

ORDINANCE NO. 2011 - 24

AN ORDINANCE OF THE CITY OF WILLIAMSTOWN, KENTUCKY AMENDING VARIOUS SECTIONS OF 2010-08 AND 2009-07 AS PREVIOUSLY AMENDED AND VARIOUS PROVISIONS OF SECTION 52.06, AND SECTION 52.08 OF CITY OF WILLIAMSTOWN CODE OF ORDINANCES AND FURTHER REGULATING THE MANNER OF SALE, THE PRICE OF WATER SOLD AND TO BE SOLD BY THE CITY OF WILLIAMSTOWN, KENTUCKY AND SECTION 10.04 OF THE WILLIAMSTOWN CODE OF ORDINANCES.

BE IT ORDAINED BY THE CITY OF WILLIAMSTOWN, KENTUCKY, AS FOLLOWS:

SECTION I

Section 52.06 of the City of Williamstown, Code of Ordinances and Section Seven (7) of Ordinance 1991-325 as previously amended are hereby amended with the words and numbers being added indicated by a single, solid line beneath them and the words and numbers being deleted indicated by a broken or straight line through them as required by K.R.S. 83A.060(3), as follows:

(A) On demand and on payment of the applicable charges plus a sum equal to the additional cost of materials and labor, the city shall install much larger meters as may be needed by any subscriber.

(B) The charges for a tap of the water main are hereby established as shown below:

3/4"	\$1,000.00
1"	\$1,400.00
2"	\$2,500.00
3"	\$2,000.00 plus actual meter costs
4"	\$2,800.00 plus actual meter costs
<u>6"</u>	<u>\$6,000.00</u>

plus a sum equal to the additional cost of total materials and total labor and any portion of the original assessment against the portion of the property to be served. ~~3"~~, ~~and 4"~~ and 6" the City of Williamstown, Kentucky only supplies the meter. All materials and installation ~~is shall be~~ supplied by the customer and approved by the City of Williamstown.

(C) For the property described in the legal description and map prepared by Cahill and McLafferty Surveyors and dated February 18, 1993, a copy of which may be obtained from the City Clerk/Treasurer, the charges for a connection to the water main larger than 5/8" meter are hereby established as shown below:

3/4"	\$1,700.00
1"	\$2,000.00

2"	\$3,200.00
3"	\$2,400.00 plus actual meter costs
4"	\$4,000.00 plus actual meter costs
<u>6"</u>	<u>\$10,000.00</u>

plus a sum equal to the additional cost of total materials and total labor and any portion of the original assessment against the portion of the property to be served. 3", ~~and~~ 4" and 6" the City of Williamstown, Kentucky only supplies the meter. All materials and installation ~~is~~ shall be supplied by the customer and approved by the City of Williamstown.

(D) Any subscriber/customer must meet the specification standards and accepted diameter(s)/width(s) of the City of Williamstown Water System prior to tap on by the subscriber/customer. There shall be no water main with fractional diameters/widths permitted to tap on to the City of Williamstown water system.

SECTION II

Section 52.08 "CHARGES" of the City of Williamstown Code of Ordinances and Ordinance No. 2009-17 as previously amended, are hereby amended with the words and numbers being added indicated by a single, solid line beneath them and the words and numbers being deleted indicated by a broken or straight line through them as required by K.R.S. 83A.060(3) as follows:

§ 52.098 CHARGES.

- (A) The City Council shall from time to time by ordinance, fix the charges for:
- (1) Installation of water taps and meters for service from the public water lines of the city;
 - (2) Amount of deposits required for new subscribers for water service in the city;
 - (3) The charges for relocating any existing tap and meter at the request of others.
- (B) Until such time as charges are fixed or changed by ordinance, the charge shall be:
- (1) (a) The charge for a tap of the water main shall be \$1,000.00, plus any portion of the original assessment against the portion of the property to be served. This \$1,000.00 charge includes a 5/8"x 3/4" meter.
 - (b) For that property described in the legal description and map prepared by Cahill and McLafferty Surveyors and dated February 18, 1993, a copy of which may be obtained from the City Clerk/Treasurer, the charge for a connection to the water main shall be ~~\$1,500.00~~ \$1,700.00

plus any portion of the original assessment against the portion of the property to be served. This ~~\$1,500.00~~ \$1,700.00 charge includes a 5/8"x3/4" meter.

- (2) Moving any existing water line tap or meter at the request of others. Total of all costs of labor, machinery hired, and materials used in moving such meter.

(C) Until such time as the charges are fixed or changed by ordinance, there are hereby established, as shown below, the following charges for water furnished to any person, firm, corporation, partnership or other business entity or property through a regular water meter by the City, except as otherwise hereinafter provided:

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|-----|---|---------|
| (1) | For each 1,000 gallons used per month (fractions of 1,000 shall be computed at nearest tenth thereof) | \$3.85 |
| (2) | To each bill computed as above, there shall be added a service and billing charge of | \$2.20 |
| (3) | Minimum monthly charge | \$6.05 |
| (4) | Returned check fees | \$25.00 |
| (5) | Late fees at 1-1/2% per monthly interest/penalty. | |

(a) Every two (2) years, the City **shall** increase and add a Cost of Living Adjustment based upon the Consumer Price Index in January as provided by the Secretary of Economic Development.

(D) All water bills shall be determined by the reading of meters on or about the fifteenth day of each month. Bills shall be rendered on about the first day of the each month and shall be payable by the fifteenth day of the month following the rendition of statement.

(E) Each person, firm, corporation, or other entity withdrawing or receiving water from the waterloading dock (vehicle tank loading dock) shall pay to the city through the coin devices, provided in such water loading dock, a sum equal to seventy-one cents (\$0.71) for each one hundred twenty-five (125) gallons of water so withdrawn or received.

(F) Effective with the billing of September 1, 2005, the City of Dry Ridge in accordance with the Contract as amended, shall pay to the city at the time, place and in the manner hereinafter provided the sum of two dollars and seventy-five cents (\$2.75) for each one thousand (1,000) gallons of water furnished to the City of Dry Ridge by the city, as shown by the meter described in the Contract of June 3, 2002 during a billing period; plus two dollars and seventy-five cents (\$2.75) for each one thousand gallons of water delivered to the City of Dry

Ridge from all other sources, in excess of seven hundred fifty thousand (750,000) gallons during any one (1) month, subject to any exceptions provided in Contract of June 3, 2002. Notwithstanding anything contained herein, the City of Dry Ridge shall be billed for a minimum of five million (5,000,000) gallons per month regardless of whether or not such amount is actually delivered to the City of Dry Ridge.

Said rates for the City of Dry Ridge will be reviewed at least once every three (3) years regarding the water needs of the Customer, and the excess water, if any, which the City may have available for sale, and the price of the water to be sold and purchased thereafter by their terms of this Ordinance. Modifications of the provisions relating to the price of the water to be sold and purchased shall be based on the Consumer Price Index of the previous year only. "Consumer Price Index" shall mean the Revised Consumer Price Index for Urban Wage Earners and Clerical Workers, all Items, 1967=100, as published by the Bureau of Labor Statistics of the United States Department of Labor.

(G) Effective with the billing of September 1, 2005 the Corinth Water District shall pay to the city for water delivered or made available to the Corinth Water District at the contractually designed points of delivery:

- (1) The minimum monthly payment of \$5,403.86
and
- (2) For each 1,000 gallons of water delivered at the metering points in excess of 2,000,000 gallons during any monthly billing period the sum of (per 1,000 gallons) \$2.75

(H) Effective with the billing of September 1, 2005, the Bullock Pen Water District shall pay to the city for such water delivered or made available to the Bullock Pen Water District at the contractually designated point of delivery:

- (1) The minimum month payment of \$12,166.00
and
- (2) For each 1,000 gallons of water delivered at the metering points in excess of 4,500,000 gallons during any monthly billing period the sum of (per 1,000 gallons) delivered. \$2.75

(I) (1) Providing and installing water meter service within the lines of the property to be served approximately at the right of way line of Baton Rouge & Barnes Road:

5/8 3/4" water meter	\$700.00 <u>\$1,700.00</u>
1" water meter	\$800.00 <u>\$2,000.00</u>
2" water meter	\$2,300.00 <u>\$3,200.00</u>

(2) Until such time as the charges hereinafter provided are changed by ordinance there is hereby established, as shown below, the following charges for water furnished to any person, firm, corporation, partnership or other business entity or property by the city, at any point on Baton Rouge & Barnes Road lying west of the west right of way line of I-75 during any monthly billing period which commences on the 15th day of each month and continued to the 14th day of the succeeding month:

Outside City Limits

First 2,000 gallons	\$21.39
Next 3,000 gallons per 1,000 gal.	\$8.34
Next 5,000 gallons, per 1,000 gal.	\$7.31
Next 10,000 gallons, per 1,000 gal.	\$6.27
All water in excess of 20,000 gallons per month, per 1,000 gal.	\$4.73
Service and billing charge	\$2.20

In annexed:

First 2,000 gallons	\$21.39
Over 2,000 gallons	\$3.61
Billing charge	\$2.20

(3) Until such time as the charges hereinafter established are changed by ordinance, there is hereby established, as shown below, the following charges for water furnished to any person, firm, corporation, partnership, or other business entity or property by the City, to any point outside the city limits of the City of Williamstown, Kentucky during any monthly billing period which commences on the 15th day of each month and continued to the 14th day of the succeeding month:

Outside City Limits

First 2,000 gallons	\$21.39
Next 3,000 gallons, per 1,000 gal.	\$8.34
Next 5,000 gallons, per 1,000 gal.	\$7.31
Next 10,000 gallons, per 1,000 gal.	\$6.27
All water in excess of 20,000 gallons per month, per 1,000 gal.	\$4.73
Service and billing charge	\$2.20

If annexed:

First 2,000 gallons	\$21.39
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Over 2,000 gallons	\$3.61
Service and billing charge	\$2.20

(4) No water which is sold by the city to any customer in the area described above shall be piped by a customer or with customer’s consent onto the lands of another, nor to any point on the customers property more than 200 feet from the meter without written consent from the Mayor and/or City Administrator, and Water Superintendent through which such water flows; nor may the water withdrawn from a single meter be piped into more than one dwelling unit.

(5) All meter reading, billing and charges, etc. shall be in accordance with the provisions of the city’s current fiscal year budget ordinance relating to certain usage; however, this section shall not in any way amend the budget ordinance, nor shall the reference to the budget ordinance in any way modify the charges set out above.

SECTION III

This Ordinance and Section 10.04 of the Williamstown Code of Ordinances are hereby amended as follows:

(A) In computing any period of time prescribed or allowed by Order of Court or by any applicable ordinance the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is Saturday, a Sunday, a legal holiday, or a day on which the public office in which a document is required to be filed is actually and legally closed in which event the period runs until the end of the next day which is not one of the days just mentioned. If the day thereby computed on which or by which the act is required to be done falls on a Saturday, Sunday, legal holiday or a day on which the public office in which the act is required to be completed is actually and legally closed, the act may be done on the next day which is none of the days just mentioned, and shall be paid by the close do business to the City of Williamstown in which its business is legally opened.

(B) If any proceeding is directed by law to take place or any act is directed to be done on a particular day of the month and that day is Sunday, the proceeding shall take place, or the act shall be done on the next day that is not a legal holiday by the close of business that the City offices are legally opened.

SECTION IV

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City of Williamstown to collect charges from all users who draw water from the City of Williamstown Water Treatment Plant. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public water system.

SECTION V

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

A. “Normal Domestic Water” shall mean the water drawn from the Water Treatment Plant and which are used in the normal human living processes and domestic/commercial use.

B. “Operation and Maintenance” shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and for which such works were designed and construed. The term “operation and maintenance” includes replacement as defined in Subsection C.

C. “Replacement” shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the water treatment works to maintain the capacity and performance for which such works were designed and constructed.

D. “Residential User” shall mean any residential user of the City of Williamstown’s water works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

E. “Commercial User” shall mean all retail stores, restaurants, office buildings, laundries, and other private business and service establishments.

F. “Industrial User” (IU) shall mean a source of Indirect Discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of the Clean Water Act.

G. “Institutional User” shall include social, charitable, religious, education activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

H. “Governmental User” shall include legislative, judicial, administrative, and regulatory activities of Federal, State and Local governments.

I. “Shall” in mandatory; “May” is permissive.

J. “Water Treatment Works” shall mean any devices and systems for the storage, treatment, filtration, and purification of municipal water, domestic water, commercial industrial water. These include, but are limited to, all equipment, lines, chemicals, processes, additions, alterations, storage wells, wells treatment units, water toners, and all such equipment used in the treatment, filtration and distribution of potable water.

K. “Useful Life” shall mean the estimated period during which a water treatment plant will be operated.

L. “User Charge” shall mean the total water service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, replacement and debt service expenses of the water treatment works.

M. “Water Meter” shall mean a water volume measuring and recording device, furnished and/or installed by a user and approved by the City of Williamstown.

N. “Debt Service” shall mean charged levied on users of the water treatment works to support the annual debt obligations of the system.

O. “System Development” relates to the costs to provide service to a general area such as, but not limited to, Barnes Road and Baton Rouge Road areas to the west of U.S. 25 and east of I-75, U.S. Highway 36, etc., the City of Williamstown constructed and expanded major equipment to the mentioned areas, as well as others.

P. “System Development Fees” shall be levied on all properties that receive service – directly or indirectly – through System Development constructed facilities for a period of twenty (20) years at a monthly charge.

Q. “Capacity” relates to the cost to provide the necessary capacity in the upgraded existing system (i.e. treatment plants, treatment abilities, water pipes, storage wells, water tanks, etc.)

R. “Capacity Fees” shall be levied and are designed to recover the costs to replace the capacity that is used by a new customer for a period of twenty (20) years at a monthly charge.

S. “Equivalent Residential Units” (ERUs) are the existing and anticipated “Equivalent Residential Units” whether Commercial, Industrial, Institutional, Governmental and/or Residential user within the area when the City of Williamstown constructs water facilities (i.e. water treatment ability, etc.) in a specifically defined geographical area.

SECTION VI

There is hereby established a Capacity Fee for all new water plant and line construction in the City of Williamstown. The Capacity Fee for each Equivalent Residential User (ERU) calculated as follows:

$$CF = \frac{\text{Net Worth (water system) dollars/(G.P.D.)}}{\text{System Capacity (gallons per day)}}$$

$$CF/ERU = \text{dollars/GPD} \times \text{_____ average use per days}$$

Qualified users are allowed to pay this fee in monthly installments for up to sixty (60) months with project interest based upon the then current bond interest schedule. Said Capacity Fee shall be calculated by the Mayor and/or his designee and the City Clerk/Treasurer. Said calculations and information sheet shall be provided to the Qualified User by the Mayor and/or City Clerk/Treasurer.

SECTION VII

Henceforth, as the City of Williamstown constructs water facilities (i.e. water service/construction, etc.) in a specifically defined geographical area, all costs related to the construction of the associated facilities shall be divided equally among the existing and anticipated “Equivalent Residential Users” (ERUs) within the area. Costs to provide service shall include, but not be limited to, legal fees for property and/or easement acquisition, engineering costs, construction costs, and other related project costs.

The geographic area subject to said System Development Fee is defined as the area served by water improvements from the Grant County High School Board of Education, and the Baton Rouge Road areas of the northern boundary, and bounded in the west by all those areas served by Barnes Road, and to the east by Arnie Risen Boulevard and Eibeck Lane as the southern boundary, and those areas served west on Ky. Highway 36 to the city limits of Williamstown, including those areas served directly or indirectly by said public water enhancements and construction by the City of Williamstown, Kentucky, and those areas served by the Williamstown Water Plant.

SECTION VIII

The City of Williamstown shall define by Resolution, the project/geographical area and through public notification in the newspaper and/or by letter, shall contain the ERU costs of the project area subject to said fee.

SECTION IX **SYSTEM DEVELOPMENT FEE**

There is hereby established a System Development Fee for all new water construction by the City of Williamstown as calculated by the following formulas:

Extension of Service (treatment plants, lines, storage units, mains, etc.)

Project Cost ÷ Projected ERU’s x users = System Development Fee

Qualified users are allowed to pay this fee in monthly installments for up to sixty (60) months with project interest based upon the then current bond interest schedule. Said System Development Fee shall be calculated by the Mayor and/or his designee and the City Clerk/Treasurer. Said calculations and information sheet shall be provided to the Qualified User by the Mayor and/or City Clerk/Treasurer.

SECTION X

When each property owner is requesting connection to the Williamstown Water System, each property owner will be notified by the Mayor and/or City Clerk/Treasurer of the “Capacity Fee” and “System Development Fee” applicable for said property. This notification shall be in writing and detail the ERU costs for the project area.

This notification letter/notice shall state the date upon which associated “Apportionment Warrants” (property liens) shall be placed on the property deed, unless payment in full of the Assessment Fees amount is paid to the City of Williamstown prior to that date.

Anticipated ERUs include, but are not limited to, vacant lots, undeveloped property that could be further subdivided into lots within assessment zone, etc. Apportionment Warrants will remain, and are transferable to future property owners, for those undeveloped properties/lots until such time as development requiring wastewater facilities occurs. When such undeveloped properties are later developed, payment of the System Development Fees and Capacity Fees are required at the time of Connection Permit issuance by the City of Williamstown or payable consistent with the provisions set forth herein.

SECTION XI

Capacity Fees and System Development Fees are in addition to and independent from any and all existing Water Tap On Fees as established by the City of Williamstown, Kentucky.

SECTION XII

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

SECTION XIII

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION XIV

This ordinance shall be effective as soon as possible according to law.

SECTION XV

This ordinance shall be published in summary pursuant to K.R.S. 83A.060(9) and K.R.S. 100.27 and shall be effective as soon as possible according to law.

Rick Skinner, Mayor
City of Williamstown, Kentucky

ATTEST:

Vivian Link, City Clerk

2011- 24

1st Reading 10/03/11

2nd Reading 10/18/11

Publication 10/27/11

CERTIFICATION

The undersigned, Vivian Link, City Clerk of the City of Williamstown, in Grant County, Kentucky certifies as follows:

1. The foregoing Ordinance No. 2011- 24 was introduced in writing and read to the City Council of the City of Williamstown at regular or special meetings thereof on the third day of October, 2011 and the 18th day of October, 2011, at which quorums were present; and said Ordinance was enacted by the City Council of the City of Williamstown upon the affirmative vote of at least a majority of a quorum thereof, at the meeting thereof on the 19th day of October, 2011, with the vote of each member of the city council entered upon the official record of such meeting; and

2. After the passage and adoption of the foregoing Ordinance by the City Council of the City of Williamstown, it was submitted to the Mayor of the City of Williamstown who approved said Ordinance by affixing his signature thereto within ten (10) days after submission thereof to him; and

3. The foregoing Ordinance and/or summary was published on the 27th day of October, 2011, in the Grant County News, a newspaper qualified therefore, pursuant to the provisions of K.R.S. Chapter 424.

Vivian Link, City Clerk