

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE DISPOSAL

51. WATER

52. SEWER REGULATIONS

Section

- 50.01 Definitions
- 50.02 Collection, transport and disposal of garbage
- 50.03 Container requirements
- 50.04 Burning of solid waste prohibited
- 50.05 Rates and charges
- 50.06 Enforcement
- 50.07 Prohibition of Unlawful Disposal

- 50.99 Penalty

§ 50.01 DEFINITIONS.

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

"GARBAGE." Includes all waste refuse and other matters considered to be garbage in the Kentucky Revised Statutes.

"SOLID WASTE." Garbage, refuse and other discarded solid materials resulting from industrial, commercial, and agriculture operations, and household solids such as might be discarded and from community activities. Example of items: cans, bottles, paper scraps, plastics, and any other discarded articles; will include the collection, storage, treatment, utilization, processing, and final disposal in a state approved method as permitted by landfill operators in accordance with KRS 211.200 through 211.230 and other Kentucky Revised Statutes. (Ord. 216-94, passed 3-7-94)

§ 50.02 COLLECTION, TRANSPORT, AND DISPOSAL OF GARBAGE.

The City Commission is empowered to negotiate the terms of a contract and to enter into a contract with a private sanitation company for the collection, transporting, and disposal of garbage in accordance with KRS 211.700 - 211.730, and 211.992. (Ord. 216-94, passed 3-7-94)

§ 50.03 CONTAINER REQUIREMENTS.

(A) All solid waste shall be placed in plastic containers provided by the sanitation contractor, and containers shall be placed near a public road, street, alley, or at a convenient place for pickup and disposal services.

(B) All pickups shall be made on a designated day each week, and containers shall be prepared and placed for pickup either the night before or early morning on the designated date for pickup. (Ord. 216-94, passed 3-7-94; Am. Ord. 1905, passed 11-4-19)

§ 50.04 BURNING OF SOLID WASTE PROHIBITED.

Burning of solid waste in the city limits is prohibited.
(Ord. 216-94, passed 3-7-94)

§ 50.05 RATES AND CHARGES.

In order to pay the expenses of the solid waste disposal system provided for in this chapter, the negotiated, contracted monthly rates and charges will be added to the monthly water bill as approved in the negotiated contract with the provider and Caveland Environmental Authority.

(A) Residences: Per the negotiated contract.

(B) Commercial rates may be negotiated by a sanitation company properly licensed by the city, and approved to provide commercial disposal services.

(C) All residences, businesses, and industries must have a water meter, and shall be charged the contracted amounts each month, even if the services are not used during the month.
(Ord. 216-94, passed 3-7-94; Am. Ord. 249-98, passed 12-17-98; Am. Ord. 1905, passed 11-4-19)

Cross reference:

Water, monthly rates, see § 51.46

§ 50.06 ENFORCEMENT.

(A) The City Commission is empowered to enforce the provisions of this chapter in law or in equity when the provisions are not properly complied with by any individual, business or industry.

(B) Any residence, business, or industry that is delinquent on any part of the consolidated water, sewer or garbage pickup billing shall be considered delinquent on all services as billed. Proper legal action may be taken by the sanitation provider as negotiated in the approved contract.

(Ord. 216-94, passed 3-7-94; Am. Ord. 249-98, passed 12-17-98; Am. Ord. 1905, passed 11-4-19)

§ 50.07 PROHIBITION OF UNLAWFUL DISPOSAL.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or objectionable waste.
(Ord. 147-85, passed 12-9-85)

§ 50.99 PENALTY.

Any person or persons who do not comply with the provisions of this chapter shall be guilty of a violation, and may be fined not less than five dollars (\$5.00) and not more than twenty dollars (\$20.00) for each offense. Each day of violation shall constitute a separate offense, and after proper notification by the Code Enforcement Officer, water service may be discontinued.
(Ord. 216-94, passed 3-17-94; Am. Ord. 1905, passed 11-4-19)

SOLID WASTE DISPOSAL

CHAPTER 51: WATER

Section

Rules and Regulations Pertaining to City's
Powers and Authority

- 51.01 City to operate water system; adoption of statutory provisions
- 51.02 Amendment of rules
- 51.03 Income and revenue
- 51.04 Rights-of-way and easements
- 51.05 Territorial limits
- 51.06 Bonds
- 51.07 Expenses of system; personnel
- 51.08 Distribution of water
- 51.09 Water shortage
- 51.10 Insurance
- 51.11 Annual engineering inspection and report
- 51.12 Annual audit

Rules and Regulations Pertaining to Customers

- 51.25 Connections to be supervised by city
- 51.26 Interruption of service
- 51.27 Boilers or pressure vessels
- 51.28 Inspections by city
- 51.29 Customer to provide accessible place for metering; meters
- 51.30 Service line installation
- 51.31 Liability of customer
- 51.32 Use of water
- 51.33 Easements and rights-of-way
- 51.34 Complaints
- 51.35 Customer-requested discontinuance

Rates, Charges, and Billing

- 51.45 Deposit required
- 51.46 Monthly rates
- 51.47 Connection fees
- 51.48 Reconnection fee
- 51.49 Charge for public fire hydrants
- 51.50 No free service
- 51.51 Billing procedure
- 51.52 Discontinuance of service

Water Commission

- 51.65 Water Commission to manage, operate, and control water system
- 51.66 Membership provisions
- 51.67 Meetings
- 51.68 Powers of Commission
- 51.69 Superintendent

RULES AND REGULATIONS PERTAINING TO CITY'S
POWERS AND AUTHORITY

§ 51.01 CITY TO OPERATE WATER SYSTEM; ADOPTION OF STATUTORY PROVISIONS.

(A) The operation and management of the municipal waterworks and water distribution system (water system) shall be under the general control and authority of the City Commission and such officers, employees, or agents of the city as may be designated by the City Commission.

(B) All applicable state statutes and ordinances of the city which now or may hereafter exist are incorporated herein and made a part of this chapter and the city may use any powers therein contained in addition to those herein set out. Any provision herein in violation of state law or city ordinances which are now or may hereafter be in effect is null and void, the remainder of this chapter to continue in full force and effect.

(Res. 36, passed 8-18-72)

§ 51.02 AMENDMENT OF RULES.

The rules and regulations contained in this chapter shall not be amended without the permission of the Farmers Home Administration, United States Department of Agriculture, so long as the United States is the holder or insurer of any bonds issued by the city so long as any of the bonds remain unpaid.

(Res. 36, passed 8-18-72)

§ 51.03 INCOME AND REVENUE.

(A) The City Commission may establish and revise water rates and make reasonable regulations for the disposition and consumption of water.

(B) The City Clerk/Treasurer shall make disbursements out of the funds constituting income and revenues of the municipal waterworks and water distribution system only upon presentation of warrants signed by the Mayor and countersigned by the City Clerk/Treasurer. The City Clerk/Treasurer shall execute bond as set forth in § 31.36(D) to the City Commission in an amount fixed by the City Commission.

(Res. 36, passed 8-18-72)

§ 51.04 RIGHTS-OF-WAY AND EASEMENTS.

The city may condemn rights-of-way and easements for water system purposes as provided by state law.

(Res. 36, passed 8-18-72)

§ 51.05 TERRITORIAL LIMITS.

So long as the United States is the holder or insurer of any bonds issued by the city, the City Commission will not, without the consent of the Farmers Home Administration, United States Department of Agriculture, take any action with respect to diminishing the territorial limits of the city's water system and will notify the Farmers Home Administration of any proposal or petition to diminish the territorial limits of the city's water system as soon as the City Commission has acquired knowledge thereof.

(Res. 36, passed 8-18-72)

§ 51.06 BONDS.

(A) The City Commission may finance the acquisition and the construction of authorized works of improvement by the issuance of special assessment bonds, revenue bonds, or a combination special assessment and revenue bond, payable primarily from water revenue supplemented, when necessary, by special assessments. If the combination special assessment and revenue bond is used, the special assessment will not be levied, nor will the lien thereof be attached until such time as it is necessary to make up any deficit in the water revenue to meet annual obligations.

(B) The city may issue refunding bonds as provided in KRS Chapter 106 and other statutory sections.
(Res. 36, passed 8-18-72)

§ 51.07 EXPENSES OF SYSTEM; PERSONNEL.

(A) The city shall keep an account of the time spent by all employees employed on an hourly basis and each item of expense incurred in connection with the water system.

(B) The fees of officers for services rendered in this capacity shall be the same as fees now allowed by law for similar services. Fees or compensation for any service not otherwise provided for shall be fixed and paid by the City Commission.

(C) The city shall secure personnel to repair and maintain water system property including mains, lines, meters, storage tanks, and the like. When necessary, it shall secure personnel to read meters and shall secure personnel to bill customers. The city may retain an attorney to represent the city in connection with water system matters. The city may enter into contracts for services, labor and material, and construction as provided by law.

(Res. 36, passed 8-18-72)

§ 51.08 DISTRIBUTION OF WATER.

(A) The city may make all provisions concerning contracts for sale of water, connection charges, and other disposition of city services and assets, including the plan of collecting proceeds

thereof. The city will install, maintain, and operate a main distribution pipe line or lines from the source of water supply and service lines from the main distribution pipe line or lines to the property line of each customer of the city, if the City Commission determines it is feasible to serve such customer, at which points, designated as delivery points, meters to be purchased, installed, owned, and maintained by the city shall be placed. The cost of service line or lines from the main distribution pipe line or lines of the system to the property line of each customer shall be paid by the city or the customer, or both, in a manner to be determined by the City Commission at the time of installation depending upon the length of the service line. The city will also purchase and install a cut-off valve in each service owned and maintained by the city and to be installed on some portion of the service line owned by the city. The city shall have the sole and exclusive right to the use and operation of such cut-off valve.

(B) Each service line shall connect with the city's water system at the nearest available point to the place of desired use by the customer if the city's water system shall be of sufficient capacity to permit the delivery of water through a service line at that point without interfering with the delivery of water through a prior service line. If the city's water system shall be inadequate to permit the delivery of water through a service line installed at such point without interfering with the delivery of water through a prior service line, then such service line shall be installed at a point to be designated by the City Commission. Each customer will be required to install and own the service line from the meter to the place of use on his premises and to maintain such portion of the service line.

(C) Each customer shall be entitled to purchase from the city pursuant to such agreements as may from time to time be provided and required by the city such water as the customer may desire, subject however, to the provisions of this chapter, existing ordinances, and other rules and regulations as may be prescribed by the City Commission. Should a customer sell or dispose of a portion of his property or subdivide the same, he or the new owner of each such new tract may not demand water and taps without paying connection fees for each such tract to be served.

(D) The city may contract with any person or entity for the sale of water.

(E) The city shall own all lines and meters held by or for it, in the absence of a written agreement to the contrary.
(Res. 36, passed 8-18-72)

§ 51.09 WATER SHORTAGE.

In the event the total water supply shall be insufficient to meet all the needs of the users or in the event there is a shortage of water, the city may prorate the water available among the various

users on such basis as is deemed equitable by the city, and may also prescribe a schedule of hours covering use of water and require adherence thereto or prohibit the use of water for specified purposes.

(Res. 36, passed 8-18-72)

§ 51.10 INSURANCE.

The city is authorized to secure insurance on storage tanks, if any, and such other properties as the city owns, against fire, windstorms, and other calamity, and liability insurance in such amounts and with such companies as other privately-owned water systems ordinarily carry.

(Res. 36, passed 8-18-72)

§ 51.11 ANNUAL ENGINEERING INSPECTION AND REPORT.

The city shall secure engineering services for an annual engineering inspection and report dealing with operation and maintenance practice if the city desires or if so required by any bond holder or the federal government as holder or insurer of the bonds.

(Res. 36, passed 8-18-72)

§ 51.12 ANNUAL AUDIT.

An annual audit on a fiscal year basis will be made of the books and accounts pertinent to the project by a competent auditor. No later than 60 days after the close of each fiscal year copies of such audit report certified by such accountant shall be promptly mailed to the Farmers Home Administration without request and to any bond holder that may have requested same in writing.

(Res. 36, passed 8-18-72)

RULES AND REGULATIONS PERTAINING TO CUSTOMERS

§ 51.25 CONNECTIONS TO BE SUPERVISED BY CITY.

(A) All taps and connections to the mains of the water system shall be made by or under the direction and supervision of city personnel. (Res. 36, passed 8-18-72)

(B) No new connections to the water pipes of the system shall be made except by or under supervision of a duly authorized officer, agent, or employee of the city and after approval of an application submitted with the required tap-in or connection fee which may be applicable. (Ord. 92, passed 8-7-72)

§ 51.26 INTERRUPTION OF SERVICE.

(A) The city shall make all reasonable efforts to eliminate interruption of service and when such interruptions occur will endeavor to reestablish service with the shortest possible delay.

When the service is interrupted all consumers affected by the interruption will be notified in advance whenever it is possible to do so.

(B) The city shall in no event be held responsible for any claim made against it by reason of the breaking of any mains or service pipes or by reason of any other interruption of the supply of water caused by the failure of machinery or stoppage for necessary repairs. No person shall be entitled to damages or to have any portion of a payment refunded for any interruption of service which in the opinion of the city may be deemed necessary. (Res. 36, passed 8-18-72)

§ 51.27 BOILERS OR PRESSURE VESSELS.

Customers having boilers or pressure vessels receiving a supply of water from the city shall have a check valve on the water supply line and a vacuum valve on the steam line to prevent collapse in case the water supply from the city is discontinued or interrupted for any reason, with or without notice. (Res. 36, passed 8-18-72)

§ 51.28 INSPECTIONS BY CITY.

The premises receiving a supply of water and all service lines, meters, and fixtures, including any fixtures within the premises, shall at all reasonable hours and upon reasonable notice be subject to inspection by the city. (Res. 36, passed 8-18-72)

§ 51.29 CUSTOMER TO PROVIDE ACCESSIBLE PLACE FOR METERING; METERS.

(A) Piping on the premises of a customer shall be so installed that connections are conveniently located with respect to the water system lines and mains. The customer shall provide a place for metering which is unobstructed and accessible at all times.

(B) Meters will be read at a set time each month.

(C) All meters shall be installed, renewed, and maintained at the expense of the city and the city reserves the right to determine the size and type of meter used.

(D) Upon written request of any customer, the meter serving that customer shall be tested by the city. This test will be made without charge to the customer if the meter has not been tested within 12 months preceding the requested test; otherwise, a charge of \$2 will be made and then only if the test indicates meter accuracy within the limits of 2%. If a meter is inaccurate in excess of 2%, adjustments shall be made for the two preceding months prior to the test according to the inaccuracy in excess of 2%.

(E) Where a meter has ceased to register, or a meter reading cannot be obtained, the quantity of water consumed will be based on

an average of the prior six (6) months' consumption and the conditions of water service prevailing during the period in which the meter failed to register.

(Res. 36, passed 8-18-72)

§ 51.30 SERVICE LINE INSTALLATION.

The customer's service line shall be installed and maintained by the customer at his own expense in a safe and efficient manner and in accordance with the city's water system rules and regulations and with the regulations of the County Department of Health and applicable state codes.

(Res. 36, passed 8-18-72)

§ 51.31 LIABILITY OF CUSTOMER.

If any loss or damage to the property of the city's water system or any accident or injury to persons or property is caused by or results from the negligence or wrongful action of the customer, member of his household, his agent or employee, the cost of the necessary repairs or replacements shall be paid by the customer to the city and any liability otherwise resulting shall be that of the customer.

(Res. 36, passed 8-18-72)

§ 51.32 USE OF WATER.

Water furnished by the city may be used for domestic consumption by the customer, member of his household, and employees only. The customer shall not sell or give away the water to any other person.

(Res. 36, passed 8-18-72)

§ 51.33 EASEMENTS AND RIGHTS-OF-WAY.

All customers shall grant or convey, or shall be caused to be granted or conveyed, to the city a perpetual easement and right-of-way across any property owned or controlled by the customer whenever the easement or right-of-way is necessary for the city's water facilities and lines so as to be able to furnish service to the customer.

(Res. 36, passed 8-18-72)

§ 51.34 COMPLAINTS.

Complaints may be made to the operator of the system whose decision may be appealed to the City Commission within ten (10) days; otherwise, the operator's decision shall be final.

(Res. 36, passed 8-18-72)

§ 51.35 CUSTOMER-REQUESTED DISCONTINUANCE.

Any customer desiring to discontinue the water service to his premises for any reason shall give notice of discontinuance in writing at the business office of the city's water system. The

customer shall remain liable for all water used and service rendered by the city until this notice is received by the city.
(Res. 36, passed 8-18-72)

RATES, CHARGES, AND BILLING

§ 51.45 DEPOSIT REQUIRED.

A deposit of seventy-five dollars (\$75.00) per meter is required for the purpose of establishing or maintaining any customer's credit.
(Res. 36, passed 8-18-72; Am. Ord. 182-89, passed 5-18-89; Am. Ord. 233-96, passed 8-7-96)

§ 51.46 MONTHLY RATES.

The monthly rates to be charged for water shall be as follows:

(A) Usage	<u>Rate (per 1,000 gallons)</u>
First 2,000 gallons	\$11.00
Next 18,000 gallons	3.15
Additional 20,000 gallons	2.25

(B)

Commercial Rates

First 20,000 gallons	\$50.00
Next 40,000 gallons	95.00
All over 40,000 gallons	2.25 per thousand

(C) Commercial hook-up fee shall be determined by the Park City Superintendent and Commissioners.
(Ord. 143-84, passed 10-1-84; Am. Ord. 143-84, passed 12-18-90; Am. Ord. - -94, passed 1-18-94; Am. Ord. 233-96, passed 8-7-96; Am. Ord. - - , passed 3-5-01)

§ 51.47 CONNECTION FEES.

The connection fees shall be as follows:

(A) The water company will provide the first six (6) feet of service from the water line for connections on the same side of the street as the supply line for three hundred seventy-five dollars (\$375.00). This connection charge includes installation of the meter. After the first six (6) feet the property owner is responsible for contracting the rest of the connection. An additional charge may be imposed if the connection requires removal of rock. This charge may be imposed at the discretion of the water superintendent and the commissioners.

(B) The water company will provide the first six (6) feet of the service connection onto the customers property for five hundred fifty

dollars (\$550.00) when the hook-up must cross under a roadway to connect to the main service line. This connection charge includes installation of the meter. After the first six (6) feet the property owner is responsible for contracting the rest of the connection. An additional charge may be imposed if the connection requires removal of rock. This charge may be imposed at the discretion of the water superintendent and the commissioners.

(Ord. 150-86, passed 5-5-86; Am. Ord. - -, passed 7-16-90; Am. Ord. - -, passed 3-5-01)

§ 51.48 RECONNECTION FEE.

When water service to a customer has been disconnected due to non-payment of delinquent bills, a service charge of twenty dollars (\$20.00) will be paid for reconnection of water service, but the reconnection will not be made until the service charge and all delinquent bills and other charges, if any, owed by the customer to the city have been paid.

(Res. 36, passed 8-18-72; Am. Ord. - , passed 3-5-01)

§ 51.49 CHARGE FOR PUBLIC FIRE HYDRANTS.

For each public fire hydrant there shall be a charge of ten dollars (\$10.00) per annum, payable monthly, in advance. The charge for public fire hydrants shall be paid from the corporate funds of the city.

(Res. 36, passed 8-18-72)

§ 51.50 NO FEE SERVICE.

All connections and service shall be made on a fully metered basis and no free water service shall be allowed or permitted to any customer, including the city itself.

(Ord. 92, passed 8-7-72)

§ 51.51 BILLING PROCEDURE.

(A) All bills shall be rendered monthly and are for the net amount.

(B) It is the policy of the City to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service shall require the applicant to disclose their name, service address, billing address, social security number, and telephone number of the person responsible for payment of utility bills to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) That if any bill is not paid by the 10th of the month, a ten percent (10%) delayed payment penalty shall be added to the amount of the bill; in addition a second bill will be mailed containing a

cutoff notice that if the bill is not paid by the 20th day of the month service will be discontinued; and

(3) That the City Attorney is hereby authorized and directed to enforce and collect any charges remaining delinquent for sixty (60) days; and

(4) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and/or by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(C) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified.

(D) Bills and conduct relating to the conduct of business of the City's water system will be mailed to the customer at the address listed on the user's agreement unless a change of address has been filed in writing with the city; and the city shall not otherwise be responsible for delivery of any bill or notice nor will the customer be excused from the payment of any bill or any performance required in the notice.

(E) The water bills shall be paid at a place designated from time to time by the city.

(F) A fee of twenty-five dollars (\$25.00) will be charged to any person issuing a check to the Park City Water Works that is returned due to non-sufficient funds.

(Res. 36, passed 8-18-72; Am. Ord. - -, passed 3-5-01)

§ 51.52 DISCONTINUANCE OF SERVICE.

Water service may be discontinued by the city for any violation of any rule, regulation, or condition of service and especially for any of the following reasons:

(A) Misrepresentation in the application or contract as to the property or fixtures to be supplied or additional use to be made of water.

(B) Failure to report to the city additions to the property or fixtures to be supplied or additional use to be made of water.

(C) Resale or giving away of water.

(D) Waste or misuse of water due to improper or imperfect service pipes or failure to keep in suitable state of repair.

(E) Tampering with meter, meter seal, service, or valves or permitting such tampering by others.

(F) Connection, cross-connection, or permitting the same, of any separated water supply to premises which receive water from the city.

(G) Nonpayment of bills as provided in § 51.51.
(Res. 36, passed 8-18-72)

WATER COMMISSION

§ 51.65 WATER COMMISSION TO MANAGE, OPERATE, AND CONTROL WATER SYSTEM.

(A) The management, operation, and control of the municipal waterworks and water distribution system, as improved and extended from time to time, shall be carried on by the Water Commission, created by ordinance of the city adopted June 4, 1956, and the uninterrupted existence, continuation, and functioning of the Water Commission since its creation to the effective date of this subchapter is hereby acknowledged, confirmed, and ordered.

(B) The City Commission enacts this subchapter for the public welfare, health, and convenience of the citizens of the city and the users of the system, and for the purpose of assuring the efficient operation of the system; however, the existence and functioning of the Water Commission, the aforesaid delegated operation, management, and control of the municipal waterworks and water distribution system, and the collection and application of monies of the system by the Water Commission, shall always be subject to the final control and supervision of, and shall remain the ultimate responsibility of, the City Commission. Nothing in this subchapter is or shall be in derogation of, or does in any manner modify, the covenants, agreements, stipulations, duties, and responsibilities of the City Commission as set forth by law and in the ordinance of August 7, 1972, the loan and grant agreement, and the other proceedings incident to the bond issue.
(Ord. 102, passed 4-2-73)

§ 51.66 MEMBERSHIP PROVISIONS.

(A) As provided in the ordinance of August 6, 2001, the Water Commission shall consist of five (5) Commissioners, who shall be persons of outstanding reputation and ability and integrity, who at the time of appointment are residents of the city for one year.

(B) Each Commissioner shall serve for a term of six (6) years, and the existing Commissioners shall complete their respective terms of office. In the event of a vacancy and also at the expiration of the term of office of any appointed Water commissioner a successor shall be appointed by the City Commission. All vacancies shall be filled for the unexpired term.

(C) A majority of the Water Commission at any meeting shall constitute a quorum. The Water Commission may adopt rules and bylaws for the time and place of its meetings and the conduct thereof.

(D) All appointments shall be until respective successors shall have qualified. Any Commissioner by appointment shall be eligible for reappointment upon the expiration of his term, but any person who shall have held an elective office of the city shall not be eligible for appointment to the Water Commission until at least one year after the expiration of the term for which he was elected. Each appointed Commissioner may be removed for cause by the recorded vote of a majority of the members of the City Commission, after a hearing.

(E) Each Water Commissioner may receive compensation for his services at the rate of not more than ten dollars (\$10.00) per month. The Secretary/Treasurer shall receive compensation at the rate of forty dollars (\$40.00) per month.

(Ord. 102, passed 4-2-73; Am. Res. 98-89, passed 5-1-89; Am. Ord. 102, passed 12-18-90; Am. Ord. 4-2001, passed 9-10-01)

§ 51.67 MEETINGS.

(A) At the first meeting of the Water Commission in each year it shall elect one of the Commissioners to act as Chairperson and shall additionally elect a Secretary-Treasurer, who need not be a Commissioner, but shall otherwise meet the qualifications of a Commissioner. The Chairperson shall preside at all meetings when present and shall call special meetings of the Water Commission.

(B) Provisions shall be made for holding at least one regular meeting each month, of which special notice need not be given. The Secretary-Treasurer shall keep a record of the proceedings of the Water Commission which shall be available for inspection as other municipal records. Any Commissioner failing to attend four (4) successive regular meetings without cause acceptable and approved by the Water Commission shall be thereby automatically removed from office and the vacancy shall be filled as provided in § 51.66.

(Ord. 102, passed 4-2-73)

§ 51.68 POWERS OF COMMISSION.

(A) The Water Commission shall have supervision, management, and control of the municipal waterworks and water distribution system, including administration and operation thereof and extensions thereto.

(B) All contracts for construction or purchase involving the sum of one thousand dollars (\$1,000.00) or more and all contracts for fuel or electricity extending over a period of six (6) months or more shall be authorized by the City Commission only upon the recommendation of the Water Commission. All bills for water and water services shall be collected and accounted for by the Water Commission in the manner and form required by law, and as hereinafter provided, and all collections shall be deposited with the City Clerk/Treasurer or as he may direct in

conformity with the documents and proceedings hereinafter identified.

(C) The revenues of the municipal waterworks and water distribution system shall be kept separate and the system shall be operated and maintained by the Water Commission only as provided in, and in conformity with, the city's bond-authorizing ordinance adopted August 7, 1972, authorizing the issuance of two hundred thousand dollars (\$200,000.00) of the city's "Waterworks Refunding and Improvement Revenue Bonds," and all related proceedings of the City Commission heretofore adopted incident to the bond issue which are of record in the City Clerk/Treasurer's office, and the city's loan and grant agreement with the United States Department of Agriculture, Farmers Home Administration, entered into in connection with the bond issue and the project financed in part by the bond issue.

(D) The City Commission may by resolution confer upon the Water commission such other powers, duties, and functions, allowable under and not in conflict with the ordinance of August 7, 1972, the loan and grant agreement, and such incidental proceedings as the City Commission may from time to time determine, including inter alia, the preparation of an annual budget. No contract shall be entered into for extensions, improvements, and replacements without the approval of the Water Commission or the City Commission. All disbursements for account of the system shall be ordered paid out only on approval of the Water Commission or the City Commission.

(Ord. 102, passed 4-2-73)

§ 51.69 SUPERINTENDENT.

The Water Commission shall have power to employ, fix the compensation of, and discharge a Superintendent, and through the Superintendent to direct, employ, fix the compensation of, and discharge all employees of the system. The Superintendent shall perform those duties as may be conferred upon him by the Water Commission.

(Ord. 102, passed 4-2-73)

CHAPTER 52 SEWER REGULATIONS

Section

General Provisions

- 52.01 Definitions
- 52.02 Damaging, destroying sewer facilities prohibited

Use of Public Sewers Required

- 52.10 Prohibition of unlawful disposal
- 52.11 Private sewage disposal

Building Sewers and Connections

- 52.20 Permit required; application; fee
- 52.21 Costs to be borne by owner
- 52.22 Separate sewers required
- 52.23 Use of existing sewers
- 52.24 Design considerations
- 52.25 Connection of downspouts, basement drains, and the like prohibited
- 52.26 Connection of building sewer into public sewer
- 52.27 Excavations
- 52.28 Final connection to be supervised

Discharge Regulations

- 52.35 Discharge of unpolluted waters prohibited
- 52.36 Prohibited discharges
- 52.37 Limited discharges
- 52.38 Regulatory actions
- 52.39 Grease, oil, and sand interceptors
- 52.40 Pretreatment, flow equalizing facilities to be maintained by owner
- 52.41 Monitoring facilities
- 52.42 User to provide monitoring information
- 52.43 Standards of analysis
- 52.44 Special agreements

Powers and Authority of Inspectors

- 52.55 Right of entry
- 52.56 Information concerning industrial processes; confidentiality
- 52.57 Liability for damage

Interlocal Cooperation Agreement

- 52.65 Preamble
- 52.66 Adoption of the Amended Agreement
- 52.67 Establishment of Caveland Sanitation Authority, Inc.

Rates and Charges

52.75 Rates and charges

52.99 Penalty

GENERAL PROVISIONS

§ 52.01 DEFINITIONS.

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

"BIOCHEMICAL OXYGEN DEMAND (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

"BUILDING DRAIN." That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewers, beginning five feet (1.5 meters) outside the inner face of the building wall.

"BUILDING SEWER." or "HOUSE CONNECTION." The extension from the building drain to the public sewer system or other place of disposal.

"COMBINED SEWER." A sewer intended to receive both wastewater and storm or surface water.

"EASEMENT." An acquired legal right for the specific use of land owned by others.

"FLOATABLE OIL." Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

"GARBAGE." The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

"INDUSTRIAL WASTES." The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

"NATURAL OUTLET." Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"pH." The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH

"PUBLIC SEWER." A common sewer controlled by a governmental agency or public utility.

"SANITARY SEWER." A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

"SEWAGE." The spent water of a community. (The preferred term is "WASTEWATER", defined below.)

"SEWER." A pipe or conduit that carries wastewater or drainage water.

"SLUG." Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation and shall adversely affect the collection system or performance of the wastewater treatment works.

"STORM DRAIN" or "STORM SEWER." A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

"SUPERINTENDENT." The person employed by the city as Superintendent of the sewer system, or his authorized deputy, agent, or representative.

"SUSPENDED SOLIDS." Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

"UNPOLLUTED WATER." Water of quality equal to or better than effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to sanitary sewers and wastewater treatment facilities provided.

"WASTEWATER." The spent water of a community. From the standard point of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

"WASTEWATER FACILITIES." The structures, equipment, and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

"WASTEWATER POLLUTANTS." Includes, but is not limited to, solid or dissolved pollutants in water resources, such as silt, chemical

and stormwater that may be present.

"WASTEWATER FACILITIES." The structures, equipment, and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

"WASTEWATER POLLUTANTS." Includes, but is not limited to, solid or dissolved pollutants in water resources, such as silt, chemical additives, suspended solids from industrial wastewater, effluents, dissolved materials from irrigation return flows, and any other hazardous materials that might get into the sewer collection system, in accordance with state and federal environmental laws, and Kentucky Clean Water laws.

"WASTEWATER TREATMENT AND COLLECTION." All water used by households, businesses, industrial, and commercial users of water in the city and collected by the Caveland Sanitation Authority.

"WASTEWATER TREATMENT WORKS." An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

"WATERCOURSE." A natural or artificial channel for the passage of water either continuously or intermittently.

(Ord. 147-85, passed 12-9-85; Am. Ord. 216-94, passed 3-7-94; Am. Ord. 249-98, passed 12-17-98)

§ 52.02 DAMAGING, DESTROYING SEWER FACILITIES PROHIBITED.

No person shall intentionally or wantonly break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of criminal mischief.

(Ord. 147-85, passed 12-9-85)

Statutory reference:

Criminal mischief, see KRS 512.020 through 512.040

USE OF PUBLIC SEWERS REQUIRED

§ 52.10 PROHIBITION OF UNLAWFUL DISPOSAL.

(A) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(B) It shall be unlawful for any business, industry or household or any other user of the commercial sanitation collection system to discharge dissolved pollution such as silt, chemical additives,

suspended solids from any industrial waste water, effluents, dissolved materials from irrigation return flows, and any other hazardous material that may be considered unlawful excess by the environmental standards of the Environmental Protection Agency and the Kentucky Clear Water Laws. This section shall also apply to any materials as may be added in the future by the Environmental Protection Agency and the State Pure Water Laws. The Caveland Sanitation Authority will have the right to establish levels of certain by-products that can be discharged into the waste water collection system.

(Ord. 147-85, passed 12-9-85; Am. Ord. 216-94, passed 3-7-94) Penalty, see § 52.99

§ 52.11 PRIVATE SEWAGE DISPOSAL.

(A) Except as provided herein, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(B) The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, easement, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at such owners' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that the public sewer is within five hundred (500) feet of the property line for residential users and one thousand (1000) feet of the property line for commercial and industrial users.

(C) Where a public sanitary or combined sewer is not available under the provisions of division (B) above, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(D) Before commencement of construction of a private wastewater disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for this permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$25 shall be paid to the city at the time the application is filed.

(E) A permit for a private wastewater disposal system shall not become effective until installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 96 hours of the receipt of notice by the Superintendent.

(F) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the State Department of Public Health. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 18,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(G) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as described in division (B) above, a direct connection shall be made to the public sewer within 60 days in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

(H) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.

(I) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.

(Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

BUILDING SEWERS AND CONNECTIONS

§ 52.20 PERMIT REQUIRED; APPLICATION; FEE.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or

appurtenance thereof without first obtaining a written permit from the Superintendent.

(B) There shall be two classes of building sewer permits: for residential and commercial service, and for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$25 for a residential or commercial building sewer permit and \$50 for an industrial building sewer permit shall be paid to the city at the time the application is filed.

(Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

§ 52.21 COSTS TO BE BORNE BY OWNER.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. 147-85, passed 12-9-85)

§ 52.22 SEPARATE SEWERS REQUIRED.

A separate and independent building sewer shall be provided for every building. However, where one building stands at the rear of another on an interior lot and no private or public sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

§ 52.23 USE OF EXISTING SEWERS.

Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Superintendent, to meet all requirements of this chapter.

(Ord. 147-85, passed 12-9-85)

§ 52.24 DESIGN CONSIDERATIONS.

(A) The size, slope, alignment, and materials of construction of a building sewer, and the methods to be used in excavation, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the State Building Code, the State Plumbing Code, and other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(B) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

§ 52.25 CONNECTION OF DOWNSPOUTS, BASEMENT DRAINS, AND THE LIKE PROHIBITED.

No person shall make connection of roof downspouts, foundation drains, basement drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer, unless the connection is approved by the Superintendent for purposes of disposal of polluted surface drainage.

(Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

§ 52.26 CONNECTION OF BUILDING SEWER INTO PUBLIC SEWER.

The connection of the building sewer into the public sewer shall conform to the requirements of the State Building and Plumbing Codes or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials shall be approved by the Superintendent before installation.

(Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

§ 52.27 EXCAVATIONS.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

§ 52.28 FINAL CONNECTION TO BE SUPERVISED.

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.

(Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

DISCHARGE REGULATIONS

§ 52.35 DISCHARGE OF UNPOLLUTED WATER PROHIBITED.

(A) No person shall discharge or cause to be discharged any

unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at that time, may be discharged to the sanitary sewer by permission of the Superintendent.

(B) Stormwater other than that exempted under division (A) above, and all other unpolluted drainage shall be discharged to those sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be designated, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet. (Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

§ 52.36 PROHIBITED DISCHARGES.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(B) Any water containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

(C) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities, such as, but not limited to: ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.

(Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

§ 52.37 LIMITED DISCHARGES.

The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems in concentrations or quantities which will not harm either the sewers, wastewater treatment process, or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than the limitations

established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

- (A) Wastewater having a temperature higher than 150°F.(65°C.).
- (B) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
- (C) Wastewater from industrial plants containing floatable oils, fat, or grease.
- (D) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (E) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to a degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for these materials.
- (F) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.
- (G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- (H) Quantities of flow, concentrations, or both which constitute a "slug" as defined in § 52.01.
- (I) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to a degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (J) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form

suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes. (Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

§ 52.38 REGULATORY ACTIONS.

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 52.37, and which in the judgment of the Superintendent may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; or
- (4) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 52.43.

(B) When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent.

(Ord. 147-85, passed 12-9-85)

§ 52.39 GREASE, OIL, AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in § 52.37(C), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be so located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

(Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

§ 52.40 PRETREATMENT, FLOW EQUALIZING FACILITIES TO BE MAINTAINED BY OWNER.

Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

§ 52.41 MONITORING FACILITIES.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. This structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

§ 52.42 USER TO PROVIDE MONITORING INFORMATION.

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

(A) Wastewater discharge peak rate and volume over a specified time period.

(B) Chemical analyses of wastewaters.

(C) Information on raw materials, processes, and products affecting wastewater volume and quality.

(D) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

(E) A plot plan of sewers on the user's property showing sewer and pretreatment facility location.

(F) Details of wastewater pretreatment facilities.

(G) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

§ 52.43 STANDARDS OF ANALYSIS.

All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this chapter shall be

determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis and are subject to approval of the Superintendent. (Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

§ 52.44 SPECIAL AGREEMENTS.

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment. (Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

POWERS AND AUTHORITY OF INSPECTORS

§ 52.55 RIGHT OF ENTRY.

(A) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the public sewer system in accordance with the provisions of this chapter.

(B) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 147-85, passed 12-9-85) Penalty, see § 52.99

§ 52.56 INFORMATION CONCERNING INDUSTRIAL PROCESSES; CONFIDENTIALITY.

The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors. (Ord. 147-85, passed 12-9-85)

§ 52.57 LIABILITY FOR DAMAGE.

While performing the necessary work on private properties referred to in § 52.55(A), the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to

the premises established by the company, the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property to the city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 52.41.

(Ord. 147-85, passed 12-9-85)

INTERLOCAL COOPERATION AGREEMENT

§ 52.65 PREAMBLE.

The preambles, including the terms therein defined, are adopted and incorporated as a part of this chapter.

(Ord. 160-87, passed 5-4-87)

§ 52.66 ADOPTION OF THE AMENDED AGREEMENT.

The Amended Interlocal Agreement is hereby approved, authorized, and adopted by the city and the execution of the Amended Agreement by the Mayor, with attestation of the City Clerk/Treasurer, is hereby authorized and directed, such executed Amended Agreement to be in substantially the form proposed, with any minor changes and corrections as shall be deemed to be necessary or desirable by the Mayor, upon the advice of counsel, his execution thereof to be final and determinative evidence of the approval of such Amended Agreement by the city. The Amended Interlocal Agreement is hereby adopted and incorporated as a part of this subchapter as if fully set out herein, and all terms defined in the Amended Interlocal Agreement are adopted for use in the body of this subchapter. The city hereby confirms all recitals, statements, and other provisions set out in the Amended Interlocal Agreement.

(Ord. 160-87, passed 5-4-87)

§ 52.67 ESTABLISHMENT OF CAVELAND SANITATION AUTHORITY, INC.

The city hereby approves, authorizes, and adopts the project as a joint and cooperative undertaking pursuant to KRS 65.210 through KRS 65.300, inclusive, to be carried out by and through the Caveland Sanitation Authority, Inc. (the "Authority") as a corporate agency, instrumentality, and constituted authority of the cities pursuant to the provisions of KRS 65.210 through KRS 65.300, inclusive, KRS 58.180, and KRS 273.161 through KRS 65.300, inclusive, KRS 58.180, and KRS 273.161 through KRS 273.390, inclusive. The Authority shall have all powers as set out in the Amended Interlocal Agreement, and the Mayor of the city is hereby specifically directed to participate with the Mayors of the other cities in the incorporation of the Authority. The project is hereby declared to be a public project within the meaning of KRS Chapter 58. The Commission hereby ratifies all actions hereto fore taken with regard to the planning of the project and the obtaining of loans and grants therefor and further authorizes the Authority, and delegates to the

Authority all powers and authority necessary, to carry out the planning, development, and financing of the project. The proposed Articles of Incorporation of the Authority attached to the Amended Interlocal Agreement as Exhibit A are specifically authorized and approved substantially in such form and shall be appropriately completed, executed, and filed with the Secretary of State as set out in the Amended Interlocal Agreement, and upon its due organization the Authority is specifically directed to proceed with the planning, development, acquisition, construction, and financing of the project. As set out in the Amended Interlocal Agreement, the Authority is specifically authorized to issue its revenue bonds for the financing or refinancing of the project and other sewer system facilities which the Authority is authorized to acquire or construct, and in this connection the provisions of Article 5 of the Amended Interlocal Agreement with respect to the refinancing of certain 1963 revenue bonds of the city and the conveyance of the city's sewage treatment plant properties to the Authority are hereby acknowledged and confirmed, all such actions to be taken at later times upon advise of counsel.
(Ord. 160-87, passed 5-4-87)

RATES AND CHARGES

§ 52.75 RATES AND CHARGES

In order to pay the expenses for wastewater collection and treatment services, the following rates and charges will be added to the monthly water bill at the following minimum rates for all residences, businesses and industries where sewer is available: \$8.89 per two thousand (2,000) gallons used per month in accordance with water consumption.

(Ord. 216-94, passed 3-7-94; Am. Ord. 249-98, passed 12-17-98)

Cross reference:

Water, monthly rates, see § 51.46

§ 52.99 PENALTY.

(A) Any person found to be violating any provision of this chapter, except § 52.02, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(B) Any person who shall continue any violation beyond the time limit provided above shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) for each violation. Each day the violation shall continue shall be deemed a separate offense.

(C) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage

occasioned the city by reason of the violation.
(Ord. 147-85, passed 12-9-85)

(D) Any person violating the provisions of § 52.10 shall be guilty of a misdemeanor and may be fined not less than five dollars (\$5.00) and not more than twenty dollars (\$20.00) for each offense. Each day of violation shall constitute a separate offense, and after proper notification by water superintendent, individual's water service may be terminated.

(Ord. 216-94, passed 3-17-94)

