

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE 2005-18**

AN ORDINANCE AMENDING ORDINANCE 2005-13, "AN ORDINANCE CREATING GENERAL ADMINISTRATIVE REGULATIONS FOR WATER AND SEWER CUSTOMERS; PROVIDING FOR REGULATIONS FOR WATER DISTRIBUTION AND SANITARY SEWAGE SYSTEMS; PROVIDING FOR A SEVERABILITY CLAUSE, REPEALER CLAUSE AND AN EFFECTIVE DATE" BY CREATING AN 'ABNORMAL USAGE WAIVER' FOR ANY CITY WATER CUSTOMER WHO HAS EXPERIENCED UNUSUALLY HIGH WATER LOSS; DEFINING TERMS THEREOF; WITH A SEVERABILITY CLAUSE, REPEALER CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE

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WHEREAS, the City of Russellville has previously enacted Ordinance 2005-13, "AN ORDINANCE CREATING GENERAL ADMINISTRATIVE REGULATIONS FOR WATER AND SEWER CUSTOMERS; PROVIDING FOR REGULATIONS FOR WATER DISTRIBUTION AND SANITARY SEWAGE SYSTEMS; PROVIDING FOR A SEVERABILITY CLAUSE, REPEALER CLAUSE AND AN EFFECTIVE DATE"; and

WHEREAS, City Council desires to amend Article I, Part I, 1.01(B)(3) of the Ordinance; and

WHEREAS, amendment of this Ordinance is necessary and proper to address those occasions where ratepayers experience abnormal water usage due to breakage of pipes or equipment, and may incur charges for water not consumed but lost due to no fault of their own; and

WHEREAS, this legislation is to protect the health, safety and welfare of all water customers of the City of Russellville in order to curb undue financial burdens facing water customers due to no fault of their own;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL IN AND FOR THE CITY OF RUSSELLVILLE, KENTUCKY, AS FOLLOWS:

SECTION A: Ordinance 2005-13, Part I, 1.01(B)(3) is hereby amended as follows:

3. ~~Applicant acknowledges responsibility~~ The Ratepayer is responsible for the maintenance and repair to water and sewer lines on their property. Applicant's The Ratepayer's responsibility begins from the customer side of the water meter and from the point at which the sewer tap is made into the main line. Customer responsibility includes the cost of water associated with a leak on their property, except in those exceptional cases where the City grants an "Abnormal Water Usage Waiver."

a. There is hereby created an 'Abnormal Water Usage Waiver' available to any City of Russellville residential, commercial, and industrial water customer who:

- i. Requests such a waiver from the City, in writing; and
- ii. The customer must have used an amount of water equal to or greater than four times his average monthly usage for the past twelve (12) monthly statements; and
- iii. Has received a minimum of twelve billing statements at the location requesting the waiver; and
- iv. The customer must present a written statement from a licensed plumber showing the cause of the abnormal water loss, date of repairs, type of repairs made, and whether or not abnormal usage entered the city's sanitary sewer system; and
- v. Any request for waiver exceeding a one thousand dollar (\$1,000.00) adjustment in combined water and sewer charges must be presented to council for approval during a

regular or special called meeting and may be adjusted by council who will consider all evidence and findings; and

- vi. The city reserves the right to inspect any repairs reported for an abnormal usage waiver to verify plumber's submittals; and
- vii. No customer will be granted a waiver more than one time in a five year period.

b. When a waiver is granted the customer will reimburse the City for the City's wholesale cost of the water over and above the average usage for past twelve months and any additional sewer charges at a rate of 50% the normal rate for any of the leak or leakage determined to have entered the city's sanitary sewer system over and above average usage for the previous twelve months unless covered under Section 3(a)(v) above.

c. Upon passage and publication of this Ordinance, this change will become effective immediately and may be granted to any bills currently due and owing.

SECTION B: Ordinance 2005-13, Part I, 1.01(B)(4) is now hereby renumbered at Part I, 1.01(B)(5).

SECTION C. SEVERABILITY

The provisions of this Ordinance are severable. If any sentence, clause or part of this Ordinance or the application thereof to any particular state of facts is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or repeal any of the remaining provisions, sentences,

clauses or sections or parts of this Ordinance, it being the legislative intent of this body to ordain and enact each other.

SECTION D. REPEALER CLAUSE

All ordinances or parts of ordinances in conflict herewith and now in effect are hereby repealed, but only to the extent of such conflict.

SECTION E. EFFECTIVE DATE

This ordinance shall become effective upon passage and publication as required by law.

FIRST READING conducted the 18th day of October, 2005.

SECOND READING AND PASSAGE the 22nd day of November, 2005.


SHIRLEE YASSNEY, MAYOR

ATTEST:


BOB RIGGS, CITY CLERK

Ayes: Jones, Russell; McPherson, Lanny; Phillips, Chuck; Stratton, Mark; Whipple, Jack; Zick, Gene.

Nays: none

Absent: none

Abstaining: none

LEGAL PUBLICATION OF ORDINANCE IN SUMMARY

The City Council of Russellville, Kentucky, has enacted Ordinance 2005-18 entitled "AN ORDINANCE AMENDING ORDINANCE 2005-13, 'AN ORDINANCE CREATING GENERAL ADMINISTRATIVE REGULATIONS FOR WATER AND SEWER CUSTOMERS; PROVIDING FOR REGULATIONS FOR WATER DISTRIBUTION AND SANITARY SEWAGE SYSTEMS; PROVIDING FOR A SEVERABILITY CLAUSE, REPEALER CLAUSE AND AN EFFECTIVE DATE' BY CREATING AN "ABNORMAL USAGE WAIVER" FOR ANY CITY WATER CUSTOMER WHO HAS EXPERIENCED UNUSUALLY HIGH WATER LOSS; DEFINING TERMS THEREOF; WITH A SEVERABILITY CLAUSE, REPEALER CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE."

In accordance with KRS 86A.060(9), the undersigned, a licensed, practicing attorney in the Commonwealth of Kentucky, summarizes this Ordinance as follows:

1. This Ordinance addresses those situations where ratepayers experience abnormal water usage due to breakage of pipes or equipment, and may incur charges for water not consumed but lost due to no fault of their own.
2. This Ordinance identifies the necessary, specific criteria when a ratepayer may be eligible to obtain an "Abnormal Water Usage" Waiver in exceptional cases resulting in an adjustment of a water/sewer bill.
3. The "Abnormal Water Usage" Waiver applies to residential, commercial and industrial ratepayers and may only be granted once every five (5) years, should the ratepayer meet the criteria set forth in the Ordinance.
4. This Ordinance provides for written verification of leaks by a licensed plumber.
5. This Ordinance defines how a customer will be billed if the ratepayer has received an "Abnormal Water Usage" Waiver.
6. This Ordinance contains a Severability clause and Repealer Clause, and the full text of this Ordinance is available for copying and inspection at City Hall, Russellville, Kentucky, during normal business hours.

The City Council of Russellville, Kentucky enacted this Ordinance after a first reading conducted on October 18, 2005 and a second reading conducted on November 22, 2005.

CERTIFICATION OF COUNSEL

I hereby certify the foregoing is an accurate summary of City of Russellville Ordinance 2005-18.

C. Robert Hedges
Russellville City Attorney
157 West Fifth Street
P. O. Box 335
Russellville, KY 42276-0335
270-726-9604