

CHAPTER 52: WATER

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GENERAL PROVISIONS

§ 52.01 RATES.

(A) All water sold by the city to customers within or without the city limits, other than water delivered to customers under any special arrangements, provisions, or conditions of any contract, shall be metered, and the customer shall be charged therefor and shall pay the following rates for water used or consumed by them, to-wit:

Monthly Water Service

First 2,000 gallons	\$15.21 (minimum inside city limits)
	\$22.29 (minimum outside city limits)
Next 76,000 gallons	\$4.79 (per thousand gallons)
Over 78,000 gallons	\$3.65 (per thousand gallons)

(B) Contract water service.

(1) The rate and conditions charged for all water sold by the city to customers under agreement shall be modified according to the terms of said agreement(s) and, where applicable, approved by the

Kentucky Public Service Commission as governed by law. The rates charged for water shall be by wholesale contracts. The rate charged for water under the wholesale contracts shall be per the following schedule:

<u>Effective Date</u>	<u>Rate per 1,000 gallons of water</u>
January 1, 2020	\$2.45
July 1, 2020	\$2.49
July 1, 2021	\$2.56
July 1, 2022	\$2.64
July 1, 2023	\$2.72

(2) The rate modification shall apply to water meter readings made in the effective month for billing according to the cycle due date.

(C) Fire service charges.

(1) All unmetered taps shall be charged per size of fire service main leaving the city water main for fire protection according to the following schedule.

<u>Size of Fire Service Main</u>	<u>Charge per Month</u>
2-inch	\$ 5.23
4-inch	\$ 10.52
6-inch	\$ 24.03
8-inch	\$ 46.53
10-inch	\$ 94.13
12-inch	\$ 187.77

(2) For multiple unit fire service consumers, the above listed rates shall apply prorated among the users. In no case shall the amount be less than a minimum of \$4 per month.

(Ord. passed 11-11-75; Am. Ord. 273, passed 3-13-84; Am. Ord. 627, passed 6-24-97; Am. Ord. 649, passed 6-23-98; Am. Ord. 668, passed 6-22-99; Am. Ord. 673, passed 7-27-99; Am. Ord. 757, passed 7-23-02; Am. Ord. 780, passed 7-22-03; Am. Ord. B2006-10, passed 6-6-06; Am. Ord. B2009-10, passed 6-24-09; Am. Ord. B2011-10, passed 6-28-11; Am. Ord. B2013-12, passed 6-25-13; Am. Ord. B2019-15, passed 11-26-19)

(D) Consumer Price Index Adjustment of Rates

(1) In addition to the above rates listed in section (A), on July 1 of each year the City may adjust rates based upon the Consumer Price Index (CPI) for the preceding year. Documentation for the CPI shall be available from the U.S. Department of Labor.

§ 52.02 WATER CONNECTION CHARGE.

(A) Every future tap on or connection to any water pipe, main, trunk line, interceptor, or other water line installation or facility of the system, shall be made only after written application for permission to make the same shall have been submitted to and approved by the officer having responsibility therefor, shall be made according to city regulations, policies and other governmental standards prescribed from time to time, and shall not be backfilled or covered over until inspected on behalf of the city for verification of conformity with such requirements. Each application for permission to tap on or make connection to any water installation or facilities shall, except as otherwise provided in this section, be for a single tap on or connection for a single unit user; a tap on or connection charge for each connection is hereby established:



Water Connection Fees

<u>Size (Inches)</u>	<u>In Town</u>	<u>Out of Town</u>
5/8 x 3/4	\$1,150	\$1,275
3/4	\$1,200	\$1,325
1	\$1,450	\$1,575
1-1/2	\$2,800	\$2,925
2	\$3,350	\$3,475

(B) All charges for tap-on or connections exceeding two inches in size or being special in nature to meet varying flow parameters, shall be fixed by the officer in responsible charge's office by separate negotiation and contract, which sum shall at all times be sufficient to cover expenses of the installation, all such connection charges shall be tendered and accompany the application to the city.

(Ord. passed 11-11-75; Am. Ord. 273, passed 3-13-84; Am. Ord. 283, passed 11-5-84; Am. Ord. 455, passed 12-11-90; Am. Ord. 788, passed 10-14-03; Am. Ord. B2006-10, passed 6-6-06; Am. Ord. B2014-12, passed 6-24-14)

Cross-reference:

Wastewater, system development charges, see § 53.127

§ 52.03 MULTIPLE UNIT CONNECTION.

(A) Class A. Multiple units that are under one roof and contiguous in structure all under the same ownership, where authorized, are to receive a single metered charge. The rate herein established shall be the same as a single unit as fixed by § 52.01.

(B) Class B. Multiple units that are not under one roof are to receive the minimum monthly charge for each unit, as stated in § 52.01 and the gallon rates established by § 52.01 shall apply for water consumed in excess of the minimum. Rates for multiple units not specifically covered by Classes A or B shall be fixed by the officer in responsible charge or authorized official by special agreement.

(Ord. passed 11-11-75; Am. Ord. 273, passed 3-13-84; Am. Ord. 283, passed 11-5-84; Am. Ord. 788, passed 10-14-03)

§ 52.04 DEPOSIT.

Each single residential unit or multiple-residential unit shall tender to the city, with the application for any utility connection, a deposit as set forth in the rate table below. These rates apply to residential customers only. Deposits for commercial establishments

will be determined at the time of application for utilities which shall be in the sum equivalent to six weeks' billing for all connected utility services. The deposit shall be retained by the city and if necessary, upon termination of service, applied towards payment of any delinquent balances or refunded to the user (residential or commercial) after two years, provided all balances have been kept current during the two years and no checks were returned for any reason during that period. Persons presently on city utilities who move to another residence on city utilities will not be required to update their deposit, provided their paying record meets the criteria set forth above. Persons who have received their refund and moved to another residence on city utilities will not be required to make a new deposit. Persons disconnected for nonpayment will be required to increase deposit to these new amounts.

<u>Deposits</u>	<u>Owner Fee</u>	<u>Renter Fee</u>
Electric	\$80	\$120
Water	\$30	\$45
Sewer	\$40	\$45

(Ord. passed 11-11-75; Am. Ord. 273, passed 3-13-84; Am. Ord. 283, passed 11-5-84; Am. Ord. 644, passed 3-10-98; Am. Ord. 788, passed 10-14-03; Am. Ord. B2006-10, passed 6-6-06)

§ 52.05 AFTER-HOUR SERVICE.

All service calls made after hours will be charged to the account of the consumer provided that it is not the fault of the city. An additional \$15 service charge will be made for after-hour turn-ons.

(Ord. passed 11-11-75; Am. Ord. 273, passed 3-13-84; Am. Ord. 283, passed 11-5-84; Am. Ord. 788, passed 10-14-03)

§ 52.06 BILLING, PAYMENT, DUE DATE AND PENALTY.

(A) The obligation to provide electricity, water, sewer, garbage and sanitation services is closely related to the general welfare, health, safety, and protection of the lives and property of the people of the city. The failure of such services constitutes a hindrance to the protection of the lives and property of the citizens of the city. Therefore, the officer in responsible charge is authorized and directed to render and collect under his or her supervision all electric, water, sewer, and garbage charges and bills and to present the bills and charges for electricity, water, sewer, and garbage services simultaneously each month to all electric, water, sewer, and garbage customers, each bill showing each separate item. All bills for electricity, water, sewer, and garbage service shall be paid by the final date shown on such bills, and all accounts not paid by such time

shall be subject to discontinuance of all electricity, water, sewer and garbage services.

(B) All customers will be billed monthly as specified in § 55.05.

(C) The officer in responsible charge is hereby authorized to discontinue the furnishing of electricity, water, sewer, garbage and refuse and rubbish disposal services to any customer who is in default of the payment of the charges set forth on any bill for any of these services, as outlined above.

(Ord. passed 11-11-75; Am. Ord. 273, passed 3-13-84; Am. Ord. 283, passed 11-5-84; Am. Ord. 715, passed 2-27-01; Am. Ord. 788, passed 10-14-03; Am. Ord. B2006-10, passed 6-6-06; Am. Ord. B2015-08, passed 4-28-15)

#### § 52.07 RULES AND REGULATIONS.

The officer of the city responsible therefor shall formulate, adopt, and thereafter enforce such rules and/or regulations as may be deemed necessary and/or advisable for the safe, economical and efficient operation and maintenance of the water system and service to customers thereof, including the use of water and its installation. These rules and regulations shall not be inconsistent with this chapter and shall be subject at all times to review by the Council.

(Ord. passed 11-11-75; Am. Ord. 273, passed 3-13-84; Am. Ord. 283, passed 11-5-84)

#### § 52.08 NO FREE SERVICE PERMITTED.

No free services shall be allowed or permitted from the water and sewer system, and no permanent connections to the system shall be permitted or made except on a metered basis.

(Ord. passed 11-11-75; Am. Ord. 273, passed 3-13-84; Am. Ord. 283, passed 11-5-84)

#### § 52.09 EXCEPTIONS.

This chapter does not apply to the sale of water by the city to charitable and eleemosynary institutions for the reason that they are covered by a separate and independent ordinance which shall remain in full force and effect and this chapter shall not be construed as amending or in any way changing or repealing the ordinance now in effect establishing special water rates for charitable and eleemosynary institutions.

(Ord. passed 11-11-75; Am. Ord. 273, passed 3-13-84; Am. Ord. 283, passed 11-5-84)

§ 52.10 EFFECTIVE DATE; REVISIONS OF CHARGES.

The rates and charges in this subchapter shall be put into effect and collected from readings beginning on and after July 1, 1999, on bills due on August 1, 1999, and monthly thereafter. The rates and charges shall be revised from time to time as may be required and provided by law and by the ordinance adopted by the Board of Council of the city.

(Ord. 273, passed 3-13-84; Am. Ord. 283, passed 11-5-84; Am. Ord. 627, passed 6-24-97; Am. Ord. 649, passed 6-23-98; Am. Ord. 668, passed 6-22-99)

§ 52.11 TAMPERING WITH WATER METER; FINES.

Customers shall be held responsible for tampering with, breaking seals of, interfering with, connecting or disconnecting the city's water meter(s), or other equipment of the city installed on the customer's premises, and shall be held liable for same according to law. Notwithstanding, any person who reconnects or bypasses a meter that has been disconnected for nonpayment of service will be assessed \$150 for the first occurrence and \$300 per occurrence for any additional occurrence in addition to any other applicable balances, fees or charges due. Likewise, any person who establishes water service by bypassing, connecting or reconnecting a meter will be assessed \$150 per occurrence. No one except the employees, or agents, of the city shall be allowed to connect, disconnect or make any internal or external adjustments to any meter or any other piece of apparatus, which shall be the property of the city.

(Ord. 754, passed 6-26-02; Am. Ord. B2006-10, passed 6-6-06; Am. Ord. B2015-08, passed 4-28-15)

§ 52.12 SYSTEM DEVELOPMENT CHARGES.

See § 53.127 "System Development Charges" for system development charges related to water.

(Ord. 801, passed - -)

§ 52.13 CROSS-CONNECTION PREVENTION PROGRAM.

(A) Purpose and authority.

(1) It is the purpose of this section to establish a program to assure that the public water supply is protected from any auxiliary water supply which may cause contamination due to backflow or cross-



connections. The city recognizes that contamination of the public water supply presents an imminent health hazard to the residential and nonresidential users of the public water system; the threat of significant economic loss due to disrupted water service to such residential and nonresidential water users and the potential liability to the city.

(2) It is the further purpose of this section to meet the requirements of 401 KAR 8:020 as enacted by the Kentucky Natural Resources and Environmental Protection Cabinet.

(3) This section is enacted under the power vested in the city by KRS 82.082 and pursuant to requirements of 401 KAR 8:020.

(B) Definitions. As used in this section, unless the context clearly requires a different meaning:

"AUXILIARY WATER SUPPLY." Any water supply on or available to the premises other than the city's public water supply. These auxiliary waters may include water from any natural source such as a well, spring, river, stream or body of water or any water or other substance of unknown or questionable quality that may present a health or system hazard to the potable public water supply.

"BACKFLOW." The reversal of the normal flow of water caused by either back pressure or back siphonage.

"BACKFLOW PREVENTION ASSEMBLY." An assembly or means designed to prevent backflow. A listing of acceptable backflow prevention assemblies and degree of hazard is available in the Kentucky State Plumbing Law, Regulations and Code.

"CONTAMINATION." An impairment of the quality of the potable water supply by any waste product, fluid, substance, compound or other material to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

"CROSS-CONNECTION." Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other nonpotable water or substance of questionable quality, through which, or because of which, backflow may occur into the potable water system.

"THERMAL EXPANSION TANK." A device installed on the cold water supply line near a water heater to compensate for the expansion of water within a water system when such water is heated.

(C) Requirements. The city shall provide protection to the public water system against backflow by implementing the following requirements.

(1) Residential. Buildings used for habitation or occupancy shall be considered as residential buildings. No new water service connection to any premises shall be installed or allowed to be installed by the city unless such service connection is protected by a backflow prevention assembly. Residential service connections shall be considered as low hazard applications and all such connections shall have at a minimum a check valve backflow preventer installed between the water meter and the residence. The city may require additional or alternate backflow prevention assemblies if the degree of hazard constitutes a higher level of protection for the public water system.

(2) Nonresidential. No new water service connection to any nonresidential facility shall be installed or allowed to be installed by the city unless such water service connection is protected by a backflow prevention assembly. The type of protective device required shall be determined at the time of installation of the service connection and shall be commensurate with the degree of hazard at the point of such service connection. At a minimum, the service connection shall be installed with a check valve backflow preventer. In the event activities occur within a nonresidential facility changing and creating a higher degree of hazard, then the backflow prevention assembly shall be replaced with an assembly which provides acceptable protection.

(3) Inspections. The customer's water system shall be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross-connections or other structural or sanitary hazards, including violation of this section, exist. When such a condition becomes known, the city shall deny or immediately discontinue service to the premises by providing a physical break in

the service line until the customer has corrected the condition in conformance with the state and city statutes relating to plumbing, water supplies and the regulations adopted pursuantly thereto. Water service to any premises shall be discontinued if it is found that a backflow prevention assembly required by this section has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

(4) Existing service connections. All existing water service connections which do not have backflow prevention assemblies or existing water service connections which have less than the minimum required backflow prevention assemblies, shall, except for the inspection requirements, be excluded from the requirements of this section so long as the city is assured that the public water system is satisfactorily protected. However, if the city determines that a hazard to health exists, then a backflow prevention assembly meeting the requirements of this section may be installed on such existing service connection. Backflow prevention assembly shall not be installed on existing service connections until after the property owner of such residential or commercial property has been informed of the actual and potential hazards that may be created as a result of such backflow assembly installation. Notices provided to such property owners shall include the following language as adopted in 815 KAR 20:120 Section 2. item (6): When cross-connection control devices are properly installed, they create a closed water system. A properly sized thermal expansion tank shall be installed in the cold water supply located as near the water heater as possible.  
(Ord. 784, passed 10-14-03)

#### WATER SHORTAGE EMERGENCY

##### § 52.15 WASTING WATER PROHIBITED.

No water furnished by the city shall be wasted. Waste of water includes, but is not necessarily limited to the following.

(A) Failure to repair a controllable leak of water.

(B) Failure to put to reasonably beneficial use any water withdrawn from the city's system.  
(Ord. 206, passed 1-28-81)

##### § 52.16 DESIGNATION OF EMERGENCY STATUS.

In declaring a water shortage emergency, the emergency shall be designated status 1 or status 2 in accordance with conditions as determined by the officer in responsible charge.

## (A) Status 1.

(1) Water shortage emergency status 1 exists when the following conditions occur.

(a) The total volume of water in the city raw water reservoir drops to less than that required to supply the water treatment plant for 180 days with the plant operating at its design capacity.

(b) The water level in two or more of the distribution system reservoirs cannot be brought above the two-thirds full mark in a 48-hour period.

(2) When the water supply reaches water shortage emergency status 1, the Mayor, on the recommendation of the City Engineer, may declare any or all of the uses of water identified as non-essential use category 1 provided for in § 52.17 as being prohibited and the prohibition shall remain in full force and effect until the next meeting of the City Council. The list of non-essential uses may be increased or decreased pending the next meeting of the City Council.

## (B) Status 2.

(1) Water shortage emergency status 2 exists when the following conditions occur.

(a) The total volume of water in the city raw water reservoir drops to less than that required to supply the water treatment plant for 120 days with the plant operating at its design capacity.

(b) The water level in two or more of the distribution systems reservoirs cannot be brought above the one-half full mark within a 48-hour period.

(2) If water shortage emergency status 2 is reached, the Mayor, on recommendation of the officer in responsible charge, may declare any or all of the non-essential uses provided for in § 52.17 as being prohibited and the declaration shall remain in full force and effect until the next meeting of the City Council. The Mayor may increase or decrease the number of prohibited non-essential uses pending the next meeting of the City Council. (Ord. 206, passed 1-28-81; Am. Ord. 788, passed 10-14-03)

§ 52.17 NON-ESSENTIAL USE CATEGORIES.

(A) Non-essential use category 1. The following uses are declared to be non-essential uses, category 1.

(1) Washing sidewalks, driveways, parking areas, tennis courts, patios, or other exterior paved areas, except by the city for the public safety.

(2) Filling or re-filling a swimming pool.

(3) Non-commercial washing of privately owned motor vehicles, trailers, and boats.

(4) Any use of water from a fire hydrant except for fighting fires, or use by the city.

(5) Watering of lawns, gardens, landscaped areas, ball fields, trees, shrubs, or other plants.

(6) Watering any portion of a golf course.

(7) Use of water for dust control or compaction during construction.

(8) Water served for drinking purposes at restaurants or other public or non-public eating establishments unless the water is specifically requested by the patron or customer.

(B) Non-essential use category 2. The following uses are declared to be non-essential uses, category 2. Use by any residential, commercial, public institutional, or industrial consumer of the water district in excess of 70% of the amount of water used by it during the corresponding billing period for the previous year. If the consumer was not operating the previous year, an estimated amount shall be computed from its records.

(C) Non-essential use category 3. The following uses are declared to be non-essential uses, category 3. Use by any residential, commercial, public institution, or industrial consumer of the water district in excess of 50% of the amount of water used by it during the corresponding billing period for the previous year. If the consumer was not operating the previous year, an estimated amount shall be computed from its records.  
(Ord. 206, passed 1-28-81)

§ 52.18 AUTHORITY OF MAYOR.

The Mayor is authorized to declare a water shortage emergency to exist, and the Mayor may declare an end to a water shortage emergency.  
(Ord. 206, passed 1-28-81)

§ 52.19 AUTHORITY OF CITY COUNCIL.

(A) The City Council may declare a water shortage emergency irrespective of whether the water supply has reached water shortage emergency status 1 or 2. Only the City Council may terminate or end a water shortage emergency declared by the City Council.

(B) The City Council may prohibit any non-essential use, category 1, during any period that a water shortage emergency has been declared, irrespective of whether the water shortage has reached water shortage emergency status 1 or not.

(C) The City Council may prohibit any non-essential use when the water supply of the city has reached the water shortage emergency status 1.

(D) Any water shortage emergency described by the Mayor shall continue until the next meeting of the City Council. If the City Council does not take action to terminate the water shortage emergency, the emergency shall continue in full force and effect. The City Council may terminate or modify any limitations on non-essential use of water. In the absence of affirmative action by the City Council, the action of the Mayor shall be final.  
(Ord. 206, passed 1-28-81)

§ 52.20 NOTICE.

On the declaration of the existence of a water shortage emergency by the Mayor or City Council, the City Clerk shall notify the local newspaper and radio stations and furnish detailed information concerning the existence of the water shortage emergency and all prohibited uses. In addition, a newspaper ad shall be published once per week in any weekly local newspaper, informing the public of the water shortage emergency and any prohibition concerning the non-essential uses. Every practical effort shall be made to keep the water-using public informed of conditions during any declared water shortage emergency.  
(Ord. 206, passed 1-28-81)

§ 52.21 NONCOMPLIANCE; DISCONTINUANCE OF SERVICE.

(A) Any failure of a customer to comply with the requirements of a declared water shortage emergency shall be reported to any official of the city and shall be immediately investigated by the officer in responsible charge or his designated agent. If noncompliance is found to exist, the officer in responsible charge shall request immediate compliance by the customer. Should the customer fail or refuse to

immediately comply with the officer in responsible charge's request, the officer in responsible charge shall immediately discontinue water service to the customer in question.

(B) Any customer whose service is disconnected because of failure to comply with the requirements of a declared water shortage emergency shall have the right, after the first such disconnection, to have service reinstated on payment to the city of its customary reconnection charge and on execution of a written statement that he will comply with the requirements of the declared emergency. If service is disconnected because of a subsequent failure to comply, the customer shall have the right to reinstatement of service only after approval of the special water and sewer committee and subject to the terms and conditions the committee shall impose. The special water and sewer committee shall consist of the water and sewer committee chairman of the city and two water customers appointed by the Mayor. The committee may refuse to reinstate service.

(Ord. 206, passed 1-28-81; Am. Ord. 788, passed 10-14-03)

§ 52.22 APPEAL; HEARING.

The decision of the officer in responsible charge or water and sewer committee may be appealed for hearing to the City Council. The disconnect shall remain in effect until the appeal is heard. A hearing shall be conducted by the special water and sewer committee within 72 hours of the time the request for hearing is made by the customer. In the event a hearing is not conducted within 72 hours, service shall be reinstated until the hearing is conducted. All requests for hearings shall be made to the City Clerk.

(Ord. 206, passed 1-28-81; Am. Ord. 788, passed 10-14-03)

§ 52.23 AMENDED WATER RATES DURING EMERGENCY.

(A) In addition to, and in conjunction with the remedies in §§ 52.21 and 52.22 there shall be automatically amended retail water rates when category 2 and 3 is declared by the City Council. The minimum bill shall remain unchanged, however, all rates above the minimum bill rate shall be doubled. In addition to this raise, there shall be a credit of 55% applied to all customers who conserve an amount of more than the declared emergency category 2 or 3.

(B) Wholesale water purchased customers shall be exempted from the fiscal penalties listed in division (A) above. However, the City Engineer shall physically limit the flow rate according to the non-essential use category status declared.

(Ord. 206, passed 1-28-81)