

Illicit Discharge Detection and Elimination Plan

CITY OF PADUCAH



Contact Information:

Eric Hickman, P.E.
Storm Water and Drainage Engineer
City of Paducah Engineering & Public
Works Department
300 South 5th Street
P.O. Box 2267
Paducah, Kentucky 42002-2267
(270) 444-8511
Website: Paducahky.gov
Email: ehickman@paducahky.gov

AI# 8754

Report for City of Paducah, KY

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Prepared by:

STRAND ASSOCIATES, INC.®
615 Elsinore Place, Suite 320
Cincinnati, Ohio 45209
www.strand.com

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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 probably 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.

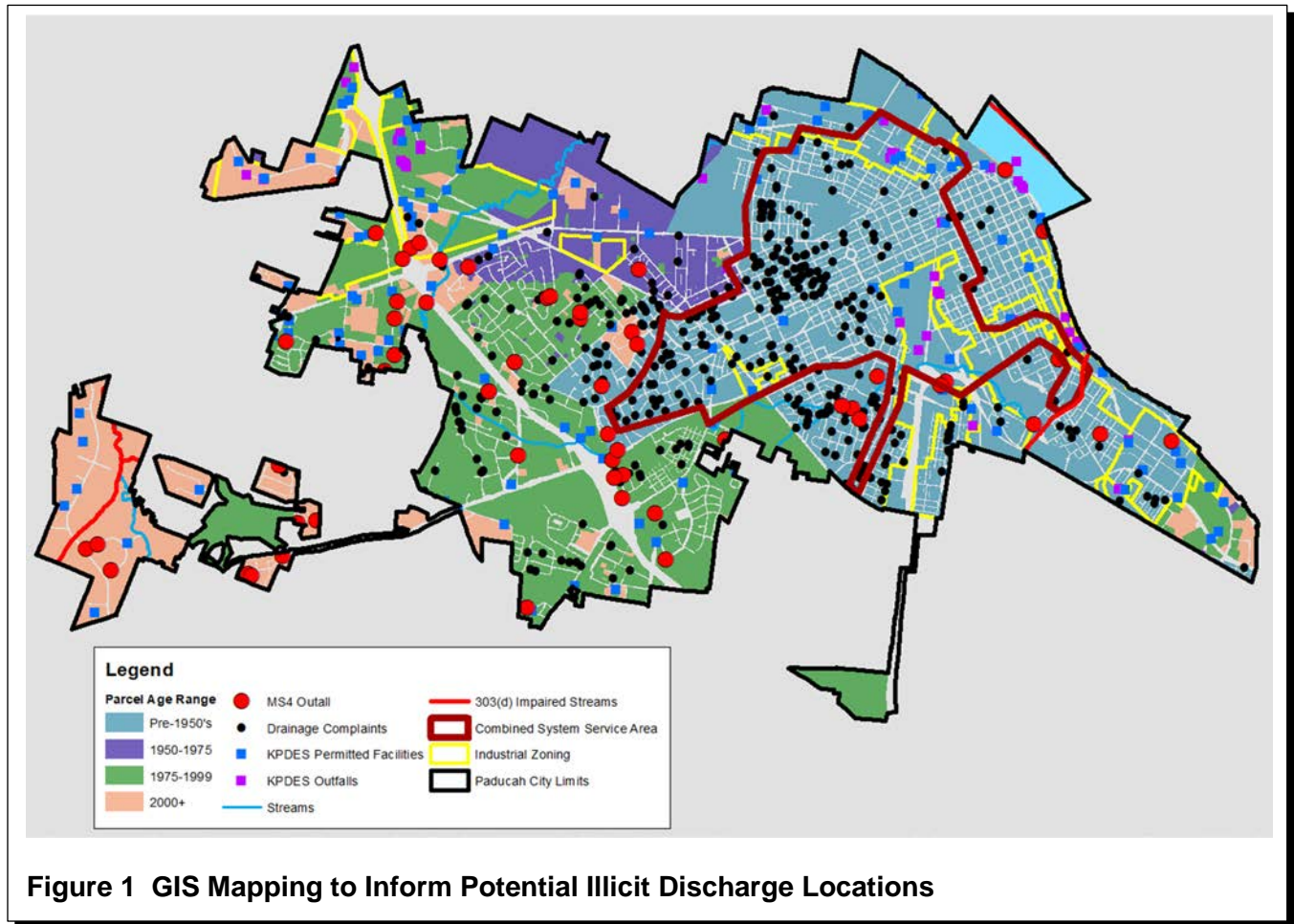


Figure 1 GIS Mapping to Inform Potential Illicit Discharge Locations

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.

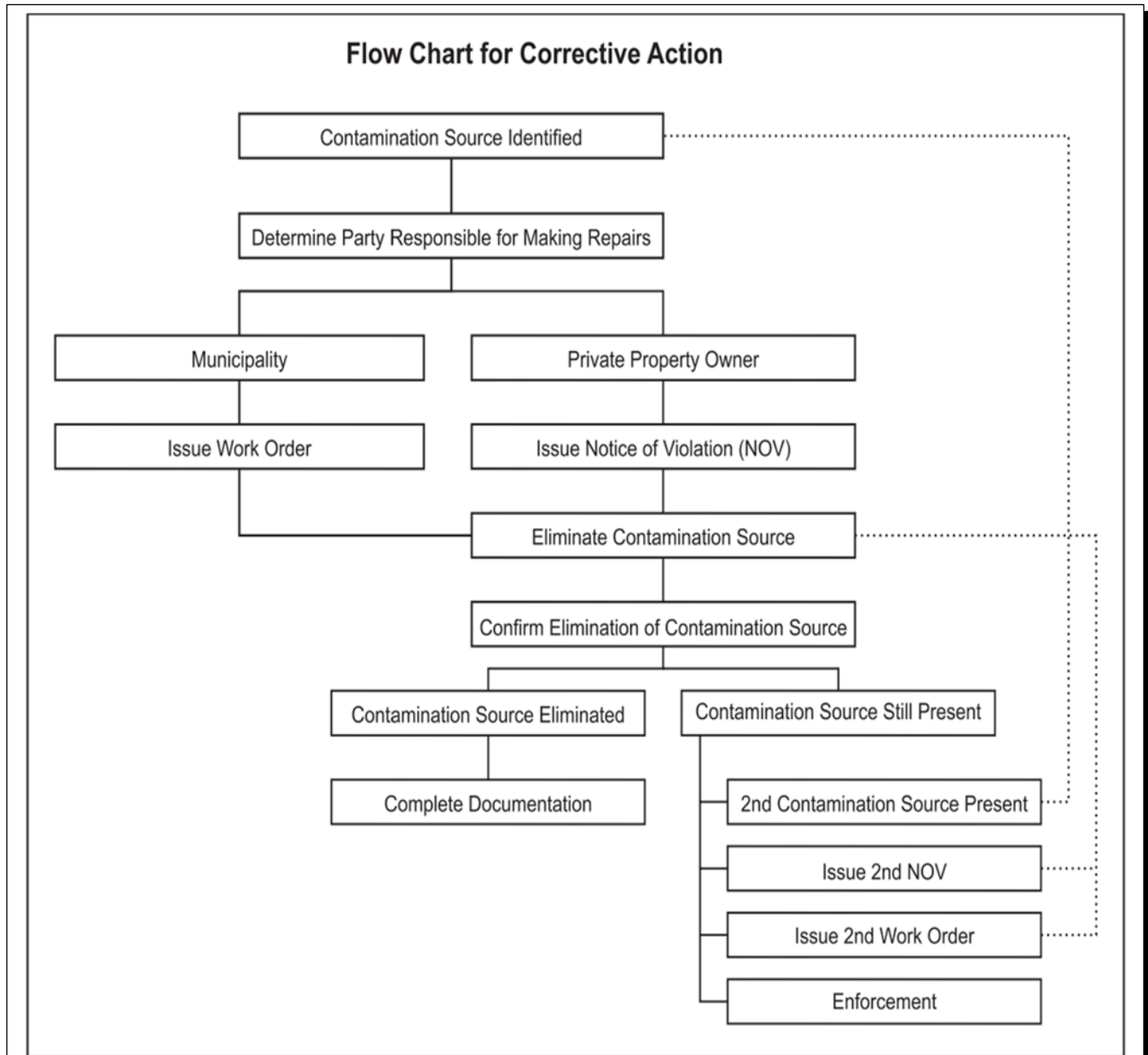


Figure 2 Example Flowchart for Corrective Action

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.

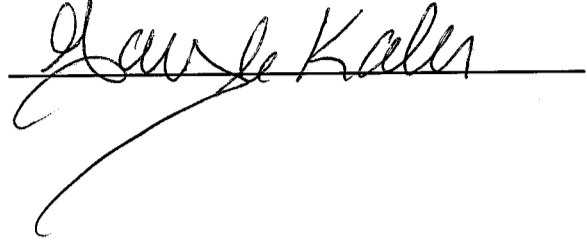
SECTION C. Non-exclusivity.

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.

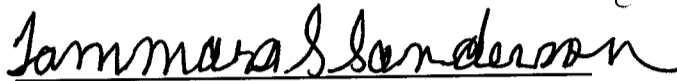
SECTION D. Effective Date.

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", written over a horizontal line.

ATTEST:

A handwritten signature in cursive script, reading "Tamara Sanderson", 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

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					

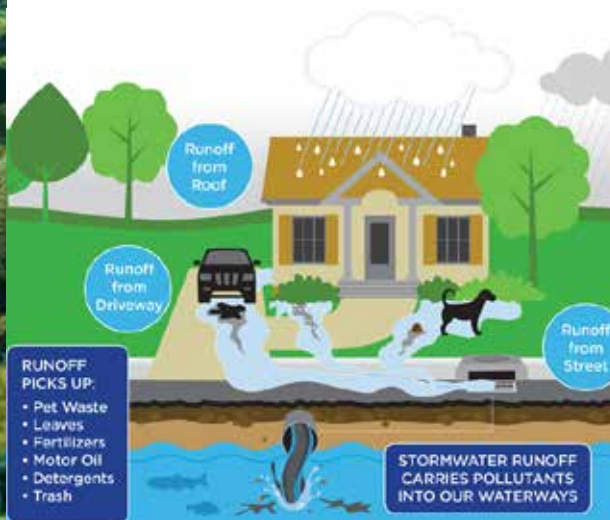
NOTES:

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?



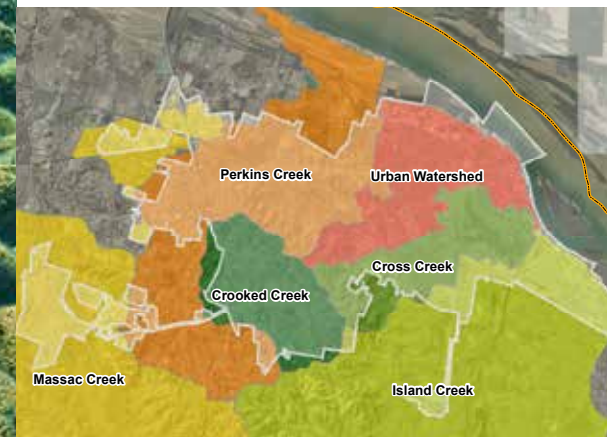
Paducah Stormwater and Drainage Facts

- 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

