

ORDINANCE NO. 772-2013

AN ORDINANCE OF THE CITY OF DRY RIDGE, GRANT COUNTY, KENTUCKY, ESTABLISHING PROCEDURES AND REQUIREMENTS FOR THE PROVIDING AND DELIVERY OF MUNICIPAL WATER AND SEWERAGE UTILITIES TO THE PROPERTY AND PREMISE OF CUSTOMERS WITHIN THE CITY OF DRY RIDGE; ESTABLISHING FEES AND CHARGES TO INITIATE MUNICIPAL WATER AND SEWERAGE UTILITIES SERVICES TO PROPERTY AND PREMISES; ESTABLISHING PROCEDURES AND REQUIREMENTS FOR CUSTOMER BILLING, TIMELY PAYMENT OF CHARGES FOR UTILITIES SERVICES, DISCONNECTION OF UTILITIES SERVICES FOR DEFAULT OR NONPAYMENT OF UTILITIES CHARGE; AND THE OF REPEAL OF CITY OF DRY RIDGE ORDINANCES NO. 392-1984, NO. 404-1986 AND NO. 602-2000.

BE IT HREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRY RIDGE, KENTUCKY, FOR AND ON BEHALF OF THE CITY OF DRY RIDGE, KENTUCKY, AS FOLLOWS:

Certificate for Summary Publication

Pursuant to **KRS 83A.060 (9)**, I, the undersigned, **Michael S. Mulvey, Esq.**, hereby state and certify that I am an attorney at law licensed to practice within the Commonwealth of Kentucky and the city attorney for the City of Dry Ridge, Kentucky, whose City Council has elected to have the herein utilities for water and sewerage utilities ordinance published in summary form; and that the hereinafter summary is a true and accurate narrative of the germane and main points of the ordinance sufficient to inform the public of the manner, meaning and contents of the subject ordinance.


Michael S. Mulvey, Esq.
Dry Ridge City Attorney

SECTION ONE: Repeal of Prior Ordinances

Repeal of Ordinance No. 392-1984, No. 404-1986 and No. 602-2000.

SECTION TWO: Premises Liability and Security

Makes the property serviced by utilities liable for payment of utility charges.

SECTION THREE: Liability of Owner or Occupant

Makes the property owner and the owner's tenant liable for utility billings.

SECTION FOUR: Billing Accounts Listings

Provides for listing of accounts in both the names of the owner and tenant.

SECTION FIVE: Reserved for future uses.

SECTION SIX: Reserved for future uses.

SECTION SEVEN: Details Initiation of Utilities Service & Security Deposits.

Requires application by parties legal and payment of \$100.00 deposit for both water and sewerage together with provisions as to return of deposits.

SECTION EIGHT: Reserved for future uses.

SECTION NINE: Reserved for future uses.

SECTION TEN: Enumerates billings, payments and charges/sanctions for late or nonpayment of accounts.

Sets month day 15 as the due date and payment not later than month day 22; levy of a 10% penalty for late or nonpayment, a service fee of \$35.00 for account management and each activity on default account or premise and eventual termination of services.

SECTION ELEVEN: Reserved for future uses.

SECTION TWELVE: Reserved for future uses.

SECTION THIRTEEN: Reserved for future uses.

SECTION FOURTEEN: Enumerates and reiterates matters germane and miscellaneous.

Reiterates that payments are required for services to the instant res and billings and to all other customer accounts before services will be provided, reinstated or reconnected; and reiterates provisions for returned checks or dishonored payments, cash or money order payments only and the levy of services fees of \$35.00 for determined and covered customer actions and non actions.

SECTION FIFTEEN: Enumerates Ordinance Entry and Publication.

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WHEREAS, the City of Dry Ridge maintains and operates utilities systems for the delivery of potable water and sanitary sewerage services to residential and nonresidential properties and premises within the City of Dry Ridge, Kentucky; and

WHEREAS, the City of Dry Ridge, Kentucky, hereunder and hereby establishes procedures and requirements concerning the implementation and initiation of water and sewerage services to the city's customers together with the fixing of a deposit charge to initiate such utilities services; establishment of procedures and requirements concerning the billing of customers for the cost for such utilities services and the timely payment thereof; the establishment of procedures for the termination of such utilities services for customer default or nonpayment of charges for such services; and the providing for security liens and liabilities for the cost and value of utilities services provided to person, property or premises.

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRY RIDGE, KENTUCKY, FOR AND ON BEHALF OF THE CITY OF DRY RIDGE, KENTUCKY, AS FOLLOWS:

**Section One
(Ordinance Repeal)**

City of Dry Ridge Ordinance No. 392-1984, Ordinance No. 404-1986 and Ordinance No. 602-2000 heretofore enacted, be and the same is and are hereby repealed.

**Section Two
(Premises Liability & Lien Security)**

Such res real, property and premises together with all hereditaments, appurtenances, improvements, accessions and fixtures thereupon or thereto, so provided or receiving the benefit of potable water or sanitary sewerage services, shall be subject lien, levy, claim and assessment immediate for the cost and charges for the municipal utilities services provided to same whether such property or premises be vacant, or occupied by the owner thereof, or the owner's tenant, lessee, or assigns.

**Section Three
(Liabilities of Owner or Occupant)**

The owner (fee grantee under indenture of mesne conveyance) of the property or premises provided or receiving utilities services together with the owner's tenant, lessee or assigns, shall be jointly and severally liable and responsible for the payment of any and all cost and charges for the water and sewerage utilities services so provided.

Section Four
(Utility Accounts)

All utility service accounts shall be listed, carried and maintained in the name of the fee owner of the property or premises receiving or provided water or sewerage utility services whether the said fee owner be insitu or otherwise not in repose. Further, if the said property or premises be subject to let or lease, the lessee-tenant shall also be listed on the utilities' service account, especially if the lessee-tenant be the applicant-depositor of or on a utility initiation deposit account referred to herein. Further and however, the naming or showing of the name of the lessee-tenant on the utilities service account shall not affect, effect or otherwise negate the owner's liability or responsibility for account payment or having the serviced property or premises being subjected to lien, claim or assessments for utilities' debts incurred or had for payment default.

**Section Five
(Reserved)**

**Section Six
(Reserved)**

Section Seven
(Utility Services Initiation, Requirements & Expenditures)

Prior to the initiation, delivery, providing or connection to property or premises of utilities for potable water and/or sanitary sewerage services, the prospective customer, whether owner, a tenant, or both, shall make application to the Dry Ridge City Clerk and comply, stand and perform as follows:

A. Be competent to transact business and if a person, be beyond nonage and at least 18 years of age.

B. Provide assurance that the property and premises to receive utilities services has an inside turn-off valve for water service.

C. The making and execution of the application form by the owner, the tenant-lessee if the property is under lease or let, and the record filing of a copy of the landlord and tenant lease or having the landlord's memorialized and signed acknowledgment on the application form as to the nature and term of the tenancy, leasehold, and premises occupancy by the tenant-applicant.

D. For both residential and nonresidential properties and premises, the owner or tenant of same, as the case may be, shall pay to the to the City Clerk a service fee as determined and warranted for initiation of utility services and further shall make an initiation charge/security deposit to provide a good faith fund against the ongoing costs, charges and expenses for utilities, to-wit: One Hundred Dollars (\$100.00) for municipal water service; and One Hundred Dollars (\$100.00) for sanitary sewerage services, all in the total amount of Two Hundred Dollars (\$200.00).

E. In the event of a default, delinquency or nonpayment of the depositor's utility charges billing account, the monies within the customer's initiation charge/security deposit account shall be applied toward the payment of any and all outstanding delinquent debts due and owing as to the customer's utilities billing account with the surplus therein, if any, after application to the billing delinquency, to remain in the said initiation charge/security deposit account.

F. Except as to utility customers that are nonowner tenants or lessees of the property or premises having an initiation charge/security deposit account active together with a customer utility billing account that has been timely serviced and paid and not subject to the issuance of a delinquency or default during the 18-month billing cycle next after the time of initial deposit, then such deposit account shall, upon request, be refunded, except that such deposit made by a renter, lessee or tenant shall not be refunded or made until termination of lease or the depositor's leasehold estate and the depositor's due removal and vacation of the property and premises under and together with the depositor's payment of his final bill as provided for herein.

Section Eight
(Reserved)

Section Nine
(Reserved)

Section Ten
(Utilities Billings & Payments)

A. The City of Dry Ridge shall prepare monthly utility billings and send the same to the customers at the addresses provided by the said customers.

B. Failure to receive a monthly bill will in no way release the customer from due dates or any other related obligations including timely payment. Any customer who does not receive a bill for utilities provided by the city, shall notify the City Clerk that no bill was received, and, thereafter, the City Clerk shall make and issue a new bill to the customer.

C. All utilities' bills shall be paid timely by cash, check, certified check or money order made payable to the order of the City of Dry Ridge, Kentucky. Partial payments of said billing and accounts may be accepted by the City of Dry Ridge by decision and entry made by the Dry Ridge City Council upon application. However, said partial payment shall be considered as a default by the customer so subjecting the customer and the property or premises being provided utilities' services to actions for default and nonpayment of utility accounts which may result in penalties, service charges and disconnection from and termination of service.

D. A utility customer's returned check shall be deemed and considered as a nonpayment subjecting the customer to a levy and payment of a service fee for an account in default. Further, should a customer at any time, suffer a second returned or dishonored check, the same will result in another service fee; and, thereafter, such customer shall be required to pay utility billings by cash only or money order.

E. All monthly utility billing accounts are due on the 15th day of each calendar-month and subject to the levy of a penalty of ten percent (10%) and other determined charges and fees, if not paid within and by the 15th day of that instant, calendar-month to the City of Dry Ridge by the close of the city's business day being 5:00 p.m., prevailing time, by worthy and honored remittance to the city offices and personnel direct; by deposit to and within the city's drop-box at the entrance of the entrance of the city building; by official United States postal delivery to and placement of the said payment into the city's mail box at the United States Post Office in Dry Ridge, Kentucky; or by worthy and timely payment made to the city's order into the city's utility payment account at the Forcht Bank in Dry Ridge, Kentucky.

F. Any utility billing account not paid by the 22nd day of the calendar-month, or paid thereafter, shall be deemed to be delinquent, in default, subject to the levy of a ten percent (10%) penalty as provided for above in subsection E, a determined service of \$35.00, and other service fees and charges found, and the termination of utility services. Further, monies owed after 5:00 p.m., prevailing time on the 22nd, shall be paid or remitted in cash or by money order only.

G. Upon finding of a utility billing account to be delinquent, in addition to termination of utilities' service, the City of Dry Ridge, may at its election, take all actions, in law or equity, to enforce and foreclose its lien upon property and premises for monies and debts owed for utilities, or take any actions to recover the debt or monies owed.

Section Eleven

Section Twelve
(Reserved)

**Section Thirteen
(Reserved)**

Section Fourteen
(Utility Services Matters General, Germane & Miscellaneous)

A. No initial or reconnected utilities services shall be made or provided to person, property or premises until the initiation charges and deposits are made and paid.

B. No initial or reconnected utility services shall be provided to person, property or premises for or to which utilities billing accounts be delinquent, or for, or to, or upon which monies and sums be still owed or remain unpaid, or be in delinquency, until such delinquent accounts or monies owed for current utilities services be paid.

C. No person or customer having one or more utility billing accounts in default, or being deemed as delinquent, shall be provided utilities services to any other site, location, address, place, or any other property or premises within the City of Dry Ridge, Kentucky, until any and all such utility billing accounts in default or being delinquent be paid current.

D. Returned or dishonored customer checks or drafts are and shall be deemed and treated as a no payment and nonpayment subject to determined service charges and service fees and be grounds for the finding of a customer default or delinquency, and termination of service.

E. Customers tendering or suffering two (2) returned or dishonored checks, or drafts, or other modes of payment direct or to a factor's intermediate depository debt-payment account inuring to the city's benefit for initiation charge/security deposit or the amount of a utility billing account, shall be, thereafter, required to pay utility billing accounts by cash or money order only and be subject to all determined services charges and service fees.

F. Service charges and service fees referenced herein are monies settled and inuring to the benefit of the city to compensate it for expenses incurred for requisite utilities' work and activities, or insure the city for and against financial-monetary-accounting expenses issuing out of utility customer's dishonored or non worthy payments and tenders, all being in an amount and sum present and current of not less than Thirty-Five (\$35.00) Dollars for each determined, covered activity or exposure to financial-monetary-accounting liability or loss.

G. If the last day of the due-payment term-period provided for and referenced in Section -- E of the herein ordinance falls on a weekend, Saturday, Sunday or any holiday observed by the City of Dry Ridge, then the utility customer is given to 5:00 p.m., prevailing time, on the next business-working day to make and effect a worthy payment direct to the city's offices or as provided for in Section 10-- E of this ordinance and of even date.

Section Fifteen

This ordinance shall become effective and be in full force and effect when passed, ordained, ordered published and published according to law.

First Reading: March 4, 2013


Second Reading: March 18, 2013

PASSED, ADOPTED, ORDAINED AND ORDERED PUBLISHED

ON THIS THE 18th DAY OF March, 2013.


CLAY CRUPPER, MAYOR

ATTEST:


CINDY L. HARRIS, CITY CLERK

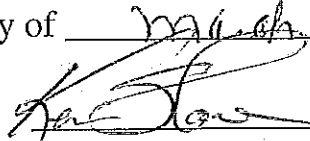
Grant County News
129 S. Main Street, Dry Ridge, Kentucky 41035
P.O. Box 247, Williamstown, Kentucky 41097

The affiant, Ken Stone, publisher or proprietor of the Grant County News, Dry Ridge, Kentucky, after being duly sworn and cautioned does depose and states the following:

That the Grant County News is a newspaper printed and published in the State of Kentucky, and of general circulation in the County or Counties of Grant.

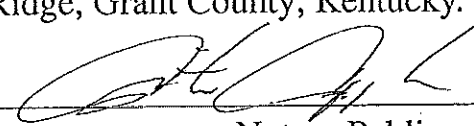
That the attached Legal Notice was duly published in the Grant County News on March 28, 2013.

Done at Dry Ridge, Kentucky, this 28 day of March, 2013.



STATE OF KENTUCKY
COUNTY OF GRANT

Subscribed and sworn to before me by Ken Stone, this 28 day of March, 2013, at Dry Ridge, Grant County, Kentucky.



Notary Public

Notary ID 400536

My commission expires 13 Aug 13.