

ORDINANCE NO. 90-3

AN ORDINANCE AMENDING ORDINANCE 84-13 "ORDINANCE PROVIDING FOR PENALTIES AND ESTABLISHING A FEE AND BILLING PROCEDURE IN CONNECTION WITH THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM" BY AMENDING SECTION 13-247 "SEWER USER CHARGES" AND SECTION 13-252 "CIVIL PENALTIES" AND BY MAKING TECHNICAL CORRECTIONS TO SECTIONS 13-245 "FEES FOR APPLICATIONS FOR DISCHARGE" AND 13-249 "INDUSTRIAL WASTEWATER DISCHARGE PERMIT FEES" AND WITH A SEVERABILITY AND REPEALER CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Russellville has previously enacted an Ordinance in 1984 which has been designated as Ordinance No. 84-13 and is titled "Ordinance Providing for Penalties and Establishing a Fee and Billing Procedure in Connection with the Use of Public and Private Sewers and Drains, Private Wastewater Disposal, the Installation and Connection of Building Sewers, and the Discharge of Waters and Wastes into the Public Sewer System";

AND WHEREAS, Sections 13-245, 13-247, 13-249, and 13-252 of said Ordinance need to be amended due to changing federal guidelines and to make technical corrections;

NOW, THEREFORE, BE IT ORDAINED by the City of Russellville, Kentucky, as follows:

I. Sections 13-245, 13-247, 13-249, and 13-252 be and are hereby amended so that they shall read as follows:

13-245 Fees for Applications for Discharge

A fee may be charged when a User or prospective User makes application for discharge as required by ~~Articles 13-213 and 13-214 of this Ordinance~~ 84-12 and 85-5.

13-247 Sewer User Charges

(a) Classification of Users

Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the User's contribution of wastewater loads; each class User being identified as follows:

- (1) Class I: Those Users whose average biochemical oxygen demand is two hundred fifty milligrams liter (250 mg/l) by weight or less, and whose suspended solids discharge is two hundred fifty milligrams per liter (250 mg/l) by weight or less and whose average chemical oxygen demand is three hundred fifty milligrams per liter (350 mg/l) by weight or less.
- (2) Class II: Those Users whose average biochemical oxygen demand exceeds two hundred fifty milligrams per liter concentration (250 mg/l) by weight and whose suspended solids exceed two hundred fifty milligrams per liter concentration (250 mg/l) or whose average chemical oxygen demand exceeds three hundred fifty milligrams per liter concentration (350 mg/l) by weight.

(b) Determination of Costs

The City shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; and debt service costs.

13-249 Industrial Wastewater Discharge Permit Fees

A fee may be charged for the issuance of an Industrial Wastewater Discharge Fee Permit in accordance with ~~Article 13-214~~ of ~~this~~ Ordinances 84-12 and 85-5.

13-252 Civil Penalties

Any User who is found to have violated an Order of the City or who willfully or negligently failed to comply with any provision of this Ordinance, and the order, rules, regulations and permits issued hereunder, shall be fined with the fine not to exceed One Thousand and 00/100 Dollars (\$1000.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder. Unless the City has reason to believe that the User willfully violated the provisions of this Ordinance or any related Ordinance or acted in a grossly or recklessly negligent manner, the City shall follow the enforcement procedure set forth below in dealing with violations by Users:

- a) Courtesy Letter to User - 1st violation
- b) Notice of Violation - 2nd violation
- c) Notice of Violation and Automatic Fine of \$300.00 - 3rd violation
- d) Notice of Violation and Automatic Fine of \$500.00 - 4th violation
- e) Notice of Violation and Automatic Fine of \$1,000.00 - 5th violation
- f) Court Action by the City - 6th violation

This procedure shall be followed in the event of multiple violations by the User as calculated on an annual basis. However, nothing herein shall prevent the City from taking whatever steps are necessary in order to protect its facilities and its citizens.

- II. The validity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.
- III. All Ordinances or parts of ordinances in conflict herewith are hereby repealed.
- IV. This Ordinance and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the City of Russellville, Kentucky.

V. The provisions of this Ordinance shall be effective upon passage and publication.

First reading held on May 8th, 1990.

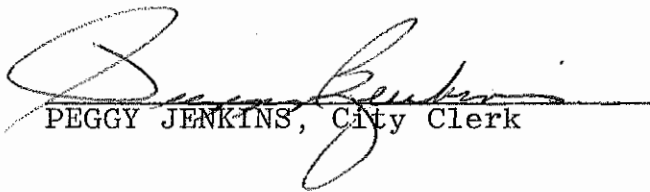
Second reading and passage by roll call vote this 22nd day of May, 1990.

AYES:	NAYES:	ABSENT:	ABSTAINING:
<u>Willie Hampton</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Pat Basham</u>			
<u>Russell Jones</u>			
<u>Jean Hankins</u>			
<u>Jackie Dunlap</u>			
<u>Howard Wren</u>			



KEN SMITH, Mayor

ATTEST:



PEGGY JENKINS, City Clerk