

CITY OF WILLIAMSBURG, KENTUCKY
ORDINANCE NO. 11-007

AN ORDINANCE OF THE CITY OF WILLIAMSBURG, KENTUCKY. ESTABLISHING RATES AND CHARGES FOR THE USE OF AND THE SERVICES RENDERED BY THE MUNICIPAL WATER AND SEWER SYSTEM OF SAID CITY. ALL ORDINANCES IN CONFLICT HERewith ARE HEREBY REPEALED.

WHEREAS, the City of Williamsburg, Kentucky is under an agreed order by the Kentucky Energy and Environment Cabinet. The City is requesting a Fund A loan for construction of the Briar Creek Ball Park Pump Station/Force Main from the Kentucky Infrastructure Authority and,

WHEREAS, the Kentucky Infrastructure Authority has agreed to the loan with special conditions consisting of an ordinance to increase water and sewer rates and,

WHEREAS, the United States Department of Agriculture Rural Development strongly encourages the City of Williamsburg to analyze the Cities rate structure and,

WHEREAS, it is deemed advisable and necessary at this time to establish a schedule of rates and charges for the use and services of the municipal sewer system, that the existing schedule of rates for water service be ratified and confirmed and that provision be made for the collection of such rates and charges, and

WHEREAS, it appears that in order to protect the general health and promote the general welfare of the people of said City, it is necessary that all sources of flowable sewage be connected to a municipal sewer line if available,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILLIAMSBURG, KENTUCKY, DOES ORDAIN AS FOLLOWS:

Section 1. The following Ordinances are hereby repealed:
Unnumbered Ordinance dated December 5, 1961.
Unnumbered Ordinance dated March 3, 1964.
Unnumbered Ordinance dated August 22, 1977.
Unnumbered Ordinance dated February 24, 1986.
Ordinance No. 89-3 dated December 5, 1988.
Unnumbered Ordinance dated March 6, 1989.
Unnumbered Ordinance dated June 11, 1990.

Ordinance No. 99-010 dated August 9, 1999.

Ordinance No. 03-006 dated September 8, 2003.

Ordinance No. 11-003 dated April 11, 2011.

Section 2. Abutting Owners Must Connect To Sewer Lines.

All owners, tenants and occupants of dwellings, houses, apartments, hotels, motels, mobile homes, house trailers, mobile home parks, trailer camps, manufacturing or commercial establishments, or any other building of any kind or nature situated on a lot or lots, through which any sewage collection line is hereafter installed, or which abuts upon any street, alley or easement in which there is hereafter installed a sewage collection line, or to which property a sewage collection line is extended, shall within ninety (90) days following the date on which such sewage collection line is placed in operation, connect therewith all sanitary sewage drain pipes of such dwellings, houses, apartment, hotels, motels, mobile homes, house trailers, mobile home parks, trailer camps, manufacturing or commercial establishments or other buildings, with said sanitary sewage collection line, conveying thereby all of the sewage there from into said sewer system, such connections to be made in accordance with such rules and regulations as the City may from time to time duly establish; and the failure to make such connection is hereby declared unlawful and to constitute a nuisance.

Section 3. Sewer Connections Required for New Buildings.

All architects, contractors, builders or other persons, before commencing the erection of any building or other improvement capable of emitting liquid wastes or sewage, on any lot or parcel of land abutting on a street, alley or easement in which there may be hereafter installed and maintained any such sewage collection line, or on any lot or parcel of land through which there may be hereafter installed a sewage collection line, or to which a sewage collection line is made available, shall before erecting or installing such building or improvement, exhibit to the City Council of the City, or to such official as the City Council may designate, satisfactory evidence that a means has been provided or will be provided for connecting the sanitary sewage drain pipes from such building or other improvement with such sewer collection line. No storm water or other surface or sub-surface water drain shall be connected with any sanitary sewer line hereafter constructed, nor shall any storm water, surface or sub-surface water be otherwise introduced into any such sanitary sewage collection line.

Section 4. Non-Sewer Facilities Prohibited.

It shall be unlawful for any person to construct or maintain or permit to be constructed or maintained any outdoor toilet, privy, vault, cesspool, septic tank or other similar contrivance for the reception of sewage on any lands owned by such person, or under his control, which abut upon a sewage collection line in any public street, alley or other easement or through which a sewage collection line passes or to which a sewage collection line is hereafter available; all such outdoor toilets or privies shall be removed; and all such vaults, cesspools, septic tanks or other similar contrivances for the

reception of sewage shall be closed or filled or otherwise removed from the properties described above within **ninety (90) days** after such sewage collection services becomes available.

All such privies, surface toilets or other means of casting or depositing sewage into a container above or below the surface of the ground or upon or into the soil or into any running or percolating stream of water or into any cistern or well whereby the soil or any surface or sub-surface waters is contaminated with such sewage are hereby declared to constitute a public nuisance and their use of maintenance for a period of **more than ninety (90) days** following the availability of a sewage collection line to the property is hereby prohibited.

Section 5. Sewer Connections; Regulations.

All sewer connections shall be made under such regulations as the City may establish. Failure to effect such connection is hereby declared to be unlawful and shall constitute a nuisance.

Section 6. Storm Water Drain Connections Prohibited.

No storm water drain shall be or remain connected or be connected with any separate sanitary sewer heretofore or hereafter constructed as, or made a part of, the sewer system of the City, nor shall any storm water be otherwise introduced into the City's sewer system.

Section 7. Sewer Taps to be Made Only By City.

No sewer taps (breaking or entering into sewer lines of the City) shall be made by any person, firm or corporation except the City. The City will, upon application to the City and payment of any tapping or connection fee, as may be prescribed by the City, tap the city sewer and run a lateral to the property line of any applicant where sewers are available, and any and all installations or attachments thereto shall be made by the applicant under the directions and supervision of the City, provided that nothing herein shall be construed as requiring the City to furnish a sewer connection or sewer services to any premises where a city sewer is not available at the time that the application is made.

Section 8. Property Owners Required to Install.

Each owner of a house, building or property used for human occupancy, employment, recreation or other purposes, situated within the City and to which sewer service is made available by the City, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with such available City sewer system in accordance with the requirements of this Ordinance.

Section 9. Sewer Installation Costs to be Borne by Property Owners.

All costs and expense incident to the installation and connection of a building to the City's sewer system shall be borne by the owner, who shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation and connection of the building to the City's sewer system. All connections shall be made under the supervision of the Superintendent of the City's sewer system or other duly authorized official of the City.

Section 10. Septic Facilities Not Connected to Sewers are Prohibited.

It shall be unlawful for any person to construct or maintain a privy, well, vault, cesspool, cistern, septic tank or similar contrivance for the reception of flowable sewage where sewers are available, and all such privies, wells, vaults, cesspools, cisterns, septic tanks, facilities and similar contrivances shall be removed or disconnected by the owners and the occupants of premises to which sewers are made available in the City as soon as the same are made available to such premises. All such privies, facilities and other means of casting or depositing sewage into a container above or below the surface of the ground, or upon or into the soil or into any running or percolating stream of water or into any cistern or well, whereby the soil is contaminated with such sewage is hereby declared a public nuisance and is prohibited.

Section 11. Unsanitary Deposit of Garbage and Discharge of Sewage or Other Wastes to Non Sewer Facilities are Prohibited.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the City, any garbage or other objectionable waste, or to discharge to any natural outlet within the City, any sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided under the supervision of the Superintendent of the City sewer system or other duly authorized City official.

Section 12. Inflammable and Other Improper Substances Prohibited From Being Deposited in Sewer System.

That no substances shall be placed or discharged into the City sewer system which will create a combustible, gaseous, explosive or inflammable condition in said sewer system, nor shall any substances or objects be placed or discharged into the City sewer system which will not dissolve and which will thus cause a construction and clogging within said system. No petroleum products shall be place or discharged into the City sewer system.

Section 13. MONTHLY WATER RATES AND CHARGES.

The monthly water rates and charges shall be as follows:

A. Water Connection/Tap Charges.

A waterworks connection charge shall be made for each water connection with the City waterworks system in the amount of **\$400.00 for Residential** and **\$800.00 for Commercial.**

B. Utility Security Deposit.

Utility Security Deposit shall be **\$100.00** and payable before water is turned on. Ten dollars of this shall be non-refundable as a hook-up service charge.

C. Basic Monthly Water Rates.

The following basic monthly water rates for the water supplied by the City waterworks system are hereby reaffirmed:

(1) Minimum Water Rate.

The minimum water bill shall be **\$12.92** per month, and each water customer shall be entitled to 2,000 gallons (or less) of water in each month for such minimum charge.

(2) Meter Rates for Water Usage in Addition to Minimum Charge.

Subject to the minimum monthly water rate specified above, the following metered charges shall be made for water consumption per month to customers of all size water connections:

CITY WATER RATES

<u>Number of Gallons of Water Per Month</u>	<u>Water Charge Per Month</u>
First 0 - 2,000 Gallons	\$ 12.92 Minimum Bill
Next 3,000 Gallons	\$ 4.36 Per Thousand
Next 10,000 Gallons	\$ 3.82 Per Thousand
All Over 15,000 Gallons	\$ 3.60 Per Thousand

COUNTY WATER RATES

<u>Number of Gallons of Water Per Month</u>	<u>Water Charge Per Month</u>
First 0 - 2,000 Gallons	\$ 20.00 Minimum Bill
All Over 2,000 Gallons	\$ 8.00 Per Thousand

Section 14. MONTHLY SEWER RATES AND CHARGES.

The monthly sewer rates and charges shall be as follows:

A. Sewer Connection/Tap Charges.

For applicants who have signed or who sign an Application and make a utility security deposit of **\$ 100.00** in which there is hereafter installed a sewage collection line shall within **Ninety Days** following the date on which such sewage collection line is placed in operation connect into the Cities said sewer system. The sewer connection Tap Fee shall be **\$400.00 for Residential** and **\$800.00 for Commercial** and these must be paid before the City Public Works Department will actually make the tap.

B. Monthly Sewer Rates and Charges.

Rates or charges for sewer service shall be based insofar as possible upon the quantity of water supplied to the respective buildings or premises under the foregoing schedule.

C. Basic Monthly Sewer Rates.

The following basic monthly sewer rates for the water supplied by the City waterworks system are hereby reaffirmed:

(1) Minimum Sewer Rate.

The minimum monthly bill for sewer service shall be **\$12.10**, and each sewer customer shall be entitled in each month to discharge water into the City sewer system based upon water usage of 2,000 gallons or less for such minimum sewer charge of \$12.10.

(2) Sewer Rates for Water Usage in Addition to Minimum Charge.

Subject to the minimum monthly sewer rate specified above, the following metered charges shall be made for sewer usage per month to customers of all size water connections:

CITY SEWER RATES

Number of Gallons of Water Per Month

Sewer Charge Per Month

First 0 - 2,000 Gallons	\$ 12.10 Minimum Bill
Next 3,000 Gallons	\$ 4.63 Per Thousand
Next 10,000 Gallons	\$ 4.25 Per Thousand
All Over 15,000 Gallons	\$ 4.14 Per Thousand

COUNTY SEWER RATES

Number of Gallons of Water Per Month

Sewer Charge Per Month

First 0 - 2,000 Gallons	\$ 18.15 Minimum Bill
Next 3,000 Gallons	\$ 6.98 Per Thousand
Next 10,000 Gallons	\$ 6.38 Per Thousand
All Over 15,000 Gallons	\$ 5.67 Per Thousand

Section 15. Special Usages of Sewer System.

In the event that a building or premises discharging sewage, water or other wastes into the City sewer system, uses water supplied on other than a metered basis from either a private or public water supply, then in each such case the owner or occupant may be required to cause a water meter or other measuring device to be installed, acceptable to the governing body of the City or its duly authorized agent which may be in charge and control of the operation of the City waterworks and sewer systems; and the quantity of water used, as measured by such meter or device, shall determine the sewer rate and charge, which rate and charge, pending the installation of such meter or device, shall be an amount equivalent to the minimum sewer rate based on the foregoing schedule.

Section 16. Special Meters for Usage Not Related to Water.

In the event any building or premises uses water in excess of 25,000 gallons per month as shown by the water meter readings for two consecutive months, and it can be shown that a substantial portion of the water as so measured does not and cannot enter the City sewer facilities, then the governing body of the City or its duly authorized agent which may be in charge and control of the operation of said City waterworks and sewer systems may determine in such manner as may be found practicable the amount of water entering the sewers, in which event the sewer rate or charge shall be based thereon, or it may require or permit the installation of additional meters or measuring devices in such manner as to determine the quantity of water or sewer actually entering the City sewer system, in which case the sewer rate or charge shall be based thereon.

Section 17. Unusual Sewage Discharges.

In the event the sewage, water or other liquid wastes being discharged into the City sewer facilities from any building or premises contains unduly high concentrates of any substances which add to the operating costs of the City sewer system, then special rates, rentals or charges may be established, charged and collected as to such building or premises, or the owner or other interested party may be required to specially treat such sewage, water or other liquid wastes before it is discharged into the City sewer system.

Section 18. Other Special Classifications.

Whenever it is determined by the City Council of the City or its duly authorized agent which may be in charge and control of the operations of said City waterworks and sewer systems, to be necessary to classify any commercial institutions or industries by reason of the unusual purpose for which water is used, or by reason of the character of the sewage, water or other liquid wastes discharged therefrom, or whenever the established schedules of rates and charges for any reason are not applicable, then special rates or other charges may be established by the City Council of the City, and any person, firm or corporation being dissatisfied with the established schedules or rates and charges by reason of peculiar or unusual use or occupancy of any premises, and consequently alleging peculiar or unusual uses of water, may file application with the City Council of the City or with any other board or body of said City which may be in charge and control of the City waterworks and sewer systems, for special classification rates and charges.

Section 19. Surcharge on Nonresidents for Both Rates and Connection Charges.

The scheduled rates herein prescribed for both monthly water and sewer service shall be uniformly charged to all customers of the City waterworks and sewer systems located within the City Limits of the City. Each customer located outside the City Limits of the City shall be charged water and sewer rates equal to 100% of the monthly rates herein prescribed and shall be charged 100% of the connection charges herein prescribed for water and sewer connections.

Section 20. All Customers Metered; No Free Service.

It shall be mandatory for all customers of the City waterworks and sewer systems to be metered, and the schedule of rates herein prescribed shall be uniformly charged to all customers of said City waterworks and sewer systems, including all residential, commercial and industrial establishments in any manner directly or indirectly connected with and served by said City waterworks and sewer systems of the City, subject only to the specified difference applicable to charges to non-residents of the City as compared to charges to residents of the City. No one shall receive or be entitled to free water or sewer service or to any such service without paying the full rates herein specified, except as set out herein.

Section 21. Revision of Rates to Meet City's Bond Requirements.

The foregoing rates and charges shall be revised from time to time as may be necessary in order that the City may comply with the covenants and undertakings securing any bonds of said City which may be outstanding from time to time and which by their terms are payable from the revenues of the City waterworks system and/or the City sewer system.

Section 22. Billing; Collection; Penalties.

The foregoing schedule of water rates and the foregoing schedule of sewer rates shall be put into effect in the collection of all water and sewer bills rendered after **July 1, 2011.** The rates and charges for both water service and sewer service shall be billed in the aggregate, monthly on the same billing on or about the **6th** and **20th** day of each month, (two billings), and all bills for such services shall be due within **20 days**, after **20 days**, such charges shall be deemed delinquent. It is intended that bills for sewer service and water delivered to the same premises shall be billed, collected and enforced together, and if any delinquent bill is not paid with **10 days** after delinquent notice, the officer or agent of the City in charge of the operation of the City waterworks system shall discontinue or shut off the water service to the premises served, and such water service shall not be reinstated until the entire bill for both water and sewer services is paid in full. An additional fee or charge of **\$25.00** shall be made and collected for reinstating service when any such delinquent bill or bills are paid. The City Attorney is hereby authorized and directed to enforce and collect any charges remaining delinquent for thirty days.

Section 23. Penalty for Violation of Ordinance; as Applies to Sections 1 - 12.

Any person, firm or corporation violating any of the provisions of this Ordinance, or failing or refusing to comply with same, whether or not he, she or it shall be the owner or the occupant of the property involved, shall be fined not less than **Ten Dollars (\$10.00)**, nor more than **Twenty Dollars (\$20.00)**, for each offense. Each day such person, firm or corporation fails or refuses to connect the sanitary sewerage drain pipes from any property or building owned or occupied by him, her or it, with the City sewer system, and each day any such privy, well, pool, cistern, septic tank or sink, into which such sewage is cast or permitted to be disposed of, is kept or maintained in violation of this Ordinance, shall constitute a separate offense.

Section 24. Severability Clause.

If any clause, provision, or section of this ordinance shall be ruled void or unenforceable by any court of competent jurisdiction, the remainder hereof is intended to be enacted and shall be in force and effect notwithstanding.

Section 25. Provisions in Conflict Repealed.

All ordinances, resolutions and orders and parts thereof, and particularly any ordinances heretofore adopted prescribing water and sewer rates and charges in conflict herewith, are hereby repealed to the extent of such conflict, and this ordinance shall become effective immediately upon its adoption, approval and publication as provided by law.

Enacted this 16th day of June, 2011.

RODDY HARRISON, MAYOR

ATTEST: _____
TERESA H. BLACK, CITY CLERK

First Reading: June 13, 2011

Second Reading: June 16, 2011