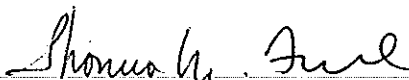


ORDINANCE # 409-1986

SUMMARY OF ORDINANCE #409-1986 PREPARED BY THOMAS M. FUNK,
CITY ATTORNEY, DULY LICENSED ATTORNEY IN THE COMMONWEALTH
OF KENTUCKY.

"Ordinance #409-1986 is an Ordinance for the City of
Dry Ridge establishing charges, rates, surcharges, fees and
providing for the enforcement of Ordinance #408-1986, and further
providing for connection fees and charges of sewer services.

Said Ordinance #409-1986 was read in the summary fashion
at the Dry Ridge City Meeting at the first and second reading.
However, said ordinance will be published in full."

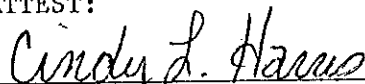


THOMAS M. FUNK
DRY RIDGE CITY ATTORNEY

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF DRY RIDGE, KENTUCKY,
ON THE 25th DAY OF SEPTEMBER, 1986.


NORMAN FERGUSON, MAYOR

ATTEST:


CINDY L. HARRIS, CLERK

ORDINANCE # 409-1986

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ORDINANCE # 409-1986

AN ORDINANCE OF THE CITY OF DRY RIDGE
ESTABLISHING CHARGES, RATES, SURCHARGES, FEES
AND PROVIDING FOR ENFORCEMENT OF
ORDINANCE # 408-1986, AND FURTHER PROVIDING
FOR CONNECTION FEES AND CHARGES OF SEWER SERVICES.

Be it ordained by the City of Dry Ridge.

ARTICLE I
USER CHARGE

1.01 GENERAL CONDITIONS

a. The user charge shall reflect the costs of operation and maintenance (including replacement) of the POTW.

b. Each user shall pay its proportionate share of operation and maintenance (including replacement costs based on volume of flow).

c. The City shall review not less often than annually, the user charge system. The user charge shall be revised as necessary, to accomplish the following:

(i) Maintain the proportionate distribution of operation and maintenance costs among users as provided herein.

(ii) Generate at least sufficient revenue to pay the total operation and maintenance costs necessary for the proper operation and maintenance (including replacement) of the sewage works.

d. All flow to the sewage works not directly attributable to users (i.e. infiltration/inflow) shall be distributed among all users of the sewage works based upon the volume of flow of the users.

e. Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charge which is attributable to operation and maintenance of the POTW.

1.02 SEWER RATE SCHEDULE

a. Each user shall pay a monthly billing charge of ONE DOLLAR (\$1.00) in addition to usage charges hereinafter provided.

b. Each user shall pay to the City a monthly sewer use charge of ONE DOLLAR and TEN CENTS (\$1.10) for each ONE THOUSAND (1,000) gallons of sewage, based upon the user's water consumption as shown by the user's water meter(s) for the monthly billing period.

c. Each user whose water consumption during the monthly billing period is less than ONE THOUSAND (1,000) gallons, shall pay in lieu of the charges set out in (a) and (b) above a minimum monthly charge of TWO DOLLARS and TEN CENTS (\$2.10).

d. Septic vault cleaners shall pay a fee of FIFTEEN DOLLARS (\$15.00) for each load (maximum load, 1,500 gallons) discharged into the waste water collection and treatment system.

C. EXCESSIVE STRENGTH SURCHARGE

1. In the event a user discharges wastes to the sewage works having an average biochemical oxygen demand (BOD) content in excess of 225 mg/1, and/or an average suspended solids (SS) content in excess of 225 mg/1, and/or an average ammonia nitrogen (NH₃-N) content in excess of 30 mg/1, the user shall pay a surcharge based upon the excess strength of its wastes.

2. The following surcharge rates shall apply to each user of the sewage works that contributes excessive strength sewage.

Surcharge Rates

BOD - \$0.075 per pound

SS - \$0.113 per pound

NH₃-N - \$0.339 per pound.

3. The costs of treatment for each pound of BOD, SS, and NH₃-N removed by the POTW shall be reviewed at the time of and in conjunction with the review of the user charge. Surcharge rates shall be revised where necessary to approximate current treatment costs. These rates shall be in effect until the next rate review.

D. METHOD OF BILLING SURCHARGE

1. The excessive strength surcharge shall be based on the following formula, with the total applied to the monthly bill of effected users:

$$A(D-200)+B(E-005)+C(F-30) \quad .006238 \times G = \text{Surcharge Payment } (\$/\text{Mo})$$

Where formula components are as follows:

A - Surcharge rate for BOD, in \$/pound.

B - Surcharge rate for SS, in \$/pound.

C - Surcharge rate for NH₃-N, in \$/pound.

D - User's average BOD concentration, in mg/1.

E - User's average SS concentration, in mg/1.

F - User's average NH₃-N concentration, in mg/1.

G - User's monthly flow to sewage works, in 1,000 gal.

2. No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain waste discharged to the sewage works contain less than 200 mg/l of BOD, 200 mg/l of SS or 30 mg/l of NH₃-N.

ARTICLE II FEES

2.01 PURPOSE

This article provides for the recovery of costs from users of the POTW for the implementation and conduct of the program established herein. The applicable charges or fees shall be set forth in the City's Schedule of Charges and Fees.

2.02 CHARGES AND FEES

The City may adopt charges and fees which may include.

(a) fees for reimbursement of costs of setting up and operating the City's Pretreatment Program;

(b) fees for monitoring, inspections and surveillance procedures;

(c) fees for reviewing accidental discharge procedures and construction;

(d) fees for permit applications;

(e) fees for filing appeals;

(f) fees for consistent removal by the POTW of pollutants otherwise subject to Federal Pretreatment Standards;

(g) other fees as the City may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Article and are separate from all other fees chargeable by the City, including the charges and surcharges set out in Article I hereof.

ARTICLE III ENFORCEMENT

3.01 HARMFUL CONTRIBUTIONS

(a) The City may suspend the wastewater treatment service and/or a Wastewater Contribution Permit of a user when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or

welfare of persons, to the environment, causes interference to the POTW or causes the City to violate any condition of its NPEDES/KPDES Permit.

(b) Any person notified of a suspension of his wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including but not limited to immediate severance of the sewer connection, and/or immediate termination of water service to such user to prevent or minimize damage to the POTW system or endangerment to individuals or the environment. The City shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service (and water service, if terminated) to such user upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within 15 days of the date of occurrence.

3.02 NOTICE OF VIOLATION

Any person found to be violating any provision of this ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violation.

3.03 CONTINUED VIOLATION

Any person who continues any violation of any provision of this ordinance beyond the time limit provided in the notice described in Section 3.02 shall be guilty of a violation of this ordinance and upon conviction thereof shall be fined not less than TWO HUNDRED DOLLARS (\$200.00) or more than FIVE HUNDRED COLLARS (\$500.00) for each violation. Each day in which such violation shall continue shall be deemed a separate offense. In addition to the foregoing criminal penalties the City shall recover of any user violating any provisions of this ordinance all costs, expenses, and damages, including but not limited to, any penalties which may be assessed to the City for a violation of its NPEDES/KPDES permit occasioned by such user's violation, reasonable attorney's fees, court costs, court reporter's fees and all other litigation expenses, by appropriate suit at law or equity against the person found to have violated this ordinance or the notices, orders, rules regulations, or permits issued pursuant to this ordinance.

3.04 SHOW CAUSE HEARING

(a) The City may order any user who causes or allows an unauthorized discharge to show cause, before the City, why the

proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City regarding the violation, the reason why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.

(b) The City may itself conduct the hearing, issue notices and subpoenas, take the evidence, or may designate a representative as a hearing officer to:

(i) Issue in the name of the City notices of hearings, subpoenas directing the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(ii) Take the evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City for action thereon.

(c) At any hearing held pursuant to this ordinance, testimony taken shall be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(d) After the City has reviewed the evidence, it may issue an order to the user responsible for the discharge, directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances are properly operated. Further, orders and directives as are necessary and appropriate may be issued, until full compliance has been achieved.

3.05 LEGAL ACTION

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this ordinance, Federal or State Pretreatment Requirements or any order of the City, the City may commence an action for appropriate legal and/or equitable relief in the appropriate Court of this jurisdiction.

3.06 REVOCAION OF PERMIT

Any user who violates the following conditions of this ordinance, or applicable State and Federal Regulations, is

subject to having his permit revoked in accordance with the procedures of this ordinance:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (b) Failure of the user to report significant changes in operations, or wastewater constituents or characteristics;
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- (d) violation of conditions of the permit.

3.07 DESTRUCTION OF POTW

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to immediate arrest charged with such offense under the applicable criminal statutes of the Commonwealth of Kentucky.

ARTICLE IV SCHEDULE OF CHARGES

4.01 CONNECTION FEES OR CHARGES

All costs or expense incidental to the installation and connection of the building sewer to the POTW shall be borne by the owner(s). The owner(s) shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the construction and installation of the building sewer. At the time of submitting an application for a building sewer connection permit the owner(s) shall pay to the City a permit and inspection fee as follows:

- | | |
|---|---------|
| (a) Residential or Commercial Buildings | \$25.00 |
| (b) Industrial Establishments | \$50.00 |

ARTICLE V CONSTRUCTION AND APPLICATION

5.01 CONSTRUED WITH EXISTING ORDINANCES

It is the intent of the City Council of the city of Dry Ridge that this ordinance shall not constitute an express or implied repeal of any existing ordinance of the City of

Dry Ridge or any part of an existing ordinance of the City of Dry Ridge, except as expressly set forth herein. This ordinance shall be read and applied insofar as possible as supplementary to such existing ordinances relating to the same subject matter; in those instances of a conflict; the ordinance setting the higher or more restrictive standard for a user of the POTW shall apply, the ordinance setting the greater charge for the treatment of wastewater, domestic, industrial or commercial, shall apply.

5.02 SEVERABILITY

Should any Article, section, paragraph, sentence or phrase of this ordinance be declared by a court of competent jurisdiction to be in violation of the Federal or State Constitution or in violation of any Federal or State law or otherwise unenforceable, it is the intent of the City Council that all remaining parts of this ordinance shall remain in full force and effect and enforceable in accordance with the terminology used.

5.03 HEADINGS AND INDEX

The heading and index set out herein are provided only as a convenience to the user of this ordinance and shall not constitute a part of this ordinance, and shall not be used as a guide or limitation in the construction and application of the provisions of this ordinance.

ARTICLE VI PENALTIES

6.01 (a) Any person who shall violate any provision of this ordinance except Section 3.07 of this Ordinance shall, upon conviction, be fined not more than FIVE HUNDRED DOLLARS (\$500.00) or confined or imprisoned for not more than one hundred eighty (180) days or both. Each day an activity prohibited by this Ordinance shall continue shall constitute a separate offense.

(b) Any person who shall violate the provisions of Section 3.07 of this Ordinance shall, upon conviction thereof, be fined and/or imprisoned as provided in the appropriate Statutes of the Commonwealth of Kentucky.

(c) The City of Dry Ridge shall recover from any person who shall violate any provision of this ordinance and thereby cause or occasion the City of Dry Ridge to suffer any damage, expense or penalty, a sum equal to all of such damage, expense or penalty, plus its attorney's fees, fees of professionals employed to determine the source of such violation or to testify and all other litigation expenses. Conviction of a violation of a provision of this Ordinance shall not bar or hinder the City of Dry Ridge in such recovery.

ARTICLE VII

That this ordinance shall be read in conjunction with Ordinance # 408-1986 and all the definitions and use of words etc... found in Ordinance # 408-1986 shall apply to this Ordinance.

This ordinance shall be in full force and effect when it is adopted, signed and published as required by law.

The foregoing Ordinance # 409-1986 was read aloud at a regular meeting held on the 8th day of September, 1986.

Cindy L. Harris
CINDY HARRIS, CLERK
CITY OF DRY RIDGE

The foregoing ordinance # 409-1986 was read and on a roll call vote the vote was as follows:

Jim Middleton - yes, Ervin Jump - yes, Omer Vest - yes, Roger Rash - yes, Vernon Webster - yes, George Hedges, Jr. - absent.

on the 8th day of September, 1986.

Cindy L. Harris
CINDY HARRIS, CLERK
CITY OF DRY RIDGE

Approved this the 25th day of September, 1986.

Holman Ferguson
MAYOR, CITY OF DRY RIDGE