

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE NUMBER 2007-12**

AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD; PROVIDING FOR A SEVERABILITY CLAUSE, REPEALER CLAUSE, PENALTY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE

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WHEREAS, certain properties in the City of Russellville, Kentucky, have been used over a period of time for commercial and/or industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City of Russellville, Kentucky, may exceed the groundwater quality standards for potable resource groundwater as set forth by the Kentucky Division of Water; and

WHEREAS, the City of Russellville, Kentucky, desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, KENTUCKY, THAT:

I. DEFINITIONS

For the purposes of this Ordinance, and this Ordinance only, the following words shall have the following meanings:

- A. "Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.
- B. "Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

II. GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED

Except for such uses or methods in existence before the effective date of this ordinance, the use or attempt to use as a potable water supply groundwater from

within the corporate limits of the City of Russellville, Kentucky, by the installation or drilling of wells or by any other method is hereby prohibited.

III. PENALTIES

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$25.00 (Twenty-Five Dollars and No Cents) for each violation. Each day this Ordinance is violated may be considered a separate offense.

IV. SEVERABILITY. The provisions of this Ordinance are severable. If any sentence, clause or part of this Ordinance or the application there of to any particular state of case 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 in act each other.

V. REPEAL OF EXISTING ORDINANCES. All ordinances or parts of ordinances in conflict herewith now in effect, to the extent of said conflict, are hereby repealed.

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

FIRST READING conducted this the 3rd day of July, 2007.

SECOND READING AND PASSAGE on the 17th day of July, 2007.



GENE ZICK, MAYOR

ATTEST:



BOB RIGGS, CITY CLERK

Ayes: Davenport, Lanny; Jones, Russell; McPherson, Lanny; Philips, Chuck; Stratton, Mark; Whipple, Jack.

Nays: none.

Absent: none.

Abstaining: none.

LEGAL PUBLICATION OF ORDINANCE IN SUMMARY

The City Council of Russellville, Kentucky, has enacted Ordinance 2007-12 entitled "AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD; PROVIDING FOR A SEVERABILITY CLAUSE, REPEALER CLAUSE, PENALTY CLAUSE AND ESTABLISHING 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 has been enacted to limit the use for which new wells may be used as a source of water within the City of Russellville, Kentucky.
2. Except for such those uses in existence before the effective date of this Ordinance, this Ordinance prohibits one from using well water for drinking, bathing, swimming, washing dishes, or preparing foods.
3. One who violates this Ordinance is subject to a fine of \$25.00, and each day the Ordinance is violated is considered a separate offense.
4. This Ordinance contains a severability clause and repealer clause.
5. 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 July 3, 2007, and a second reading conducted on July 17, 2007.

CERTIFICATION OF COUNSEL

I hereby certify that the foregoing is an accurate summary of City of Russellville Ordinance 2007-12.

C. Robert Hedges
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