ORDINANCE NO. 1999-3

AN ORDINANCE OF THE CITY OF RACELAND, KENTUCKY, AMENDING ORDINANCE NO. 1996-3, ARTICLE IX-B.2.(a) AND (b), CONCERNING USE OF THE MUNICIPAL SANITARY SEWAGE COLLECTION AND TREATMENT SYSTEM, SETTING FORTH POLICY, DEFINITIONS, RULES, AND REGULATIONS REGARDING THE USE OF SAID SYSTEM, CONTROLLING PRIVATE WASTE WATER DISPOSAL, GOVERNING THE BUILDING OF SEWERS AND CONNECTIONS, POLLUTANT DISCHARGE LIMITS, PRE-TREATMENT PROGRAM ADMINISTRA-TION, ESTABLISHING THE RIGHT OF THE CITY OF RACELAND TO CHARGE FEES FOR ADMINISTERING REASONABLY NECESSARY FUNCTIONS RELATED TO SEWER USE, AND DELINEATING POWERS AND AUTHORITY OF INSPECTORS AND SETTING FORTH THE METHODS AND PROCEDURES OF ENFORCEMNT OF THE ORDINANCE AND PENALTIES FOR VIOLA-TION OF THE SAME AND REPEALING PRIOR ORDINANCES. THESE AMENDMENTS SPECIFICALLY SET OUT PENALTIES FOR VIOLATION OF ARTICLE IV.B.

THE CITY COUNCIL OF THE CITY OF RACELAND, GREENUP COUNTY, KENTUCKY, DOES ORDAIN AS FOLLOWS:

ARTICLE IX.B.2.

(a): Notice of Violation – Any person found to be violating any provision of this Ordinance, wastewater discharge permit or any order issued hereunder shall be served by the Superintendents of the Entities and/or the GCEC with a written notice stating the nature of the violation. Any person found to be violating this Ordinance by having downspouts or any other source of surface run-off or groundwater connected to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer, in direct violation of Article IV.B., shall be served written notice by the City stating the nature of the violation. The offender must permanently cease all violations.

(b): Administrative Orders/Fines – Any person who, after receiving a Notice of Violation, shall continue to discharge in violation of this Ordinance or other pretreatment standard or requirement or is determined to be a

chronic or persistent violator, shall be ordered to appear before the GCEC. At said appearance, a compliance schedule will be given to the violating user and an administrative fine assessed. The fine shall be determined on a case-by-case basis, which shall consider the type, severity, duration and number of violations, severity of impact on the GCEC, impact on human health, user's economic benefit from the violation, past history of the user, and good faith efforts made by the user. The fine shall be a non-arbitrary but an appropriate amount.

Users desiring to dispute such fines shall file with the GCEC a request for the Entities to reconsider the fine within ten (10) days of being notified of the fine. The Entities shall convene a hearing on the matter within fifteen (15) days of receiving such a request from the user. However, any person who, after receiving notice of violation of Article IV.B.:

> No person shall make connections of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, area way drains, or other sources of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this Ordinance shall be completely and permanently disconnected within sixty (60) days of the effective date of this Ordinance. The owners of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to the public sanitary sewer.

and has not corrected same within ten (10) days shall be fined Ten Dollars ($10.00) per day until corrected. Users desiring to dispute such fine with respect to this specific provision ONLY shall file with the City Clerk of Raceland a request to reconsider the fine within ten (10) days of being notified. The City Council of Raceland shall convene a hearing on the matter no later than the next regularly scheduled council meeting after receiving such request.

All ordinances or parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

This Ordinance shall take effect upon its passage and publication as required by law.

Passed and adopted by the City Council this 11 day of May 1999, 1999.

Randy Hale
MAYOR

ATTEST:

Vicki Ruby
CITY CLERK

1 st Reading 4/27/99

2 nd Reading 5/11/99

Published Date 5/20/99