process to demonstrate and document that post-construction stormwater measures have been installed per design specifications, including enforceable procedures for bringing noncompliant projects into compliance.

Program Summary

During the last eight years of the MS4 Phase II program permit cycle, the City of Paducah has amended an existing ordinance to address post-construction stormwater control requirements. Stormwater control requirements are outlined in Chapter 50 Article III Stormwater Conveyance and Management of the Paducah Code of Ordinances. The City requires that developments that fall into the categories outlined in the ordinance retain the difference in the pre and post developed conditions using the 10-year design storm, and release the 100-year design storm. Long-term operation and maintenance of stormwater control facilities were addressed in the requirements of the post-construction control ordinance. Property owners will be responsible for maintaining stormwater control devices. The City of Paducah researched opportunities to implement both structural and non-structural BMPs for both commercial and private development activities. The City requires detention for all new developments with impervious areas greater than 10,000 square feet. Stormwater quality units such as hydrodynamic separators and vortex units were required to be installed at various locations in the City.

Program Highlights Previous Permit Cycle (2010 – 2017)

- 81 site plan development plans submitted having post construction runoff controls
- 33 post construction runoff controls were water quality based BMPs
- 63 post construction runoff BMPs were inspected during and after construction
- 33 water quality/quantity BMPs were proposed
- 35 water quality/quantity BMPs were installed
- 87 BMPs were inspected

Program Narrative

During the next permit cycle the City of Paducah plans to determine the BMPs and measurable goals for this MCM as required by KYG 200000. The City Engineering-Public Works Department still plans to research opportunities to implement both structural and non-structural BMPs for both commercial and private development activities. By doing this, the Engineering Department plans to promote water quality based BMPs. Furthermore, the City Engineering-Public Works Department will review and update ordinance requirements for post-construction controls including an on-site stormwater runoff standard for the sizing of post-construction controls that will require, at a minimum, the 80th percentile of the



annual runoff occurring in a typical year from the site is managed through water quality control practices. Additionally, the Engineering-Public Works Department will formalize a long-term operation and maintenance agreement to be completed upon site approval. The structural and non-structural BMPs will be added into GIS to track construction, completion, and long-term maintenance. The Stormwater Quality Management Plan Matrix outlines BMPs for MCM5. The measurable goals outlined in the Stormwater Quality Management Plan Matrix will be evaluated for success based on the items listed in the "Measures of Success" section of the plan.



Task	BMP- Activity Description	Milestone Product/Measurable Goal	Measures of Success	Contributing Parties	YEAR	YEAR	YEAR	YEAR	YEAR
					1 PY 18-19	2 PY 19-20	3 PY 20-21	4 PY 21-22	5 PY 22-23
5. MCM5 POST-CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT									
A. Local MS4 Activities									
Update/Review City Ordinances									
1	Require water quality treatment standard to be developed for all new development and redevelopment for all sites. New development projects to implement controls to manage runoff through water-quality control structures as required by KYG 200000.	Update City Ordinances meeting new KYG20 Permit water quality treatment standard to be based on an analysis of precipitation records to determine the equivalent surface depth of runoff (e.g. 0.75 inches) produced from an 80th percentile precipitation event.	Approval of Updated City Ordinances.	EPW	X	X	X	X	X
2	In areas of development and redevelopment that result in new or expanded discharges to a high-quality water an ordinance shall be passed for standards for runoff control that are considered sufficient to protect existing in-stream water uses and the level of water quality necessary to protect the existing uses.	Ordinance for runoff control standard to High Quality Waters shall be passed.	City Ordinances meet this BMP.	EPW	X	X	X	X	X
3	MAY develop alternatives for water-quality treatment standard: off-site mitigation or payment-in-lieu.	May Provide site operators with an alternative to water-quality treatment.	City May or May not develop this BMP but is an option per KYG 200000.	EPW	X	X	X	X	X



4	Create/Develop a program to notify the BMP owner or operator of deficiencies and ensure completion of required repairs.	City to inspect BMPs within MS4 during permit cycle, property owners responsible for maintenance, may develop property owner self-inspection documentation with City oversight. This will be an ongoing BMP.	Number of BMPs inspected. Number of enforcement actions taken.	Code Enforcement/ EPW	X	X	X	X	X
Current Ordinance Implementation									
1	Continue to implement requirements for post construction runoff controls	Require certain sites to implement post construction runoff controls.	Number of site plans with control facilities constructed.	Code Enforcement/ EPW	X	X	X	X	X
2	Develop and implement project review, approval, and enforcement procedures for post construction stormwater management.	Develop written procedures for site-plan review and approval process for post construction stormwater measures. Develop written procedures for process to review and enforce post-construction measures have been installed per the approved plan prepared by a Kentucky licensed Professional Engineer.	Number of site plans with BMPs installed. Number of site plans reviewed. Number of post-construction inspections performed. Number of enforcement actions.	EPW	X	X	X	X	X



3	Assure long term operation and maintenance of BMPs.	Make the property owner responsible to maintain BMPs. Develop mechanism to allow City of Paducah to conduct inspections.	Year 1 - Create long term maintenance agreement Years 2 -3 - Legal review of long term maintenance agreement program and include in ordinance Years 4 -5 - Implement program	EPW	X	X	X	X	X
4	Establish procedures for inspection of a representative number of installed BMPs	City to inspect post construction BMPs within MS4 during permit cycle. Create a program to notify BMP owner or operator of deficiencies during maintenance inspections. May develop property owner self-inspection documentation with City oversight. This will be an ongoing BMP.	Years 1 & 2 - Map all known post construction BMPs Year 3 - Create post-construction inspection form Years 4 & 5 Implement inspection program and document all inspections	Code Enforcement/ EPW	X	X	X	X	X
5	Train MS4 staff in the fundamentals of long-term stormwater-quality treatment management practices and in how to review such practices on construction plans and how to inspect practices for long-term protection, operation, and maintenance.	City staff will be trained on an "as needed" basis. This training may not occur every year. But will occur at least once during the permit cycle.	Number of staff trained. Number of trainings held.	EPW	X	X	X	X	X
6	Educate community about post-construction management measures.	Will be completed through MCM1 & MCM 2 initiatives	MCM 1 and MCM 2.	EPW	X	X	X	X	X



F. MCM 6 – Pollution Prevention/Good Housekeeping for Municipal Operations

Program Overview

The objective of the Pollution Prevention and Good Housekeeping for Municipal Operations program is to reduce pollutants from municipal operations such as streets, parks, open space, storage and vehicle maintenance areas, building management, new construction, and composting operations. Controls for reducing in an effort to eliminate pollutants from areas such as roads, maintenance buildings, storage stock areas, and parking lots are considered in this program. The City of Paducah is required to perform the following:

1. Develop and implement a written Operation and Maintenance (O&M) Plan that shall include a training component for municipal staff with the goal of preventing or reducing pollutant runoff from municipal operations.
2. O&M Plan must include employee training to prevent and reduce stormwater pollution resulting from activities such as parks and open space maintenance, fleet and building maintenance, new construction and land disturbances, stormwater system maintenance, and green infrastructure maintenance.
3. The O&M Plan shall include an inventory of municipally-owned facilities with the ultimate goal of preventing or reducing pollutant runoff from municipal operations into the storm sewer system.
4. Track activities relative to this program element as necessary to document compliance with permit requirements and prepare the annual system-wide report.

Program Summary

During the last eight years of the MS4 Phase II program permit cycle, the City of Paducah has performed routine maintenance as needed. The ultimate goal of this maintenance was to reduce and prevent pollutant runoff from City operations. This included pollution and prevention maintenance such as street sweeping, catch basin cleaning, channel maintenance, and storm sewer cleaning. Engineering-Public Works call center receives all citizen complaints of which are entered into a daily work order system. Equipment purchased during the previous permit cycle for Engineering & Public Works Department is shown on the preceding paragraphs.

Two additional street sweepers, Tymco Sweeper Model 600, were purchased during the previous permit term to help improve the efficiency of cleaning streets. A 2015 Vactor Pumper truck was purchased to improve efficiency in helping to eliminate the debris in the storm sewer system. Three Freightliner dump truck were purchased to haul debris and dirt from jobsites. A skidsteer and backhoe were also purchased to help with drainage associated projects. A wheeled excavator was purchased in 2016 to improve the cleaning of



ditches and operation and maintenance of ditches along City streets. The City no longer uses straw to cover grass seed due to potential clogging of the storm sewers during a heavy rain event. Instead the City uses excelsior matting for all projects. Waste from vehicle maintenance activities are properly disposed of by City staff, for some materials an outside contractor has been hired to dispose of the waste. Ground maintenance personnel have had training and are required to have applicator certificates for pesticide and herbicide applications. Three new salt spreaders were purchased along with 3 new snow plows and mounts to enhance the pollution prevention activities already in progress. The Engineering-Public Works Department also provides cover for the salt storage. The City of Paducah has promoted and provided leaf collection, waste disposal, and composting services to its citizens. The City also promoted and provided educational opportunities for employees. The City has also sponsored household hazardous waste day, allowing citizens to dispose of appliances, mercury, and other harmful materials.

The City of Paducah, especially the Engineering-Public Works Department, successfully provided many opportunities for employees and citizens to practice pollution prevention activities.

Program Highlights Previous Permit Cycle (2010 – 2017)

- 62 employees were trained in herbicide and pesticide appropriate application procedures
- 303,290 gallons of brine were used with 395 tons of salt in the solution
- 2,535 total tons of salt used
- 75,401 miles of city streets were swept
- 6,260 tons of trash and debris were collected during street sweeping operations
- 13,005 catch basins were inspected and cleaned
- 1,495 culverts were inspected cleaned equaling 35,859 linear feet
- 101,990 linear feet of storm sewers were cleaned
- 2,709 tons of debris and trash were collected from storm cleaning operations
- 486 tons of grass were collected at the City Compost Yard
- 132,815 tons of brush were collected at the City Compost Yard
- 12,419 tons of leaves were collected at the City Compost Yard
- 2,977 tons of cardboard was recycled through Solid Waste Department
- 158 tons of metal were recycled through Solid Waste Department
- 10 tons of plastic were recycled through Solid Waste Department
- 656 tons of tires were recycled during the Annual Spring Clean-Up Day
- 42,667 tons of sludge from the Joint Sewer Agency was used at the City Compost Yard
- 1,868 leaf bags were sold to resident throughout the city for leaf pickup

Program Narrative

During the next permit cycle the City of Paducah plans to determine the BMPs and measurable goals for this MCM as required by KYG 200000. The City Engineering-Public Works Department will have a formal written Operation and Maintenance Plan for municipal operation. The City plans to continue and enhance employee training and hold stormwater meetings with City Departments educating them on their responsibilities associated with improving stormwater quality through their day-to-day activities. The Engineering-Public Works department plans to implement measures to minimize the impact of the de-icing program. The continuation of catch basin cleaning, implementing yard waste and appliance



collection programs, and conducting regular street sweeping will continue as regular municipal operations. The Stormwater Quality Management Plan Matrix outlines BMPs for MCM6. The measurable goals outlined in the Stormwater Quality Management Plan Matrix will be evaluated for success based on the items listed in the "Measures of Success" section of the plan.



Task	BMP- Activity Description	Milestone Product/Measurable Goal	Measures of Success	Contributing Parties	YEAR	YEAR	YEAR	YEAR	YEAR
					1 PY 18-19	2 PY 19-20	3 PY 20-21	4 PY 21-22	5 PY 22-23
6. MCM6 POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS									
A. Local MS4 Activities (Operation and Maintenance Program)									
1	Complete a formal written Operations & Maintenance Program	Use Operations & Maintenance Program to inventory, prioritize, and implement stormwater management practices with municipal operations.	Years 1 - 2 Formalize a written O&M Plan for municipal operations Years 3 - 5 Follow O&M Plan	EPW	X	X	X	X	X
2	Implement measures to minimize the impact of de-icing program.	Use the salt-brine solution to minimize the concentration of salt dispersed on the road.	Document pollution prevention activities.	EPW	X	X	X	X	X
3	Conduct regular street sweeping.	Sweep 4,000 miles of street per year.	Miles of street swept. Tonnage of debris collected.	EPW	X	X	X	X	X
4	Conduct catch basin cleaning.	Clean 300 catch basins per year.	Number of catch basins cleaned. Tonnage of debris collected.	EPW	X	X	X	X	X
5	Implement yard waste collection program.	Continue to offer leaf collection, yard waste collection, and trash pick-up. A compost facility is available for citizens to provide free drop off composting material.	Document types and total weight of materials collected.	EPW	X	X	X	X	X



6	Implement appliance pick-up program.	Continue to offer appliance pick-up.	Number of appliances collected and total weight of material.	EPW	X	X	X	X	X
7	Hold specific stormwater meetings with City Departments educating them on their responsibilities associated with improving stormwater quality through their day to day activities.	Hold at least 3 meetings over the course of the 5 year permit cycle.	Document number of training sessions and number of attendees.	EPW	X		X		X
8	Develop an inventory of municipal facilities, maintenance activities and schedules, and ongoing inspection procedures for structural and non-structural BMPs. BMPs that are to be used in this inventory are ones designed to reduce pollutants discharging to separate storm sewers. Procedures will be developed for proper disposal of waste.	Create an inventory as required by permit. This will be ongoing.	Activities as a result of this BMP will be documented in each Annual Report with the goal of documenting inventory as required by the end of the permit cycle.	EPW					X
9	Require Herbicides and Pesticides application training for municipal employees.	Have employees trained and/or tested as required by the Kentucky Department of Agriculture.	Number of employees trained.	EPW	X	X	X	X	X
10	Sponsor Hazardous Waste Day	Continue to pay waste disposal contractors to collect household wastes.	Documentation of items and quantities collected.	EPW	X	X	X	X	X



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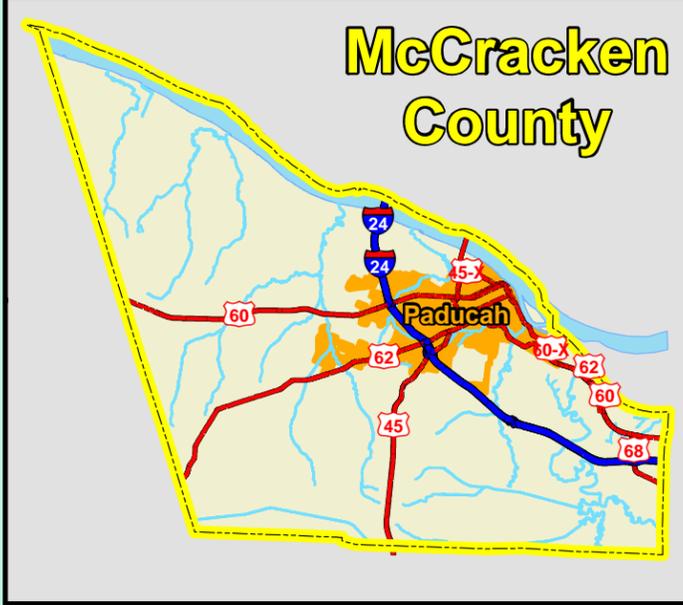
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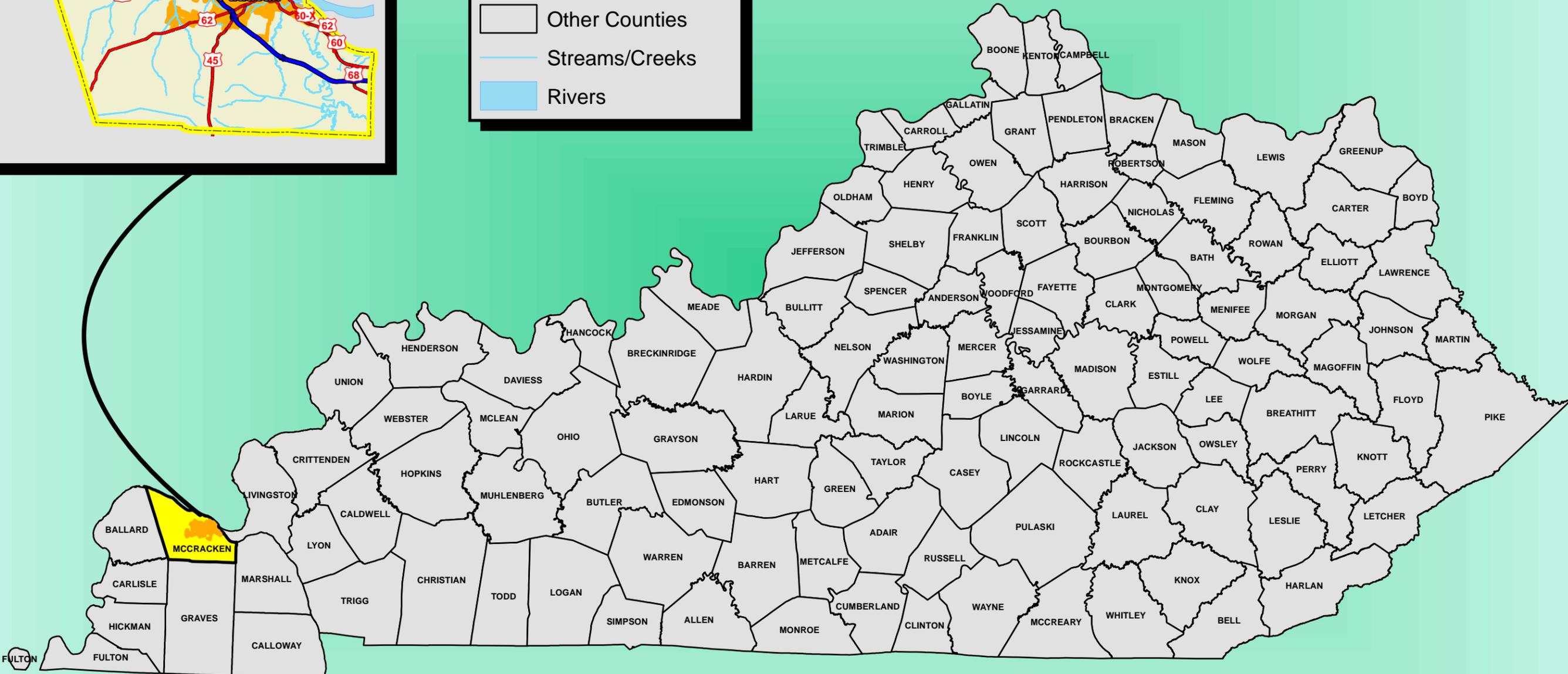


APPENDIX A



Legend:

- Orange square: Paducah City Limits
- Yellow square: McCracken County
- Grey square: Other Counties
- Blue line: Streams/Creeks
- Light blue area: Rivers

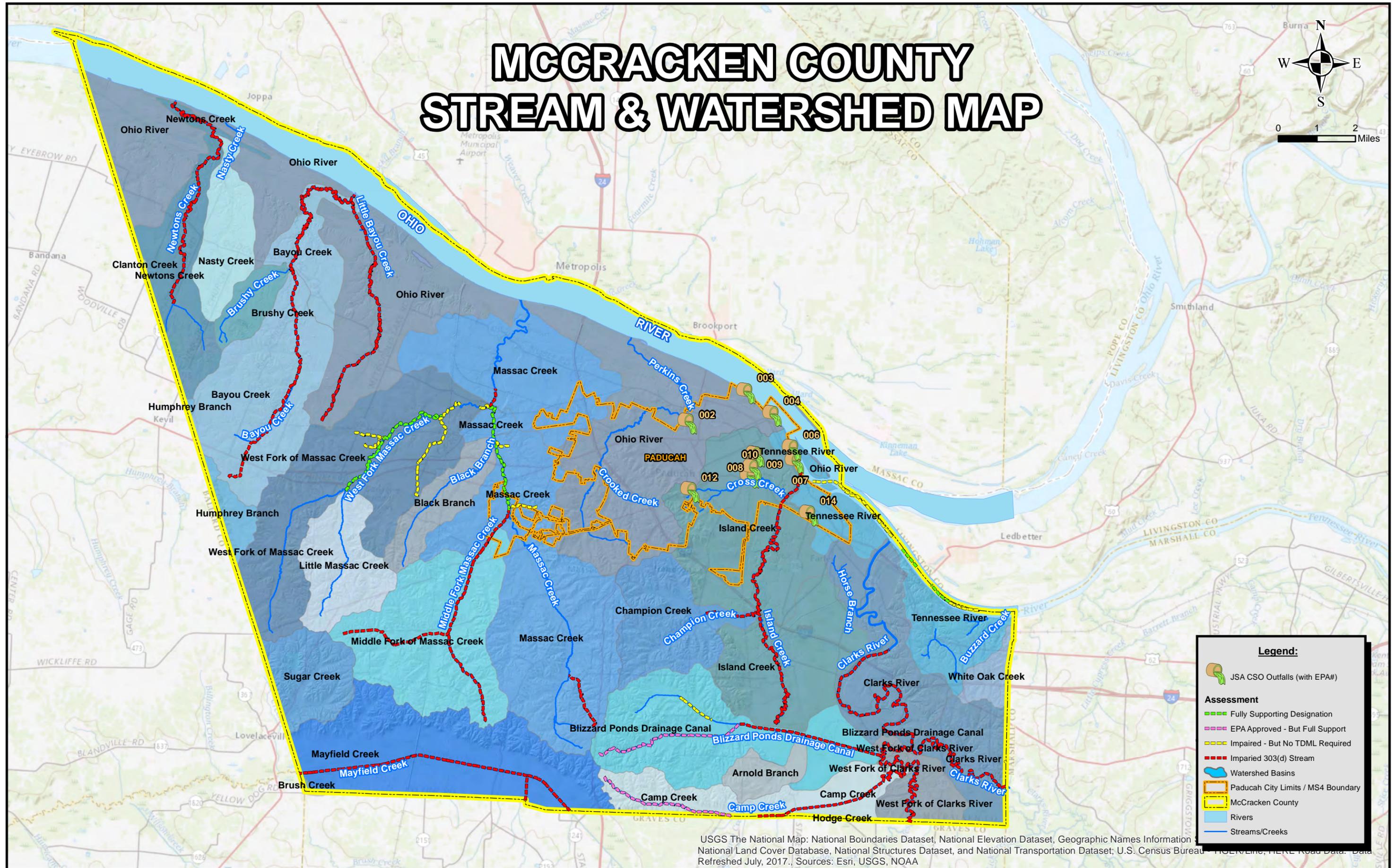


KENTUCKY



APPENDIX B

MCCRACKEN COUNTY STREAM & WATERSHED MAP



Legend:

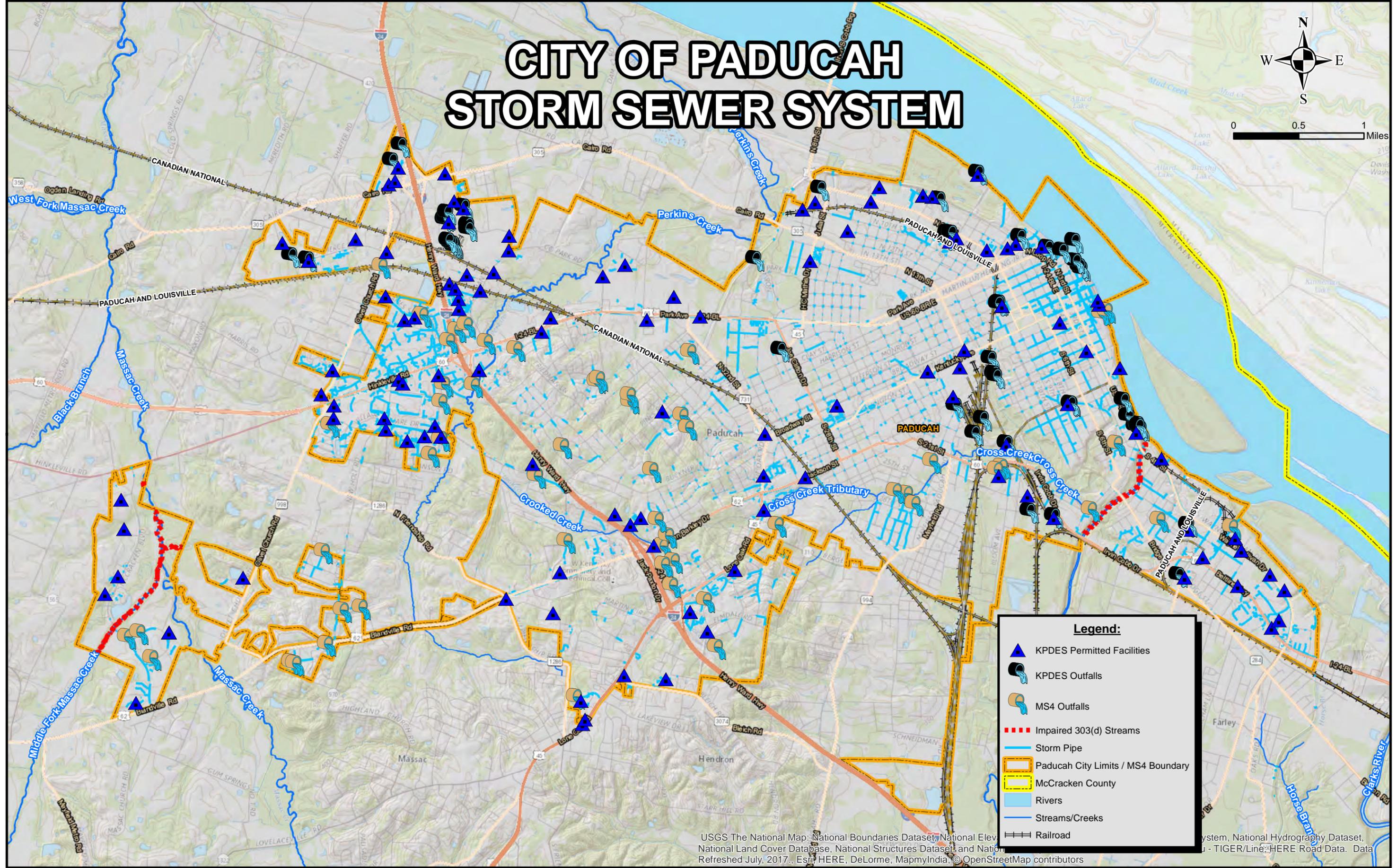
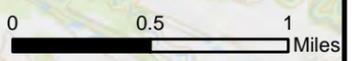
- JSA CSO Outfalls (with EPA#)
- Assessment**
 - Fully Supporting Designation
 - EPA Approved - But Full Support
 - Impaired - But No TDML Required
 - Impaired 303(d) Stream
- Watershed Basins
- Paducah City Limits / MS4 Boundary
- McCracken County
- Rivers
- Streams/Creeks

USGS The National Map: National Boundaries Dataset, National Elevation Dataset, Geographic Names Information System, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; U.S. Census Bureau TIGER/Line, TIGER/Line Road Data. Data Refreshed July, 2017.; Sources: Esri, USGS, NOAA



APPENDIX C

CITY OF PADUCAH STORM SEWER SYSTEM



Legend:

- KPDES Permitted Facilities
- KPDES Outfalls
- MS4 Outfalls
- Impaired 303(d) Streams
- Storm Pipe
- Paducah City Limits / MS4 Boundary
- McCracken County
- Rivers
- Streams/Creeks
- Railroad

USGS The National Map: National Boundaries Dataset, National Elevation Dataset, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset. Data compiled by Esri. TIGER/Line® HERE Road Data. Data Refreshed July, 2017., Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors

KPDES Permit No.	Permit Name	Permit Type	SIC Description	Receiving Stream
KY0003271	VMV Paducahbilt	SW Industrial-IP	Railroad Equipment	Cross Crk
KY0021695	JSC Terminal LLC - Midwest	SW Industrial-IP	Petroleum Bulk Stations and Terminals	Ohio River
KY0022101	Transmontaigne Terminaling Inc	SW Industrial-IP	Petroleum Bulk Stations and Terminals	Tennessee River
KY0022799	Paducah/Mccracken County JSA - Paducah	CSO Major Municipals	Sewerage Systems	Ohio River
KY0073113	Paducah WTP	Minor DW Backwash	Water Supply	Ohio River
KY0104329	Federal Materials Co Inc	Minor Industrial	Ready-Mixed Concrete	Paducah Storm Sewer
KY0107352	Seay Oil Co Inc	SW Industrial-IP	Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals	Island Crk
KY0110264	Garrett Recycling Inc	SW Industrial-IP	Scrap and Waste Materials	Unnamed Tributary to Island Crk
KY0110566	Paducah Riverfront Redevelopment Phase 1	SW Industrial-IP	Heavy Construction, NEC	Ohio River
KYG200021	Paducah, City of	MS4 Phase II	Air and Water Resource and Solid Waste Management	Various
KYR003027	Whitehall Industries	KYR00s SW Industrial GP	Primary Production of Aluminum	
KYR003198	Yellow Freight System	KYR00s SW Industrial GP	Trucking, Except Local	
KYR003682	HB Fuller Co	KYR00s SW Industrial GP	Adhesives and Sealants	
KYR003684	Containment Systems Inc	KYR00s SW Industrial GP	Mineral Wool	
KYR003771	Paducah Transfer Station	KYR00s SW Industrial GP	Refuse Systems	
KYR003801	Universal Environmental Services LLC	KYR00s SW Industrial GP	Scrap and Waste Materials	

KPDES Permit No.	Permit Name	Permit Type	SIC Description	Receiving Stream
KYR003935	R & L Carriers - Pad Service Center	KYR00s SW Industrial GP	Trucking, Except Local	
KYR004156	Pilot Travel Center 358	KYR00s SW Industrial GP	Gasoline Service Stations	
KYR004163	Shoreline Steel South	KYR00s SW Industrial GP	Fabricated Structural Metal	
KYR004211	Reladyne	KYR00s SW Industrial GP	Petroleum Bulk Stations and Terminals	
KYR004246	Midwest Block & Brick	KYR00s SW Industrial GP	Concrete Block and Brick	
KYR10I700	Paducah Campus Additional Parking	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	Crooked Creek
KYR10I870	Ophthalmology Group LLC	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	Crooked Creek
KYR10J104	CFSB Parking Improvements	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	Perkins Creek
KYR10J192	Paducah Cooperative Ministry	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10J218	New Office Building - System Solutions	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	Middle Fork Massac Creek
KYR10J334	Cid 151006	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10J360	Imac Office Building	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	Perkins Creek

KPDES Permit No.	Permit Name	Permit Type	SIC Description	Receiving Stream
KYR10J386	New Pain Management Center	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10J396	Chandler Park Apartments - Paducah, Ky	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10J524	Strawberry Hills Pharmacy	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10J533	Ridgewood Villas	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	Crooked Creek
KYR10J611	Greenway Village Apartments - Phase II	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	Perkins Creek
KYR10J716	Lourdes Hospital Preliminary Clearing and Grading	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10J738	Homewood Suites	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10J830	Holiday Inn	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10J869	F&f Leasing - New Office & Warehouse	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	Ohio River
KYR10J984	City of Paducah Dome Relocation	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10K185	Wayne Sullivan Property	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah

KPDES Permit No.	Permit Name	Permit Type	SIC Description	Receiving Stream
KYR10K334	New Cancer Treatment Center	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10K459	Freedom Waste Transfer Station	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10K529	Olivet Village Retail Center	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	Massac Creek
KYR10K540	United Rental Storage Lot	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	Perkins Creek
KYR10K962	New Cintas Office & Warehouse	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10K966	New Comcast Office & Warehouse	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10L227	Whitehall Industries Expansion	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	Massac Creek
KYR10L311	Comfort Suites	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10L356	Credit Bureau - New Call Center	KYR10s SW Const GP	General Contractors-Nonresidential Buildings, Other than Industrial Buildings and Warehouses	Middle Fork Massac Creek
KYR10L371	Longhorn Steakhouse	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah

KPDES Permit No.	Permit Name	Permit Type	SIC Description	Receiving Stream
KYR10L474	Cain Storage, LLC	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	Island Creek
KYR10L675	Premier Storage - Storage Building Lot	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10L796	Hamilton Place	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10L972	Danny Boy Beer Works	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10M163	S&r Investments Property	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah
KYR10M164	Ffo Home	KYR10s SW Const GP	Highway and Street Construction, Except Elevated Highways	City of Paducah



APPENDIX D

Assessment Summary

Island Creek 0.0 to 5.7 KY495045_01	 <p>This part of the stream partially supports aquatic life, does not support swimming (Primary Contact Recreation).</p>
Mouth to Champion Creek	
McCracken County, Tennessee River Basin	
HUC 06040006	
Assessment Date: 5/2/2002	

Use	Cause of Impairment	Suspected Source(s) of Impairment	Basis for Listing	Data Collection and Analysis Methods ^{1,2,3}
 (5-PS)	Cause Unknown	Source Unknown	The cause of impairment could not be determined	Biological Monitoring, Monitoring Data Collected by Other Agencies or Organizations, Monitoring data more than 5 years old
 (5-NS)	Fecal Coliform	Source Unknown	Concentrations exceeded the water quality standard	Monitoring Data Collected by Other Agencies or Organizations, Monitoring data more than 5 years old, Pathogen Monitoring

¹Data locations: Physical/chemical monitoring data and pathogen data can be found on the EPA Water Quality Portal; chemical monitoring data for regulated facilities (e.g. wastewater and drinking water) can be found in the EPA ECHO database (online); biological monitoring summary scores and habitat assessment scores can be found in the EPA STORET database (online); and raw community species data and fish tissue analysis data are available on request through KDOW Open Records (expected in STORET 2015).

²Data Source(s): MurraySU, TVA

³Data Collection Date(s): 7/1/1996 - 10/1/2000

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Assessment Summary

Island Creek 5.7 to 10.1 KY495045_02				
Champion Creek to Headwaters		This part of the stream partially supports aquatic life.		
McCracken County, Tennessee River Basin				
HUC 06040006				
Assessment Date: 4/1/1998				
Use	Cause of Impairment	Suspected Source(s) of Impairment	Basis for Listing	Data Collection and Analysis Methods ^{1,2,3}
 (5-PS)	Cause Unknown	Source Unknown	The cause of impairment could not be determined	Biological Monitoring, Monitoring Data Collected by Other Agencies or Organizations, Monitoring data more than 5 years old

¹Data locations: Physical/chemical monitoring data and pathogen data can be found on the EPA Water Quality Portal; chemical monitoring data for regulated facilities (e.g. wastewater and drinking water) can be found in the EPA ECHO database (online); biological monitoring summary scores and habitat assessment scores can be found in the EPA STORET database (online); and raw community species data and fish tissue analysis data are available on request through KDOW Open Records (expected in STORET 2015).

²Data Source(s): TVA

³Data Collection Date(s): 1/1/1996 - 12/31/1996

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Assessment Summary

Massac Creek 4.3 to 7.5 KY497670_02				
West Fork of Massac Creek to Middle Fork of Massac Creek		This part of the stream fully supports aquatic life.		
McCracken County, Ohio River Basin				
HUC 05140206				
Assessment Date: 5/2/2002				
Use	Cause of Impairment	Suspected Source(s) of Impairment	Basis for Listing	Data Collection and Analysis Methods ^{1,2,3}
 (2-FS)				Biological Monitoring, Habitat Assessment, Monitoring data more than 5 years old

¹Data locations: Physical/chemical monitoring data and pathogen data can be found on the EPA Water Quality Portal; chemical monitoring data for regulated facilities (e.g. wastewater and drinking water) can be found in the EPA ECHO database (online); biological monitoring summary scores and habitat assessment scores can be found in the EPA STORET database (online); and raw community species data and fish tissue analysis data are available on request through KDOW Open Records (expected in STORET 2015).

²Data Source(s): KDOW PROB

³Data Collection Date(s): 5/9/2000

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Assessment Summary

UT of Massac Creek 0.0 to 0.8 KY497670-7.55_01	 <p>This part of the stream partially supports swimming (Primary Contact Recreation).</p>
Mouth to Concordia Estates STP	
McCracken County, Ohio River Basin	
HUC 05140206	
Assessment Date: 5/2/2002	

Use	Cause of Impairment	Suspected Source(s) of Impairment	Basis for Listing	Data Collection and Analysis Methods ^{1,2,3}
 (5B-PS)	Fecal Coliform	Package Plant or Other Permitted Small Flows Discharges	Concentrations exceeded the water quality standard	Discharger Self-Monitoring Data, Pathogen Monitoring

¹Data locations: Physical/chemical monitoring data and pathogen data can be found on the EPA Water Quality Portal; chemical monitoring data for regulated facilities (e.g. wastewater and drinking water) can be found in the EPA ECHO database (online); biological monitoring summary scores and habitat assessment scores can be found in the EPA STORET database (online); and raw community species data and fish tissue analysis data are available on request through KDOW Open Records (expected in STORET 2015).

²Data Source(s): DMR

³Data Collection Date(s): 10/1/1997 - 9/1/2001

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Assessment Summary

Middle Fork Massac Creek 0.0 to 6.4 KY498130_01	
Mouth to Headwaters	
McCracken County, Ohio River Basin	
HUC 05140206	
Assessment Date: 3/21/2007	

This part of the stream partially supports aquatic life, partially supports the OSRW designated use.

Use	Cause of Impairment	Suspected Source(s) of Impairment	Basis for Listing	Data Collection and Analysis Methods ^{1,2,3}
 (5-PS)	Nitrate/Nitrite (Nitrite + Nitrate as N)	Agriculture, Crop Production (Crop Land or Dry Land)	Concentrations are negatively affecting the aquatic community	Biological Monitoring, Habitat Assessment
 (5-PS)	Sedimentation/Siltation	Agriculture, Crop Production (Crop Land or Dry Land)	Sediment deposition is negatively affecting the aquatic community (e.g. habitat smothering) and/or recreation	Biological Monitoring, Habitat Assessment
 (5-PS)	Nitrate/Nitrite (Nitrite + Nitrate as N)	Agriculture, Crop Production (Crop Land or Dry Land)	Concentrations are negatively affecting the aquatic community	Biological Monitoring, Habitat Assessment
 (5-PS)	Sedimentation/Siltation	Agriculture, Crop Production (Crop Land or Dry Land)	Sediment deposition is negatively affecting the aquatic community (e.g. habitat smothering) and/or recreation	Biological Monitoring, Habitat Assessment

¹Data locations: Physical/chemical monitoring data and pathogen data can be found on the EPA Water Quality Portal; chemical monitoring data for regulated facilities (e.g. wastewater and drinking water) can be found in the EPA ECHO database (online); biological monitoring summary scores and habitat assessment scores can be found in the EPA STORET database (online); and raw community species data and fish tissue analysis data are available on request through KDOW Open Records (expected in STORET 2015).

²Data Source(s): KDOW PROB, KDOW WMB

³Data Collection Date(s): 5/15/2005 - 7/14/2005

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Assessment Summary

Ohio River 938.9 to 925.8 KY425264_47	 <p>This part of the stream partially supports aquatic life, fully supports swimming (Primary Contact Recreation), partially supports Fish Consumption, fully supports drinking water (Domestic Water Supply).</p>
Lock and Dam 52 to 0.2 mile upstream of Goodlow Slough	
McCracken County, Ohio River Basin	
HUC 05140206	
Assessment Date: 9/26/2014	

Use	Cause of Impairment	Suspected Source(s) of Impairment	Basis for Listing	Data Collection and Analysis Methods ^{1,2,3}
 (5-PS)	Iron	Source Unknown	Concentrations exceeded the water quality standard	Biological Monitoring, Monitoring Data Collected by Other Agencies or Organizations, Physical/Chemical Monitoring
 (2-FS)				Monitoring data more than 5 years old, Pathogen Monitoring
 (5-PS)	Dioxin (including 2,3,7,8-TCDD)	Source Unknown	Concentrations exceeded the water quality standard	Fish Tissue Analysis, Monitoring Data Collected by Other Agencies or Organizations
 (5-PS)	PCB in Water Column	Source Unknown	Concentrations exceeded the water quality standard	Fish Tissue Analysis, Monitoring Data Collected by Other Agencies or Organizations

¹Data locations: Physical/chemical monitoring data and pathogen data can be found on the EPA Water Quality Portal; chemical monitoring data for regulated facilities (e.g. wastewater and drinking water) can be found in the EPA ECHO database (online); biological monitoring summary scores and habitat assessment scores can be found in the EPA STORET database (online); and raw community species data and fish tissue analysis data are available on request through KDOW Open Records (expected in STORET 2015).

²Data Source(s): ORSANCO

³Data Collection Date(s): 1/1/2009 - 12/31/2013

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(2-FS)

Drinking Water Monitoring
(Finished Water), Monitoring
Data Collected by Other Agencies
or Organizations

¹Data locations: Physical/chemical monitoring data and pathogen data can be found on the EPA Water Quality Portal; chemical monitoring data for regulated facilities (e.g. wastewater and drinking water) can be found in the EPA ECHO database (online); biological monitoring summary scores and habitat assessment scores can be found in the EPA STORET database (online); and raw community species data and fish tissue analysis data are available on request through KDOW Open Records (expected in STORET 2015).

²Data Source(s): ORSANCO

³Data Collection Date(s): 1/1/2009 - 12/31/2013

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Assessment Summary

Tennessee River 1.1 to 3.8 KY517033_01				
Island Creek to Discharge				
McCracken County, Tennessee River Basin				
HUC 06040006				
Assessment Date: 3/16/2007				
Use	Cause of Impairment	Suspected Source(s) of Impairment	Basis for Listing	Data Collection and Analysis Methods ^{1,2,3}
 (5B-NS)	Fecal Coliform	Marina/boating Pumpout Releases	Concentrations exceeded the water quality standard	Discharger Self-Monitoring Data, Pathogen Monitoring

¹Data locations: Physical/chemical monitoring data and pathogen data can be found on the EPA Water Quality Portal; chemical monitoring data for regulated facilities (e.g. wastewater and drinking water) can be found in the EPA ECHO database (online); biological monitoring summary scores and habitat assessment scores can be found in the EPA STORET database (online); and raw community species data and fish tissue analysis data are available on request through KDOW Open Records (expected in STORET 2015).

²Data Source(s): DMR

³Data Collection Date(s): 1/1/2001 - 12/31/2005

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APPENDIX E

ORDINANCE NO. 2016-12-8463

AN ORDINANCE COMPLETELY REPEALING CHAPTER 42, SECTIONS 1 THRU 100, THE NUISANCE CODE AND RELATED ORDINANCES AND REPLACING THEM IN THEIR ENTIRETY WITH A CODE ENFORCEMENT BOARD AND RELATED ORDINANCES, THUS REVISING CHAPTER 42, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY

WHEREAS, the City of Paducah has operated under the Kentucky Nuisance Code Enforcement Act to protect, promote, and improve the health, safety, and welfare of the citizens residing within the City of Paducah; and

WHEREAS, the Kentucky General Assembly passed HB 422 in 2016, which abolishes and phases out the Kentucky Nuisance Code Enforcement Act as of January 1, 2017 in favor of a Code Enforcement Board structure; and

WHEREAS, by authorizing the creation of a code enforcement board as authorized by KRS 65.8801 et seq. with the authority to protect, promote, and improve the health, safety, and welfare of the citizens residing within the City of Paducah and having the authority to issue remedial orders, impose civil fines and refer for criminal prosecution in order to provide an equitable, expeditious, effective and inexpensive method of ensuring compliance with the ordinances adopted herein and in force within the City;

WHEREAS, the City Commission of the City of Paducah, Kentucky, desires to utilize the authority granted in KRS 65.8801 et seq. by creating a City of Paducah Code Enforcement Board and enacting certain ordinances pursuant to KRS 65.8801; and

WHEREAS, this Ordinance will revise Chapter 42, sections 1 thru 100, of the City of Paducah Code of Ordinances in its entirety as written and replace same;

NOW THEREFORE be it ordained by the City Commission of the City of Paducah as follows:

SECTION A. REPEAL: Upon the effective date, the current sections of Chapter 42, section 1 thru 100, are hereby repealed in their entirety, and replaced as described below.

SECTION B. REPLACEMENT: Upon the effective date, the section 1 thru 100 of Chapter 42 of the City of Paducah Code of Ordinances are replaced as follows:

Article I. SECTIONS 42-1 through 42-30 are hereby reserved.

Article II. SECTION 42-31. Title of article. This article shall be known and may be cited as the "Code Enforcement Board Ordinance."

SECTION 42-32. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abatement costs may mean a city's necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve the public health, safety and welfare in accordance with any city ordinance.

Citation shall mean a determination by the Code Enforcement Officer that a violation has been committed, and that determination shall be final, unless properly contested.

Code Enforcement Board shall mean the administrative body created herein and acting under the authority of the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839.

Code Enforcement Officer shall mean all city citation officers as defined in section 2-591 of article VII of chapter 2 of the Paducah Code of Ordinances.

Code shall mean any ordinances adopted by the city in chapter 42, articles I, II and/or III herein.

Final Order means any order: Issued by the code enforcement board in accordance with this ordinance that is not appealed; Created because a violator neither paid nor contested the citation as provided in this ordinance; Or created because a violator failed to appear at a hearing the violator requested to contest the citation as provided in this ordinance.

Imminent Danger means a condition which is likely to cause serious or life-threatening injury or death at any time.

Owner means a person, association, corporation, partnership or other legal entity having a legal or equitable title in real property.

Person shall mean any person, individual, firm, partnership, association, corporation, company or organization of any kind.

Premises or property shall mean a lot, plot, or parcel of land, including any structures upon it.

Remedy shall mean the action taken to abate any nuisance to bring property in violation of the nuisance code into compliance with the requirements of this chapter.

Sec. 42-33. - Creation and membership.

There is hereby created pursuant to KRS 65.8801 to KRS 65.88839 within the city, a City of Paducah Code Enforcement Board which shall be composed of five member(s), all of whom shall be residents and registered voters of the city for a period of at least one year prior to the creation of the board and shall reside there throughout the term in office.

Sec. 42-34. - General powers.

(a) The Code Enforcement Officer shall have the power to issue citations for violations of the code. Such citation shall be a final determination unless contested pursuant to the hearing procedures provided under section 42-40.

(b) The Code Enforcement Board shall have the power to conduct hearings, issue remedial and final orders and impose fines upon a final determination as a method of enforcing the nuisance code when a violation of the code has been determined by the Code Enforcement Officer and a contest to the board has been initiated.

(c) The Code Enforcement Board shall have the authority to conduct hearings and make determinations regarding all nuisance code violations, but shall not have the authority to conduct hearings and make determinations regarding violations of article IV-Noise of chapter 42 of the Paducah Code of Ordinances or violations of buildings and buildings regulations in chapter 18 of the Paducah Code of Ordinances.

(d) The Code Enforcement Board shall have the authority to conduct hearings and make determinations regarding appeals from the decision of the Deputy Chief/Fire Marshall of the Fire Prevention Division as to a rental occupancy permit set forth in section 42-41.5.

Sec. 42-35 - Appointment of members; term of office; removal from office.

(a) Members of the Code Enforcement Board shall be residents and registered voters of the city for a period of at least one year prior to joining the board and shall reside there throughout the term in office and shall be appointed by the Mayor of the City of Paducah, subject to the approval by the Paducah City Commission.

(b) The initial appointment to a five-member Code Enforcement Board shall be as follows:

- (1) Two members appointed to a one-year term.
- (2) Two members appointed to a two-year term.
- (3) One member appointed to a three-year term.

All subsequent appointments shall be for a term of three years. A member may be reappointed by the Mayor, subject to approval by the Paducah City Commission.

(c) The Mayor may appoint, subject to the approval of the legislative body, one alternate member to serve on the Code Enforcement Board in the absence of regular member(s).

(d) Any vacancy on the board shall be filled by the Mayor, subject to approval of the Paducah City Commission within 30 days of the vacancy. If the vacancy is not filled within that time period, the Paducah City Commission shall fill the vacancy.

(e) A code board member may be removed from office by the Mayor for absenteeism or inability to meet, misconduct, inefficiency, or willful neglect of duty. The Mayor must submit a written statement to the member and the Paducah City Commission setting forth the reasons for removal, but removal shall not be subject to approval of the Paducah City Commission.

Sec. 42-36. - Organization of board; meetings; quorum; and minutes

(a) If the board consists of five members, it shall annually elect a chair from among its members. The Chairman shall be the presiding officer and a full voting member of the board.

(b) Regular meetings of the Code Enforcement Board shall be held monthly on a date to be set by the board. Meetings other than those regularly scheduled shall be special meetings held in accordance with the requirements of the Kentucky Open Meetings Act, and the board may adopt a procedure for special meetings, if necessary.

(c) All meetings and hearings of the Code Enforcement Board shall be held in accordance with the requirements of KRS 65.8801 et seq., Roberts Rules of Order, the Kentucky Open Meetings Act, and the Kentucky Open Records Act.

(d) A majority of the members of the Code Enforcement Board shall constitute a quorum for all purposes. A decision reached by a quorum of the Code Enforcement Board present at a properly called meeting shall constitute a decision of the entire Board.

(e) Minutes shall be kept for all proceedings of the Code Enforcement Board and the vote of each member on any issue decided by the board shall be recorded in the minutes.

Sec. 42-37. - Conflict of interest.

Any member of the Code Enforcement Board who has any direct or indirect financial or personal interest in any matter to be decided, shall disclose the nature of the

interest and shall disqualify himself from voting on the matter in which he has an interest and shall not be counted for purposes of establishing a quorum.

Sec. 42-38. - Jurisdiction.

The Code Enforcement Officer and Code Enforcement Board shall have jurisdiction to enforce and shall enforce those city ordinances and code provisions which specifically designated to the Code Board enforcement.

Sec. 42-39. - Powers of the Code Enforcement Board.

The City of Paducah Code Enforcement Board shall have the following powers and duties over all matters contained within this article:

- (a) To adopt rules and regulations to govern its operations and the conduct of its hearings.
- (b) To subpoena witnesses and to allow code enforcement officers to serve subpoenas.
- (c) To conduct hearings to determine if there has been a violation of the code.
- (d) To take testimony under oath. The chairman shall have the authority to administer oaths for the purpose of taking testimony.
- (e) To make findings of fact and issue remedial or final orders necessary to remedy any violation of the code or code provision which the board is authorized to enforce.
- (f) To impose fines, as authorized, on any person found to have been in violation.
- (g) To order liens to be filed for the collection of fines, charges, costs, penalties, and fees, including attorney's fees.
- (h) To conduct hearings to consider appeals from the determination of the Deputy Chief/Fire Marshall of the Fire Prevention Division as to the suspension, revocation, or denial of a rental occupancy permit in accordance with Section 42-41.5.

Sec. 42-40. - Enforcement hearing.

The following requirements shall govern all enforcement hearings before the board:

- (a) If the alleged violator desires to contest the citation, he or she may initiate a hearing before the Code Enforcement Board after a citation is issued by a Code Enforcement Officer.
- (b) Except as provided in subsection (c) below, if a Code Enforcement Officer believes, based on his personal observation or investigation, that a person has violated the code, he shall issue a notice of violation to the offender allowing the offender five (5) business days to remedy the violation without fine. The offender may be allowed a reasonable extension of time to remedy the violation without fine at the discretion of the Code Enforcement Officer, if requested by the offender.

1. The notice of violation shall be reasonably calculated to inform the offender of the nature of the violation, and may be in the form of a posted sign notice on or near the door, if unsafe conditions exist for a property with a dwelling or structure, or in the form of a posted sign for vacant lots.

(c) If the offender fails or refuses to remedy the violation within the time allotted by the Code Enforcement Officer, the Code Enforcement Officer is authorized to issue a citation. The citation shall represent a determination by the Code Enforcement Officer that a violation has been committed, and that determination shall be final unless contested by the alleged violator and taken before the Code Enforcement Board.

(d) Nothing in this article shall prohibit the city from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible, or if other specific circumstances merit immediate abatement.

(e) The citation issued by the Code Enforcement Officer shall contain the following information:

1. The date and time of issuance;
2. The name and address of the person to whom the citation is issued;
3. The date and time the offense was committed;
4. The facts constituting the offense;
5. The section of the code or the number of the ordinance violated;
6. The name of the Code Enforcement Officer;
7. The fine that will be imposed for the violation if the person does not contest the citation;
8. The maximum fine that may be imposed if the person elects to contest the citation;
9. The procedure for the person to follow in order to pay the fine or to contest the citation;
10. A statement that if the person fails to pay the fine set forth in the citation or contest the citation, within the time allowed, the person shall be deemed to have waived the right to a hearing before the Code Enforcement Board to contest the citation and that the determination that the violation was committed shall be final; and
11. Notice that a lien may be filed or foreclosure proceedings initiated to collect fines, charges, costs, penalties, and fees, including attorney's fees.

(f) Upon receipt of a citation, the offender shall respond to the citation within seven business days of the date of receipt by either paying the fine or requesting, in writing, a hearing before the Code Enforcement Board to contest the citation. If the offender responds by paying the fine, the offender shall still be required to remedy the violation and will be given a reasonable time to remedy. If the offender fails to remedy the violation, another Notice of Violation may be issued, in accordance with subsection (b) above, for another violation of the nuisance code. If the person fails to respond to the citation within seven days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final.

(g) If the offender does not contest the citation within the time prescribed, the Code Enforcement Officer issuing the citation shall enter a final order determining that the violation was committed, no contest was initiated, and then cause the violation to be abated and/or impose the fine set forth in the citation. If the offender does not remedy in the time provided, another notice of violation may be issued, in accordance with subsection (b) above, for another violation of the nuisance code. A copy of the final order shall be served on the offender.

Sec. 42-41. - Enforcement hearing; notice; and final order.

(a) When a hearing has been requested, the Code Enforcement Board shall schedule a hearing. The board may hold hearings once a month or more frequently as necessary or needed.

(b) Not less than seven days before the date of the hearing, the Code Enforcement Board shall notify the requester of the date, time, and place of the hearing. The notice may be given by standard U.S. mail; certified mail, return receipt requested; by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is 18 years of age or older.

(c) Any person requesting a hearing before the Code Enforcement Board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and a determination that a violation was committed shall be entered and become final. The Code Enforcement Board shall enter a final order determining the violation was committed and shall cause the nuisance to be abated and/or impose the fine set forth in the citation. The final order shall provide the offender a reasonable time to remedy the violation. If the offender does not remedy in the time provided, another notice of violation may be issued, in accordance with section 42-40(b), for another violation of the code. A copy of the final order shall be served upon the offender.

(d) All testimony shall be taken under oath and recorded. Testimony shall be taken from the Code Enforcement Officer, the alleged violator, and any witnesses to the violation offered by the Code Enforcement Officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(e) The Code Enforcement Board shall, based on the evidence, determine whether a violation was committed. In making its determination, the Code Enforcement Board shall use an arbitrary and capricious standard and shall uphold the citation unless the issuance of the citation was clearly erroneous. The Code Enforcement Board shall uphold the citation if pictorial or photographic evidence supporting the citation is provided by the Code Enforcement Officer. If no pictorial or photographic evidence is provided and the board determines that no violation was committed, an order dismissing the citation shall be entered. If pictorial or photographic evidence is provided or if no such evidence is provided and the board still determines that a violation was committed, an order shall be issued upholding the citation and either imposing a fine up to the maximum authorized by this or other ordinance or requiring the offender to remedy a continuing violation, or both.

(1) The final order shall provide the offender a reasonable time to remedy the violation. If the offender does not remedy in the time provided in the final order, another notice of violation may be issued, in accordance with subsection 42-40(b), for another violation of the nuisance code.

(f) Every final order of the Code Enforcement Board shall be reduced to writing, which shall include the date the order was issued. A copy shall be furnished to the person named in the citation. If the person named in the citation is not present when the final order is issued, the order shall be delivered in accordance with the procedures set forth herein.

(g) The Code Enforcement Officer, at his discretion, may remedy the violation to bring the property into compliance with the Code, if the citation is not contested or if a final order upholding the citation is entered by the Code Enforcement Board.

(h) Nothing in this Section shall prohibit the city from taking immediate action in an urgent situation, if necessary, as determined by the Fire Chief or the City Manager.

Sec. 42-41.5. - Rental occupancy permit appeals.

In the event a landlord wishes to appeal the determination of the Code Enforcement Officer as to the suspension, revocation, or denial of a rental occupancy permit, the appeal shall be taken before the Code Enforcement Board in accordance with the following provisions:

(a) Upon receipt of an appeal from a landlord, the Code Enforcement Board shall schedule a hearing. The Board shall hold hearings once a month. All parties to the appeal shall be notified of the time and place of the hearing by letter mailed by certified mail, no later than seven days prior to the date of hearing. The Board shall render a decision within five working days after the hearing.

(b) At the hearing, the Code Enforcement Board shall hear all relevant evidence and argument. The Board may admit and give probative effect to evidence which possesses probative value commonly accepted in administrative hearings.

(c) The issue to be determined by the Code Enforcement Board shall be whether the Code Enforcement Officer's determination of suspension, revocation or denial is based upon a preponderance of the evidence submitted. The Code Enforcement Board may affirm, modify, or reverse the action of the Code Enforcement Officer. The final decision of the Board shall be mailed to the landlord.

(d) A notice to tenants of the final decision of the Code Enforcement Board shall be mailed to each tenant and prominently posted on the building. If applicable, the notice shall indicate the date upon which the tenants must vacate the building and shall clearly indicate which rental dwelling units are affected.

(e) Any appeal properly taken under this section shall suspend the enforcement of the Code Enforcement Officer's determination, unless the Code Enforcement Officer's determination finds the landlord's noncompliance to be life threatening.

Sec. 42-42. - Appeals; final judgment.

(a) An appeal from any final written order of the Code Enforcement Board may be made to the McCracken County District Court within 30 days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the Code Enforcement Board's final order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.

(b) The action before the District Court shall be limited to a review of the record created before the Code Enforcement Board. If the court finds that a violation occurred, the offender shall be ordered to remedy the violation and pay to the city all fines, charges, fees, including attorney's fees, and penalties occurring as of the date of the judgment. The district court judge shall provide the offender a reasonable time to remedy the violation. If the offender does not remedy in the time provided, another notice of violation may be issued, in accordance with subsection 42-40(b), for another violation of the nuisance code. If the district court judge fails to provide the offender with time to remedy the violation, the offender shall have the time provided in the final order of the Code Enforcement Board to remedy the violation. If the court finds a violation did not occur, the city shall be ordered to dismiss the notice. The offender shall not be entitled to recover attorney's fees or costs.

(c) If no appeal from a final order of the Code Enforcement Board is filed within the time period set in subsection (a) above, the Code Enforcement Board's order shall be deemed final for all purposes.

Sec. 42-43. - Ordinance fine schedule.

Violations of ordinances that are enforced by the Code Enforcement Board shall be subject to the following schedule of civil fines:

(a) If a citation for a violation of the nuisance code is not contested by the person charged with the violation, the penalties set forth in this subsection may apply per inspection: If the code enforcement officer is required to make inspections beyond the initial inspection and one additional follow-up inspection, to determine if the required

corrections have been made, then the Code Enforcement Board shall assess the following fines not to exceed the value of the property as determined by the Property Valuation Administrator:

Inspections	3rd Inspection and All Subsequent Inspections
Abandoned Vehicles and Appliances, Grass, Weeds, Litter, Solid Waste, Other Nuisances Defined By 42-50(a)(1-7)	\$100.00

(b) If the citation is contested and a hearing before the Code Enforcement Board is required, the following maximum penalties may be imposed at the discretion of the board per inspection not to exceed the value of the property as recorded by the Property Valuation Administrator:

Inspections	3rd Inspection	4th Inspection	5th Inspection and All Subsequent Inspections
Property Maintenance	\$250.00	\$350.00	\$500.00

Sec. 42-44. - Lien; fines, charges, abatement costs, fees, penalties, attorney fees and costs.

(a) The city shall possess a lien on the property owned by the person found by a non-appealable final order, or by a final judgment of the court, to have committed a violation of the code for all fines assessed for the violation and for all charges, costs, penalties, abatement costs, and fees, including without limitation attorney's fees and a \$30.00 administration fee, incurred by the city in connection with the enforcement of the code. The lien shall bear interest at the rate of four percent per annum until paid. An affidavit of the code enforcement officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 65.8801 to KRS 65.8839.

(b) A notice of the lien may be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest until paid. The lien shall continue for ten (10) years following the date of the nonappealable final order or final court judgment.

(c) Subject to section 42-45(i), the lien shall take precedence over all other liens, except state, county, school board and city taxes, and may be enforced by judicial proceedings, including a foreclosure action.

(d) In addition to the remedy prescribed in subsection (a), the person found to have committed the violation shall be personally liable for the amount of all fines assessed for the violation and for all charges, costs, penalties, abatement costs, and fees, including without limitation attorney's fees and a \$30.00 administration fee, incurred by the city in connection with the enforcement of the code. The aforesaid amount shall bear interest at the rate of four percent per annum until paid. The city may bring a civil action against the responsible owner or owners and shall have the same remedies as provided for the recovery of a debt.

(e) The city shall be entitled to recover from the responsible owner or owners all attorney fees and others costs incurred by the city by reason of the collection upon and enforcement of the responsible owner's or owners' liability hereunder and the lien which secures the same.

(f) Upon payment, determination of the Code Enforcement Board or Court order, the city shall be authorized to release any lien filed hereunder and recorded in the Office of the County Clerk.

Sec. 42-45. – Lienholder Notification System and Liens.

The city shall obtain and maintain priority over previously filed liens, in accordance with the following provisions:

(a) Individuals and entities, including but not limited to lienholders, may register with the city to receive electronic notification of final orders or liens entered pursuant to this ordinance.

(b) In order to receive the notification, the registrant shall submit the following information to the code enforcement staff:

1. Name;
2. Contact Person;
3. Mailing address;
4. Physical address;
5. Phone number; and
6. Electronic mailing address.

(c) A registrant may use the email link or electronic form provided on the city Web site to submit the information required. It shall be the responsibility of the registrant to maintain and update the required contact information with the city at least annually and to update as needed.

(d) Once every ten (10) days, the city may send electronic mail notification of all final orders entered pursuant to this ordinance since the last date of notification to each party registered. The notification shall provide an electronic link to the city code enforcement database located on the city Web site. The database shall include the following information regarding each final order:

1. The name of the person charged with a violation;
2. The physical address of the premises where the violation occurred;
3. The last known mailing address for the owner of the premises where the violation occurred;
4. A copy of a specific description of the citation;
5. A copy of the findings of the final order, including penalties; and
6. The status of the final order regarding its ability to be appealed pursuant to this ordinance.

(e) Within ten (10) days of the issuance of a final order pursuant to this ordinance, the city shall update its code enforcement database to reflect the issued final order, and shall post the notification required by subsection (d) of this Section containing an updated link to the code enforcement database on the city Web site.

(f) The city shall maintain the records created under this Section for ten (10) years following their issuance.

(g) A lienholder of record who has registered pursuant to this section may, within forty-five (45) days from the date of issuance of notification:

1. Correct the violation, if it has not already been abated; or
2. Pay all civil fines assessed for the violation, and all charges and fees incurred by the city in connection with enforcement of the ordinance, including abatement costs.

(h) The lien provided by this ordinance shall not take precedence over previously recorded liens if:

1. The city failed to comply with the requirements of this ordinance for notification of the final order; or
2. A prior lienholder complied with subsection (g) of this Section.

(i) A lien that does not take precedence over previously recorded liens shall, if the final order remains partially unsatisfied, take precedence over all other subsequent liens except liens for state, county, school board and city taxes.

(j) The city may record a lien before the forty-five (45) day period established in this Section expires. If the lien is fully satisfied prior to the expiration of the forty-five (45) day period, the city shall release the lien in the county clerk's office where the lien is recorded within fifteen (15) days of satisfaction.

(k) Failure of the City to comply or failure of a lien to take precedence over previously filed liens as provided herein shall not limit or restrict any other remedies the City has against the property of the violator.

Section 42.46 - Ordinances enacted for enforcement.

Articles I, II and III of Chapter 42 are enacted for enforcement by the Code Enforcement Board pursuant to KRS 65.8801. Additional ordinances or sections of the City of Paducah Code of Ordinance may be enacted or adopted for enforcement herein.

(a) *Property Maintenance Code Adopted.* A certain document, one copy of which is on file in the office of the City Clerk of the City of Paducah, being marked and designated as "International Property Maintenance Code 2012 Edition" as published by the International Code Council, and the property maintenance code currently adopted by the City of Paducah; and each and all of the regulations, provisions, penalties, conditions, and terms of said International Property Maintenance Code and the property maintenance code currently adopted by the City of Paducah, are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) below. Violations of the provisions therein shall be deemed a nuisance enforceable by this article.

(b) *Additions, insertions and changes.* The International Property Maintenance Code is amended and revised in the following respects:

- (1) Section 101.1 (p.1, second line). Insert: City of Paducah.
- (2) Section 103.5 Insert: Fees. See Sec. 42-43(b)
- (3) Section 112.4 Insert: Failure to Comply [of not less than \$500 and not more than \$1,000]
- (4) Section 302.4 Insert: 10 inches
- (5) Section 304.14 (p.10, first and second line).
Insert: May 1 thru October 31.
- (6) Section 602.3 (p. 17, fifth line).
Insert: September 1 thru May 31.
- (7) Section 602.4 (p. 17, third line).
Insert: September 1 thru May 31.

(c) Reserved.

(d) *Savings clause.* Nothing in this section or in the property maintenance code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in subsection (b) above; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this section.

(e) *Conflicts.* If any conflicts exist between the International Property Maintenance Code and the Kentucky Building Code, the Kentucky Building Code shall take precedence and control over all such matters.

(f) *Collection of costs incurred by city.* The city shall be entitled to recover from any responsible party or parties all reasonable attorney fees and other costs and expenses incurred by the city by reason of the collection upon and the enforcement of the responsible party's or parties' liability, and the lien which secures same, under the International Property Maintenance Code as adopted by the city or under KRS 82.720.

Sec. 42-47. - Litter.

(a) *Definitions for this section.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Aircraft. Any contrivance now known or here-after invented, used or designated for navigation or for flight in the air. Aircraft shall include drones, helicopters and lighter-than-air dirigibles and balloons.

Authorized private receptacle. A litter storage and collection receptacle as required and authorized in section 42-49 of this chapter and by the refuse department.

Commercial handbill. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

- (a) Which advertises for sale any merchandise, product commodity, or thing;
- (b) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;
- (c) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind for which any admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expense incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this state, or under any ordinance of this city; or
- (d) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter, garbage, refuse, and rubbish. As defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

Motor vehicle. Any contrivance, or parts thereof, propelled by power and used for transportation of persons or property on public streets and highways.

Newspaper. Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and

include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Noncommercial handbill. Any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

Park. A park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

Person. Any person, firm, partnership, association, corporation, company or organization of any kind.

Private premises. Any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

Public place or property. Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

Refuse. All putrescible and nonputrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Rubbish. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, interior furniture, interior and exterior decorations, crockery and similar materials.

Vehicle. Any vehicle, device or other contrivance, or parts thereof, propelled by human or mechanical power in, upon, or by which any person or property is or may be transported or drawn, including without limitation devices used exclusively upon stationary rails or tracks, motor vehicles, tractors, boats, motorboats, watercrafts, sailboats, boat and utility trailers, mobile homes, motor homes, campers, and off-highway vehicles.

(b) *Depositing litter in public places.* No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles, in authorized private receptacles for collection, or in official city dumps.

(c) *Depositing litter in parks.* No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(d) *Depositing litter in lakes and fountains.* No person shall throw or deposit litter in any river, fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within or bordering the city.

(e) *Depositing litter on private property; duty to maintain private property free of litter.*

(1) No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited

by the elements upon any street, sidewalk, or other public place or upon any private property.

(2) The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this subsection shall not prohibit the storage of litter in authorized private receptacles for collection.

(f) *Depositing litter on vacant lot.* No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by such person or not.

(g) *Manner of placing litter in receptacles.* Person placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(h) *Sweeping litter into gutters.*

(1) No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(2) No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter.

(i) *Throwing litter from vehicle.* No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property.

(j) *Truck loads causing litter; tires carrying dirt or other material onto street.* No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

(k) *Dropping litter from aircraft.* No person in an aircraft or by use of an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object.

(l) *Distribution of handbills.*

(1) *Depositing on street, sidewalk or other public place.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the city.

(2) *Depositing in or on vehicles.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a handbill to any occupant of a vehicle who is willing to accept it and to be responsible for disposing of it.

(3) *Depositing on vacant private premises.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(4) *Depositing on posted private premises.* No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the

premises, in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers, or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

(5) *Depositing on inhabited private premises.*

a. *Generally.* No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises. Provided, however, that, in case of inhabited private premises which are not posted as provided in this article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

b. *Exemption for mail and newspapers.* The provisions herein shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein), except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(m) *Posting notices on trees or utility poles.*

(1) It shall be unlawful for any person to tack, place or post any signs, cards, placards or advertisements of any character on any utility pole or tree in the public right-of-way, on or along any of the sidewalks, streets, alleys or public grounds in the city. The city may place traffic control signs on utility poles after obtaining a permit from the owner of the utility pole.

(2) Permits for stretching streamers or placing banners and/or decorations temporarily may be issued by the office of the Mayor at his/her discretion when in the interest of charitable, benevolent, patriotic or municipal causes.

Sec. 42-48. - Vehicles and appliances.

(a) *Definitions for this section.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Appliances. Any unit, or part thereof, of household appliances, machinery, furniture, or equipment, whether functional or ornamental, and whether mechanical or powered by some source of energy or not, including, but not limited to, stoves, refrigerators, television sets, beds, lamps, tools, mowers, garden tractors, building materials, objects of art, and the like.

In the open shall mean is upon land that may be viewed from a public street or an adjoining property.

Junked appliances.

(1) Any unit, or part thereof, of household appliances, machinery, furniture, or equipment, whether functional or ornamental, and whether mechanical or powered by some source of energy or not, including, but not limited to, stoves, refrigerators, television sets, beds, lamps, tools, mowers, garden tractors, building materials, objects of art, and the like, the condition of which is one of the following:

- a. Wrecked;
- b. Dismantled;
- c. Partially dismantled;
- d. Inoperative;

- e. Abandoned;
- f. Discarded.

Junked vehicles. Any vehicle, device or other contrivance, or parts thereof, propelled by human or mechanical power in, upon, or by which any person or property is or may be transported or drawn, including without limitation devices used exclusively upon stationary rails or tracks, motor vehicles, tractors, boats, motorboats, watercrafts, sailboats, boat and utility trailers, mobile homes, motor homes, campers, and off-highway vehicles, the condition of which is one or more of the following:

- (1) Wrecked;
- (2) Dismantled;
- (3) Partially dismantled;
- (4) Inoperative;
- (5) Abandoned;
- (6) Discarded.

Motor vehicle. Any contrivance, or parts thereof, propelled by power and used for transportation of persons or property on public streets and highways.

Person. Any individual, firm, partnership, association, corporation, company or organization of any kind.

Public place or property. Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

Vehicle. Any vehicle, device or other contrivance, or parts thereof, propelled by human or mechanical power in, upon, or by which any person or property is or may be transported or drawn, including without limitation devices used exclusively upon stationary rails or tracks, motor vehicles, tractors, boats, motorboats, watercrafts, sailboats, boat and utility trailers, mobile homes, motorhomes, campers, and off-highway vehicles.

(b) *Declaration of nuisance; exceptions.*

(1) The presence of any junked vehicle or appliance on public property or on any private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the city shall be deemed a public nuisance, and shall further be considered rubbish or refuse, and it shall be unlawful for any person to cause or maintain such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any vehicle or appliance on the real property of another or to suffer, permit or allow a junked vehicle or appliance to be parked, left or maintained on his own real property, provided that this provision shall not apply with regard to:

- a. Any vehicle or appliance in an enclosed building;
- b. Any vehicle or appliance on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or
- c. Any vehicle or appliance on property occupied and used for repair, reconditioning and remodeling of vehicles or appliances in conformance with the zoning code of the city.

(2) *Accumulation of vehicles.* No person shall accumulate, store or allow more than four (4) vehicles in the open upon any public property or on any private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the city. Such accumulation, storage or allowance shall be deemed a public nuisance and it shall be unlawful for any person to cause or maintain such a public nuisance, provided that this provision shall not apply with regard to:

a. Any vehicle in an enclosed building, provided that such storage in an enclosed building must not create or constitute a health or fire hazard;

b. Any vehicle on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or

c. Any vehicle on property occupied and used for repair, reconditioning and remodeling of vehicles in conformance with the zoning code of the city.

(c) *Liability for damages to removed vehicle or appliance.* Neither the owner or occupant of the premises from which any aforesaid vehicles or appliances shall be removed, their servants or agents, or any department of the city, or its agents, shall be liable for any loss or damage to the vehicle or appliance while being removed or as a result of any subsequent sale or other disposition.

(d) *Compliance by removal of vehicle or appliance.* The removal of the vehicle or appliance declared to be a nuisance pursuant to this article from the premises within five business days after receipt of notice of violation from city shall be considered compliance with the provisions of this article and no further action shall be taken against the owner of the vehicle or appliance or the owner or occupant of the premises. Written permission given to the nuisance code enforcement officer for the removal of the vehicle or appliance by the owner of same or the owner or occupants of the premises on which it is located shall be considered compliance with the provisions of this article on their part and no further action shall be taken against the one giving such permission, except for collection of towing charges or hauling costs for the removal of the nuisance.

(e) *Right of entry.* In the enforcement of this article, a code enforcement officer, and his duly authorized agents, assistants, employees, or contractors, may enter upon private or public property to examine the vehicle or appliance, or obtain information as to the identity of the vehicle or appliance and of the owner thereof, and to remove or cause removal of the vehicle or appliance declared to be a nuisance pursuant to this article.

(f) *Article supplemental to other regulations.*

(1) This article is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles or appliances or the accumulation and storage of vehicles within the city. The provisions of this article are supplemental and in addition to all other regulatory codes, statutes and ordinances heretofore enacted by the city, state or any other legal entity or agency having jurisdiction.

(2) The provisions of this article shall be deemed cumulative of the provisions and regulations contained in the Code of Ordinances, City of Paducah, Kentucky, save and except that, where the provisions of this article and the sections hereunder are in conflict with the provisions elsewhere in this Code, then the provisions contained herein shall prevail. Any and all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Sec. 42-49. - Solid waste.

(a) *Definitions for this section.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Back door pickup. Requested by residence to have a point of pickup other than what is assigned.

Bulk waste. Any items commonly handled in bulk form, including but not limited to any discarded appliance such as hot water heaters, stoves, air conditioners and refrigerators; any discarded furniture such as couches, chairs and mattresses; trees or tree

limbs in excess of 48 inches in length and greater than three inches in diameter; or tree stumps.

Business. Applies to any establishment or firm wherein an occupational license is required by the city, except as otherwise provided herein.

Commercial waste. Any waste generated by a business establishment, excluding such waste as designated in subsection (e) of section 42-49.

Commercial waste container. Dumpsters of various sizes: two-, four-, six- and eight-cubic yard capacity. Dumpsters shall remain the property of the city.

Department. The Public Works Department of the City of Paducah.

Department in charge. The Public Works Department will be charged with carrying out the duties of the provisions of this section.

Division. The Solid Waste Division of the Public Works Department.

Green waste. Includes, but is not limited to, all accumulations of grass, shrubbery, weeds or cuttings from any of the foregoing, or pine needles, and other waste incidental to the growth, maintenance or care of lawns, or shrubbery, vines and gardens. The term "green waste" shall not be taken to include trees or tree limbs in excess of 48 inches in length and greater than three inches in diameter, tree stumps, used or broken appliances, furniture, bedding, building materials, lumber or other material of like nature (see the definition of "bulk waste" herein).

Multiple dwelling. A structure or structures having more than one single-family unit, and shall include apartment buildings, motels and hotels.

Premises. Land or buildings, or both, occupied or used by one or more households or one or more business places.

Residence. A single-family residential unit.

Residential waste. Every accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, and dealing in, or storage of, meats, fish, fowl, fruits or vegetables. This also includes any other matter of any nature whatsoever which is subject to decay and the generally noxious or offensive gases or odors which, during or after, may serve as breeding or feeding material for flies or other germ-carrying insects; and any waste accumulations of paper, wooden or paper boxes, tin cans, bottles or other containers, sweepings, and all other accumulations of a nature usual to housekeeping.

Residential waste container. Green mobile cart (capacity 96 gallons). Said container shall remain the property of the city.

Residential waste container (special pickup). Blue mobile cart (capacity 96 gallons). Said container shall remain the property of the city.

Solid waste. All forms of waste as defined herein, including bulk, commercial, green and residential waste.

Special pickup. When no individual in the household is physically or mentally capable of maneuvering the waste container to the designated point of pickup.

Trailer park, mobile home park. Any business enterprise maintaining premises for the rent of mobile homes or house trailers and/or mobile home or house trailer sites.

(b) *Authority and duties of City Manager.*

(1) The City Manager or his/her designee shall have the authority to make and modify, as necessary, the days of collection, location of containers, and such other matters pertaining to the collection, transportation and disposal of waste.

(c) *Preparation of waste.*

(1) *Residential waste.* All residential waste must be contained within the confines of the residential waste container. The container shall be kept tightly covered at all times except when it becomes necessary to lift covers for the purpose of depositing waste or for the purpose of emptying such waste container in a solid waste truck. No medical, hazardous and/or toxic waste or liquids will be deposited into a residential waste container.

(2) *Commercial waste.* All commercial waste must be contained within the confines of the appropriate commercial waste container. No medical, hazardous and or toxic waste or liquids will be deposited into a commercial waste container.

(3) *Green waste.* All green waste which is absorbent, such as grass and leaves, shall be contained in bags (not to exceed 50 pounds) and kept separate from residential waste. All trimmings, such as hedge or tree limbs (not greater than three inches in diameter), vines and shrubbery shall be bundled in bundles not greater than 48-inch lengths and not to exceed 50 pounds in weight. All bags and bundles shall be placed at the household's designated point of pickup.

(4) *Bulk waste.* Bulk waste shall be picked up at the designated point of pickup. All items shall be prepared for disposal in accordance with all local, state, and federal laws.

(d) *Location of containers; collection.*

(1) *Restrictions on collectors.* City solid waste collectors shall not enter houses or buildings for the collection of solid waste nor shall they accept any money or gifts for their services.

(2) *Separation of waste from non-waste items.* Solid waste shall not be stored in close proximity to other effects which are not desired to be collected, but shall be reasonably separated in order that the collectors can clearly distinguish between what is to be collected and what is not.

(3) *Residential collection.*

a. The city shall collect residential waste once a week in accordance with a schedule prepared by the City Manager or his/her designee.

b. It shall be the responsibility of each occupant, on the scheduled day of collection, to place his residential waste container(s) at the designated point of collection (curbside, street side or in an accessible alley) not later than 5:30 a.m. the day of scheduled pickup, unless otherwise authorized by the City Manager or his/her designee. The container shall be placed in such a manner as not to interfere with overhead power lines or tree branches, parked cars, vehicular traffic, or in any other way that would constitute a public hazard or nuisance.

c. Waste containers may be placed at the point of pickup the evening before the scheduled pickup service. Waste containers shall be removed from the point of pickup not later than 11:00 p.m. of the day of the scheduled pickup.

d. Waste containers, when not out for collection on the scheduled pickup day, will be kept away from the front of any building or premises. No waste container shall be maintained upon or adjacent to any street, sidewalk, or front yard.

e. If accumulation of residential waste regularly exceeds the capacity of the 96-gallon container, the City Manager or his/her designee may assign the

resident an additional 96-gallon container, at such fees or charges as the City Commission may establish from time to time by municipal order.

f. The city may provide pickup service at other than the designated location, at such fees or charges as the City Commission may establish from time to time by municipal order. The location of the pickup will be approved by the City Manager or his/her designee.

g. The City Manager or his/her designee shall have sole discretion in verifying the need for a special pickup (blue residential waste container) and the determination of the point of pickup for said special pickup.

1. In the event the occupant has difficulty in using the refuse container in the designated area or would create a hardship, the occupant shall notify the City Manager in writing stating the basis for the difficulty and what relief is requested.

2. The City Manager or his/her designee upon a showing of physical handicap or medical condition by written documentation or sufficient proof as to physical conditions hindering compliance, may grant the relief requested or other appropriate relief.

3. These conditions shall apply when there is no one present in the household who is able to move the container to the designated point of pickup.

h. The city shall collect green waste once a week in accordance with a schedule prepared by the City Manager or his/her designee. Said green waste will be collected on the same day as residential waste. Collection will be at the household's designated point of pickup.

i. No provision of this chapter shall be construed to prevent any person from transporting or disposing of solid waste produced by the household. Disposal by such means shall not exempt such person from the obligation to pay the solid waste collection service charges.

(4) *Container damage or loss.* Residential waste container(s) and commercial waste container(s) shall both remain the property of the city at the premises where delivered. The premises' owner(s) or occupant(s) and/or commercial establishment shall maintain their assigned waste container(s) and the surrounding area in a clean, neat, sanitary condition. Residential and commercial waste contain(s) shall be cleaned and disinfected on a regular basis by the premises' owner(s) or occupant(s) or business utilizing the waste container. Container(s) which are damaged, destroyed, or stolen through neglect, improper use or abuse by the occupant-users shall be replaced by the city at the expense of the occupants or the owner of the residence. Container(s) which are damaged in the course of normal and reasonable usage or which are damaged, destroyed, or stolen through no abuse, neglect, or improper use of the occupant(s)-users or residence owner shall be repaired or replaced at the sole discretion of the city, at no charge to the occupant-users or residence owners. The containers shall not be damaged, destroyed, defaced or removed from the premises by any person. Markings and identification devices on the containers, except as placed or specifically permitted by the city, are expressly prohibited and shall be regarded as damage to the containers.

(5) *Bulk waste.*

a. The city will provide pickup of bulk waste upon citizen request, from the household's designated point of pickup. This is a separate service and will be provided at such fees or charges as the City Commission may establish from time to time by municipal order. Pickup will be within five working days, or as soon thereafter as possible.

b. The owner of any vacant lot may make arrangements with the city for pickup of bulk waste. The location of the pickup shall be determined by the

City Manager or his/her designee. Pickup will be provided at such fees or charges as the City Commission may establish from time to time by municipal order. Pickup will be provided within five working days of the request, or as soon thereafter as possible.

(6) *Commercial collection.* Collection of commercial service shall be made at least weekly, and more frequently if deemed necessary by the City Manager or his/her designee to prevent unsanitary or unsightly accumulation of solid waste. The City Manager or his/her designee shall establish routes of varying frequency for collection and assign each commercial or industrial establishment to the route and frequency which is most adapted to its collection needs.

a. All commercial establishments/businesses shall utilize a commercial waste container (two-, four-, six- or eight-cubic yard dumpster) unless otherwise authorized by the City Manager or his/her designee.

b. Commercial waste containers must be clear of all obstructions and obstacles at all times to allow for the proper service and inspection. The service schedule is generally 4:00 a.m. to 12:30 p.m. Monday through Sunday.

c. New commercial waste accounts, as of November 1, 1997, shall be required to place the container on approved service pads to be constructed of eight-inch thick concrete having a minimum compressive strength of 4,000 psi containing fiber mesh or woven wire and of a size not less than ten feet wide and 30 feet long. Exceptions of the aforementioned dimensions for width and length shall be at the discretion of the City Engineer. All exceptions will be as a result of physical features adjacent to the approved site. The property owner will be responsible for all repairs necessary as a result of servicing the dumpster.

d. The location shall be approved through the City of Paducah prior to placement. The approval will be a process of the site plan evaluation. The location of the pad will provide freedom of access of solid waste vehicles unimpeded by parked cars. The service pad will be located in a manner as to allow the straightest route into the dumpster. The location will limit turning of refuse vehicles to service the dumpster.

e. All dumpsters should be located as near to the rights-of-way as practical, but not in the right-of-way.

f. Commercial accounts may request an additional unscheduled pickup. This service will be provided at such fees or charges as the City Commission may establish from time to time by municipal order.

(7) *Seasonal collection service.* The schedule for collection of bagged leaves shall be established by the City Manager or his/her designee based on weather conditions caused by either an early or late fall. This service will be performed in conjunction with the weekly pickup of green waste.

(e) *Unlawful accumulation or disposal of waste; disturbing containers.*

(1) *Disposal requirements generally.* The disposal of solid waste in any quantity by an individual, householder, establishment, firm or corporation in any place, public or private, other than at the site or sites designated and/or with properly approved permits, is expressly prohibited. Such disposal methods shall include the maximum practical protection for control of rodents, insects, and nuisances at the place of disposal.

(2) *Unlawful accumulations.*

a. No person shall permit to accumulate on his/her premises any solid waste except in containers of the type specified in this chapter, and no odiferous, unsanitary, offensive or unsightly wastes other than solid waste shall be

permitted to accumulate on such premises. Noncompliance with the provisions of this section shall constitute a public nuisance.

b. The occupant of the premises or, in the case of unoccupied premises, the owner, shall be responsible for maintaining, in a clean and sanitary condition free of all solid waste, the sidewalks, ditches, curbs/gutters and unpaved/undeveloped portion of rights-of-way abutting such premises.

(3) *Disturbing containers.* At no time shall any person rifle, pilfer, dig into or in any manner disturb containers containing solid waste.

(4) *Removal of waste by contractors, public utilities, builders, tree trimmers and landscapers.* All these must remove all trash and debris from the premises upon which they are working at their own expense. This shall include but not be limited to limbs, tree trunks, roots, concrete slabs, concrete blocks, bricks and all other materials used by contractors in the course of building, construction and or alterations.

(5) *Prohibited substances in city-owned containers.* The following substances are hereby prohibited and shall not be deposited in any city-owned solid waste container, either residential or commercial:

a. Flammable liquids, solids or gases, such as gasoline, benzene, alcohol or other similar substances.

b. Any material that could be hazardous or injurious to city employees or which could cause damage to city equipment.

c. Building material/debris.

d. Hot materials such as ashes, cinders, and the like.

e. Human or animal feces are hereby prohibited from being placed in any solid waste container unless placed and secured in a plastic bag.

f. Carcasses of dead animals.

(6) *Industrial, hazardous, toxic, medical and infectious waste.* All industrial, hazardous, toxic, medical, and infectious waste, including but not limited to hypodermic syringes, shall be disposed of by the industry, manufacturer, or processing plant generating such waste under such methods and conditions as shall be approved by all applicable state or federal guidelines.

(7) *Dumping in stream, ditch, sewer or drain.* It shall be unlawful for any person, firm, or other entity, regardless of form, to dump waste in any form into any stream, ditch, storm sewer, sanitary sewer, or other drain.

(f) *Open burning.* It shall be unlawful for any person, firm or other entity, regardless of form, to burn or attempt to burn solid waste on private or public property within the city limits.

Sec. 42-50. - Other nuisances.

(a) *Certain conditions declared nuisance.* It shall be unlawful for the owner, occupant or person having control or management of any land within the city to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances:

(1) *Dangerous trees or stacks adjoining street.* Any tree, stack or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb or property of, or cause hurt, damage or injury to, persons or

property upon the public streets, sidewalks, alleys, or public ways adjacent thereto, by the falling thereof or of parts thereof.

(2) *Accumulation of rubbish.* An accumulation on any premises of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or communicate fire, attract and propagate vermin, rodents, or insects, or blow rubbish into any street, sidewalk, or property of another.

(3) *Storage of explosives.* The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.

(4) *Weeds and grass.* The excessive growth of weeds, grass, or other vegetation, except flowers or other ornamental vegetation, which are well maintained. Unless otherwise provided, "excessive" shall mean growth to a height of ten inches or more.

(5) *Open wells.* The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon private premises in any open or unfenced lot or place.

(6) *Trees and shrubbery obstructing streets, sidewalks, and drainage.* The growing and maintenance of trees or shrubbery which in any way interfere with the use, construction, or maintenance of streets, public ways, or sidewalks, or constitute an obstruction thereof.

(7) *Imminent danger.* Nothing in this ordinance shall prohibit the city from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

(b) *Responsibility for nuisances created by others.* For the purposes of this article, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware of.

Sec. 42-51. - Reserved.

Sec. 42-52. - Illicit discharges.

(a) *Purpose and scope.* This section is intended to protect the general health, safety, and welfare of the citizens of the City of Paducah by declaring illicit discharges into the storm sewer system to be nuisances, and more specifically:

(1) To protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act by prohibiting non-stormwater discharges and connection to the municipal separate storm sewer system (MS4), collectively called stormwater conveyance system.

(2) To prohibit illicit discharges and connections to the MS4.

(3) To establish legal authority to carry out all inspection, surveillance and monitoring, and enforcement procedures necessary to ensure compliance with this section.

(b) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Enforcement agency is the City of Paducah's Engineering Department and its duly authorized representatives or designees.

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

Illicit discharge is any direct or indirect non-stormwater substance or hazardous material disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means, intentionally or unintentionally, into the MS4 or any area that has been determined to drain directly or indirectly into the MS4, except as exempted in subsection (e) herein.

Illicit connection is defined as any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4. Included are conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved.

Inspector is a person designated by the City Engineer or the enforcement agency.

Municipal Separate Storm Sewer System (MS4) of Paducah means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains designed or used for collecting or conveying stormwater that is owned or operated by the city and discharges to waters of the Commonwealth. Sanitary and combined sewers are not included in the definition of the municipal separate storm sewer system.

Non-stormwater discharge is any discharge to the MS4, that is not composed solely of stormwater except as permitted by subsection (e) herein.

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

Premises is the area of land, site, grounds, or property on which the illegal discharge emanates.

Utility is the owner/operator, public or private, of any underground or overhead line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute communications, data, electricity, power, heat, gas, oil, petroleum products, potable water, stormwater, steam, sewage and other similar substances.

Watercourse is any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale, or wash in which waters flow either continuously or intermittently.

Wetlands are a lowland area, such as a marsh that is saturated with moisture, as defined by the United States Army Corps of Engineers.

(c) *General provisions.*

(1) Except as herein provided or exempted by the City Engineer and/or enforcement agency, this section shall apply to all non-stormwater discharges and connections to the MS4 owned and operated by the city.

(2) The City Engineer and/or enforcement agency shall administer, implement, and enforce the provisions of this section.

(3) This section shall be construed to insure consistency with requirements of the Clean Water Act, the City of Paducah KPDES Stormwater Permit, and acts amendatory thereof or any other applicable regulations.

(4) The standards and requirements set forth herein and promulgated pursuant to this section are minimum standards. This section does not intend nor imply that compliance by any person, company, developer, or any other entity will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into the MS4.

(d) *Prohibition of discharges and declaration of nuisance; exceptions.*

(1) No person, company, developer or any other entity shall discharge or cause to be discharged into the MS4 any pollutants including but not limited to hazardous materials or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illicit discharge is prohibited.

(2) This section does not apply to the following categories of non-stormwater discharges or flows, unless the City Engineer and/or enforcement agency of the regulated MS4 identifies them as significant contributors of pollutants to its MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharge from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.

(3) The prohibition of discharges or flows shall not apply to any non-stormwater discharges permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the Kentucky Division of Water under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(4) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition includes without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practice applicable at the time of connection.

(e) *Rules and regulations.*

(1) *Compliance by elimination of illicit discharges.* Notwithstanding the requirements of subsection (d) herein, the City Engineer and/or enforcement agency may require by written notice that the person, property owner, occupant, tenant, lessor, lessee, or agency (hereinafter referred to as "party") responsible for an illicit discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

The elimination of an illicit discharge within three days after receipt of notice of violation from the city shall be considered compliance with the provisions of

this article and no further action shall be taken. Written permission given to the City Engineer and/or enforcement agency for the removal of the illicit discharge and/or illicit discharge sources on the premises on which it is located shall be considered compliance with the provisions of this section and no further action shall be taken against the party, except for the collection of all costs, expenses and/or charges for the removal of the nuisance.

(2) *Monitor and analyze.* The City Engineer and/or enforcement agency may require by written notice a requirement that any party engaged in any activity and/or owning or operating any property or facility which has been determined to contribute to stormwater pollution, illicit discharges, and/or non-stormwater discharges to the MS4 to undertake at said party's expense such monitoring and analyses and furnish such reports to the City Engineer and/or enforcement agency as deemed necessary to determine compliance with this section.

(3) *Notification of spills.* Notwithstanding other requirements of local, state and federal law, as soon as any party responsible for a property, facility or operation, or responsible for emergency response for a property, facility or operation, has information of any known or suspected release of pollutants or hazardous materials which are resulting or may result in illegal discharges to the MS4, said party shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material, said party shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials to the MS4, said party shall notify City Engineer and/or enforcement agency in person or by phone or facsimile no later than 2:00 p.m. of the next business day. Notifications shall be confirmed by written notice addressed and mailed to the City Engineer and/or enforcement agency within three business days of the original notice.

(f) *Inspection, monitoring, and remediation.*

(1) *Right of entry and inspection.* Whenever the City Engineer and/or enforcement agency has cause to believe that there exists, or potentially exists, any condition which constitutes a violation of this section, the City Engineer and/or enforcement agency may enter the believed violating premises served by the MS4 at all reasonable times to inspect the same.

(2) *Urgency abatement.* The City Engineer and/or enforcement agency is authorized to require immediate abatement of any violation of this section that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the City Engineer and/or enforcement agency the city is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the city shall be fully reimbursed by the property owner and/or responsible party.

(3) *Sampling devices and testing.* During any inspection as provided herein, the City Engineer and/or enforcement agency may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities. The cost of all testing may be passed on to the party, owner or operator of the premises where the illicit discharge emanates.

(g) *Section supplemental to other regulations.*

(1) This section is not the exclusive regulation pertaining to illicit discharges and the city's storm sewer systems (MS4). Illicit discharges are hereby declared to be a public nuisance and unlawful as set out in subsection (d) above. The provisions of this section are supplemental and in addition to all other regulatory codes, statutes and ordinances heretofore enacted by the city, state or any other legal entity or agency having jurisdiction.

(2) The provisions of this section shall be deemed cumulative of the provisions and regulations contained in this Code, save and except that, where the

provisions of this section and the sections hereunder are in conflict with the provisions elsewhere in this Code, then the provisions contained herein shall prevail.

(3) Acts potentially resulting in a violation of the Federal Clean Water Act. Any person who violates any provision of this section or any provision of any permit issued by the city may also be in violation of the Clean Water Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this section may also include written notice to the party of such potential liability.

Secs. 42-53—42-59. - Reserved.

Sec. 42-60. - Petition for reduction, waiver and release.

(a) After an order from the Code Enforcement Board has become final and not appealable, a petition may be initiated by a property owner for a conditional waiver of fines levied with the Fire Chief or the Deputy Chief in charge of the Fire Prevention Division as long as abatement is to be started and completed in a reasonable time. If, in the determination of the Deputy Chief/Fire Marshal of the Fire Prevention Division, abatement has not been started and progressing in a reasonable time, the waiver will be revoked and the fines reinstated; a petition may also be initiated to facilitate a real estate sales transaction by the filing of a petition with the Code Enforcement Board for the reduction or waiver of citations, fines, charges, or fees levied by the Code Enforcement Board. Only the civil fines levied pursuant to section 42-43 may be petitioned to be reduced or waived. No other costs, charges, administrative fees or attorney's fees can be petitioned for reduction or waiver.

(b) A petition shall contain the following information at a minimum.

(1) The name, address, and contact information of the petitioner and/or the petitioner's legal representative;

(2) A specific request for the conditional waiver of fines or a specific request for the waiver of citations, fines, charges, or fees requested and/or any liens to be released relating to a real-estate sales transaction;

(3) A statement setting forth the reasons why the Fire Chief or Deputy Chief in charge of the Fire Prevention Division, or the Code Enforcement Board should consider an appeal and waiver;

(4) A computation of all monies owed to the City of Paducah pertaining to the real property in question, including, but not specifically limited to, back taxes, actual costs, liens of any and all types, charges, assessments, administrative fees, etc. and a check accompanying the payment of all monies owed to the City of Paducah except for the amounts to be reduced or waived shall be tendered with the petition.

(5) The name of the person that shall be purchasing the real property in question.

(c) The petition and all accompanying materials shall be presented to the Fire Chief or the Deputy Chief in charge of the Fire Prevention Division and/or Code Enforcement Board at their next regularly scheduled meeting. No special or called meeting of the Code Enforcement Board is specifically required by this ordinance.

(d) The Code Enforcement Board shall consider each petition presented and render a determination as to whether or not the petition shall be granted or denied. A petition requesting the reduction or waiver of civil fines already determined to be final and the release of liens securing those fines shall be left to the sole discretion of the Fire Chief or the Deputy Chief in charge of the Fire Prevention Division for conditional waivers and/or the Code Enforcement Board if denied by the Fire Chief or the Deputy Chief in charge of the Fire Prevention Division.

(e) The Code Enforcement Board shall conduct its hearing in regard to any petition in the same manner as outlined by section 42-40 of this Code.

**ARTICLE III. - RESIDENTIAL RENTAL OCCUPANCY PERMITS **

Sec. 42-61. - Purpose and intent.

The purpose of this chapter is to protect the public health, safety and general welfare of the people of the city in occupied dwellings by recognizing that the offering for rental of dwelling units is a business and by classifying and regulating such business, the effect of which shall promote the following:

- (1) To protect the character and stability of residential areas;
- (2) To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings;
- (3) To enforce minimum standards for the maintenance of existing residential buildings, and to thus prevent slums and blight;
- (4) To preserve the value of land and buildings throughout the city;
- (5) To protect the public from increased criminal activity which tends to occur in residential areas which are unstable due to dwellings which are blighted or are substandard.

It is not the intention of the city to interfere with contractual relationships between tenant and landlord. The city does not intend to intervene as an advocate for either part, or act as arbiter, nor be receptive to unsubstantiated complaints from tenants or landlords which are not specifically and clearly related to the provisions of this chapter.

Sec. 42-62. - Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Accessory living quarters. Living quarters within an accessory building, which may not have kitchen facilities.

Building. Any structure having enclosed space and a roof for the housing or enclosure of persons, animals or chattels. The word "building" includes the word "structure."

Code. Ordinances of the City of Paducah that relate to fitness for habitation, construction, property maintenance, nuisances, occupancy, zoning, and use of any rental residential dwelling unit. This specifically includes the provisions of chapters 18, 42, 94 and 126 of the Paducah Code of Ordinances.

Code Official. Includes the Chief Building Inspector, Deputy Building Inspector(s), Code Enforcement Officers, Fire Marshall, Fire Inspector, and Police Officers.

Dwelling, assisted care. A building, or portion thereof, and consisting of five or more bedrooms, used for residential occupancy by a group. The dwelling is characterized by tenants with separate bedrooms for sleeping and that there are shared common areas for reception, recreation, living, cooking, laundry and the like. The unit is further signified by the presence of an employee(s) that provide various services such as housekeeping, maintenance, cooking, security, personal care, and transportation. This definition is distinguished from, and is intended not to conflict with KRS 100.982 and 100.984.

Dwelling, multiple. A building, or portion thereof, used for occupancy by three or more families living independently of each other and used for rental residential occupancy.

Dwelling, one-family. A building used for residential occupancy by one family.

Dwelling, rental. A building, or portion thereof, used primarily for rental residential occupancy, including one-family and multiple dwellings, but not including hotels or motels.

Dwelling, two-family. A building, or portion thereof, used for occupancy by two families living independently of each other, and at least one of which is used for rental residential occupancy.

Dwelling unit. A dwelling, or portion of a dwelling, used by one family for cooking, living and sleeping purposes.

Effective date. The effective date shall be April 1, 2000.

Hotel or motel. A building, or portion thereof, or group of buildings in which lodging is customarily provided and offered to the public for compensation and which is open to transient guests on a daily basis, in contradistinction to a lodging house.

Landlord. The owner of a rental residential dwelling unit who offers residential property and its dwelling units, not occupied by the owner, to other persons not related by blood or marriage for some form of compensation through rental payments, lease payments, or some other similar contractual arrangement.

Lodging house. A building with more than two but not more than ten guest rooms where lodging with or without meals is provided for compensation.

Nuisance. A tenant's use of a rental dwelling unit, including the building and the premises relating thereto, which gives offense to or endangers the life or health of others. The term nuisance shall include such uses as defined under Kentucky law as nuisances.

Nursing home. An establishment which provides full-time convalescent or chronic care, or both, for four or more individuals who are not related by blood or marriage to the operator, and who, by reason of chronic illness or infirmity, are unable to care for themselves; excepting, however, establishments that predominately provide for care for the acutely ill or surgical or obstetrical services. A convalescent home and rest home are included in this definition. A hospital or sanitarium shall not be construed to be included in this definition.

Person. Includes a firm, association, organization, partnership, trust, company or corporation as well as an agent, and an individual.

Tenant. A tenant, includes a person(s) under a rental agreement to occupy a dwelling unit for the purpose of residential occupancy. This includes a person(s) occupying a residential property by making rent or lease payments, or other similar agreements where the tenant does not have an equitable interest in the real property.

Tourist home. A building in which more than one but not more than five guest rooms are used to provide or offer overnight accommodations for transient guests for compensation. A bed and breakfast establishment is included in this definition.

Sec. 42-63. - Enforcement.

The Fire Prevention Division shall be responsible for the administration and enforcement of the provisions of this section.

Sec. 42-64. - Rental occupancy permit required.

It shall be unlawful for any landlord to rent or lease to another or otherwise allow any person to occupy any rental dwelling unit which is subject to this chapter unless the landlord has first obtained and continues to hold a valid rental occupancy permit.

Sec. 42-65. - Applicability and exceptions.

(a) The provisions of this chapter shall apply to the rental or leasing of rental dwelling units, and rental dwellings which contain such units, including one- and two-family rental residential dwelling units, multiple dwelling units, accessory living quarters, and lodging houses.

(b) The provision of this chapter shall not apply to hotels and motels, nursing homes, or assisted care dwelling units, residential care facilities as described by KRS 100.982, Hospitals and Sanitariums.

Sec. 42-66. - Application for rental occupancy permits.

(a) Within 30 days following the effective date, the landlord of a rental dwelling unit shall make written application to the Fire Prevention Division for a rental occupancy permit to carry on the business of renting a residential dwelling unit. Such application shall be made on a form furnished by the Fire Prevention Division for such purpose and shall set forth the following information:

(1) Name, residence address, telephone number, and date of birth of the landlord of the rental dwelling unit. If the landlord is a partnership, the name of the partnership, and the name, residence address, and date of birth of the managing partner. If the landlord is a corporation or limited liability company, the name and address of the corporation or company, and the name, residence address and date of birth of the chief operating officer.

(2) If the landlord has appointed an agent authorized to accept service of process and to receive and give receipt for notices; the name, residence address, telephone number, and date of birth of such agent;

(3) Every applicant, whether an individual, partnership, corporation, or limited liability company shall identify in the application, by name, residence address, telephone number, and date of birth, a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. A post office box is not acceptable as an address for such person. The individual designated herein may also be the landlord of the dwelling or an agent identified in subsection (2) above;

(4) Street address of the rental dwelling unit; and

(5) Number of rental dwelling units within the rental dwelling;

(b) To determine compliance with this chapter and this Code, every applicant shall authorize an inspection of the premises.

(c) It shall be unlawful for any person to make any false statements in an application for a rental occupancy permit.

Sec. 42-67. - Temporary permit.

(a) The Fire Prevention Division shall issue a temporary permit to the landlord of a rental dwelling unit who has submitted an application and paid the fee required by this chapter. A temporary permit shall authorize the occupancy of rental dwelling units in actual existence on the effective date, pending issuance of a rental occupancy permit. Dwelling units constructed or converted to rental usage after the effective date shall not be eligible for a temporary permit, and shall not be occupied for human habitation prior to the issuance of the required rental occupancy permit;

(b) A temporary permit indicates only that the landlord has submitted an application for a rental occupancy permit. A temporary permit is not a determination that the rental dwelling or the rental dwelling unit complies with the standards required by this chapter.

(c) The temporary permit shall be valid until a rental occupancy permit has been issued or the application for such permit is denied and the stay period for any appeal of such determination is exhausted.

Sec. 42-68. - Issuance of permit.

(a) Following the filing of an application, a city's Code Official shall cause an inspection to be made of the rental dwelling unit and rental dwelling identified in the application. This inspection shall be made within three business days following the date upon which the application is filed, excepting, however, that in the event the landlord has been issued a temporary permit under this chapter, such inspection shall be made within a reasonable period of time taking into consideration the availability of Code Officials to make such inspection.

(b) Upon completion of an inspection of a rental dwelling and the rental dwelling units therein, the Code Official shall make a determination as to whether all of the standards for issuance of a permit have been met. In the event the Code Official determines that the standards have been met, the Code Official shall cause the issuance of a rental occupancy permit.

(c) Only one permit shall be required per lot, provided however, in the case of multiple rental dwelling units on one lot, the permit shall identify each rental dwelling unit for which a permit has been approved.

Sec. 42-69. - Standards for issuance of permit.

The standards for the issuance and continuance of a rental occupancy permit shall be as follows:

(a) The rental dwelling, and the rental dwelling units located therein, and the grounds and the accessories buildings and structures relating thereto, are in substantial compliance with the code and all other applicable laws and regulations, and are not otherwise substandard, hazardous or unfit. In multi-family units, to promote efficiency, the Code Official shall inspect the minimum units necessary to assess the overall condition of the premises.

(b) The landlord has been issued an occupation business license and has paid all fees and taxes as required under chapter 106 of this Code.

(c) The landlord has paid all city ad valorem taxes which are due and payable against the real property upon which the building and rental dwelling units are located.

(d) The landlord has paid all fees as required under this chapter.

(e) The landlord has paid all city property maintenance liens on the property for which a permit is applied.

Sec. 42-70. - Determination of noncompliance.

(a) If a Code Official determines that any dwelling unit or units, or any part of the premises relating thereto, fail to comply with subsection 42-69(a) or that the landlord has failed to comply with subsections 42-69(b) through (e), a written notice of the violation or violations shall be given to the landlord. The notice shall direct that the landlord shall have a period of ten days to submit to the Code Official a plan consistent with the code and other applicable ordinances which outlines the landlord's remedy of the violations and the time period that such remedy shall be effectuated. The notice shall further state that in the event the landlord fails to submit a plan within said period of time, the landlord shall effectuate the remedy within a specified period of time as reasonably determined by the Code Official. The period of time to effectuate a remedy hereunder shall not at any time exceed the period of time as determined by the Code Official. A reinspection shall take place after said period of time to determine compliance. If the Code Official determines that the defects create an imminent hazard to the health or safety of occupants or the public, the Code Official shall immediately suspend the applicable temporary permit or a previously issued rental occupancy permit.

(b) Any time period accorded by the Code Official above shall not be extended by the sale or transfer of any interest in the rental dwelling unless specifically authorized by the Code Official.

Sec. 42-71. - Denial; suspension.

In the event the landlord's failure to comply continues following the period accorded the landlord for compliance, the Code Official shall mail the landlord a notice of a denial of a rental occupancy permit or suspension of a previously issued rental occupancy permit. A denial of a rental occupancy permit shall automatically suspend the temporary permit. The notice shall state:

(a) That the Code Official has determined that the landlord has failed to comply with the standards as set forth in section 42-69.

(b) The specific reason or reasons why the standards have not been satisfied including copies of applicable inspection reports.

(c) That the denial or suspension of the permit will become effective unless the landlord appeals the determination within ten days after receipt of the notice in the manner provided in section 42-73.

(d) That after denial or suspension, the rental dwelling unit or units must be vacated, and shall not be reoccupied until a rental occupancy permit is issued or is reinstated after approval by the Code Official.

(e) The notice shall describe how an appeal may be filed under Section 42-73.

(f) The Code Official shall also cause a notice to tenants to be prominently posted on the rental dwelling. The notice shall state that the rental occupancy permit for the rental dwelling unit or units has been denied or suspended, whichever is applicable, and that the action will become final on a specific date unless the landlord appeals. The notice shall further state that tenants will be required to vacate the rental dwelling unit when the action becomes final.

Sec. 42-72. - Revocation of permit—Criminal acts or nuisance.

(a) Any landlord of a rental dwelling unit who knowingly leases or continues to lease a rental dwelling unit to any tenant who commits or allow others to commit any criminal act in violation of Kentucky's criminal statutes relating to the illegal sale of controlled substances or to prostitution or to acts of violence to the person of another which causes physical injury or the imminent threat thereof, or who otherwise creates or allows others to create a nuisance on the leased premises, in violation of the provisions of subsection (b) of this section shall be subject to a revocation of the landlord's rental occupancy permits as provided herein.

(b) The landlord shall abate such activity in the manner as hereinafter provided:

(1) In the event that the Code Official receives substantiated evidence of such an act or activity or of a nuisance taking place on the leased premises of a tenant, the Code Official shall send to the landlord written notice which shall set forth the substantiated evidence and define the criminal act or activity or nuisance.

(2) In the event that the Code Official sends a second such notice to the landlord regarding such a criminal act or activity or nuisance on the leased premises of the same tenant within one year following the issuance of a previous notice, the notice shall instruct the landlord to bring eviction proceedings against the tenant with the McCracken District Court or to otherwise provide to the Code Official an alternative acceptable to the Code Official which effectively abates the continuance of further criminal activity or nuisance on the leased premises of such tenant. The landlord shall initiate eviction proceedings or provide an acceptable alternative within ten days following the landlord's receipt of such second notice. In the event the landlord fails to initiate the eviction proceedings or otherwise provide an acceptable written alternative within said period of time, the Code Official may revoke the landlord's rental occupancy permit if the Code Official determines that the revocation is necessary to protect the health, safety and welfare of a resident or residents of the neighborhood. Upon revocation of any rental occupancy permit, no application for a subsequent rental occupancy permit shall be accepted by the Code Official for such property within six months of the date of revocation.

(3) Any eviction proceeding brought by the landlord shall be timely and diligently prosecuted by the landlord in a bonafide manner.

(4) Substantiated evidence shall constitute such evidence as would be probative in establishing probable cause that such criminal act has been committed or that a nuisance exists on the leased premises. Substantiated evidence may include evidence of a lawful arrest, indictment or conviction.

(c) In the event of revocation, the Code Official shall provide a notice of revocation to the landlord and tenant in the manner as provided in section 42-71.

Sec. 42-73. - Appeals procedure.

(a) Any landlord wishing to appeal the determination of a suspension, revocation, or denial shall file a written notice of appeal with the Code Enforcement Board within five (5) days after receipt of the notice of the suspension, revocation, or denial. The initial appeal shall be taken before the Deputy Chief/Fire Marshal of the Fire Prevention Division. The Deputy Chief/Fire Marshal of the Fire Prevention Division shall sustain the decision of the Code Official unless he determines that the provisions of this chapter have been complied with and that all of the violations have been corrected. The Deputy Chief/Fire Marshal of the Fire Prevention Division shall make a written determination.

(b) In the event the Deputy Chief/Fire Marshal of the Fire Prevention Division sustains the decision of the Code Official of suspension, revocation, or denial, the landlord shall have the further right of appeal as hereinafter provided. Any landlord wishing to further appeal the determination of suspension, revocation, or denial shall file a second written notice of appeal with the Code Enforcement Board within five (5) days after the landlord's receipt of the Deputy Chief/Fire Marshal of the Fire Prevention Division's written determination. Thereafter, the appeal process shall follow Section 42-41, 42-41.5, and 42-42 *et seq.*

Sec. 42-74. - Vacation of premises.

When an application for rental occupancy permit has been denied or a rental occupancy permit has been suspended or revoked, the Code Official shall order the rental dwelling unit or units vacated, giving tenants a reasonable time to arrange new housing and to move their possessions.

Sec. 42-75. - Duration of permit.

(a) A rental occupancy permit shall be valid until the property ceases to be used as a rental unit or until ownership of the property is transferred, whichever occurs first, unless otherwise suspended or revoked under this chapter.

(b) A prospective new owner of a rental dwelling unit shall make application for a new rental occupancy permit at least ten calendar days prior to the date of sale.

Sec. 42-76. - Inspections.

(a) Inspections of rental dwelling units shall be conducted by Code Officials and shall take place as follows:

(1) Upon application for a rental occupancy permit.

(2) Upon receipt of a complaint by a tenant or owner of a neighboring property that the rental dwelling unit or rental dwelling is substandard, hazardous or unfit for habitation if in the reasonable discretion of the Code Official, probable cause exists that the complaint is founded in fact and an inspection warranted.

(3) Upon the determination of a Code Official that probable cause exists that any rental dwelling unit or rental dwelling is in noncompliance with subsection 42-69(a).

(4) Every two-year period.

(b) The Code Official shall adopt a policy of inspecting all rental dwellings which are required to be permitted under this article. The policy shall contain objectives for the systematic inspection of all rental dwellings and priorities for the use of scarce inspection resources. The guidelines shall be based upon the following factors and any other factors deemed by the city to promote an efficient inspection program:

(1) Geographic distribution and concentration of rental dwellings;

(2) Rental dwellings with delinquent property taxes;

(3) Landlords with properties identified by the Fire Prevention Division as having an excessive number of housing code violations, or a history of noncompliance, or slow compliance, with correction orders;

(4) Landlords with properties identified by the Fire Prevention Division as having a history of demolitions being ordered by the city;

(5) Landlords with properties identified by the Fire Prevention Division as having a history of demolitions being ordered by the city, and demolished by the city;

(6) Rental dwellings for which no occupation business license or occupancy permit has been applied; and

(7) Rental dwelling with an excessive number of police calls for illegal drug offenses, prostitution, violent crimes, or disorderly conduct.

(d) Absent exigent or emergency circumstances, whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the Code Official has reasonable cause to believe that there exists in any rental dwelling or rental dwelling unit which is required to be permitted by this chapter, any condition or violation which

makes such dwelling or unit unsafe, dangerous or hazardous, the Code Official may enter such dwelling or unit at all reasonable times to inspect the same or to perform any duty imposed by this chapter; provided that if such dwelling unit be unoccupied, he shall first provide notice and request entry from the landlord; and if such dwelling or unit be occupied, he shall provide notice and request entry from both the landlord and tenant. If possible, the Code Official shall first attempt to make arrangements with the landlord and tenant as to the occurrence of the inspection at least 24 hours prior to the inspection. If such entry is refused, the Code Official shall have recourse to every remedy provided by law to secure entry.

Sec. 42-77. - Fees.

There shall be a fee of \$25.00 for issuance of a rental occupancy permit and the initial inspection related thereto and a fee of \$25.00 for the renewal of a rental occupancy permit and the inspection related thereto. There shall also be a fee of \$25.00 per inspection for any further follow-up inspection related thereto. These fees shall be paid to the Fire Prevention Division.

Sec. 42-78. - Display of permit.

(a) Every landlord must show to every prospective tenant before occupancy a valid rental occupancy permit covering the rental dwelling unit to be rented. Every landlord must show to any tenant, upon demand, a valid rental occupancy permit covering the rental dwelling unit the tenant occupies.

(b) Upon demand by any Code Official, the landlord must show a valid rental occupancy permit to the Code Official.

(c) Upon demand by a municipal utility company, and so ordered by the Deputy Chief/Fire Marshal of the Division of Fire Prevention, a tenant or landlord, must produce a valid occupancy permit prior to establishment of utility service.

Sec. 42-79. - Remedies in this chapter not exclusive.

The remedies provided in this chapter are not exclusive. The remedies are in addition to, and do not supersede or preempt, other remedies such as condemnation, written violation orders and warnings, criminal charges for violation of substantive provisions of any city or state code relating to housing maintenance, fire safety, building codes, zoning, health, and the like. The remedies in this chapter do not supersede or affect the legal rights and remedies of tenants provided under state law or this chapter. Where two or more provisions conflict with one another, the more stringent shall apply.

Sec. 42-80. - New construction.

The requirement for a rental occupancy permit and inspection fee shall not apply to any building for which a certificate of occupancy has been issued by the city until five years after the issuance of such certificate of occupancy.

Sec. 42-81. - Enforcement by injunction.

The landlord's failure, refusal or neglect to comply with any of the provisions of this section may, in addition to any other remedy provided herein or in place thereof, be restrained, prohibited or enjoined by an appropriate proceeding instituted in a court of competent jurisdiction.

Sec. 42-82. - Severability.

If any section, subsection, or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

Sections 42-83 thru 42-100. - Reserved.

SECTION C. Non-exclusivity.

The repeal of these sections in Chapter 42 and enactment of this Ordinance shall not release any person from an existing lien, fee, cost or other monetary sum, which is in place on the effective date of this Ordinance. This Ordinance shall not be the exclusive remedy for the city for violations of the Nuisance Code. The city reserves the right to assert other liens or remedies available to it for violations of the above provisions.

SECTION D. Effective Date.

This ordinance shall be read on two separate days, published pursuant to KRS Chapter 424, and become effective on January 1, 2017.

GAYLE KALER, MAYOR



A handwritten signature in cursive script, reading "Gayle Kaler", is written over a horizontal line. A long, sweeping flourish extends from the bottom of the signature down and to the left.

ATTEST:



A handwritten signature in cursive script, reading "Tamara Sanderson", is written over a horizontal line.

CITY CLERK

Introduced by the Board of Commissioners: December 6, 2016

Adopted by the Board of Commissioners December 13, 2016

Recorded by City Clerk, December 13, 2016

Published by *The Paducah Sun* December 17, 2016

\ord\insp\42 [1-100] Nuisance Code



APPENDIX F

Illicit Discharge Detection and Elimination Plan

CITY OF PADUCAH



Contact Information:

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AI# 8754

Report for City of Paducah, KY

Illicit Discharge Detection and Elimination Plan



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July 2018



In 2003, the United States Environmental Protection Agency (USEPA) initiated efforts to improve surface water quality by implementing the Phase II stormwater program. This program targets communities designated as “Urbanized Areas” that have Municipal Separate Storm Sewer Systems (MS4s) and residential populations of at least 50,000 with a population density equal to or greater than 1,000 persons per square mile. Additionally, the permitting authority can identify operators of a small MS4s outside of the Urbanized Area if the small MS4s is deemed to cause, or have the potential to cause, an adverse impact on water quality. This designation criteria applies to small MS4s serving a jurisdiction with a population of at least 10,000 and a population density of at least 1,000 people per square mile outside of the Urbanized Area. The Phase II stormwater program addresses six minimum control measures focusing on improving water quality in the community. These are:

1. Public Education and Outreach
2. Public Involvement and Participation.
3. Illicit Discharge Detection and Elimination (IDDE)
4. Construction Site Stormwater Runoff Control
5. Post-Construction Stormwater Management in New Development and Redevelopment
6. Pollution Prevention/Good Housekeeping for Municipal Operations

The City of Paducah (City) is regulated as a Phase II community through the MS4 Phase II permit (Permit Number KYG200000) developed and adopted by Kentucky Division of Water (KDOW) through the Kentucky Pollutant Discharge Elimination System (KPDES) program. The latest version of the MS4 Phase II permit became effective on May 1, 2018 and is intended to be based on a 5-year permit term. The MS4 Phase II permit requires MS4 permittees to develop and implement a written Illicit Discharge Detection and Elimination (IDDE) plan and program to meet the requirements of that minimum control measure. Specifically, Section 2.2.3.3. of the permit states: “*The permittee shall develop and implement a written plan to address illicit discharges including illegal dumping.*” The City has previously initiated an illicit discharge program to meet prior regulatory permit requirements, including the adoption of an illicit discharge control ordinance (City Ordinance Number 2005-12-7063) as well as mapping and dry weather screening of major outfalls from the MS4 area. The City’s illicit discharge ordinance can be found in Appendix A.

STORM SYSTEM MAPPING

The City has developed a comprehensive mapping database of the existing storm infrastructure system, compiled in recent years from a combination of data gathering in the field and a review of available design and record drawings. The City currently manages its storm infrastructure data through Explorer for ArcGIS. The City continually updates their ArcGIS database through field verification efforts and reviewing site and subdivision plans. As new information related to the storm infrastructure within the City is discovered it is entered into the database. The comprehensive mapping database provides the City with the foundation needed for an effective IDDE program centered around dry-weather screening of major outfalls. The storm sewer system mapping has recently been submitted by the City to KDOW as part of the Notice of Intent (NOI) submittal in response to the most recent MS4 Phase II permit.

Despite the level of detail included in the mapping database, the City recognizes that the definition of major outfall has been revised in the most recent MS4 Phase II permit (effective as of May 1, 2018).

The permit requires the development of mapping to identify the location of all known major outfalls, which are now defined as follows:

“Major outfall means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than a circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage of 2 acres or more).”

The definition for major outfalls to include storm sewers that receive stormwater from lands zoned for industrial activity is a new permit requirement. As a result, the City plans to conduct an overlay of current land use data to identify those locations that are considered industrial. This effort is anticipated to result in identification of additional major outfalls during the current permit term. The City's database of major outfalls will be updated and amended as necessary to include these new locations that are consistent with KDOW's current definition of major outfalls.

To meet the permit requirement for a written plan to address illicit discharges, this IDDE Plan summarizes the City's protocols and procedures for the following items as required by Section 2.2.3.3 of the permit:

- a. Locating priority areas.
- b. Implementing field assessment activities.
- c. Providing public reporting opportunities.
- d. Investigating complaints or reports related to illicit discharges.
- e. Developing timeframes for the investigation and removal of illicit discharges.
- f. Tracing the source of an illicit discharge.
- g. Removing the source of the illicit discharge.
- h. Adopting procedures for evaluation and assessment.

LOCATING PRIORITY AREAS

Section 2.2.3.3.a of the MS4 permit requires the following:

“Procedures for locating priority areas likely to have illicit discharges.”

Priority areas can generally be considered as locations that have a higher probability of illicit discharges. The following list, taken from *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments* (CWP 2004), describes several screening factors that should be considered when determining potential priority areas for illicit discharges.

1. History of discharge complaints and reports.
2. Poor dry weather water quality.
3. Density of generating sites or industrial National Pollutant Discharge Elimination System (NPDES) stormwater permits.

4. Stormwater outfall density.
5. Age of sub-watershed development.
6. Sewer conversion.
7. Historic combined sewer systems.
8. Presence of older industrial operations.
9. Aging or failing sewer infrastructure.
10. Density of aging septic systems.

Based on the above factors the City will overlay of currently available GIS data to identify locations that are likely more susceptible to illicit discharges. This overlay plus information collected from dry-weather screening can be used throughout the permit term to highlight areas with the highest potential for illicit discharges. Current GIS data available to the City for this effort, and highlighted in Figure 1, includes:

1. Outfall locations.
2. Industrial zoned properties.
3. KPDES permitted facilities and outfall locations
4. Stormwater outfall density.
5. Impaired water bodies.
6. Parcel development age.
7. Combined system service area.
8. Drainage complaints.

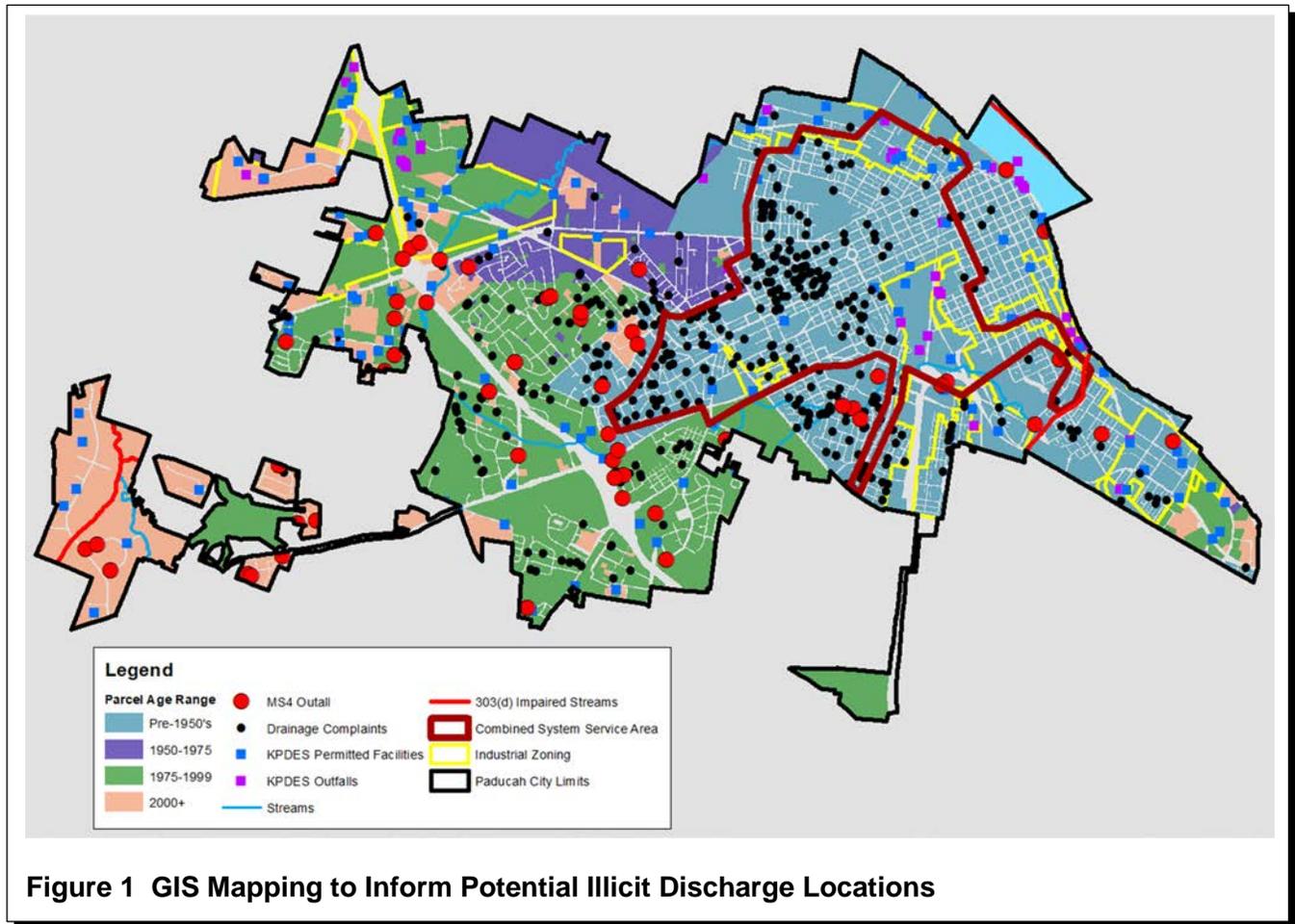


Figure 1 GIS Mapping to Inform Potential Illicit Discharge Locations

The identification of priority areas is anticipated to be an adaptive or evolving process over the next MS4 permit term as the City collects more data. As the City updates the above GIS data with more current information, it intends to reassess the mapping overlay to highlight potential changes to priority areas for illicit discharges. This effort will inform the future plans for the prioritization of dry-weather screening within the MS4 area.

IMPLEMENTING FIELD ASSESSMENT ACTIVITIES

Section 2.2.3.3.b of the MS4 permit requires the following:

“Procedures for field assessment activities, including dry-weather screening of representative outfalls. The recommended level of effort is twenty percent (20%) of the major outfalls per year, with all of the major outfalls being address this permit term. Screening shall include, at a minimum, the visual inspection of the discharge for indicators of pollutants. Indicators shall include odor, oil sheen, discoloration, and high degree of siltation or aquatic plant growth. Alternatively, the permittee shall develop an approach based on screening factors determined to be more applicable to the area than dry-weather screening of representative outfalls. This approach shall be submitted with the SWQMP to the Division of Water for review and approval before implementing. The illicit discharge detection and

elimination plan may require follow-up field water-quality sampling and/or analysis or laboratory analyses to determine the pollutant source and most effective plan of action.”

The City has implemented field assessment activities for the dry-weather screening of major outfalls throughout its service area on an annual basis. The MS4 permit requires dry-weather screening of all major outfalls during the permit term. The City continues to screen 20 percent of their major outfalls on an annual basis in order to meet this requirement during the 5-year permit cycle. The Engineering and Public Works Department is responsible for overseeing and performing the dry-weather screening field assessment activities. Currently the City performs most dry-weather screening during dry periods within the fall season to capitalize on the reduced foliage cover. All illicit discharge screening activities are tracked in the City’s GIS database.

Specific methods and techniques can be used to perform the stormwater outfall inventory survey and dry-weather screening. USEPA defines dry weather as a period of 72 hours or more in which there is no precipitation. After this time, any discharge from an MS4 outfall may be nonstormwater related and could potentially be considered illicit. The Stormwater and Drainage Engineer will screen mapped outfalls during dry weather and use the Field Inspection Sheet and photographs to record and document the condition of the outfalls and/or discharges occurring from those outfalls.

Throughout this permit term, the City is working to update its GIS database with the additional major outfall locations, within its MS4 area, based on the major outfall definition shown above. Following these GIS database update, maps showing the spatial projection of the City’s infrastructure and stormwater system (roads, streams, stormwater drainage network, and outfall locations) will be used to assess and verify major outfall locations. To better assist the Stormwater and Drainage Engineer with the field assessment activities, the following list of equipment is recommended for locating and documenting stormwater outfalls, as well as testing for illicit discharges during dry-weather screening activities:

1. Waders
2. Measuring Tape
3. Watch
4. Camera
5. Spray Paint (or other marking equipment)
6. Gloves
7. Sampling Equipment (e.g. bottles, pH test strips, etc.)
8. Device with Explorer for ArcGIS (i.e., smart phone)
9. First Aid Kit
10. Flashlights and Batteries

The City uses an outfall field inspection sheet to characterize the general condition of the outfalls as well as indicate the potential for illicit discharges. Collecting this information at each outfall enables the City to assess the condition of the stormwater infrastructure and identify potential illicit discharges. The City’s current field inspection sheet is included as Appendix B to this IDDE Plan.

Each time an outfall is encountered and/or dry weather screening is being performed the below steps should be followed.

1. When possible, notify the public prior to the field inspection visit through the utility bill, City Web site, newsletter, etc.
2. Current City GIS storm system map highlighting unique structure numbers, outfall locations, other storm infrastructure, streets, streams and other applicable landmark features to assist in field locating the outfall. If not already in the GIS database, the spatial location of the outfall must be documented in the field.
3. For each outfall screening, a City field inspection form must be completed (Appendix B). Once in the office, the data collected will be entered into an electronic database which contains geographic references that will allow the data to be mapped and integrated in the City's GIS system. At a minimum, the observation will involve the following:
 - a. Outfall number
 - b. Date, time, crew members' names
 - c. Time and date of last rainfall
 - d. Flows during dry-weather conditions
 - e. Water clarity and color
 - f. Presence of foam, oil sheen, trash, and/or floatable materials*
 - g. Presence of bacterial sheen or slimes*
 - h. Staining of banks, outfall structure, and/or vegetation*
 - i. Excessive vegetative growth*
 - j. Odor*
 - k. Verify location of the outfall matches the field map data
 - l. A picture of the outfall

*The characteristics above should be documented even if no flow was present at time of inspection.

A visual inspection along with odors and observations of the area surrounding the outfall can often provide sufficient evidence to determine if illicit discharges are present. For example, sewage can often be identified by the odor and the presence of floatable materials. Similarly, petroleum products can often be identified by odor and a rainbow sheen that exists on the surface of the water. If a flow is present, grab samples can be collected and tested for indicator parameters identified in *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments* (CWP 2004). If a grab sample is collected, a third party or City contracted laboratory will perform any required water quality testing. Some of the indicator parameters include:

1. Ammonia
2. Boron
3. Chlorine
4. Color
5. Conductivity
6. Detergents
7. *E. coli*
8. Fluoride
9. Hardness
10. pH
11. Potassium
12. Turbidity

If a discharge is determined to be illicit through a visual and sensory assessment, City staff may obtain a sample of water for quality analysis. Using these methods and techniques will allow for an efficient collection of field data. As the City gains a better understanding of any illicit discharges that may be occurring in its storm drainage network, the above parameters may be tested, changed, and/or eliminated from the list.

Section 42-52(f)3 of the City's illicit discharge ordinance includes provisions about testing for illicit discharges. Specifically, this section of the ordinance includes the following:

“During any inspection as provided herein, the City Engineer and/ or enforcement agency may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities. The cost of all testing may be passed on to the party, owner or operator of the premises where the illicit discharge emanates.”

PROVIDING PUBLIC REPORTING OPPORTUNITIES

Section 2.2.3.3.c of the MS4 permit requires the following:

“A mechanism and protocols in place that provides for the public reporting of spills and other discharges.”

Public observation and reporting has proven to be an effective method in detecting illicit discharges. A large majority of illicit discharges are “intermittent” or “transitory” in nature (i.e., they occur over a very short period of time or rarely at all). It is not feasible to have staff on site to examine all outfalls all of the time. For this reason, public observation can be a valuable asset in detecting illicit discharges. Public observation and reporting has proven invaluable in many Illicit Discharge Detection programs around the country. Using this resource will most likely allow the detection of more illicit discharges and increase the public's knowledge of illegal discharges and substances that may flow into the storm drainage network.

To report a spill or an illicit discharge activity, any citizen can contact the Engineering and Public Works Department at 270-444-8511. This information is posted on the City's Stormwater Phase II Web site.

In addition to the list of the Engineering and Public Works Department phone number, the below initiatives will be completed during the next permit cycle:

1. An online notification option will be added to the City's website to alert the Engineering and Public Works Department of a potential illicit or stormwater concern.
2. Installation of watershed signs throughout the service area notifying the public what watershed they are in and the number to call to report a suspected illicit discharge.

Any issues reported by the public are initially fielded by the receptionist at the Engineering and Public Works Department, and then routed to the City's Stormwater and Drainage Engineer. The Stormwater and Drainage Engineer tracks the date, location, and description of the stormwater complaint in an

excel database. The stormwater complaint is labeled in the database as an illicit discharge if the nature of the complaint is related to illegal dumping, spills, or illicit discharge related.

To help provide general information to the public, the City routinely distributes materials or flyers about stormwater topics, and the MS4 program. These materials typically include the Engineering and Public Works Department contact information and other general information about the program requirements including illicit discharges. Appendix C includes the Stormwater and Drainage Brochure that is made available to the public.

Section 42-52(e)3 of the City's illicit discharge ordinance includes provisions about notification of spills. Specifically, this section of the ordinance includes the following:

“Notwithstanding other requirements of local, state and federal law, as soon as any party responsible for a property, facility or operation, or responsible for emergency response for a property, facility or operation, has information of any known or suspected release of pollutants or hazardous materials which are resulting or may result in illegal discharges to the MS4, said party shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material, said party shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non -hazardous materials to the MS4, said party shall notify City Engineer and/or enforcement agency in person or by phone or facsimile no later than 2: 00 p.m. of the next business day. Notifications shall be confirmed by written notice addressed and mailed to the City Engineer and/or enforcement agency within three business days of the original notice.”

INVESTIGATING COMPLAINTS OR REPORTS ASSOCIATED WITH ILLICIT DISCHARGES

Section 2.2.3.3.d of the MS4 permit requires the following:

“Procedures to provide for the investigation of any complaints, reports, or monitoring information that indicates a potential illicit discharge, spill, or illegal dumping. The permittee shall immediately investigate problems and violations determined to be emergencies or otherwise judged urgent or severe. Where water quality impairments are deemed severe or urgent, the permittee shall promptly refer the incidents to the Department for Environmental Protection's Environmental Emergency 24-hour hotline at (502) 564-2380 or (800) 928-2380.”

Upon receipt of a complaint, report, or monitoring information that indicates a potential illicit discharge, spill, or illegal dumping, the City's Stormwater and Drainage Engineer, or approved field staff, will conduct a site visit to investigate within 24 hours to follow-up on suspected violations. If an illicit discharge is suspected, City personnel immediately:

1. Conduct a visual screening of the site.
2. Identify the severity of the illicit discharge.
3. If not present, notify the MS4 Coordinator of the findings.
4. Contact Division of Water in severe or urgent water quality impairment issues.

Section 42-52(e)1 of the City's illicit discharge ordinance includes provisions for enforcement and elimination of identified illicit discharges. Specifically, this section of the ordinance includes the following:

“Notwithstanding the requirements of subsection (d) herein, the City Engineer and/ or enforcement agency may require by written notice that the person, property owner, occupant, tenant, lessor, lessee, or agency (hereinafter referred to as " party") responsible for an illicit discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

The elimination of an illicit discharge within three days after receipt of notice of violation from the city shall be considered compliance with the provisions of this article and no further action shall be taken. Written permission given to the City Engineer and/or enforcement agency for the removal of the illicit discharge and/or illicit discharge sources on the premises on which it is located shall be considered compliance with the provisions of this section and no further action shall be taken against the party, except for the collection of all costs, expenses and/or charges for the removal of the nuisance.”

Section 42-52(f)1 includes provisions for right of entry and inspection of suspected illicit discharges by the City. Specifically, this section of the ordinance includes the following:

“Whenever the City Engineer and/or enforcement agency has cause to believe that there exists, or potentially exists, any condition which constitutes a violation of this section, the City Engineer and/or enforcement agency may enter the believed violating premises served by the MS4 at all reasonable times to inspect the same.”

Section 42-52(f)2 of the City's illicit discharge ordinance includes provisions for urgency abatement when necessary. Specifically, this section of the ordinance includes the following:

“The City Engineer and/or enforcement agency is authorized to require immediate abatement of any violation of this section that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the City Engineer and/or enforcement agency the city is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the city shall be fully reimbursed by the property owner and/or responsible party.”

Upon review of the potential illicit discharge during the site visit, if the City determines the illicit discharge to be an emergency, judged urgent or severe, or an immediate threat to public health, the Stormwater and Drainage Engineer will promptly report the incident to the Department for Environmental Protection's Environmental Emergency 24-hour hotline at (502) 564-2380 or (800) 928-2380 and the McCracken County Emergency Management Office at (270) 448-1530. For non-emergency situations or illicit discharges determined to be non-hazardous, the City's normal procedures for responding to the illicit discharge will be followed.

DEVELOPING TIMEFRAMES FOR THE INVESTIGATION AND REMOVAL OF AN ILLICIT DISCHARGE

Section 2.2.3.3.e of the MS4 permit requires the following:

“Timeframes for the investigation and removal of illicit discharges.”

After a potential illicit discharge is documented, the City will attempt to trace the source of the illicit discharge to confirm the location of the source.

1. Prompt investigation of each complaint by trained staff within 24 hours.
2. If the location of the source is identified, the City will notify the responsible property owner in person or by telephone first. If the property owner is unreachable then the City will mail a Notice of Violation by certified mail for the illicit connection within 72 hours of identification.
3. In accordance with the IDDE Ordinance, if the illicit discharge is removed within three days of receipt of the Notice of Violation the property owner responsible shall be considered in compliance.
4. If the illicit discharge is not removed within three days of receipt of Notice of Violation and the violation poses an immediate threat to the health, safety, or well-being of the public the City will take any and all measures to remediate the violation. The City shall be fully reimbursed by the responsible party for these actions.

TRACING THE SOURCE OF AN ILLICIT DISCHARGE

Section 2.2.3.3.f of the MS4 permit requires the following:

“Procedures for tracing the source of an illicit discharge; including visual inspections, and when necessary, collecting and analyzing water samples, and other detailed inspection procedures.”

If the City has confirmed the presence of an illicit discharge, attempts will be made to trace the source of the illicit discharge. The magnitude of the efforts to trace the source will be dependent upon the type of connection. The City may implement a combination of methods to isolate the specific source of the illicit discharge. The following highlights appropriate approaches for tracing a suspected illicit discharge.

1. Storm Drain Networks
 - a. Follow storm piping to first upstream manhole or catch basin.
 - b. Remove manhole cover and visually determine if discharge still present.
 - c. If discharge is still present, repeat procedure on next manhole upstream. If storm lines split, follow one path and if discharge not present come back to last manhole where discharge was present and trace up the next branch.
 - d. After discharge has been pinpointed to an area, i.e. present in manhole downstream but absent upstream, then investigate the area for possible sources.
 - e. If no obvious sources exist, methods such as sandbagging or damming the trunk, dye testing, smoke testing, and or CCTV, may be used to determine the source.

2. Stream Networks

If the discharge is in the main stem of a stream or creek, follow the discharge upstream. If it can be traced back to a pipe, follow the above steps to pinpoint the illicit discharge. If the discharge is not found to be coming from a pipe a watershed or drainage area investigation can be performed. This method relies on an analysis of land use or other characteristics of the drainage area that is producing the illicit discharge. The investigation can be as simple as a “windshield” survey of the drainage area or a more complex mapping analysis of the storm drain network and potential generating sites. Drainage area investigations work best when prior indicator monitoring reveals strong clues as to the likely generating site producing the discharge. Example investigations may include land use or zoning investigations, permit reviews, as-built reviews, aerial photography analysis, and or other property ownership certifications.

3. Unfound Discharge

In all cases if the discharge is not visible upon arrival screen the surrounding catch basins, ditches, upstream bridges and junctions, etc. to verify they discharge cannot be found and has likely ceased. The investigation will be documented as not found for future reference in the City’s GIS database.

Depending on each situation the City may use a combination of the investigation options described above to trace the source of an illicit discharge. The procedure used to trace the source will be documented to allow for future decisions on appropriate procedures for specific types of illicit discharges.

REMOVING THE SOURCE OF THE ILLICIT DISCHARGE

Section 2.2.3.3.g of the MS4 permit requires the following:

“Procedures for removing the source of the discharge; including notification of appropriate authorities, notification of property owners; follow-up inspections; and enforcement if the discharge is not eliminated.”

Following the procedures described in the section above related to tracing the source of an illicit discharge, the City will take appropriate actions to notify the responsible party and ensure the illicit discharge is removed. According to the *Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments* (CWP 2004), there are four questions that should be answered for each illicit discharge to determine appropriate procedure for corrective action, as follows:

1. Who is responsible?
2. What methods will be used to fix it?
3. How long will it take?
4. How will removal be confirmed?

The source of the discharge will be needed to appropriately answer these questions. Typical sources of illicit discharges include internal plumbing connections, service lateral cross-connections, infrastructure failure within the sanitary sewer system or MS4, and indirect discharges resulting from leaks, spills, or overflows. In all cases after a suspected illicit is found and the responsible party identified:

1. The Stormwater and Drainage Engineer will notify the suspected responsible party, within 24 hours, through certified mail.
2. The Stormwater and Drainage Engineer will issue a Notice of Violation to the suspected generator to cease discharge within three days.
3. If the illicit discharge is not removed within three days of receipt of Notice of Violation and the violation poses an immediate threat to the health, safety, or well-being of the public the City will take any and all measures to remediate the violation. The City shall be fully reimbursed by the responsible party for these actions.
4. Once the illicit discharge is eliminated, the property owner will be required to contact the City to verify the illegal connection (and associated illicit discharge) has been removed.
5. If the City determines the illicit discharge is still present, a second Notice of Violation may be issued to the responsible party and the above process will repeat.
6. Once the City confirms the illicit discharge has been eliminated the responsible party will be considered in compliance with the ordinance requirements.
7. All steps taken will be documented in the City's GIS database for reporting purposes.

Figure 2 provides an example Flow Chart for Corrective Action from *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments* (CWP 2004) demonstrating a recommended process to achieve a corrective action.

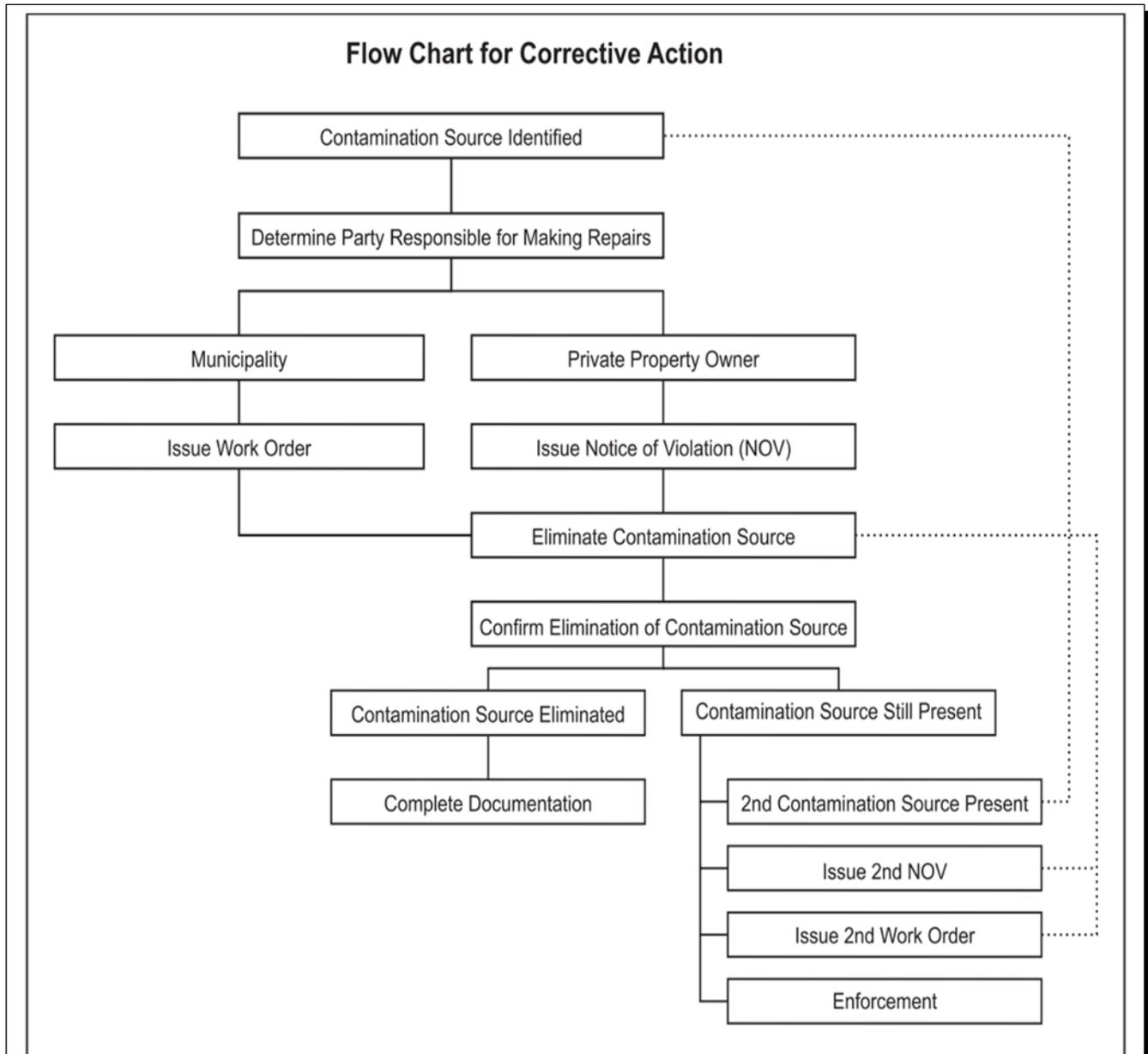


Figure 2 Example Flowchart for Corrective Action

Source: *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments* (CWP 2004)

The *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments* (CWP 2004) also provides a summary of recommendation methods to solve illicit discharge depending on the type of discharge and the source. Figure 3 provides an overview of the information presented.

Table 26: Methods to Fix Illicit Discharge		
Type of Discharge	Source	Removal Action(s)
Sewage	Break in right-of-way	Repair by municipality
	Commercial or industrial direct connection	Enforcement
	Residential direct connection	Enforcement; Incentive or aid
	Infrequent discharge (e.g., RV dumping)	Enforcement; Spill response
	Straight pipes/septic	Enforcement; Incentive or aid
Wash water	Commercial or industrial direct connection	Enforcement; Incentive or aid
	Residential direct connection	Enforcement; Incentive or aid
	Power wash/car wash (commercial)	Enforcement
	Commercial wash down	Enforcement
	Residential car wash or household maintenance-related activities	Education
Liquid wastes	Professional oil change/car maintenance	Enforcement; Spill response
	Heating oil/solvent dumping	Enforcement; Spill response
	Homeowner oil change and other liquid waste disposal (e.g., paint)	Warning; Education; Fines
	Spill (trucking)	Spill response
	Other industrial wastes	Enforcement; Spill response

Figure 3 Methods to Fix Illicit Discharge

Source: Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments (CWP 2004)

ADOPTING PROCEDURES FOR EVALUATION AND ASSESSMENT

Section 2.2.3.3.h of the MS4 permit requires the following:

“Procedures for Illicit Discharge Program evaluation and assessment, including tracking the number and type of spills of illicit discharges identified, inspections made; and any feedback received from public education efforts.”

The City can revise any data collection efforts to allow for its most efficient data collection throughout the urbanized area. The City’s IDDE program will involve consistent evaluation procedures and record keeping as outlined in this document. Through the implementation process the City’s field staff will learn how to evaluate, document and mitigate illicit discharge locations. Several objectives can be achieved through the implementation of the IDDE program:

1. Initiate efforts to meet requirements set forth in the MS4 Phase II permit.
2. Better understand the condition of a segment of the stormwater drainage network.
3. Expose and train staff on the appropriate procedures associated with illicit discharge detection and elimination.

4. Analyze and modify the data collection techniques used to allow for the most efficient data collection in other parts of the stormwater drainage network.

The City's illicit discharge program will continue to adapt and evolve over the next 5-year MS4 permit term. The City recognizes that KDOW's latest definition of major outfalls, including the reference to industrial land uses, will likely result in the identification of additional outfalls within the City. As the City evaluates its system and updates their GIS database over the next 5 years, additional information about the physical components of the MS4 system may also result in the identification of priority areas that could be more prone to illicit discharges. Additionally, as the City continues to conduct dry-weather screening on an annual basis, the City's database of information related to the screening and illicit discharges will continue to grow, offering a larger dataset that can be evaluated over time to allow the City to make adjustments moving forward.

APPENDIX A
ILLCIT DISCHARGE DETECTION AND ELIMINATION ORDINANCE

ORDINANCE NO. 2016-12-8463

AN ORDINANCE COMPLETELY REPEALING CHAPTER 42, SECTIONS 1 THRU 100, THE NUISANCE CODE AND RELATED ORDINANCES AND REPLACING THEM IN THEIR ENTIRETY WITH A CODE ENFORCEMENT BOARD AND RELATED ORDINANCES, THUS REVISING CHAPTER 42, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY

WHEREAS, the City of Paducah has operated under the Kentucky Nuisance Code Enforcement Act to protect, promote, and improve the health, safety, and welfare of the citizens residing within the City of Paducah; and

WHEREAS, the Kentucky General Assembly passed HB 422 in 2016, which abolishes and phases out the Kentucky Nuisance Code Enforcement Act as of January 1, 2017 in favor of a Code Enforcement Board structure; and

WHEREAS, by authorizing the creation of a code enforcement board as authorized by KRS 65.8801 et seq. with the authority to protect, promote, and improve the health, safety, and welfare of the citizens residing within the City of Paducah and having the authority to issue remedial orders, impose civil fines and refer for criminal prosecution in order to provide an equitable, expeditious, effective and inexpensive method of ensuring compliance with the ordinances adopted herein and in force within the City;

WHEREAS, the City Commission of the City of Paducah, Kentucky, desires to utilize the authority granted in KRS 65.8801 et seq. by creating a City of Paducah Code Enforcement Board and enacting certain ordinances pursuant to KRS 65.8801; and

WHEREAS, this Ordinance will revise Chapter 42, sections 1 thru 100, of the City of Paducah Code of Ordinances in its entirety as written and replace same;

NOW THEREFORE be it ordained by the City Commission of the City of Paducah as follows:

SECTION A. REPEAL: Upon the effective date, the current sections of Chapter 42, section 1 thru 100, are hereby repealed in their entirety, and replaced as described below.

SECTION B. REPLACEMENT: Upon the effective date, the section 1 thru 100 of Chapter 42 of the City of Paducah Code of Ordinances are replaced as follows:

Article I. SECTIONS 42-1 through 42-30 are hereby reserved.

Article II. SECTION 42-31. Title of article. This article shall be known and may be cited as the "Code Enforcement Board Ordinance."

SECTION 42-32. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abatement costs may mean a city's necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve the public health, safety and welfare in accordance with any city ordinance.

Citation shall mean a determination by the Code Enforcement Officer that a violation has been committed, and that determination shall be final, unless properly contested.

Code Enforcement Board shall mean the administrative body created herein and acting under the authority of the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839.

Code Enforcement Officer shall mean all city citation officers as defined in section 2-591 of article VII of chapter 2 of the Paducah Code of Ordinances.

Code shall mean any ordinances adopted by the city in chapter 42, articles I, II and/or III herein.

Final Order means any order: Issued by the code enforcement board in accordance with this ordinance that is not appealed; Created because a violator neither paid nor contested the citation as provided in this ordinance; Or created because a violator failed to appear at a hearing the violator requested to contest the citation as provided in this ordinance.

Imminent Danger means a condition which is likely to cause serious or life-threatening injury or death at any time.

Owner means a person, association, corporation, partnership or other legal entity having a legal or equitable title in real property.

Person shall mean any person, individual, firm, partnership, association, corporation, company or organization of any kind.

Premises or property shall mean a lot, plot, or parcel of land, including any structures upon it.

Remedy shall mean the action taken to abate any nuisance to bring property in violation of the nuisance code into compliance with the requirements of this chapter.

Sec. 42-33. - Creation and membership.

There is hereby created pursuant to KRS 65.8801 to KRS 65.88839 within the city, a City of Paducah Code Enforcement Board which shall be composed of five member(s), all of whom shall be residents and registered voters of the city for a period of at least one year prior to the creation of the board and shall reside there throughout the term in office.

Sec. 42-34. - General powers.

(a) The Code Enforcement Officer shall have the power to issue citations for violations of the code. Such citation shall be a final determination unless contested pursuant to the hearing procedures provided under section 42-40.

(b) The Code Enforcement Board shall have the power to conduct hearings, issue remedial and final orders and impose fines upon a final determination as a method of enforcing the nuisance code when a violation of the code has been determined by the Code Enforcement Officer and a contest to the board has been initiated.

(c) The Code Enforcement Board shall have the authority to conduct hearings and make determinations regarding all nuisance code violations, but shall not have the authority to conduct hearings and make determinations regarding violations of article IV-Noise of chapter 42 of the Paducah Code of Ordinances or violations of buildings and buildings regulations in chapter 18 of the Paducah Code of Ordinances.

(d) The Code Enforcement Board shall have the authority to conduct hearings and make determinations regarding appeals from the decision of the Deputy Chief/Fire Marshall of the Fire Prevention Division as to a rental occupancy permit set forth in section 42-41.5.

Sec. 42-35 - Appointment of members; term of office; removal from office.

(a) Members of the Code Enforcement Board shall be residents and registered voters of the city for a period of at least one year prior to joining the board and shall reside there throughout the term in office and shall be appointed by the Mayor of the City of Paducah, subject to the approval by the Paducah City Commission.

(b) The initial appointment to a five-member Code Enforcement Board shall be as follows:

- (1) Two members appointed to a one-year term.
- (2) Two members appointed to a two-year term.
- (3) One member appointed to a three-year term.

All subsequent appointments shall be for a term of three years. A member may be reappointed by the Mayor, subject to approval by the Paducah City Commission.

(c) The Mayor may appoint, subject to the approval of the legislative body, one alternate member to serve on the Code Enforcement Board in the absence of regular member(s).

(d) Any vacancy on the board shall be filled by the Mayor, subject to approval of the Paducah City Commission within 30 days of the vacancy. If the vacancy is not filled within that time period, the Paducah City Commission shall fill the vacancy.

(e) A code board member may be removed from office by the Mayor for absenteeism or inability to meet, misconduct, inefficiency, or willful neglect of duty. The Mayor must submit a written statement to the member and the Paducah City Commission setting forth the reasons for removal, but removal shall not be subject to approval of the Paducah City Commission.

Sec. 42-36. - Organization of board; meetings; quorum; and minutes

(a) If the board consists of five members, it shall annually elect a chair from among its members. The Chairman shall be the presiding officer and a full voting member of the board.

(b) Regular meetings of the Code Enforcement Board shall be held monthly on a date to be set by the board. Meetings other than those regularly scheduled shall be special meetings held in accordance with the requirements of the Kentucky Open Meetings Act, and the board may adopt a procedure for special meetings, if necessary.

(c) All meetings and hearings of the Code Enforcement Board shall be held in accordance with the requirements of KRS 65.8801 et seq., Roberts Rules of Order, the Kentucky Open Meetings Act, and the Kentucky Open Records Act.

(d) A majority of the members of the Code Enforcement Board shall constitute a quorum for all purposes. A decision reached by a quorum of the Code Enforcement Board present at a properly called meeting shall constitute a decision of the entire Board.

(e) Minutes shall be kept for all proceedings of the Code Enforcement Board and the vote of each member on any issue decided by the board shall be recorded in the minutes.

Sec. 42-37. - Conflict of interest.

Any member of the Code Enforcement Board who has any direct or indirect financial or personal interest in any matter to be decided, shall disclose the nature of the

interest and shall disqualify himself from voting on the matter in which he has an interest and shall not be counted for purposes of establishing a quorum.

Sec. 42-38. - Jurisdiction.

The Code Enforcement Officer and Code Enforcement Board shall have jurisdiction to enforce and shall enforce those city ordinances and code provisions which specifically designated to the Code Board enforcement.

Sec. 42-39. - Powers of the Code Enforcement Board.

The City of Paducah Code Enforcement Board shall have the following powers and duties over all matters contained within this article:

- (a) To adopt rules and regulations to govern its operations and the conduct of its hearings.
- (b) To subpoena witnesses and to allow code enforcement officers to serve subpoenas.
- (c) To conduct hearings to determine if there has been a violation of the code.
- (d) To take testimony under oath. The chairman shall have the authority to administer oaths for the purpose of taking testimony.
- (e) To make findings of fact and issue remedial or final orders necessary to remedy any violation of the code or code provision which the board is authorized to enforce.
- (f) To impose fines, as authorized, on any person found to have been in violation.
- (g) To order liens to be filed for the collection of fines, charges, costs, penalties, and fees, including attorney's fees.
- (h) To conduct hearings to consider appeals from the determination of the Deputy Chief/Fire Marshall of the Fire Prevention Division as to the suspension, revocation, or denial of a rental occupancy permit in accordance with Section 42-41.5.

Sec. 42-40. - Enforcement hearing.

The following requirements shall govern all enforcement hearings before the board:

- (a) If the alleged violator desires to contest the citation, he or she may initiate a hearing before the Code Enforcement Board after a citation is issued by a Code Enforcement Officer.
- (b) Except as provided in subsection (c) below, if a Code Enforcement Officer believes, based on his personal observation or investigation, that a person has violated the code, he shall issue a notice of violation to the offender allowing the offender five (5) business days to remedy the violation without fine. The offender may be allowed a reasonable extension of time to remedy the violation without fine at the discretion of the Code Enforcement Officer, if requested by the offender.

1. The notice of violation shall be reasonably calculated to inform the offender of the nature of the violation, and may be in the form of a posted sign notice on or near the door, if unsafe conditions exist for a property with a dwelling or structure, or in the form of a posted sign for vacant lots.

(c) If the offender fails or refuses to remedy the violation within the time allotted by the Code Enforcement Officer, the Code Enforcement Officer is authorized to issue a citation. The citation shall represent a determination by the Code Enforcement Officer that a violation has been committed, and that determination shall be final unless contested by the alleged violator and taken before the Code Enforcement Board.

(d) Nothing in this article shall prohibit the city from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible, or if other specific circumstances merit immediate abatement.

(e) The citation issued by the Code Enforcement Officer shall contain the following information:

1. The date and time of issuance;
2. The name and address of the person to whom the citation is issued;
3. The date and time the offense was committed;
4. The facts constituting the offense;
5. The section of the code or the number of the ordinance violated;
6. The name of the Code Enforcement Officer;
7. The fine that will be imposed for the violation if the person does not contest the citation;
8. The maximum fine that may be imposed if the person elects to contest the citation;
9. The procedure for the person to follow in order to pay the fine or to contest the citation;
10. A statement that if the person fails to pay the fine set forth in the citation or contest the citation, within the time allowed, the person shall be deemed to have waived the right to a hearing before the Code Enforcement Board to contest the citation and that the determination that the violation was committed shall be final; and
11. Notice that a lien may be filed or foreclosure proceedings initiated to collect fines, charges, costs, penalties, and fees, including attorney's fees.

(f) Upon receipt of a citation, the offender shall respond to the citation within seven business days of the date of receipt by either paying the fine or requesting, in writing, a hearing before the Code Enforcement Board to contest the citation. If the offender responds by paying the fine, the offender shall still be required to remedy the violation and will be given a reasonable time to remedy. If the offender fails to remedy the violation, another Notice of Violation may be issued, in accordance with subsection (b) above, for another violation of the nuisance code. If the person fails to respond to the citation within seven days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final.

(g) If the offender does not contest the citation within the time prescribed, the Code Enforcement Officer issuing the citation shall enter a final order determining that the violation was committed, no contest was initiated, and then cause the violation to be abated and/or impose the fine set forth in the citation. If the offender does not remedy in the time provided, another notice of violation may be issued, in accordance with subsection (b) above, for another violation of the nuisance code. A copy of the final order shall be served on the offender.

Sec. 42-41. - Enforcement hearing; notice; and final order.

(a) When a hearing has been requested, the Code Enforcement Board shall schedule a hearing. The board may hold hearings once a month or more frequently as necessary or needed.

(b) Not less than seven days before the date of the hearing, the Code Enforcement Board shall notify the requester of the date, time, and place of the hearing. The notice may be given by standard U.S. mail; certified mail, return receipt requested; by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is 18 years of age or older.

(c) Any person requesting a hearing before the Code Enforcement Board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and a determination that a violation was committed shall be entered and become final. The Code Enforcement Board shall enter a final order determining the violation was committed and shall cause the nuisance to be abated and/or impose the fine set forth in the citation. The final order shall provide the offender a reasonable time to remedy the violation. If the offender does not remedy in the time provided, another notice of violation may be issued, in accordance with section 42-40(b), for another violation of the code. A copy of the final order shall be served upon the offender.

(d) All testimony shall be taken under oath and recorded. Testimony shall be taken from the Code Enforcement Officer, the alleged violator, and any witnesses to the violation offered by the Code Enforcement Officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(e) The Code Enforcement Board shall, based on the evidence, determine whether a violation was committed. In making its determination, the Code Enforcement Board shall use an arbitrary and capricious standard and shall uphold the citation unless the issuance of the citation was clearly erroneous. The Code Enforcement Board shall uphold the citation if pictorial or photographic evidence supporting the citation is provided by the Code Enforcement Officer. If no pictorial or photographic evidence is provided and the board determines that no violation was committed, an order dismissing the citation shall be entered. If pictorial or photographic evidence is provided or if no such evidence is provided and the board still determines that a violation was committed, an order shall be issued upholding the citation and either imposing a fine up to the maximum authorized by this or other ordinance or requiring the offender to remedy a continuing violation, or both.

(1) The final order shall provide the offender a reasonable time to remedy the violation. If the offender does not remedy in the time provided in the final order, another notice of violation may be issued, in accordance with subsection 42-40(b), for another violation of the nuisance code.

(f) Every final order of the Code Enforcement Board shall be reduced to writing, which shall include the date the order was issued. A copy shall be furnished to the person named in the citation. If the person named in the citation is not present when the final order is issued, the order shall be delivered in accordance with the procedures set forth herein.

(g) The Code Enforcement Officer, at his discretion, may remedy the violation to bring the property into compliance with the Code, if the citation is not contested or if a final order upholding the citation is entered by the Code Enforcement Board.

(h) Nothing in this Section shall prohibit the city from taking immediate action in an urgent situation, if necessary, as determined by the Fire Chief or the City Manager.

Sec. 42-41.5. - Rental occupancy permit appeals.

In the event a landlord wishes to appeal the determination of the Code Enforcement Officer as to the suspension, revocation, or denial of a rental occupancy permit, the appeal shall be taken before the Code Enforcement Board in accordance with the following provisions:

(a) Upon receipt of an appeal from a landlord, the Code Enforcement Board shall schedule a hearing. The Board shall hold hearings once a month. All parties to the appeal shall be notified of the time and place of the hearing by letter mailed by certified mail, no later than seven days prior to the date of hearing. The Board shall render a decision within five working days after the hearing.

(b) At the hearing, the Code Enforcement Board shall hear all relevant evidence and argument. The Board may admit and give probative effect to evidence which possesses probative value commonly accepted in administrative hearings.

(c) The issue to be determined by the Code Enforcement Board shall be whether the Code Enforcement Officer's determination of suspension, revocation or denial is based upon a preponderance of the evidence submitted. The Code Enforcement Board may affirm, modify, or reverse the action of the Code Enforcement Officer. The final decision of the Board shall be mailed to the landlord.

(d) A notice to tenants of the final decision of the Code Enforcement Board shall be mailed to each tenant and prominently posted on the building. If applicable, the notice shall indicate the date upon which the tenants must vacate the building and shall clearly indicate which rental dwelling units are affected.

(e) Any appeal properly taken under this section shall suspend the enforcement of the Code Enforcement Officer's determination, unless the Code Enforcement Officer's determination finds the landlord's noncompliance to be life threatening.

Sec. 42-42. - Appeals; final judgment.

(a) An appeal from any final written order of the Code Enforcement Board may be made to the McCracken County District Court within 30 days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the Code Enforcement Board's final order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.

(b) The action before the District Court shall be limited to a review of the record created before the Code Enforcement Board. If the court finds that a violation occurred, the offender shall be ordered to remedy the violation and pay to the city all fines, charges, fees, including attorney's fees, and penalties occurring as of the date of the judgment. The district court judge shall provide the offender a reasonable time to remedy the violation. If the offender does not remedy in the time provided, another notice of violation may be issued, in accordance with subsection 42-40(b), for another violation of the nuisance code. If the district court judge fails to provide the offender with time to remedy the violation, the offender shall have the time provided in the final order of the Code Enforcement Board to remedy the violation. If the court finds a violation did not occur, the city shall be ordered to dismiss the notice. The offender shall not be entitled to recover attorney's fees or costs.

(c) If no appeal from a final order of the Code Enforcement Board is filed within the time period set in subsection (a) above, the Code Enforcement Board's order shall be deemed final for all purposes.

Sec. 42-43. - Ordinance fine schedule.

Violations of ordinances that are enforced by the Code Enforcement Board shall be subject to the following schedule of civil fines:

(a) If a citation for a violation of the nuisance code is not contested by the person charged with the violation, the penalties set forth in this subsection may apply per inspection: If the code enforcement officer is required to make inspections beyond the initial inspection and one additional follow-up inspection, to determine if the required

corrections have been made, then the Code Enforcement Board shall assess the following fines not to exceed the value of the property as determined by the Property Valuation Administrator:

Inspections	3rd Inspection and All Subsequent Inspections
Abandoned Vehicles and Appliances, Grass, Weeds, Litter, Solid Waste, Other Nuisances Defined By 42-50(a)(1-7)	\$100.00

(b) If the citation is contested and a hearing before the Code Enforcement Board is required, the following maximum penalties may be imposed at the discretion of the board per inspection not to exceed the value of the property as recorded by the Property Valuation Administrator:

Inspections	3rd Inspection	4th Inspection	5th Inspection and All Subsequent Inspections
Property Maintenance	\$250.00	\$350.00	\$500.00

Sec. 42-44. - Lien; fines, charges, abatement costs, fees, penalties, attorney fees and costs.

(a) The city shall possess a lien on the property owned by the person found by a non-appealable final order, or by a final judgment of the court, to have committed a violation of the code for all fines assessed for the violation and for all charges, costs, penalties, abatement costs, and fees, including without limitation attorney's fees and a \$30.00 administration fee, incurred by the city in connection with the enforcement of the code. The lien shall bear interest at the rate of four percent per annum until paid. An affidavit of the code enforcement officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 65.8801 to KRS 65.8839.

(b) A notice of the lien may be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest until paid. The lien shall continue for ten (10) years following the date of the nonappealable final order or final court judgment.

(c) Subject to section 42-45(i), the lien shall take precedence over all other liens, except state, county, school board and city taxes, and may be enforced by judicial proceedings, including a foreclosure action.

(d) In addition to the remedy prescribed in subsection (a), the person found to have committed the violation shall be personally liable for the amount of all fines assessed for the violation and for all charges, costs, penalties, abatement costs, and fees, including without limitation attorney's fees and a \$30.00 administration fee, incurred by the city in connection with the enforcement of the code. The aforesaid amount shall bear interest at the rate of four percent per annum until paid. The city may bring a civil action against the responsible owner or owners and shall have the same remedies as provided for the recovery of a debt.

(e) The city shall be entitled to recover from the responsible owner or owners all attorney fees and others costs incurred by the city by reason of the collection upon and enforcement of the responsible owner's or owners' liability hereunder and the lien which secures the same.

(f) Upon payment, determination of the Code Enforcement Board or Court order, the city shall be authorized to release any lien filed hereunder and recorded in the Office of the County Clerk.

Sec. 42-45. – Lienholder Notification System and Liens.

The city shall obtain and maintain priority over previously filed liens, in accordance with the following provisions:

(a) Individuals and entities, including but not limited to lienholders, may register with the city to receive electronic notification of final orders or liens entered pursuant to this ordinance.

(b) In order to receive the notification, the registrant shall submit the following information to the code enforcement staff:

1. Name;
2. Contact Person;
3. Mailing address;
4. Physical address;
5. Phone number; and
6. Electronic mailing address.

(c) A registrant may use the email link or electronic form provided on the city Web site to submit the information required. It shall be the responsibility of the registrant to maintain and update the required contact information with the city at least annually and to update as needed.

(d) Once every ten (10) days, the city may send electronic mail notification of all final orders entered pursuant to this ordinance since the last date of notification to each party registered. The notification shall provide an electronic link to the city code enforcement database located on the city Web site. The database shall include the following information regarding each final order:

1. The name of the person charged with a violation;
2. The physical address of the premises where the violation occurred;
3. The last known mailing address for the owner of the premises where the violation occurred;
4. A copy of a specific description of the citation;
5. A copy of the findings of the final order, including penalties; and
6. The status of the final order regarding its ability to be appealed pursuant to this ordinance.

(e) Within ten (10) days of the issuance of a final order pursuant to this ordinance, the city shall update its code enforcement database to reflect the issued final order, and shall post the notification required by subsection (d) of this Section containing an updated link to the code enforcement database on the city Web site.

(f) The city shall maintain the records created under this Section for ten (10) years following their issuance.

(g) A lienholder of record who has registered pursuant to this section may, within forty-five (45) days from the date of issuance of notification:

1. Correct the violation, if it has not already been abated; or
2. Pay all civil fines assessed for the violation, and all charges and fees incurred by the city in connection with enforcement of the ordinance, including abatement costs.

(h) The lien provided by this ordinance shall not take precedence over previously recorded liens if:

1. The city failed to comply with the requirements of this ordinance for notification of the final order; or
2. A prior lienholder complied with subsection (g) of this Section.

(i) A lien that does not take precedence over previously recorded liens shall, if the final order remains partially unsatisfied, take precedence over all other subsequent liens except liens for state, county, school board and city taxes.

(j) The city may record a lien before the forty-five (45) day period established in this Section expires. If the lien is fully satisfied prior to the expiration of the forty-five (45) day period, the city shall release the lien in the county clerk's office where the lien is recorded within fifteen (15) days of satisfaction.

(k) Failure of the City to comply or failure of a lien to take precedence over previously filed liens as provided herein shall not limit or restrict any other remedies the City has against the property of the violator.

Section 42.46 - Ordinances enacted for enforcement.

Articles I, II and III of Chapter 42 are enacted for enforcement by the Code Enforcement Board pursuant to KRS 65.8801. Additional ordinances or sections of the City of Paducah Code of Ordinance may be enacted or adopted for enforcement herein.

(a) *Property Maintenance Code Adopted.* A certain document, one copy of which is on file in the office of the City Clerk of the City of Paducah, being marked and designated as "International Property Maintenance Code 2012 Edition" as published by the International Code Council, and the property maintenance code currently adopted by the City of Paducah; and each and all of the regulations, provisions, penalties, conditions, and terms of said International Property Maintenance Code and the property maintenance code currently adopted by the City of Paducah, are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) below. Violations of the provisions therein shall be deemed a nuisance enforceable by this article.

(b) *Additions, insertions and changes.* The International Property Maintenance Code is amended and revised in the following respects:

- (1) Section 101.1 (p.1, second line). Insert: City of Paducah.
- (2) Section 103.5 Insert: Fees. See Sec. 42-43(b)
- (3) Section 112.4 Insert: Failure to Comply [of not less than \$500 and not more than \$1,000]
- (4) Section 302.4 Insert: 10 inches
- (5) Section 304.14 (p.10, first and second line).
Insert: May 1 thru October 31.
- (6) Section 602.3 (p. 17, fifth line).
Insert: September 1 thru May 31.
- (7) Section 602.4 (p. 17, third line).
Insert: September 1 thru May 31.

(c) Reserved.

(d) *Savings clause.* Nothing in this section or in the property maintenance code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in subsection (b) above; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this section.

(e) *Conflicts.* If any conflicts exist between the International Property Maintenance Code and the Kentucky Building Code, the Kentucky Building Code shall take precedence and control over all such matters.

(f) *Collection of costs incurred by city.* The city shall be entitled to recover from any responsible party or parties all reasonable attorney fees and other costs and expenses incurred by the city by reason of the collection upon and the enforcement of the responsible party's or parties' liability, and the lien which secures same, under the International Property Maintenance Code as adopted by the city or under KRS 82.720.

Sec. 42-47. - Litter.

(a) *Definitions for this section.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Aircraft. Any contrivance now known or here-after invented, used or designated for navigation or for flight in the air. Aircraft shall include drones, helicopters and lighter-than-air dirigibles and balloons.

Authorized private receptacle. A litter storage and collection receptacle as required and authorized in section 42-49 of this chapter and by the refuse department.

Commercial handbill. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

- (a) Which advertises for sale any merchandise, product commodity, or thing;
- (b) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;
- (c) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind for which any admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expense incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this state, or under any ordinance of this city; or
- (d) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter, garbage, refuse, and rubbish. As defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

Motor vehicle. Any contrivance, or parts thereof, propelled by power and used for transportation of persons or property on public streets and highways.

Newspaper. Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and

include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Noncommercial handbill. Any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

Park. A park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

Person. Any person, firm, partnership, association, corporation, company or organization of any kind.

Private premises. Any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

Public place or property. Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

Refuse. All putrescible and nonputrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Rubbish. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, interior furniture, interior and exterior decorations, crockery and similar materials.

Vehicle. Any vehicle, device or other contrivance, or parts thereof, propelled by human or mechanical power in, upon, or by which any person or property is or may be transported or drawn, including without limitation devices used exclusively upon stationary rails or tracks, motor vehicles, tractors, boats, motorboats, watercrafts, sailboats, boat and utility trailers, mobile homes, motor homes, campers, and off-highway vehicles.

(b) *Depositing litter in public places.* No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles, in authorized private receptacles for collection, or in official city dumps.

(c) *Depositing litter in parks.* No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(d) *Depositing litter in lakes and fountains.* No person shall throw or deposit litter in any river, fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within or bordering the city.

(e) *Depositing litter on private property; duty to maintain private property free of litter.*

(1) No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited

by the elements upon any street, sidewalk, or other public place or upon any private property.

(2) The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this subsection shall not prohibit the storage of litter in authorized private receptacles for collection.

(f) *Depositing litter on vacant lot.* No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by such person or not.

(g) *Manner of placing litter in receptacles.* Person placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(h) *Sweeping litter into gutters.*

(1) No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(2) No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter.

(i) *Throwing litter from vehicle.* No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property.

(j) *Truck loads causing litter; tires carrying dirt or other material onto street.* No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

(k) *Dropping litter from aircraft.* No person in an aircraft or by use of an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object.

(l) *Distribution of handbills.*

(1) *Depositing on street, sidewalk or other public place.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the city.

(2) *Depositing in or on vehicles.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a handbill to any occupant of a vehicle who is willing to accept it and to be responsible for disposing of it.

(3) *Depositing on vacant private premises.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(4) *Depositing on posted private premises.* No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the

premises, in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers, or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

(5) *Depositing on inhabited private premises.*

a. *Generally.* No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises. Provided, however, that, in case of inhabited private premises which are not posted as provided in this article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

b. *Exemption for mail and newspapers.* The provisions herein shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein), except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(m) *Posting notices on trees or utility poles.*

(1) It shall be unlawful for any person to tack, place or post any signs, cards, placards or advertisements of any character on any utility pole or tree in the public right-of-way, on or along any of the sidewalks, streets, alleys or public grounds in the city. The city may place traffic control signs on utility poles after obtaining a permit from the owner of the utility pole.

(2) Permits for stretching streamers or placing banners and/or decorations temporarily may be issued by the office of the Mayor at his/her discretion when in the interest of charitable, benevolent, patriotic or municipal causes.

Sec. 42-48. - Vehicles and appliances.

(a) *Definitions for this section.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Appliances. Any unit, or part thereof, of household appliances, machinery, furniture, or equipment, whether functional or ornamental, and whether mechanical or powered by some source of energy or not, including, but not limited to, stoves, refrigerators, television sets, beds, lamps, tools, mowers, garden tractors, building materials, objects of art, and the like.

In the open shall mean is upon land that may be viewed from a public street or an adjoining property.

Junked appliances.

(1) Any unit, or part thereof, of household appliances, machinery, furniture, or equipment, whether functional or ornamental, and whether mechanical or powered by some source of energy or not, including, but not limited to, stoves, refrigerators, television sets, beds, lamps, tools, mowers, garden tractors, building materials, objects of art, and the like, the condition of which is one of the following:

- a. Wrecked;
- b. Dismantled;
- c. Partially dismantled;
- d. Inoperative;

- e. Abandoned;
- f. Discarded.

Junked vehicles. Any vehicle, device or other contrivance, or parts thereof, propelled by human or mechanical power in, upon, or by which any person or property is or may be transported or drawn, including without limitation devices used exclusively upon stationary rails or tracks, motor vehicles, tractors, boats, motorboats, watercrafts, sailboats, boat and utility trailers, mobile homes, motor homes, campers, and off-highway vehicles, the condition of which is one or more of the following:

- (1) Wrecked;
- (2) Dismantled;
- (3) Partially dismantled;
- (4) Inoperative;
- (5) Abandoned;
- (6) Discarded.

Motor vehicle. Any contrivance, or parts thereof, propelled by power and used for transportation of persons or property on public streets and highways.

Person. Any individual, firm, partnership, association, corporation, company or organization of any kind.

Public place or property. Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

Vehicle. Any vehicle, device or other contrivance, or parts thereof, propelled by human or mechanical power in, upon, or by which any person or property is or may be transported or drawn, including without limitation devices used exclusively upon stationary rails or tracks, motor vehicles, tractors, boats, motorboats, watercrafts, sailboats, boat and utility trailers, mobile homes, motorhomes, campers, and off-highway vehicles.

(b) *Declaration of nuisance; exceptions.*

(1) The presence of any junked vehicle or appliance on public property or on any private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the city shall be deemed a public nuisance, and shall further be considered rubbish or refuse, and it shall be unlawful for any person to cause or maintain such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any vehicle or appliance on the real property of another or to suffer, permit or allow a junked vehicle or appliance to be parked, left or maintained on his own real property, provided that this provision shall not apply with regard to:

- a. Any vehicle or appliance in an enclosed building;
- b. Any vehicle or appliance on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or
- c. Any vehicle or appliance on property occupied and used for repair, reconditioning and remodeling of vehicles or appliances in conformance with the zoning code of the city.

(2) *Accumulation of vehicles.* No person shall accumulate, store or allow more than four (4) vehicles in the open upon any public property or on any private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the city. Such accumulation, storage or allowance shall be deemed a public nuisance and it shall be unlawful for any person to cause or maintain such a public nuisance, provided that this provision shall not apply with regard to:

a. Any vehicle in an enclosed building, provided that such storage in an enclosed building must not create or constitute a health or fire hazard;

b. Any vehicle on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or

c. Any vehicle on property occupied and used for repair, reconditioning and remodeling of vehicles in conformance with the zoning code of the city.

(c) *Liability for damages to removed vehicle or appliance.* Neither the owner or occupant of the premises from which any aforesaid vehicles or appliances shall be removed, their servants or agents, or any department of the city, or its agents, shall be liable for any loss or damage to the vehicle or appliance while being removed or as a result of any subsequent sale or other disposition.

(d) *Compliance by removal of vehicle or appliance.* The removal of the vehicle or appliance declared to be a nuisance pursuant to this article from the premises within five business days after receipt of notice of violation from city shall be considered compliance with the provisions of this article and no further action shall be taken against the owner of the vehicle or appliance or the owner or occupant of the premises. Written permission given to the nuisance code enforcement officer for the removal of the vehicle or appliance by the owner of same or the owner or occupants of the premises on which it is located shall be considered compliance with the provisions of this article on their part and no further action shall be taken against the one giving such permission, except for collection of towing charges or hauling costs for the removal of the nuisance.

(e) *Right of entry.* In the enforcement of this article, a code enforcement officer, and his duly authorized agents, assistants, employees, or contractors, may enter upon private or public property to examine the vehicle or appliance, or obtain information as to the identity of the vehicle or appliance and of the owner thereof, and to remove or cause removal of the vehicle or appliance declared to be a nuisance pursuant to this article.

(f) *Article supplemental to other regulations.*

(1) This article is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles or appliances or the accumulation and storage of vehicles within the city. The provisions of this article are supplemental and in addition to all other regulatory codes, statutes and ordinances heretofore enacted by the city, state or any other legal entity or agency having jurisdiction.

(2) The provisions of this article shall be deemed cumulative of the provisions and regulations contained in the Code of Ordinances, City of Paducah, Kentucky, save and except that, where the provisions of this article and the sections hereunder are in conflict with the provisions elsewhere in this Code, then the provisions contained herein shall prevail. Any and all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Sec. 42-49. - Solid waste.

(a) *Definitions for this section.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Back door pickup. Requested by residence to have a point of pickup other than what is assigned.

Bulk waste. Any items commonly handled in bulk form, including but not limited to any discarded appliance such as hot water heaters, stoves, air conditioners and refrigerators; any discarded furniture such as couches, chairs and mattresses; trees or tree

limbs in excess of 48 inches in length and greater than three inches in diameter; or tree stumps.

Business. Applies to any establishment or firm wherein an occupational license is required by the city, except as otherwise provided herein.

Commercial waste. Any waste generated by a business establishment, excluding such waste as designated in subsection (e) of section 42-49.

Commercial waste container. Dumpsters of various sizes: two-, four-, six- and eight-cubic yard capacity. Dumpsters shall remain the property of the city.

Department. The Public Works Department of the City of Paducah.

Department in charge. The Public Works Department will be charged with carrying out the duties of the provisions of this section.

Division. The Solid Waste Division of the Public Works Department.

Green waste. Includes, but is not limited to, all accumulations of grass, shrubbery, weeds or cuttings from any of the foregoing, or pine needles, and other waste incidental to the growth, maintenance or care of lawns, or shrubbery, vines and gardens. The term "green waste" shall not be taken to include trees or tree limbs in excess of 48 inches in length and greater than three inches in diameter, tree stumps, used or broken appliances, furniture, bedding, building materials, lumber or other material of like nature (see the definition of "bulk waste" herein).

Multiple dwelling. A structure or structures having more than one single-family unit, and shall include apartment buildings, motels and hotels.

Premises. Land or buildings, or both, occupied or used by one or more households or one or more business places.

Residence. A single-family residential unit.

Residential waste. Every accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, and dealing in, or storage of, meats, fish, fowl, fruits or vegetables. This also includes any other matter of any nature whatsoever which is subject to decay and the generally noxious or offensive gases or odors which, during or after, may serve as breeding or feeding material for flies or other germ-carrying insects; and any waste accumulations of paper, wooden or paper boxes, tin cans, bottles or other containers, sweepings, and all other accumulations of a nature usual to housekeeping.

Residential waste container. Green mobile cart (capacity 96 gallons). Said container shall remain the property of the city.

Residential waste container (special pickup). Blue mobile cart (capacity 96 gallons). Said container shall remain the property of the city.

Solid waste. All forms of waste as defined herein, including bulk, commercial, green and residential waste.

Special pickup. When no individual in the household is physically or mentally capable of maneuvering the waste container to the designated point of pickup.

Trailer park, mobile home park. Any business enterprise maintaining premises for the rent of mobile homes or house trailers and/or mobile home or house trailer sites.

(b) *Authority and duties of City Manager.*

(1) The City Manager or his/her designee shall have the authority to make and modify, as necessary, the days of collection, location of containers, and such other matters pertaining to the collection, transportation and disposal of waste.

(c) *Preparation of waste.*

(1) *Residential waste.* All residential waste must be contained within the confines of the residential waste container. The container shall be kept tightly covered at all times except when it becomes necessary to lift covers for the purpose of depositing waste or for the purpose of emptying such waste container in a solid waste truck. No medical, hazardous and/or toxic waste or liquids will be deposited into a residential waste container.

(2) *Commercial waste.* All commercial waste must be contained within the confines of the appropriate commercial waste container. No medical, hazardous and or toxic waste or liquids will be deposited into a commercial waste container.

(3) *Green waste.* All green waste which is absorbent, such as grass and leaves, shall be contained in bags (not to exceed 50 pounds) and kept separate from residential waste. All trimmings, such as hedge or tree limbs (not greater than three inches in diameter), vines and shrubbery shall be bundled in bundles not greater than 48-inch lengths and not to exceed 50 pounds in weight. All bags and bundles shall be placed at the household's designated point of pickup.

(4) *Bulk waste.* Bulk waste shall be picked up at the designated point of pickup. All items shall be prepared for disposal in accordance with all local, state, and federal laws.

(d) *Location of containers; collection.*

(1) *Restrictions on collectors.* City solid waste collectors shall not enter houses or buildings for the collection of solid waste nor shall they accept any money or gifts for their services.

(2) *Separation of waste from non-waste items.* Solid waste shall not be stored in close proximity to other effects which are not desired to be collected, but shall be reasonably separated in order that the collectors can clearly distinguish between what is to be collected and what is not.

(3) *Residential collection.*

a. The city shall collect residential waste once a week in accordance with a schedule prepared by the City Manager or his/her designee.

b. It shall be the responsibility of each occupant, on the scheduled day of collection, to place his residential waste container(s) at the designated point of collection (curbside, street side or in an accessible alley) not later than 5:30 a.m. the day of scheduled pickup, unless otherwise authorized by the City Manager or his/her designee. The container shall be placed in such a manner as not to interfere with overhead power lines or tree branches, parked cars, vehicular traffic, or in any other way that would constitute a public hazard or nuisance.

c. Waste containers may be placed at the point of pickup the evening before the scheduled pickup service. Waste containers shall be removed from the point of pickup not later than 11:00 p.m. of the day of the scheduled pickup.

d. Waste containers, when not out for collection on the scheduled pickup day, will be kept away from the front of any building or premises. No waste container shall be maintained upon or adjacent to any street, sidewalk, or front yard.

e. If accumulation of residential waste regularly exceeds the capacity of the 96-gallon container, the City Manager or his/her designee may assign the

resident an additional 96-gallon container, at such fees or charges as the City Commission may establish from time to time by municipal order.

f. The city may provide pickup service at other than the designated location, at such fees or charges as the City Commission may establish from time to time by municipal order. The location of the pickup will be approved by the City Manager or his/her designee.

g. The City Manager or his/her designee shall have sole discretion in verifying the need for a special pickup (blue residential waste container) and the determination of the point of pickup for said special pickup.

1. In the event the occupant has difficulty in using the refuse container in the designated area or would create a hardship, the occupant shall notify the City Manager in writing stating the basis for the difficulty and what relief is requested.

2. The City Manager or his/her designee upon a showing of physical handicap or medical condition by written documentation or sufficient proof as to physical conditions hindering compliance, may grant the relief requested or other appropriate relief.

3. These conditions shall apply when there is no one present in the household who is able to move the container to the designated point of pickup.

h. The city shall collect green waste once a week in accordance with a schedule prepared by the City Manager or his/her designee. Said green waste will be collected on the same day as residential waste. Collection will be at the household's designated point of pickup.

i. No provision of this chapter shall be construed to prevent any person from transporting or disposing of solid waste produced by the household. Disposal by such means shall not exempt such person from the obligation to pay the solid waste collection service charges.

(4) *Container damage or loss.* Residential waste container(s) and commercial waste container(s) shall both remain the property of the city at the premises where delivered. The premises' owner(s) or occupant(s) and/or commercial establishment shall maintain their assigned waste container(s) and the surrounding area in a clean, neat, sanitary condition. Residential and commercial waste contain(s) shall be cleaned and disinfected on a regular basis by the premises' owner(s) or occupant(s) or business utilizing the waste container. Container(s) which are damaged, destroyed, or stolen through neglect, improper use or abuse by the occupant-users shall be replaced by the city at the expense of the occupants or the owner of the residence. Container(s) which are damaged in the course of normal and reasonable usage or which are damaged, destroyed, or stolen through no abuse, neglect, or improper use of the occupant(s)-users or residence owner shall be repaired or replaced at the sole discretion of the city, at no charge to the occupant-users or residence owners. The containers shall not be damaged, destroyed, defaced or removed from the premises by any person. Markings and identification devices on the containers, except as placed or specifically permitted by the city, are expressly prohibited and shall be regarded as damage to the containers.

(5) *Bulk waste.*

a. The city will provide pickup of bulk waste upon citizen request, from the household's designated point of pickup. This is a separate service and will be provided at such fees or charges as the City Commission may establish from time to time by municipal order. Pickup will be within five working days, or as soon thereafter as possible.

b. The owner of any vacant lot may make arrangements with the city for pickup of bulk waste. The location of the pickup shall be determined by the

City Manager or his/her designee. Pickup will be provided at such fees or charges as the City Commission may establish from time to time by municipal order. Pickup will be provided within five working days of the request, or as soon thereafter as possible.

(6) *Commercial collection.* Collection of commercial service shall be made at least weekly, and more frequently if deemed necessary by the City Manager or his/her designee to prevent unsanitary or unsightly accumulation of solid waste. The City Manager or his/her designee shall establish routes of varying frequency for collection and assign each commercial or industrial establishment to the route and frequency which is most adapted to its collection needs.

a. All commercial establishments/businesses shall utilize a commercial waste container (two-, four-, six- or eight-cubic yard dumpster) unless otherwise authorized by the City Manager or his/her designee.

b. Commercial waste containers must be clear of all obstructions and obstacles at all times to allow for the proper service and inspection. The service schedule is generally 4:00 a.m. to 12:30 p.m. Monday through Sunday.

c. New commercial waste accounts, as of November 1, 1997, shall be required to place the container on approved service pads to be constructed of eight-inch thick concrete having a minimum compressive strength of 4,000 psi containing fiber mesh or woven wire and of a size not less than ten feet wide and 30 feet long. Exceptions of the aforementioned dimensions for width and length shall be at the discretion of the City Engineer. All exceptions will be as a result of physical features adjacent to the approved site. The property owner will be responsible for all repairs necessary as a result of servicing the dumpster.

d. The location shall be approved through the City of Paducah prior to placement. The approval will be a process of the site plan evaluation. The location of the pad will provide freedom of access of solid waste vehicles unimpeded by parked cars. The service pad will be located in a manner as to allow the straightest route into the dumpster. The location will limit turning of refuse vehicles to service the dumpster.

e. All dumpsters should be located as near to the rights-of-way as practical, but not in the right-of-way.

f. Commercial accounts may request an additional unscheduled pickup. This service will be provided at such fees or charges as the City Commission may establish from time to time by municipal order.

(7) *Seasonal collection service.* The schedule for collection of bagged leaves shall be established by the City Manager or his/her designee based on weather conditions caused by either an early or late fall. This service will be performed in conjunction with the weekly pickup of green waste.

(e) *Unlawful accumulation or disposal of waste; disturbing containers.*

(1) *Disposal requirements generally.* The disposal of solid waste in any quantity by an individual, householder, establishment, firm or corporation in any place, public or private, other than at the site or sites designated and/or with properly approved permits, is expressly prohibited. Such disposal methods shall include the maximum practical protection for control of rodents, insects, and nuisances at the place of disposal.

(2) *Unlawful accumulations.*

a. No person shall permit to accumulate on his/her premises any solid waste except in containers of the type specified in this chapter, and no odiferous, unsanitary, offensive or unsightly wastes other than solid waste shall be

permitted to accumulate on such premises. Noncompliance with the provisions of this section shall constitute a public nuisance.

b. The occupant of the premises or, in the case of unoccupied premises, the owner, shall be responsible for maintaining, in a clean and sanitary condition free of all solid waste, the sidewalks, ditches, curbs/gutters and unpaved/undeveloped portion of rights-of-way abutting such premises.

(3) *Disturbing containers.* At no time shall any person rifle, pilfer, dig into or in any manner disturb containers containing solid waste.

(4) *Removal of waste by contractors, public utilities, builders, tree trimmers and landscapers.* All these must remove all trash and debris from the premises upon which they are working at their own expense. This shall include but not be limited to limbs, tree trunks, roots, concrete slabs, concrete blocks, bricks and all other materials used by contractors in the course of building, construction and or alterations.

(5) *Prohibited substances in city-owned containers.* The following substances are hereby prohibited and shall not be deposited in any city-owned solid waste container, either residential or commercial:

a. Flammable liquids, solids or gases, such as gasoline, benzene, alcohol or other similar substances.

b. Any material that could be hazardous or injurious to city employees or which could cause damage to city equipment.

c. Building material/debris.

d. Hot materials such as ashes, cinders, and the like.

e. Human or animal feces are hereby prohibited from being placed in any solid waste container unless placed and secured in a plastic bag.

f. Carcasses of dead animals.

(6) *Industrial, hazardous, toxic, medical and infectious waste.* All industrial, hazardous, toxic, medical, and infectious waste, including but not limited to hypodermic syringes, shall be disposed of by the industry, manufacturer, or processing plant generating such waste under such methods and conditions as shall be approved by all applicable state or federal guidelines.

(7) *Dumping in stream, ditch, sewer or drain.* It shall be unlawful for any person, firm, or other entity, regardless of form, to dump waste in any form into any stream, ditch, storm sewer, sanitary sewer, or other drain.

(f) *Open burning.* It shall be unlawful for any person, firm or other entity, regardless of form, to burn or attempt to burn solid waste on private or public property within the city limits.

Sec. 42-50. - Other nuisances.

(a) *Certain conditions declared nuisance.* It shall be unlawful for the owner, occupant or person having control or management of any land within the city to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances:

(1) *Dangerous trees or stacks adjoining street.* Any tree, stack or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb or property of, or cause hurt, damage or injury to, persons or

property upon the public streets, sidewalks, alleys, or public ways adjacent thereto, by the falling thereof or of parts thereof.

(2) *Accumulation of rubbish.* An accumulation on any premises of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or communicate fire, attract and propagate vermin, rodents, or insects, or blow rubbish into any street, sidewalk, or property of another.

(3) *Storage of explosives.* The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.

(4) *Weeds and grass.* The excessive growth of weeds, grass, or other vegetation, except flowers or other ornamental vegetation, which are well maintained. Unless otherwise provided, "excessive" shall mean growth to a height of ten inches or more.

(5) *Open wells.* The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon private premises in any open or unfenced lot or place.

(6) *Trees and shrubbery obstructing streets, sidewalks, and drainage.* The growing and maintenance of trees or shrubbery which in any way interfere with the use, construction, or maintenance of streets, public ways, or sidewalks, or constitute an obstruction thereof.

(7) *Imminent danger.* Nothing in this ordinance shall prohibit the city from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

(b) *Responsibility for nuisances created by others.* For the purposes of this article, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware of.

Sec. 42-51. - Reserved.

Sec. 42-52. - Illicit discharges.

(a) *Purpose and scope.* This section is intended to protect the general health, safety, and welfare of the citizens of the City of Paducah by declaring illicit discharges into the storm sewer system to be nuisances, and more specifically:

(1) To protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act by prohibiting non-stormwater discharges and connection to the municipal separate storm sewer system (MS4), collectively called stormwater conveyance system.

(2) To prohibit illicit discharges and connections to the MS4.

(3) To establish legal authority to carry out all inspection, surveillance and monitoring, and enforcement procedures necessary to ensure compliance with this section.

(b) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Enforcement agency is the City of Paducah's Engineering Department and its duly authorized representatives or designees.

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

Illicit discharge is any direct or indirect non-stormwater substance or hazardous material disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means, intentionally or unintentionally, into the MS4 or any area that has been determined to drain directly or indirectly into the MS4, except as exempted in subsection (e) herein.

Illicit connection is defined as any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4. Included are conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved.

Inspector is a person designated by the City Engineer or the enforcement agency.

Municipal Separate Storm Sewer System (MS4) of Paducah means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains designed or used for collecting or conveying stormwater that is owned or operated by the city and discharges to waters of the Commonwealth. Sanitary and combined sewers are not included in the definition of the municipal separate storm sewer system.

Non-stormwater discharge is any discharge to the MS4, that is not composed solely of stormwater except as permitted by subsection (e) herein.

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

Premises is the area of land, site, grounds, or property on which the illegal discharge emanates.

Utility is the owner/operator, public or private, of any underground or overhead line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute communications, data, electricity, power, heat, gas, oil, petroleum products, potable water, stormwater, steam, sewage and other similar substances.

Watercourse is any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale, or wash in which waters flow either continuously or intermittently.

Wetlands are a lowland area, such as a marsh that is saturated with moisture, as defined by the United States Army Corps of Engineers.

(c) *General provisions.*

(1) Except as herein provided or exempted by the City Engineer and/or enforcement agency, this section shall apply to all non-stormwater discharges and connections to the MS4 owned and operated by the city.

(2) The City Engineer and/or enforcement agency shall administer, implement, and enforce the provisions of this section.

(3) This section shall be construed to insure consistency with requirements of the Clean Water Act, the City of Paducah KPDES Stormwater Permit, and acts amendatory thereof or any other applicable regulations.

(4) The standards and requirements set forth herein and promulgated pursuant to this section are minimum standards. This section does not intend nor imply that compliance by any person, company, developer, or any other entity will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into the MS4.

(d) *Prohibition of discharges and declaration of nuisance; exceptions.*

(1) No person, company, developer or any other entity shall discharge or cause to be discharged into the MS4 any pollutants including but not limited to hazardous materials or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illicit discharge is prohibited.

(2) This section does not apply to the following categories of non-stormwater discharges or flows, unless the City Engineer and/or enforcement agency of the regulated MS4 identifies them as significant contributors of pollutants to its MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharge from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.

(3) The prohibition of discharges or flows shall not apply to any non-stormwater discharges permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the Kentucky Division of Water under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(4) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition includes without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practice applicable at the time of connection.

(e) *Rules and regulations.*

(1) *Compliance by elimination of illicit discharges.* Notwithstanding the requirements of subsection (d) herein, the City Engineer and/or enforcement agency may require by written notice that the person, property owner, occupant, tenant, lessor, lessee, or agency (hereinafter referred to as "party") responsible for an illicit discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

The elimination of an illicit discharge within three days after receipt of notice of violation from the city shall be considered compliance with the provisions of

this article and no further action shall be taken. Written permission given to the City Engineer and/or enforcement agency for the removal of the illicit discharge and/or illicit discharge sources on the premises on which it is located shall be considered compliance with the provisions of this section and no further action shall be taken against the party, except for the collection of all costs, expenses and/or charges for the removal of the nuisance.

(2) *Monitor and analyze.* The City Engineer and/or enforcement agency may require by written notice a requirement that any party engaged in any activity and/or owning or operating any property or facility which has been determined to contribute to stormwater pollution, illicit discharges, and/or non-stormwater discharges to the MS4 to undertake at said party's expense such monitoring and analyses and furnish such reports to the City Engineer and/or enforcement agency as deemed necessary to determine compliance with this section.

(3) *Notification of spills.* Notwithstanding other requirements of local, state and federal law, as soon as any party responsible for a property, facility or operation, or responsible for emergency response for a property, facility or operation, has information of any known or suspected release of pollutants or hazardous materials which are resulting or may result in illegal discharges to the MS4, said party shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material, said party shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials to the MS4, said party shall notify City Engineer and/or enforcement agency in person or by phone or facsimile no later than 2:00 p.m. of the next business day. Notifications shall be confirmed by written notice addressed and mailed to the City Engineer and/or enforcement agency within three business days of the original notice.

(f) *Inspection, monitoring, and remediation.*

(1) *Right of entry and inspection.* Whenever the City Engineer and/or enforcement agency has cause to believe that there exists, or potentially exists, any condition which constitutes a violation of this section, the City Engineer and/or enforcement agency may enter the believed violating premises served by the MS4 at all reasonable times to inspect the same.

(2) *Urgency abatement.* The City Engineer and/or enforcement agency is authorized to require immediate abatement of any violation of this section that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the City Engineer and/or enforcement agency the city is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the city shall be fully reimbursed by the property owner and/or responsible party.

(3) *Sampling devices and testing.* During any inspection as provided herein, the City Engineer and/or enforcement agency may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities. The cost of all testing may be passed on to the party, owner or operator of the premises where the illicit discharge emanates.

(g) *Section supplemental to other regulations.*

(1) This section is not the exclusive regulation pertaining to illicit discharges and the city's storm sewer systems (MS4). Illicit discharges are hereby declared to be a public nuisance and unlawful as set out in subsection (d) above. The provisions of this section are supplemental and in addition to all other regulatory codes, statutes and ordinances heretofore enacted by the city, state or any other legal entity or agency having jurisdiction.

(2) The provisions of this section shall be deemed cumulative of the provisions and regulations contained in this Code, save and except that, where the

provisions of this section and the sections hereunder are in conflict with the provisions elsewhere in this Code, then the provisions contained herein shall prevail.

(3) Acts potentially resulting in a violation of the Federal Clean Water Act. Any person who violates any provision of this section or any provision of any permit issued by the city may also be in violation of the Clean Water Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this section may also include written notice to the party of such potential liability.

Secs. 42-53—42-59. - Reserved.

Sec. 42-60. - Petition for reduction, waiver and release.

(a) After an order from the Code Enforcement Board has become final and not appealable, a petition may be initiated by a property owner for a conditional waiver of fines levied with the Fire Chief or the Deputy Chief in charge of the Fire Prevention Division as long as abatement is to be started and completed in a reasonable time. If, in the determination of the Deputy Chief/Fire Marshal of the Fire Prevention Division, abatement has not been started and progressing in a reasonable time, the waiver will be revoked and the fines reinstated; a petition may also be initiated to facilitate a real estate sales transaction by the filing of a petition with the Code Enforcement Board for the reduction or waiver of citations, fines, charges, or fees levied by the Code Enforcement Board. Only the civil fines levied pursuant to section 42-43 may be petitioned to be reduced or waived. No other costs, charges, administrative fees or attorney's fees can be petitioned for reduction or waiver.

(b) A petition shall contain the following information at a minimum.

(1) The name, address, and contact information of the petitioner and/or the petitioner's legal representative;

(2) A specific request for the conditional waiver of fines or a specific request for the waiver of citations, fines, charges, or fees requested and/or any liens to be released relating to a real-estate sales transaction;

(3) A statement setting forth the reasons why the Fire Chief or Deputy Chief in charge of the Fire Prevention Division, or the Code Enforcement Board should consider an appeal and waiver;

(4) A computation of all monies owed to the City of Paducah pertaining to the real property in question, including, but not specifically limited to, back taxes, actual costs, liens of any and all types, charges, assessments, administrative fees, etc. and a check accompanying the payment of all monies owed to the City of Paducah except for the amounts to be reduced or waived shall be tendered with the petition.

(5) The name of the person that shall be purchasing the real property in question.

(c) The petition and all accompanying materials shall be presented to the Fire Chief or the Deputy Chief in charge of the Fire Prevention Division and/or Code Enforcement Board at their next regularly scheduled meeting. No special or called meeting of the Code Enforcement Board is specifically required by this ordinance.

(d) The Code Enforcement Board shall consider each petition presented and render a determination as to whether or not the petition shall be granted or denied. A petition requesting the reduction or waiver of civil fines already determined to be final and the release of liens securing those fines shall be left to the sole discretion of the Fire Chief or the Deputy Chief in charge of the Fire Prevention Division for conditional waivers and/or the Code Enforcement Board if denied by the Fire Chief or the Deputy Chief in charge of the Fire Prevention Division.

(e) The Code Enforcement Board shall conduct its hearing in regard to any petition in the same manner as outlined by section 42-40 of this Code.

**ARTICLE III. - RESIDENTIAL RENTAL OCCUPANCY PERMITS **

Sec. 42-61. - Purpose and intent.

The purpose of this chapter is to protect the public health, safety and general welfare of the people of the city in occupied dwellings by recognizing that the offering for rental of dwelling units is a business and by classifying and regulating such business, the effect of which shall promote the following:

- (1) To protect the character and stability of residential areas;
- (2) To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings;
- (3) To enforce minimum standards for the maintenance of existing residential buildings, and to thus prevent slums and blight;
- (4) To preserve the value of land and buildings throughout the city;
- (5) To protect the public from increased criminal activity which tends to occur in residential areas which are unstable due to dwellings which are blighted or are substandard.

It is not the intention of the city to interfere with contractual relationships between tenant and landlord. The city does not intend to intervene as an advocate for either part, or act as arbiter, nor be receptive to unsubstantiated complaints from tenants or landlords which are not specifically and clearly related to the provisions of this chapter.

Sec. 42-62. - Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Accessory living quarters. Living quarters within an accessory building, which may not have kitchen facilities.

Building. Any structure having enclosed space and a roof for the housing or enclosure of persons, animals or chattels. The word "building" includes the word "structure."

Code. Ordinances of the City of Paducah that relate to fitness for habitation, construction, property maintenance, nuisances, occupancy, zoning, and use of any rental residential dwelling unit. This specifically includes the provisions of chapters 18, 42, 94 and 126 of the Paducah Code of Ordinances.

Code Official. Includes the Chief Building Inspector, Deputy Building Inspector(s), Code Enforcement Officers, Fire Marshall, Fire Inspector, and Police Officers.

Dwelling, assisted care. A building, or portion thereof, and consisting of five or more bedrooms, used for residential occupancy by a group. The dwelling is characterized by tenants with separate bedrooms for sleeping and that there are shared common areas for reception, recreation, living, cooking, laundry and the like. The unit is further signified by the presence of an employee(s) that provide various services such as housekeeping, maintenance, cooking, security, personal care, and transportation. This definition is distinguished from, and is intended not to conflict with KRS 100.982 and 100.984.

Dwelling, multiple. A building, or portion thereof, used for occupancy by three or more families living independently of each other and used for rental residential occupancy.

Dwelling, one-family. A building used for residential occupancy by one family.

Dwelling, rental. A building, or portion thereof, used primarily for rental residential occupancy, including one-family and multiple dwellings, but not including hotels or motels.

Dwelling, two-family. A building, or portion thereof, used for occupancy by two families living independently of each other, and at least one of which is used for rental residential occupancy.

Dwelling unit. A dwelling, or portion of a dwelling, used by one family for cooking, living and sleeping purposes.

Effective date. The effective date shall be April 1, 2000.

Hotel or motel. A building, or portion thereof, or group of buildings in which lodging is customarily provided and offered to the public for compensation and which is open to transient guests on a daily basis, in contradistinction to a lodging house.

Landlord. The owner of a rental residential dwelling unit who offers residential property and its dwelling units, not occupied by the owner, to other persons not related by blood or marriage for some form of compensation through rental payments, lease payments, or some other similar contractual arrangement.

Lodging house. A building with more than two but not more than ten guest rooms where lodging with or without meals is provided for compensation.

Nuisance. A tenant's use of a rental dwelling unit, including the building and the premises relating thereto, which gives offense to or endangers the life or health of others. The term nuisance shall include such uses as defined under Kentucky law as nuisances.

Nursing home. An establishment which provides full-time convalescent or chronic care, or both, for four or more individuals who are not related by blood or marriage to the operator, and who, by reason of chronic illness or infirmity, are unable to care for themselves; excepting, however, establishments that predominately provide for care for the acutely ill or surgical or obstetrical services. A convalescent home and rest home are included in this definition. A hospital or sanitarium shall not be construed to be included in this definition.

Person. Includes a firm, association, organization, partnership, trust, company or corporation as well as an agent, and an individual.

Tenant. A tenant, includes a person(s) under a rental agreement to occupy a dwelling unit for the purpose of residential occupancy. This includes a person(s) occupying a residential property by making rent or lease payments, or other similar agreements where the tenant does not have an equitable interest in the real property.

Tourist home. A building in which more than one but not more than five guest rooms are used to provide or offer overnight accommodations for transient guests for compensation. A bed and breakfast establishment is included in this definition.

Sec. 42-63. - Enforcement.

The Fire Prevention Division shall be responsible for the administration and enforcement of the provisions of this section.

Sec. 42-64. - Rental occupancy permit required.

It shall be unlawful for any landlord to rent or lease to another or otherwise allow any person to occupy any rental dwelling unit which is subject to this chapter unless the landlord has first obtained and continues to hold a valid rental occupancy permit.

Sec. 42-65. - Applicability and exceptions.

(a) The provisions of this chapter shall apply to the rental or leasing of rental dwelling units, and rental dwellings which contain such units, including one- and two-family rental residential dwelling units, multiple dwelling units, accessory living quarters, and lodging houses.

(b) The provision of this chapter shall not apply to hotels and motels, nursing homes, or assisted care dwelling units, residential care facilities as described by KRS 100.982, Hospitals and Sanitariums.

Sec. 42-66. - Application for rental occupancy permits.

(a) Within 30 days following the effective date, the landlord of a rental dwelling unit shall make written application to the Fire Prevention Division for a rental occupancy permit to carry on the business of renting a residential dwelling unit. Such application shall be made on a form furnished by the Fire Prevention Division for such purpose and shall set forth the following information:

(1) Name, residence address, telephone number, and date of birth of the landlord of the rental dwelling unit. If the landlord is a partnership, the name of the partnership, and the name, residence address, and date of birth of the managing partner. If the landlord is a corporation or limited liability company, the name and address of the corporation or company, and the name, residence address and date of birth of the chief operating officer.

(2) If the landlord has appointed an agent authorized to accept service of process and to receive and give receipt for notices; the name, residence address, telephone number, and date of birth of such agent;

(3) Every applicant, whether an individual, partnership, corporation, or limited liability company shall identify in the application, by name, residence address, telephone number, and date of birth, a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. A post office box is not acceptable as an address for such person. The individual designated herein may also be the landlord of the dwelling or an agent identified in subsection (2) above;

(4) Street address of the rental dwelling unit; and

(5) Number of rental dwelling units within the rental dwelling;

(b) To determine compliance with this chapter and this Code, every applicant shall authorize an inspection of the premises.

(c) It shall be unlawful for any person to make any false statements in an application for a rental occupancy permit.

Sec. 42-67. - Temporary permit.

(a) The Fire Prevention Division shall issue a temporary permit to the landlord of a rental dwelling unit who has submitted an application and paid the fee required by this chapter. A temporary permit shall authorize the occupancy of rental dwelling units in actual existence on the effective date, pending issuance of a rental occupancy permit. Dwelling units constructed or converted to rental usage after the effective date shall not be eligible for a temporary permit, and shall not be occupied for human habitation prior to the issuance of the required rental occupancy permit;

(b) A temporary permit indicates only that the landlord has submitted an application for a rental occupancy permit. A temporary permit is not a determination that the rental dwelling or the rental dwelling unit complies with the standards required by this chapter.

(c) The temporary permit shall be valid until a rental occupancy permit has been issued or the application for such permit is denied and the stay period for any appeal of such determination is exhausted.

Sec. 42-68. - Issuance of permit.

(a) Following the filing of an application, a city's Code Official shall cause an inspection to be made of the rental dwelling unit and rental dwelling identified in the application. This inspection shall be made within three business days following the date upon which the application is filed, excepting, however, that in the event the landlord has been issued a temporary permit under this chapter, such inspection shall be made within a reasonable period of time taking into consideration the availability of Code Officials to make such inspection.

(b) Upon completion of an inspection of a rental dwelling and the rental dwelling units therein, the Code Official shall make a determination as to whether all of the standards for issuance of a permit have been met. In the event the Code Official determines that the standards have been met, the Code Official shall cause the issuance of a rental occupancy permit.

(c) Only one permit shall be required per lot, provided however, in the case of multiple rental dwelling units on one lot, the permit shall identify each rental dwelling unit for which a permit has been approved.

Sec. 42-69. - Standards for issuance of permit.

The standards for the issuance and continuance of a rental occupancy permit shall be as follows:

(a) The rental dwelling, and the rental dwelling units located therein, and the grounds and the accessories buildings and structures relating thereto, are in substantial compliance with the code and all other applicable laws and regulations, and are not otherwise substandard, hazardous or unfit. In multi-family units, to promote efficiency, the Code Official shall inspect the minimum units necessary to assess the overall condition of the premises.

(b) The landlord has been issued an occupation business license and has paid all fees and taxes as required under chapter 106 of this Code.

(c) The landlord has paid all city ad valorem taxes which are due and payable against the real property upon which the building and rental dwelling units are located.

(d) The landlord has paid all fees as required under this chapter.

(e) The landlord has paid all city property maintenance liens on the property for which a permit is applied.

Sec. 42-70. - Determination of noncompliance.

(a) If a Code Official determines that any dwelling unit or units, or any part of the premises relating thereto, fail to comply with subsection 42-69(a) or that the landlord has failed to comply with subsections 42-69(b) through (e), a written notice of the violation or violations shall be given to the landlord. The notice shall direct that the landlord shall have a period of ten days to submit to the Code Official a plan consistent with the code and other applicable ordinances which outlines the landlord's remedy of the violations and the time period that such remedy shall be effectuated. The notice shall further state that in the event the landlord fails to submit a plan within said period of time, the landlord shall effectuate the remedy within a specified period of time as reasonably determined by the Code Official. The period of time to effectuate a remedy hereunder shall not at any time exceed the period of time as determined by the Code Official. A reinspection shall take place after said period of time to determine compliance. If the Code Official determines that the defects create an imminent hazard to the health or safety of occupants or the public, the Code Official shall immediately suspend the applicable temporary permit or a previously issued rental occupancy permit.

(b) Any time period accorded by the Code Official above shall not be extended by the sale or transfer of any interest in the rental dwelling unless specifically authorized by the Code Official.

Sec. 42-71. - Denial; suspension.

In the event the landlord's failure to comply continues following the period accorded the landlord for compliance, the Code Official shall mail the landlord a notice of a denial of a rental occupancy permit or suspension of a previously issued rental occupancy permit. A denial of a rental occupancy permit shall automatically suspend the temporary permit. The notice shall state:

(a) That the Code Official has determined that the landlord has failed to comply with the standards as set forth in section 42-69.

(b) The specific reason or reasons why the standards have not been satisfied including copies of applicable inspection reports.

(c) That the denial or suspension of the permit will become effective unless the landlord appeals the determination within ten days after receipt of the notice in the manner provided in section 42-73.

(d) That after denial or suspension, the rental dwelling unit or units must be vacated, and shall not be reoccupied until a rental occupancy permit is issued or is reinstated after approval by the Code Official.

(e) The notice shall describe how an appeal may be filed under Section 42-73.

(f) The Code Official shall also cause a notice to tenants to be prominently posted on the rental dwelling. The notice shall state that the rental occupancy permit for the rental dwelling unit or units has been denied or suspended, whichever is applicable, and that the action will become final on a specific date unless the landlord appeals. The notice shall further state that tenants will be required to vacate the rental dwelling unit when the action becomes final.

Sec. 42-72. - Revocation of permit—Criminal acts or nuisance.

(a) Any landlord of a rental dwelling unit who knowingly leases or continues to lease a rental dwelling unit to any tenant who commits or allow others to commit any criminal act in violation of Kentucky's criminal statutes relating to the illegal sale of controlled substances or to prostitution or to acts of violence to the person of another which causes physical injury or the imminent threat thereof, or who otherwise creates or allows others to create a nuisance on the leased premises, in violation of the provisions of subsection (b) of this section shall be subject to a revocation of the landlord's rental occupancy permits as provided herein.

(b) The landlord shall abate such activity in the manner as hereinafter provided:

(1) In the event that the Code Official receives substantiated evidence of such an act or activity or of a nuisance taking place on the leased premises of a tenant, the Code Official shall send to the landlord written notice which shall set forth the substantiated evidence and define the criminal act or activity or nuisance.

(2) In the event that the Code Official sends a second such notice to the landlord regarding such a criminal act or activity or nuisance on the leased premises of the same tenant within one year following the issuance of a previous notice, the notice shall instruct the landlord to bring eviction proceedings against the tenant with the McCracken District Court or to otherwise provide to the Code Official an alternative acceptable to the Code Official which effectively abates the continuance of further criminal activity or nuisance on the leased premises of such tenant. The landlord shall initiate eviction proceedings or provide an acceptable alternative within ten days following the landlord's receipt of such second notice. In the event the landlord fails to initiate the eviction proceedings or otherwise provide an acceptable written alternative within said period of time, the Code Official may revoke the landlord's rental occupancy permit if the Code Official determines that the revocation is necessary to protect the health, safety and welfare of a resident or residents of the neighborhood. Upon revocation of any rental occupancy permit, no application for a subsequent rental occupancy permit shall be accepted by the Code Official for such property within six months of the date of revocation.

(3) Any eviction proceeding brought by the landlord shall be timely and diligently prosecuted by the landlord in a bonafide manner.

(4) Substantiated evidence shall constitute such evidence as would be probative in establishing probable cause that such criminal act has been committed or that a nuisance exists on the leased premises. Substantiated evidence may include evidence of a lawful arrest, indictment or conviction.

(c) In the event of revocation, the Code Official shall provide a notice of revocation to the landlord and tenant in the manner as provided in section 42-71.

Sec. 42-73. - Appeals procedure.

(a) Any landlord wishing to appeal the determination of a suspension, revocation, or denial shall file a written notice of appeal with the Code Enforcement Board within five (5) days after receipt of the notice of the suspension, revocation, or denial. The initial appeal shall be taken before the Deputy Chief/Fire Marshal of the Fire Prevention Division. The Deputy Chief/Fire Marshal of the Fire Prevention Division shall sustain the decision of the Code Official unless he determines that the provisions of this chapter have been complied with and that all of the violations have been corrected. The Deputy Chief/Fire Marshal of the Fire Prevention Division shall make a written determination.

(b) In the event the Deputy Chief/Fire Marshal of the Fire Prevention Division sustains the decision of the Code Official of suspension, revocation, or denial, the landlord shall have the further right of appeal as hereinafter provided. Any landlord wishing to further appeal the determination of suspension, revocation, or denial shall file a second written notice of appeal with the Code Enforcement Board within five (5) days after the landlord's receipt of the Deputy Chief/Fire Marshal of the Fire Prevention Division's written determination. Thereafter, the appeal process shall follow Section 42-41, 42-41.5, and 42-42 *et seq.*

Sec. 42-74. - Vacation of premises.

When an application for rental occupancy permit has been denied or a rental occupancy permit has been suspended or revoked, the Code Official shall order the rental dwelling unit or units vacated, giving tenants a reasonable time to arrange new housing and to move their possessions.

Sec. 42-75. - Duration of permit.

(a) A rental occupancy permit shall be valid until the property ceases to be used as a rental unit or until ownership of the property is transferred, whichever occurs first, unless otherwise suspended or revoked under this chapter.

(b) A prospective new owner of a rental dwelling unit shall make application for a new rental occupancy permit at least ten calendar days prior to the date of sale.

Sec. 42-76. - Inspections.

(a) Inspections of rental dwelling units shall be conducted by Code Officials and shall take place as follows:

(1) Upon application for a rental occupancy permit.

(2) Upon receipt of a complaint by a tenant or owner of a neighboring property that the rental dwelling unit or rental dwelling is substandard, hazardous or unfit for habitation if in the reasonable discretion of the Code Official, probable cause exists that the complaint is founded in fact and an inspection warranted.

(3) Upon the determination of a Code Official that probable cause exists that any rental dwelling unit or rental dwelling is in noncompliance with subsection 42-69(a).

(4) Every two-year period.

(b) The Code Official shall adopt a policy of inspecting all rental dwellings which are required to be permitted under this article. The policy shall contain objectives for the systematic inspection of all rental dwellings and priorities for the use of scarce inspection resources. The guidelines shall be based upon the following factors and any other factors deemed by the city to promote an efficient inspection program:

(1) Geographic distribution and concentration of rental dwellings;

(2) Rental dwellings with delinquent property taxes;

(3) Landlords with properties identified by the Fire Prevention Division as having an excessive number of housing code violations, or a history of noncompliance, or slow compliance, with correction orders;

(4) Landlords with properties identified by the Fire Prevention Division as having a history of demolitions being ordered by the city;

(5) Landlords with properties identified by the Fire Prevention Division as having a history of demolitions being ordered by the city, and demolished by the city;

(6) Rental dwellings for which no occupation business license or occupancy permit has been applied; and

(7) Rental dwelling with an excessive number of police calls for illegal drug offenses, prostitution, violent crimes, or disorderly conduct.

(d) Absent exigent or emergency circumstances, whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the Code Official has reasonable cause to believe that there exists in any rental dwelling or rental dwelling unit which is required to be permitted by this chapter, any condition or violation which

makes such dwelling or unit unsafe, dangerous or hazardous, the Code Official may enter such dwelling or unit at all reasonable times to inspect the same or to perform any duty imposed by this chapter; provided that if such dwelling unit be unoccupied, he shall first provide notice and request entry from the landlord; and if such dwelling or unit be occupied, he shall provide notice and request entry from both the landlord and tenant. If possible, the Code Official shall first attempt to make arrangements with the landlord and tenant as to the occurrence of the inspection at least 24 hours prior to the inspection. If such entry is refused, the Code Official shall have recourse to every remedy provided by law to secure entry.

Sec. 42-77. - Fees.

There shall be a fee of \$25.00 for issuance of a rental occupancy permit and the initial inspection related thereto and a fee of \$25.00 for the renewal of a rental occupancy permit and the inspection related thereto. There shall also be a fee of \$25.00 per inspection for any further follow-up inspection related thereto. These fees shall be paid to the Fire Prevention Division.

Sec. 42-78. - Display of permit.

(a) Every landlord must show to every prospective tenant before occupancy a valid rental occupancy permit covering the rental dwelling unit to be rented. Every landlord must show to any tenant, upon demand, a valid rental occupancy permit covering the rental dwelling unit the tenant occupies.

(b) Upon demand by any Code Official, the landlord must show a valid rental occupancy permit to the Code Official.

(c) Upon demand by a municipal utility company, and so ordered by the Deputy Chief/Fire Marshal of the Division of Fire Prevention, a tenant or landlord, must produce a valid occupancy permit prior to establishment of utility service.

Sec. 42-79. - Remedies in this chapter not exclusive.

The remedies provided in this chapter are not exclusive. The remedies are in addition to, and do not supersede or preempt, other remedies such as condemnation, written violation orders and warnings, criminal charges for violation of substantive provisions of any city or state code relating to housing maintenance, fire safety, building codes, zoning, health, and the like. The remedies in this chapter do not supersede or affect the legal rights and remedies of tenants provided under state law or this chapter. Where two or more provisions conflict with one another, the more stringent shall apply.

Sec. 42-80. - New construction.

The requirement for a rental occupancy permit and inspection fee shall not apply to any building for which a certificate of occupancy has been issued by the city until five years after the issuance of such certificate of occupancy.

Sec. 42-81. - Enforcement by injunction.

The landlord's failure, refusal or neglect to comply with any of the provisions of this section may, in addition to any other remedy provided herein or in place thereof, be restrained, prohibited or enjoined by an appropriate proceeding instituted in a court of competent jurisdiction.

Sec. 42-82. - Severability.

If any section, subsection, or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

Sections 42-83 thru 42-100. - Reserved.

SECTION C. Non-exclusivity.

The repeal of these sections in Chapter 42 and enactment of this Ordinance shall not release any person from an existing lien, fee, cost or other monetary sum, which is in place on the effective date of this Ordinance. This Ordinance shall not be the exclusive remedy for the city for violations of the Nuisance Code. The city reserves the right to assert other liens or remedies available to it for violations of the above provisions.

SECTION D. Effective Date.

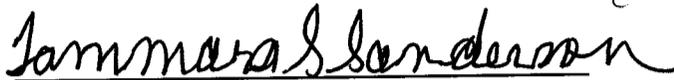
This ordinance shall be read on two separate days, published pursuant to KRS Chapter 424, and become effective on January 1, 2017.

GAYLE KALER, MAYOR



A handwritten signature in cursive script, reading "Gayle Kaler", is written over a horizontal line. A long, sweeping flourish extends from the bottom of the signature down and to the left.

ATTEST:



Tamara Sanderson
CITY CLERK

Introduced by the Board of Commissioners: December 6, 2016

Adopted by the Board of Commissioners December 13, 2016

Recorded by City Clerk, December 13, 2016

Published by *The Paducah Sun* December 17, 2016

\ord\insp\42 [1-100] Nuisance Code

City of Paducah, Kentucky
MS4 Outfall Reconnaissance Inventory
Field Data Sheet

SECTION 1	Watershed/Stream:		Outfall ID:		
	Date:		Time:		
	City Personnel:		Form Completed By:		
	Conditions (circle): Sunny Partly Cloudy Overcast Windy Calm		Date and Time of Last Rainfall:		
	Photo Numbers:		GIS Device:		
Land Use in Drainage Area (Check all that apply - This information may be collected in the office or the field, whichever is most convenient):					
<input type="checkbox"/> Industrial <input type="checkbox"/> Suburban Residential <input type="checkbox"/> Open Space <input type="checkbox"/> Urban-Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Institutional Other: _____					
SECTION 2	LOCATION	MATERIAL	SHAPE	DIMENSIONS	SUBMERGED
	<input type="checkbox"/> CLOSED PIPE	<input type="checkbox"/> RCP <input type="checkbox"/> CMP <input type="checkbox"/> PVC <input type="checkbox"/> HDPE <input type="checkbox"/> STEEL <input type="checkbox"/> OTHER: _____	<input type="checkbox"/> CIRCULAR <input type="checkbox"/> ELLIPTICAL <input type="checkbox"/> BOX <input type="checkbox"/> OTHER: _____	DIAMETER/DIMENSIONS: _____ _____	In Water: <input type="checkbox"/> NO <input type="checkbox"/> PARTIALLY <input type="checkbox"/> FULLY
	<input type="checkbox"/> OPEN DRAINAGE (Ditch or Channel)	<input type="checkbox"/> CONCRETE <input type="checkbox"/> EARTHEN <input type="checkbox"/> RIP-RAP <input type="checkbox"/> OTHER: _____	<input type="checkbox"/> TRAPEZOID <input type="checkbox"/> PARABOLIC <input type="checkbox"/> OTHER: _____	DEPTH: _____ TOP WIDTH: _____ BOTTOM WIDTH: _____	With Sediment: <input type="checkbox"/> NO <input type="checkbox"/> PARTIALLY <input type="checkbox"/> FULLY
	FLOW PRESENT	<input type="checkbox"/> YES <input type="checkbox"/> NO	<i>(If No, skip to section 4)</i>		
	FLOW DESCRIPTION (IF PRESENT)	<input type="checkbox"/> TRICKLE <input type="checkbox"/> MODERATE <input type="checkbox"/> SUBSTANTIAL			
SECTION 3	Are Any Physical Indicators Present in the Flow? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(If No, skip to section 4)</i>				
	INDICATOR	CHECK IF PRESENT	DESCRIPTION	RELATIVE SEVERITY INDEX (1-3)	
	ODOR	<input type="checkbox"/>	<input type="checkbox"/> SEWAGE <input type="checkbox"/> PETROLEUM/GAS <input type="checkbox"/> RANCID/SOUR <input type="checkbox"/> SULFIDE <input type="checkbox"/> CHLORINE <input type="checkbox"/> OTHER	<input type="checkbox"/> 1-FAINT <input type="checkbox"/> 2-EASILY DETECTED <input type="checkbox"/> 3-NOTICABLE FROM A DISTANCE	
	COLOR	<input type="checkbox"/>	<input type="checkbox"/> CLEAR <input type="checkbox"/> GREEN <input type="checkbox"/> BROWN <input type="checkbox"/> GRAY <input type="checkbox"/> YELLOW <input type="checkbox"/> RED <input type="checkbox"/> ORANGE <input type="checkbox"/> OTHER	<input type="checkbox"/> 1-FAINT COLORS IN SAMPLE BOTTLE <input type="checkbox"/> 2-CLEARLY VISIBLE IN SAMPLE BOTTLE <input type="checkbox"/> 3-CLEARLY VISIBLE IN OUTFALL FLOW	
	TURBIDITY	<input type="checkbox"/>	SEE SEVERITY	<input type="checkbox"/> 1-SLIGHT CLOUDINESS <input type="checkbox"/> 2-CLOUDY <input type="checkbox"/> 3-OPAQUE	
FLOATABLES	<input type="checkbox"/>	<input type="checkbox"/> SEWAGE (TOILET PAPER, ETC.) <input type="checkbox"/> PETROLEUM (OIL SHEEN) <input type="checkbox"/> SUDS <input type="checkbox"/> OTHER: _____	<input type="checkbox"/> 1-FEW/SLIGHT; ORIGIN NOT OBVIOUS <input type="checkbox"/> 2-SOME; INDICATIONS OF ORIGIN (E.G. POSSIBLE SUDS) <input type="checkbox"/> 3-SOME; ORIGIN CLEAR (E.G. FLOATING SANITARY MATERIAL)		
SECTION 4	Are any Physical Indicators that are not related to flow present? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(If No, skip to section 5)</i>				
	INDICATOR	CHECK IF PRESENT	DESCRIPTION	COMMENTS	
	OUTFALL DAMAGE	<input type="checkbox"/>	<input type="checkbox"/> SPALLING, CRACKING, OR CHIPPING <input type="checkbox"/> PEELING PAINT <input type="checkbox"/> CORROSION <input type="checkbox"/> DEFORMATION (INDICATE TYPE AND SEVERITY OF DEFORMATION)		
	DEPOSITS / STAINS	<input type="checkbox"/>	<input type="checkbox"/> OILY <input type="checkbox"/> FLOW LINE <input type="checkbox"/> PAINT <input type="checkbox"/> OTHER <input type="checkbox"/> SILTATION OF PIPE OUTFALL % BLOCKAGE _____		
	ABNORMAL VEGETATION	<input type="checkbox"/>	<input type="checkbox"/> EXCESSIVE <input type="checkbox"/> INHIBITED		
	POOR POOL QUALITY	<input type="checkbox"/>	<input type="checkbox"/> ODORS <input type="checkbox"/> SUDS <input type="checkbox"/> EXCESSIVE ALGAE <input type="checkbox"/> COLORS <input type="checkbox"/> FLOATABLES <input type="checkbox"/> OIL SHEEN <input type="checkbox"/> OTHER		
	PIPE BENTHIC GROWTH	<input type="checkbox"/>	<input type="checkbox"/> BROWN <input type="checkbox"/> GREEN <input type="checkbox"/> ORANGE <input type="checkbox"/> OTHER		
EROSION UNDER OUTFALL	<input type="checkbox"/>	<input type="checkbox"/> MINIMAL <input type="checkbox"/> EXCESSIVE <input type="checkbox"/> MODERATE			
SECT. 5	RECOMMENDED ACTIONS / ACTIONS TAKEN				
	<input type="checkbox"/> DEBRIS REMOVED <input type="checkbox"/> PIPE IN NEED OF REPAIR <input type="checkbox"/> PIPE NEEDS TO BE REPLACED WORK REQUEST # _____ <input type="checkbox"/> SEDIMENT NEEDS TO BE REMOVED <input type="checkbox"/> NO ACTION NECESSARY <input type="checkbox"/> OTHER (DESCRIBE) → _____				
SECT. 6	OVERALL OUTFALL CHARACTERIZATION				
<input type="checkbox"/> NO EVIDENCE <input type="checkbox"/> SUSPECT (ONE OR MORE INDICATORS WITH A SEVERITY OF 3) <input type="checkbox"/> POTENTIAL (PRESENCE OF 2 OR MORE INDICATORS) <input type="checkbox"/> OBVIOUS					

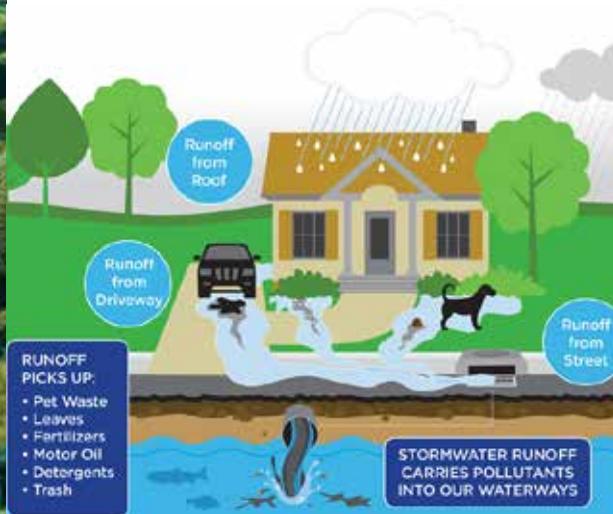
NOTES:

What's the problem with Stormwater?

When it rains, stormwater runoff carries dirt, trash, fertilizers, yard debris, pet waste, insecticides, motor oils, and chemicals to our storm sewer systems, streams, and rivers.

In Paducah, all of the storm water runoff water is discharged untreated to Crooked Creek, Cross Creek, Island Creek, Massac Creek, Perkins Creek, and the Ohio River and deposits the pollutants there.

These local waterways are used for boating, swimming, fishing, and providing drinking water.



Managing stormwater runoff can help bring cleaner water faster to all of Paducah.

What can fellow Paducahians do?



- Sweep or blow leaves & grass clippings back into your yard, never into a storm drain because they can obstruct drainage and contribute undesirable nutrients to streams.



- Pick up pet waste. The best disposal methods are either flushing it down the toilet or burying it. It is a major source of bacteria and excess nutrients in local waters.



- Redirect roof down spouts from paved areas to grassy areas, rain barrels, or pop up drains to allow rainwater to naturally infiltrate the ground decreasing the amount of stormwater entering into storm sewer systems.



- Dispose of used motor oil, paint and other household hazardous waste at a designated collection center or during the Annual Spring Clean-Up day held in April each year.



- Don't overuse fertilizers or pesticides. The chemicals in these can be toxic and the nutrients released into the water can cause algae blooms and kill wildlife.

When it rains, what goes down the storm drain?



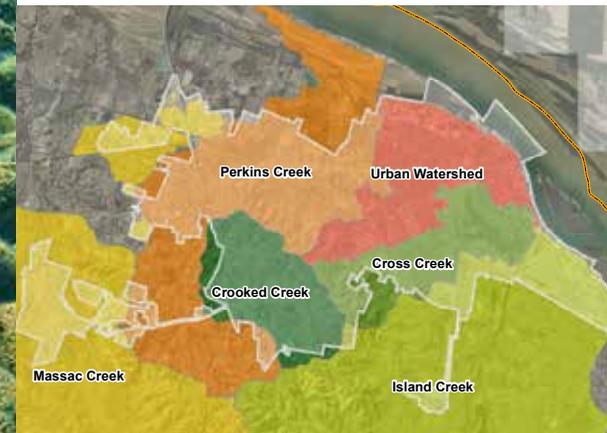
Paducah Stormwater and Drainage Facts

- Average Annual Rainfall 49.0"
- Crooked Creek – 2,102 acres
- Cross Creek – 2,064 acres
- Island Creek – 17,354 acres total, City contributing watershed 1,446 acres
- Massac Creek – 24,058 acres total, City contributing watershed 1,499 acres
- Perkins Creek – 6,833 acres total, City contributing watershed 3,435 acres
- Urban Area – 3,386 acres, discharges directly to the Ohio River
- 46 Square miles drain through the city
- Over 200,000 square miles drain past Paducah via Ohio River
- 14 miles of major streams
- 116 miles of separate storm sewer
- 41 miles of combined sewer

Floodwall Protection System

- Concrete wall 3 miles and 14' tall
- Earthen levee 9.25 miles
- Total wall/levee protection 12.25 miles
- 12 pump stations
- Protects 11,000 acres (almost 16 square miles) and more than 20,000 people
- Protects \$1.2 billion in city and county assets

Major Watersheds



PADUCAH'S STORMWATER & DRAINAGE



Working together to improve water quality for Paducah, a River Town

For more info call
(270) 444-8511

www.paducahky.gov/storm-water-phase-ii



What is the City of Paducah doing about this problem?

The City of Paducah is taking strong action to fight the problems of pollution, measures that will also help alleviate potential flooding problems.

The City strives to keep our local waterways clean and safe so we can enjoy boating, fishing hunting, kayaking, swimming, nature watching and protecting our valued assets along the Ohio River Corridor.

Paducah is in compliance with the Phase II of the National Pollutant Discharge Elimination System Program set by the Federal Environmental Protection Agency in 1999 which is administered through Kentucky Division of Water (KDOW). The permit authorizes stormwater discharges from small Municipal Separate Storm Sewer Systems (sMS4) to receiving waters of the Commonwealth.

The sMS4 permit establishes strategies for reducing pollutants in the City's stormwater runoff and for improving water quality through six minimum control measures of which include



Major Equipment Used To Reduce Flooding & Pollutants

In order to combat both flooding risk and pollution associated with stormwater runoff, the Engineering & Public Works Department uses the following equipment in day to day operations:

Sewer Pumper Truck

- Equipped with a vacuum system that pulls debris from storm systems
- Cleans storm sewers, culverts, and catch basins with high pressure water
- Clean storm sewer systems are more efficient in conveying drainage and help prevent flooding while keeping our local waterways cleaner
- On average 1,600 catch basins, 11,500' of culverts, 15,000' of storm sewers cleaned and 500 tons of debris collected each year

Street Sweepers

- Sweep city streets of trash and yard debris which can have detrimental effects on our storm sewer system and receiving waters if allowed to flow freely
- On average 15,000 street miles swept and 1,000 tons of debris collected from street sweeping each year

Wheeled Excavator

- Regrade ditches within the City Right of Way or public drainage easements
- Removes built up sedimentation, cleans out trash, and restores ditches with vegetation to prevent erosion and sedimentation
- On average 10,000' of ditching and 430' of new storm sewer pipe installed each year





APPENDIX G

ORDINANCE NO.2005-12-7065

AN ORDINANCE AMENDING CHAPTER 50, BY CREATING ARTICLE IV, EROSION PREVENTION AND SEDIMENT CONTROL, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY

WHEREAS, the City desires to control soil erosion and sedimentation resulting from land disturbing activities within the City of Paducah; and

WHEREAS, the City desires to establish guidelines, conservation practices, and planning activities which minimize soil erosion and sedimentation; and

WHEREAS, the City is required to and desires to comply with all applicable state and federal requirements pertaining to the Clean Water Act, including limitation of discharge of pollutants as set forth by the Kentucky Pollution Discharge Elimination System (KPDES) and all applicable provisions of the National Pollutant Discharge Elimination Systems (NPDES) storm water general permit for Phase II communities.

WHEREAS, this Ordinance will create new Chapter 50, Article IV, Sections 1 to 9.9.

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That Section 50, Floods, of the Code of Ordinances of the City of Paducah, Kentucky, is hereby amended by creating Article IV, Erosion Prevention and Sediment Control, to read as follows:

ARTICLE IV. EROSION PREVENTION AND SEDIMENT CONTROL

(1) - AUTHORITY

This Ordinance is adopted pursuant to the powers granted and limitations imposed by Kentucky laws, including the statutory authority granted to Kentucky cities and counties in Kentucky Revised Statutes (KRS), Chapter 67 and 100.

This Ordinance is adopted pursuant to the powers granted and limitations by the Federal Clean Water Act, and in particular those parts that authorize local governments to require any state or federal department or agency to comply with all local water pollution control requirements.

(2) - PURPOSE/SCOPE

The regulations set forth in this Ordinance are intended to protect the general health, safety, and welfare of the citizens of Paducah, and more specifically;

- 2.1 To control soil erosion and sedimentation resulting from land disturbing activities within City of Paducah;
- 2.2 To establish guidelines, conservation practices and planning activities which minimize soil erosion and sedimentation;
- 2.3 To comply with all applicable provisions as set forth by the Kentucky Pollutant Discharge Elimination System (KPDES) storm water general permit for SMS4 Phase II communities.

This Ordinance controls land disturbances, soil storage, and erosion and sedimentation resulting from such activities and establishes procedures for issuance, approval, administration, and enforcement of an Erosion Prevention and Sediment Control (EPSC) Permit.

(3) - DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meaning stated below:

- 3.1 Applicant is the person and/or landowner who submits an application to City of Paducah for an EPSC Permit pursuant to this ordinance. The Applicant must be a person who has financial or operational control over the land-disturbing activity.
- 3.2 Bench is a relatively level step excavated into earth material on which fill is to be placed.
- 3.3 Best Management Practice (BMP) is a technique or series of techniques, which are proven to be effective in controlling runoff, erosion, and sedimentation.
- 3.4 Borrow is earth material acquired from an off-site location for use in grading on a site.
- 3.5 Clearing and grubbing is the cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains in the designated areas.
- 3.7 Contractor is a person who contracts with the permittee, landowner, developer, or another contractor (i.e. subcontractor) to undertake any or all the land disturbance activities covered by this Ordinance.
- 3.8 Detention facility is a temporary natural or man made structure that provides for the temporary storage of storm water runoff.
- 3.9 Developer is any person, firm, corporation, organization, sole proprietorship, partnership, state agency, legal identity or political subdivision thereof engaged in a land disturbance activity.
- 3.10 Engineer is a professional engineer licensed in the Commonwealth of Kentucky to practice in the field of Civil Engineering.
- 3.11 Erosion is the wearing away of the ground surface as a result of the movement of wind, water, ice, and/or vehicles and equipment associated with land disturbance activities.
- 3.12 EPSC (Erosion Prevention and Sediment Control) is the prevention of soil erosion and control of solid material during land disturbing activity to prevent its transport out of the disturbed area by means of air, water, gravity, or ice.
- 3.13 EPSC Permit is a permit required by this Ordinance for land disturbance activities.
- 3.14 EPSC Plan is a detailed plan which includes a set of best management practices or equivalent measures designed to control surface runoff and erosion and to retain sediment on a specific development site or parcel of land during the period in which pre-construction and construction related land disturbances, fills, and soil storage occur, and before final improvements are completed, all in accordance with this Ordinance.
- 3.15 Erosion Control Inspector is a person designated by the Issuing Authority who is properly trained to inspect EPSC measures.
- 3.16 Existing Grade is the grade prior to land disturbing activities.
- 3.17 Finish Grade is the final grade of the site which conforms to the approved plan.
- 3.18 Floodplain is the one hundred (100) year floodplain which is that area adjoining a watercourse which could be inundated by a flood that has a one (1) percent chance of being equaled or exceeded in any given year and is delineated on the Federal Emergency Management Agency Floodway Maps.
- 3.19 General Permit refers to the KPDES Storm Water General Permit for storm water discharges related to construction activities that disturb one (1) acre or more. Coverage under this general storm water permit is obtained by filing a Notice of Intent (NOI) with the Kentucky Division of Water.

- 3.20 *Grade* is the vertical location of the ground surface.
- 3.21 *Issuing Authority* is the Paducah City Engineer's Office and their duly authorized designee.
- 3.22 *Land disturbance activity* is any clearing, grubbing, grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed. Land disturbance activity does not include the following:
- 3.22.1 Minor land disturbance activities including, but not limited to, activities specific to underground utility repairs, replacement of existing utilities, home gardens, minor repairs, and maintenance work.
- 3.22.2 Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- 3.22.3 Emergency work to protect life, limb, or property and emergency repairs. If the land disturbing activity would have required an approved EPSC Plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of this Ordinance.
- 3.23 *Larger common plan of development or sale* means a contiguous area where multiple separate and distinct construction activities are planned to occur at different times on different schedules under one plan, e.g., a housing development of five 1/4 acre lots
- 3.24 *Outfall* is the point of discharge to any watercourse from a public or private stormwater drainage system.
- 3.25 *Permittee* is the applicant in whose name a valid EPSC Permit is duly issued pursuant to this Ordinance and his/her agents, employees, and others acting under his/her direction.
- 3.26 *Retention facility* is a permanent natural or manmade structure that provides for the storage of storm water runoff by means of a permanent pool of water.
- 3.27 *Rough grade* is the stage at which the grade approximately conforms to the approved plan.
- 3.28 *Runoff* is rainfall, snowmelt, or irrigation water flowing over the ground surface.
- 3.29 *Sediment* is soils or other surficial materials transported by surface water or mechanical means as a product of erosion.
- 3.30 *Sedimentation* is the process or action of deposition sediment that is determined to have been caused by erosion.
- 3.31 *Site* is the entire area of land on which the land disturbance activity is proposed in the land disturbance permit application.
- 3.32 *Site plan* is a plan or set of plans showing the details of any land disturbance activity of a site including but not limited to the construction of: structures, open and enclosed drainage facilities, stormwater management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.
- 3.33 *Slope* is the incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.
- 3.34 *Stripping* is any activity which removes or significantly disturbs the vegetative surface cover including clearing, grubbing of stumps and root mat, and topsoil removal.
- 3.35 *Structure* is anything manufactured, constructed or erected which is normally attached to or positioned on land, including buildings, portable structures, earthen structures, roads, parking lots, and paved storage areas.
- 3.36 *Topsoil* is the upper layer of soil.

- 3.37 Utility is the owner/operator of any underground facility including an underground line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute communications, data, electricity, power, heat, gas, oil, petroleum products, potable water, stormwater, steam, sewage and other similar substances.
- 3.38 Watercourse is any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale, or wash in which waters flow either continuously or intermittently.
- 3.39 Wetlands is a lowland area such as a marsh, that is saturated with moisture, as defined by the United States Army Corps of Engineers.

(4) - PERMITS

4.1 Applicability

An EPSC Permit from the City will be required and the activity subject to the provisions of this Ordinance in the following circumstances:

- 4.1.1 all land disturbing activities including development and re-development activities that disturb an area greater than or equal to one (1) acre. Sites that are smaller than one (1) acre are also covered by this ordinance if they are part of a larger common plan of development or sale as defined by this ordinance.
- 4.1.2 land disturbing activities of less than 1 acre that have the potential to negatively impact local water quality, sensitive areas, or result in a nuisance to the public. This determination will be made at the sole discretion of the City Engineer or his designee.

4.2 Exemptions

The following activities are exempt from obtaining an EPSC Permit and from the procedures of this Ordinance:

- 4.2.1 Cemetery graves.
- 4.2.2 Emergencies posing an immediate danger to life or property, substantial flood or fire hazards.
- 4.2.3 Land disturbance activity on lots less than 1 acre which are not located in or near a sensitive area.
- 4.2.4 Land disturbance activity less than 1 acre that is not associated with a common plan of development, and is not located in or near a sensitive area.
- 4.2.5 Agricultural operations required to adopt and implement an individual agriculture water quality plan pursuant to the requirements set forth in the Kentucky Agriculture Water Quality Act (KRS 224)
- 4.2.6 Usual and customary site investigations, such as geotechnical explorations, monitoring wells and archaeological explorations, which are undertaken prior to submittal of an application for preliminary subdivision plat.
- 4.2.7 The Issuing Authority may, on a project-by-project basis, exempt other land disturbance activities not specifically identified in Section 4.2.

4.3 EPSC Permit Application

Upon approval of the Preliminary Plat, or other applicable approvals from the local planning and zoning authorities, the person responsible for the land disturbing activities subject to this ordinance must submit a completed EPSC Permit Application Form along with an EPSC plan to the City Engineer for review and approval. A licensed engineer shall prepare the EPSC Plan. The Issuing Authority may waive the preparation or

approval and signature by the licensed engineer when it is self-evident that the work is simple, clearly shown, and entails no hazard or nuisance potential to adjacent property or watercourse, and does not include the placement of fill upon which a structure may be erected.

4.4 Fiscal Surety

- 4.4.1 The Permittee shall be responsible for the installation, good repair, day to day maintenance and ultimate removal of all temporary and permanent EPSC measures.
- 4.4.2 The Issuing Authority may require the Permittee to post a fiscal surety in the form of, cash, blanket bond, certified check, irrevocable letter of credit, or other instrument approved by the Issuing Authority. Fiscal surety for single-family developments may be exempt as determined by the Issuing Authority. When a fiscal surety is required, the surety shall be posted prior to the issuance of an EPSC Permit.
- 4.4.3 The fiscal surety shall be in the amount equal to one hundred twenty-five (125) percent of the estimated cost of the EPSC measures, as approved by the Issuing Authority. Whenever feasible, fiscal surety for the EPSC measures may be combined with and posted with other appropriate security instruments, such as those required for final plat approval or other building approvals.
- 4.4.4 If the Issuing Authority finds the required temporary or permanent improvements or control measures have not been installed or maintained properly or are not in good repair or functioning properly, then the Issuing Authority may declare the Permittee to be in default and enforcement actions initiated.
- 4.4.5 Request for release of surety may be made after the Issuing Authority makes an inspection of the property and determines that site construction is finished; final stabilization has been established; the required improvements and controls are properly installed and temporary controls have been removed.

4.5 General Permit

Complying with the provisions of this Ordinance and issued EPSC Permit does not exempt the Permittee from obtaining coverage from the Kentucky Division of Water under the KPDES Storm Water General Permit for storm discharges related to construction activities that disturb one (1) acre or more. The Permittee shall provide a copy of the Notice of Intent filed with the Kentucky Division of Water to the Issuing Authority prior to the issuance of an EPSC Permit by the Issuing Authority.

4.6 Relation to Other Laws

Neither this Ordinance nor any administrative decision made under it exempts the Permittee or any other person from procuring other required local, state, or federal permits or complying with the requirements and conditions of such other permit(s), or limits the right of any person to maintain, at any time, any appropriate action, at law or in equity, for relief or damages against the Permittee or any other person arising from the activity regulated by this Ordinance.

(5) - REVIEW AND APPROVAL

The Issuing Authority will review each application for an EPSC permit to determine its conformance with the provisions of this Ordinance. After receiving a complete application and EPSC plan, the Issuing Authority shall, in writing:

- 5.1 Approve the application and EPSC plan and issue the EPSC Permit;
- 5.2 Approve the application and EPSC plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Ordinance, and issue the EPSC Permit subject to these conditions; or
- 5.3 Disapprove the permit application and EPSC plan, indicating the reason(s) and procedure for submitting a revised application and/or submission.

(6) - EROSION PREVENTION AND SEDIMENT CONTROL PLAN

- 6.1 Land disturbance activities, which involve the disturbance of soil as defined herein and described in Section 4.1 above, require an EPSC Plan approved by the Issuing Authority. These plans shall be prepared by a licensed professional engineer, drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and show measures proposed to minimize soil erosion and off-site sedimentation. The permittee shall assure that all clearing, grading, drainage, construction, and development are performed in strict accordance with the approved plan and this Ordinance. The EPSC Plan shall include the following:
 - 6.1.1 A project narrative.
 - 6.1.2 The location of the site in relationship to the surrounding area's watercourses, water bodies, sinkholes, roads, structures, and other significant geographic features vulnerable to erosion from the disturbed site.
 - 6.1.3 An indication of the scale used.
 - 6.1.4 The name, address, and telephone number of the owner and/or developer of the property where the land disturbing activity is proposed.
 - 6.1.5 Ground contours, minimum 2 feet intervals, for the existing and proposed topography.
 - 6.1.6 The proposed grading or land disturbance activity including: the surface area involved, excess spoil material, use of borrow material, and specific limits of disturbance.
 - 6.1.7 A clear and definite delineation of any areas of vegetation or trees to be saved.
 - 6.1.8 A clear and definite delineation of any wetlands, sinkholes, natural or artificial water storage detention areas, and drainage ditches on the site.
 - 6.1.9 A clear and definite delineation of any one hundred (100) year floodplain on or near the site.
 - 6.1.10 Existing and proposed storm drainage systems.
 - 6.1.11 Standard details for storm water facilities and EPSC measures.
 - 6.1.12 Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation, including provisions to preserve topsoil and limit disturbance.
 - 6.1.13 Design details for both temporary and permanent erosion control structures.
 - 6.1.14 Details of temporary and permanent stabilization measures.
 - 6.1.15 A signed statement on the permit by the permittee that any clearing, grading, construction, or development, or all of these, will be done pursuant to the approved EPSC plan and this Ordinance.
- 6.2 The applicant may propose the use of any erosion protection and sediment control techniques in a Final EPSC Plan, provided such techniques are proven to be as or

more effective than the equivalent best management practices as contained in the Kentucky Erosion Prevention and Sediment Control Field Guide.

(7) - DESIGN REQUIREMENTS

- 7.1 The design, testing, installation, and maintenance of erosion protection and sediment control operations and facilities shall adhere to the criteria, standards and specifications as set forth in the most recent version of the Kentucky Erosion Prevention and Sediment Control Field Guide
- 7.2 At a minimum, the following requirements shall be met:
- 7.2.1 Cut and fill slopes stabilized with standard vegetation shall be no greater than 3H:1V, unless approved by the Issuing Authority.
- 7.2.2 Clearing and grading, except that necessary to establish sediment control devices, shall not commence until sediment control devices have been installed.
- 7.2.3 Erosion control methods shall include the following:
- 7.2.3.1 Phasing of clearing and grading operations for all sites greater than 30 acres;
- 7.2.3.2 Soil stabilization by seeding/mulching within 15 days of mass grading operations for borrow (excavation) and fill areas;
- 7.2.3.3 Stabilizing soil stockpiles at the end of each workday;
- 7.2.3.4 Installing diversion ditches or other techniques where upland runoff occurs past disturbed areas
- 7.2.4 Sediment control methods shall include installing detention/retention facilities, sedimentation basins and traps, other similar facilities at the most downstream runoff location within the site.
- 7.2.5 Waterway (creeks, ditches, etc.) protection shall include the installation of a temporary stream crossing; on-site storm water drainage system and stabilized outlets at all pipes.
- 7.2.6 Prevention of mud and debris onto public roadways by construction equipment and vehicles shall include the installation of crushed stone construction entrances.
- 7.2.7 Maintenance schedule during and after construction of graded surfaces, EPSC facilities, and drainage structures.

(8) - INSPECTION

- 8.1 The Issuing Authority or its duly authorized representatives shall, as deemed necessary by the Issuing Authority, make inspections of land disturbing activities subject to this Ordinance.
- 8.2 To ensure compliance with the approved EPSC Plan and to examine field practices to determine if control measures are adequate, authorized inspectors of the Issuing Authority shall have the power to inspect any land disturbing activity and to review the records of all inspections, repairs and modifications made by the Permittee.
- 8.3 The Permittee shall notify the Issuing Authority 24 hours in advance of conducting initial land disturbing activities.
- 8.4 Consistent with the requirements of the Kentucky Division of Water the Permittee shall conduct weekly inspections of the EPSC and document the results of such inspections. These reports shall be kept on site if possible but otherwise made available to the Issuing Authority, if requested. At a minimum the inspection report shall include the date, time of day, name of the person conducting the inspection, company represented, scope of the inspection, major observations relating to the EPSC Plan and BMPs installed, and subsequent changes. The

Issuing Authority has the right to make regular inspections to ensure the validity of the inspection reports.

- 8.5 The Permittee shall be self-policing and shall correct or remedy any EPSC measures that are not effective or functioning properly at all times during the various phases of construction. Failure of the permittee under this provision subjects the permittee and/or landowner to penalties under the enforcement provisions of this ordinance.

(9) – ENFORCEMENT

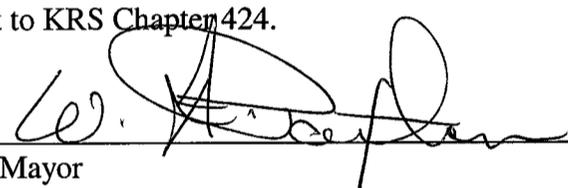
- 9.1 The Issuing Authority shall be responsible for the enforcement of this Ordinance. A stop-work order may be posted for the entire project or any specified part thereof if any of the following conditions exist:
- 9.1.1 Any land disturbance activity regulated under this Ordinance is being undertaken without a permit.
- 9.1.2 The Erosion and Sediment Control Plan is not being fully implemented.
- 9.1.3 Any of the conditions of the EPSC Permit are not being met.
- 9.2 For the purposes of this section, a stop-work order is validly posted by posting a copy of the stop-work order on the site of the land disturbing activity in reasonable proximity to a location where the land disturbing activity is taking place. Additionally, a copy of the order, in the case of work for which there is an EPSC Permit, shall be mailed by first class mail, postage pre-paid, to the address listed by the Permittee on the permit.
- 9.3 Once a Stop Work Order has been issued, the permittee may not conduct land disturbing activities until such time that the permittee has demonstrated full compliance with the approved EPSC Plan, and received written approval by the Issuing Authority.
- 9.4 For land disturbance activities being conducted without a permit, the responsible parties shall immediately cease such activity upon being notified by the Issuing Authority. If the responsible party does not cease the land disturbance activity immediately, the Issuing Authority may request the City Attorney to obtain injunctive relief.
- 9.5 Ten (10) calendar days after posting a stop-work order, the Issuing Authority may issue a notice of intent to the Permittee, landowner, or land user of the Issuing Authority's intent to perform work necessary to comply with Ordinance. The Issuing Authority may go on the land and commence work after three (3) calendar days from issuing the notice of intent. The costs incurred by the Issuing Authority to perform this work shall be paid by the landowner or Permittee out of the fiscal security referred to in this Ordinance, to the extent that the amount is covered thereby, with the remainder being directly due and owed by the landowner or Permittee. In the event no EPSC permit was issued or no bond was posted, the cost, plus interest at the rate authorized by the Issuing Authority, plus a reasonable administrative and attorneys fee shall be billed to the owner.
- 9.6 Compliance with the provisions of this Ordinance may also be enforced by injunction.
- 9.7 The Issuing Authority is authorized to require immediate abatement of any violation of this Ordinance that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately, the Issuing Authority is authorized to enter onto private or public property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the Issuing Authority shall be fully reimbursed by the property owner and/or responsible party. If any expenses related to remediation are not reimbursed by the property owner and/or responsible party within 10 days of notification by the Issuing Authority to these individuals, then the expenses shall become a special assessment against the

property and shall constitute a lien on the property for the amount of the assessment. The Issuing Authority shall be entitled to recover from the property owner and/or responsible party all reasonable attorney fees and other costs of collection required in order to enforce the lien, if any, which secures the liability of the property owner and/or responsible party related to these remediation expenses.

9.8 Any person, firm, corporation or agency acting as principal, agent, employee or otherwise, who fails to comply with the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than one hundred dollars (\$100.00)/day and not more than five hundred dollars (\$500.00)/day, or by imprisonment for not more than ninety (90) days, or both, for each separate offense. Each day there is a violation of any part of this Ordinance shall constitute a separate offense.

9.9 Should the Issuing Authority or City take legal action to enforce the provisions of this Ordinance, the Issuing Authority or City shall be entitled to collect any and all costs in instituting and taking such legal action, including but limited to its court costs and attorney's fees.

SECTION 2. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.


Mayor

ATTEST:



Tammara S. Brock, City Clerk

Introduced by the Board of Commissioners, December 13, 2005
Adopted by the Board of Commissioners, December 20, 2005
Recorded by Tammara S. Brock, City Clerk, December 20, 2005
Published by *The Paducah Sun*, December 28, 2005
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