


**STATEMENT OF OBJECTIONS
AND VETO MESSAGE FOR
CITY OF RUSSELLVILLE ORDINANCE 2008-06**

Comes now Gene Zick, duly elected Mayor of the City of Russellville, Kentucky, and for his Statement of Objections as contemplated by KRS 83A.130(6) and his Veto Message as to City Ordinance 2008-06, states as follows:

As Mayor of this city, I feel compelled to veto this ordinance based upon the following grounds:

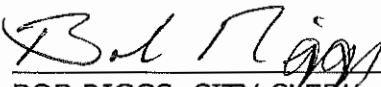
- ◆ The cost of service in the amount of \$25 is inadequate and does not cover the true direct, and indirect, costs to the ratepayers of the City of Russellville.
- ◆ The ordinance is unnecessary as existing Ordinance 2007-01(G)(14) already provides relief from sewer charges for those who do not use sewer services. The proposed ordinance is inconsistent with Ordinance 2007-01(G)(14) and ignores the monetary investment made by other ratepayers to install separate water meters.
- ◆ The ordinance is in violation of §59 of Kentucky's Constitution as special legislation in that there is no rational basis for the singling out swimming pool owners and affording them relief from sewer charges, while not offering the same relief for ratepayers who water lawns, and pressure wash their homes and decks.
- ◆ The ordinance is in violation of §2 and §3 of Kentucky's Constitution as well as the 14th Amendment to U. S. Constitution as it is discriminatory by denying Equal Protection under the law, showing favoritism to swimming pool ratepayers with no rational basis for not offering similar relief to all other ratepayers who do not use sewer services.
- ◆ The ordinance is repugnant to the city's inherent environmental responsibilities as it encourages swimming pool owners to dump water, contaminated with chemicals, onto the ground, rather than to recycle.
- ◆ The ordinance ignores smart water thinking of "recycle, reuse and retain."
- ◆ The premise behind the ordinance overlooks the fact that the ratepayer could simply hire a private contractor to truck in water, thus bypassing the city's utility services.

This the 25 day of June, 2008.



GENE ZICK, MAYOR

ATTEST:



BOB RIGGS, CITY CLERK

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE NO. 2008-06**

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"; BY ADDING A PROVISION REGARDING THE FILLING OF SWIMMING POOLS AND WAIVER OF SEWER CHARGES THEREON; AND PROVIDING FOR A SEVERABILITY CLAUSE, REPEALER CLAUSE AND AN EFFECTIVE DATE

** ** *

WHEREAS, City Council desires to amend Ordinance 2005-13 in order to waive sewer charges for ratepayers owning swimming pools, under certain circumstances, and

WHEREAS, the City Council finds it the following regulations to be for the betterment of the health, safety and welfare of the citizens of the City of Russellville, Kentucky;

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) is amended to create a new subsection, being Part I, 1.01(B)(6) to read as follows:

6. Swimming Pools – a ratepayer who desires to fill a swimming pool with potable water may do so without payment of sewer charges, upon the following conditions:
 - a. the ratepayer must call the Water Department at City Hall to arrange for reading of the ratepayer's water meter prior to filling the pool; the ratepayer will be charged \$25.00 for this service;
 - b. once the swimming pool is filled, the ratepayer must call City Hall to arrange for a final reading of the ratepayer's water meter.
 - c. should these conditions be met, the City will waive sewer charges for the water used in between readings.

PASSED BY
VOTE OF 6-0
MAYOR VETOED

- d. these meter readings will only take place during normal business hours, Monday-Friday.
- e. the ratepayer may only avoid sewer charges once each calendar year under this subjection.

SECTION B – SEVERABILITY CLAUSE

In the event any provision of this Ordinance is invalid for any reason, such invalidity shall not affect any other provision.

SECTION C – REPEALER CLAUSE

All portions of any ordinance or rule or regulation in conflict herewith are hereby repealed to the extent of that conflict only.

SECTION D – EFFECTIVE DATE

This Ordinance shall be effective upon its passage and publication according to law.

FIRST READING conducted on the 3rd day of June, 2008.

SECOND READING being conducted on the 17th day of June, 2008.