

ORDINANCE NO. 2008-02

AN ORDINANCE SETTING OUT THE SPECIFICATIONS FOR DRAINAGE CONSTRUCTION IN HOPKINS COUNTY, KENTUCKY.

BE IT ORDAINED by the Fiscal Court of Hopkins County:

Section 1: STANDARD SPECIFICATIONS FOR RIGHT-OF-WAY AND DRAINAGE CONSTRUCTION ADOPTED BY REFERENCE.

The Kentucky Transportation Cabinet Specifications for Drainage are adopted herein by reference as if fully set out herein and the same shall be and hereby are adopted as the minimum standards of construction for all right of way and drainage constructed in the county after the effective date of this subchapter. A current copy of said Manual is attached hereto and incorporated herein as Exhibit "A."

Section 2: INSPECTION AND CERTIFICATION OF CONSTRUCTION.

That any person or entity undertaking to construct road, street or storm sewer within the county shall apply to the County Road Supervisor or other county official as designated by the Fiscal Court for inspection and certification that such road, street, sidewalk or storm sewer has met specifications as set forth in this subchapter. The County Road Supervisor shall prepare a written inspection report in duplicate showing date and time and by whom inspection was made, where tests were made, thickness and type of paving material and whether the project meets specification. If the project does not meet specifications, the person performing the inspection shall state in the written report, the defects found and action required to bring the project up to the standards. The original of the inspection report shall be kept by the County Road Supervisor or other county official designated by the Fiscal Court. The copy of the inspection report shall be given to the builder and the Judge Executive.

Section 3: WATER FLOWING OVER COUNTY ROADS; UNAUTHORIZED CONNECTIONS PROHIBITED

No entity or person shall construct a drain or drainage system of any type such that the water being drained flows onto or over a county road or shall make an unauthorized connection with a county sewer or storm sewer.

Section 4: CULVERT CONSTRUCTION.

This subchapter shall apply only when the County Road Department is performing normal road ditch maintenance or the property owner constructs a new driveway or entrance onto a country road. This subchapter does not apply to "road construction projects."

Section 5: AUTHORIZED OFFICIAL TO DETERMINE NEED FOR CULVERT.

The authorization Official(s) that determines the need for a culvert shall be the County Engineer or the County Road Supervisor or other county personnel, appointed by the Judge Executive.

Section 6: PROPERTY OWNER RESPONSIBLE FOR COSTS OF CULVERT INSTALLATION; MAINTENANCE BY ROAD DEPARTMENT.

- (a) Whenever a property owner constructs a new driveway or entrance onto a county road or elects to install a new culvert for any other reason, the property owner shall be responsible for the cost of said culvert construction. The property owner may contract with a third party for the culvert construction so long as such culvert meets the specifications outlined herein. The County Road Supervisor or his designee may issue a written stop work order to non-compliant property owners and complete the project at the expense of the property owner.
- (b) All culverts existing prior to this ordinance shall not be affected by this ordinance. When the County Road Department, or their agents, are

performing normal ditch maintenance along a county road, and it is deemed necessary by the County Engineer or County Road Supervisor, or other appropriate county personnel , to install a new culvert, or to replace an existing culvert that does not meet county standards with regard to type of material used in construction of said culvert, or sizes of said culvert, the County Road Supervisor may construct a compliant culvert at the expense of Hopkins County.

(c) Before the County Road Department installs said culvert, pursuant to paragraphs (A) or (B) of this section, the owner of the property in question shall be notified in writing of the need of said culvert and be informed as to the cost of installing said culvert.

(d) After the owner of said property requiring a culvert or culverts, pays for the installation of said culvert or culverts, the County Road Department shall maintain the culvert, including replacement, if necessary, unless damage is caused by the property owner's negligence.

Section 7: INSTALLATION BY COUNTY ROAD DEPARTMENT; COSTS TO BECOME A LIEN AGAINST PROPERTY.

If the property owner, after receipt of notice pursuant to Section 6(a) of this subchapter, refuses or for any reason, does not pay for the cost of installing said culvert, the County Road Department shall install said culvert or culverts and said cost shall become a lien on the property, capable of being filed with the County Clerk's Office.

Section 8: BLOCKING COUNTY ROAD DITCH; CONSTRUCTION WITH UNAPPROVED MATERIALS.

If any contractor, property owner, or property owner's agent blocks a county road ditch, with any type of material or constructs a culvert with material that is not approved by the County Road Department, said contractor, property owner, or property owner's

agent, shall be liable for any damages caused to said road, plus the cost of returning said ditch to the original condition.

Section 9: DRAINAGE REQUIREMENTS.

(A) Any entrance, whether in a rural or urban area, shall not obstruct or restrict the normal watercourses involved, unless suitable provisions are made therefore. The County Road Supervisor or his designee shall be satisfied that the type, size and installation of the drainage features proposed in the application are adequate for present and foreseeable future requirements and have a reasonable life span. As to the type of drainage pipe material, the County Road Supervisor shall be guided by the Kentucky Transportation Cabinet Manual on Drainage.

(a) Requirements for drainage shall be as follows:

(1) Necessary drainage structures for an entrance shall not be tied onto an existing highway drainage structure unless the necessary junction boxes, manholes, and catch basins are installed by permittee in accordance with county specifications.

(2) The size, length and type of the entrance pipe shall be as required by the County Road Supervisor, but in no case shall be less than 15 inches in diameter, and not less than 20 feet in length.

(3) All entrance pipes, whether of corrugated metal, concrete or bituminous coated corrugated metal shall meet appropriate department specifications and requirements. Pipes shall be of sufficient length to prevent end damage. Sloped box inlet or outlet may be required by the County Road Supervisor.

(4) Valley gutters constructed of concrete or bituminous material, which meet department standards, may be used in lieu of entrance pipe where the pipe cannot be placed.

(5)(a) Where long lengths of pipe are used, catch basins or clean out boxes shall be installed at approximate intervals in accordance with the attached Manual, or its current edition.

(b) Special considerations maybe given to placement of clean-out boxes at longer intervals for pipe with larger diameters. Boxes shall also be constructed at all angles in pipe alignment.

(6) When necessary, gratings and catch basins must be employed to intercept and prevent water flowing from the driveway over the sidewalks or roadways.

(7) Utilities are not to be placed in or through existing drainage conduits.

(8) When a fill is to be placed against an existing roadway, the fill shall be constructed to intersect the outside shoulder edge and slope away from the road on a 6:1 slope to the ditch flow line or a depth of three feet. Furthermore, special drainage features as required by the County Road Supervisor, shall be required of the applicant to adequately drain the road bed and shoulders. This refers to French drains or toe drains in the existing fill.

(9) Occasionally, underpavement drainage is provided by sand, crushed stone or other types of drains front eh pavement through the shoulder of the road. Requests to join the pavement at these existing drainage points must be accompanied by plans showing the methods proposed to extend these drains so that their original purpose will be continued. This provision is applicable to commercial and private entrances.

(10) Any proposal to alter or significantly increase a drainage area, runoff factors or change in any way a drainage structure must be accompanied by a complete drainage survey (upstream and downstream) based upon a 25-year

and 100-year storm with hydraulic analysis of all affected drainage structures in the area.

Section 11: PENALTY AND APPEAL.

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided by applicable Kentucky law, shall be guilty of a violation and shall be fined not more than \$500.00.

(B) Each day a violation exists shall constitute a separate offense.

(C) The County Road Supervisor or his designee shall determine if a violation exists and shall put the property owner on written notice and allow thirty (30) days for corrective action.

(D) If the violation remains unabated, the County Road Supervisor shall calculate the number of days, levy the appropriate fine and it shall immediately become a lien on the property. Property owners shall receive notice of such levy.

(E) Parties aggrieved by the levy of a fine and/or lien shall have thirty (30) days after receiving such notice in which to appeal directly to the Hopkins County Fiscal Court or their designated appeal board or Code Enforcement Board for relief and/or mediation. The appeal board shall conduct a hearing wherein the County Road Supervisor must establish the facts and legal grounds for the issuance of a levy. The property owner, or his or her designee, shall have the right to present evidence and testimony at the hearing. A ruling shall be issued within thirty (30) days of the hearing. If the decision of the County Road Supervisor is upheld, the fine shall be calculated from the date of the first offense and shall continue to accrue throughout the appeal process.

This Ordinance shall become effective following publication on March 21, 2008.

Upon motion of Magistrate Rogers and seconded by Magistrate Riggs the ordinance, as first read on the 4th day of March 2008, was approved.

Upon second reading of the Ordinance, it was moved by Magistrate Rogers and seconded by Magistrate Riggs that the Ordinance be duly adopted. Whereupon the vote was called, and on roll call, the vote stood:

Magistrate Karol Welch	Yes
Magistrate William Groves	Yes
Magistrate Tim Riggs	Yes
Magistrate Larry Wilson	Yes
Magistrate Larry Rogers	Yes
Magistrate Mike Duncan	Yes
Magistrate Wesley Lynn	Yes

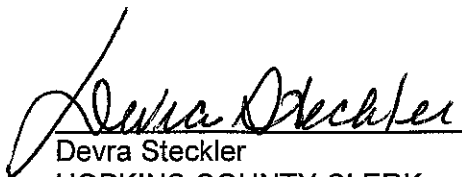
Whereupon, Hopkins County Judge/Executive Donald Carroll declared this ordinance adopted on this second reading, affixing his signature and the date thereto, and declared that the same be recorded.

HOPKINS COUNTY FISCAL COURT



Donald Carroll
Hopkins County Judge/Executive

Attest:



Devra Steckler
HOPKINS COUNTY CLERK