

630-1

AN ORDINANCE OF SIMPSON COUNTY, KENTUCKY RELATING TO STORM OR
FLOOD WATER AND FOR THE CONTROL OF EROSION AND FILLING OR
OBSTRUCTION OF NATURAL DRAINAGE CREVICES, SINKHOLES, DITCHES
AND KNOWN SUBTERRANEAN WATER CHANNELS

WHEREAS, the provisions of this ordinance are established with the purpose and intent to protect human life and health resulting from the effects of storm or flood water; to minimize public and private property damage resulting from the effects of storm or flood water; to protect individuals from buying lands and structures which are or may be rendered unsuitable for intended purposes because of flood hazards; to control development which when acting alone, or in combination with similar developments, will cause erosion, and filling or obstructing water courses, natural drainage crevices, sinkholes, detersion structures, ditches, or other storm water systems, and known subterranean water channels; to protect stream channels and other drainage facilities from encroachment; to maintain the capacity of the flood plain to retain flood water; and to help maintain a stable tax base by preserving property values from future flood encroachment and more particularly to insure:

(a) that new construction of all descriptions shall not impose measureable off-site water-related damages;

(b) that new construction shall be free from on-site water-related damages;

NOW, THEREFORE BE IT ORDAINED by the Fiscal Court of Simpson County, Kentucky as follows:

I

The filling, plugging, clogging or in any way interfering with the natural drainage capability of a crevice, sinkhole, ditch or known subterranean water channel is prohibited.

II

The introduction of any foreign matter, whether liquid or solid, other than normal surface of storm water, into any natural drainage crevice, sinkhole, ditch or known subterranean water channel is prohibited.

III

Any person, firm or corporation proposing alterations, improvements or other disturbance of any natural drainage crevice, sinkhole, ditch or known subterranean water channel must submit comprehensive plans, showing that said alterations, improvements or other disturbance would not impair or interfere with drainage capability of any crevice, sinkhole, ditch or know subterranean water channel. Plans must be approved by the Planning and Zoning Commission prior to the commencement of any alterations, improvements of other disturbance of any crevice, sinkhole, ditch or known subterranean water channel.

IV

Any person, firm or corporation proposing any construction or other activity which would change the contour of the land, removing of trees, removing of shrubs or the removing of vegetation which would allow erosion and sedimentation of drainage ditches, crevices, or sinkholes must submit plans showing proposed temporary and permanent erosion control methods to be used. Plans must be approved by the Planning and Zoning Commission prior to the commencement of any construction or other activity.

V

Any person, firm or corporation found guilty of violating any section of this section shall be liable to a fine of not less

than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00).

VI

Upon receipt of any notice or citation of violation from any officer of the County, citizen or member of the Fiscal Court of Simpson County, Kentucky, prohibited action shall cease immediately. Each day that the prohibited action is continued after said receipt shall constitute a separate offense.

VII

The enforcement of the provisions of this ordinance shall be by the Simpson County Judge Executive or his designee.

VIII

Any person aggrieved by any decision or order of the Planning and Zoning Commission Section III or Section IV of this ordinance may appeal said decision or order to the Fiscal Court of Simpson County, Kentucky provided that he shall file a written notice of said appeal with the clerk of the County of Simpson on or before ten (10) days after the date of said decision or order.

IX

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions hereof.

X

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

July 12, 1983 FIRST READING
July 26, 1983 SECOND READING

At a meeting of the Fiscal Court of Simpson County, Kentucky, held July 26, 1983, on motion made by Bobby Williams and seconded by Claypool Kinnaird, the foregoing ordinance was adopted, after full discussion, by the following vote:

Ayes CLAYPOOL KENNAIRD
Ayes BOBBY WILLIAMS
Ayes BILL SCOTT
No GLEN EVANS

LODGED FOR RECORD
1983 JUL 27 PM 2:30
J. U. GROW, CLERK
SIMPSON COUNTY COURT KY.

APPROVED BY:

Kenneth Harper
KENNETH HARPER
SIMPSON COUNTY JUDGE EXECUTIVE

ATTEST:

Suellen L. Lenk
SUELLEN LENK, CLERK
SIMPSON COUNTY COURT

STATE OF KENTUCKY }
COUNTY OF SIMPSON } SS

I, J. U. Grow, Clerk of Simpson County Court, do certify that the foregoing instrument was this day lodged to be and is, with this and the foregoing certificate duly recorded in my office Given under my hand this 27 day of July, 1983

J. U. Grow, Clerk
By Anna Grow D.C.