ORDINANCE NO. 2015 - 1

AN ORDINANCE RELATING TO ON-SITE AND CENTRALIZED WASTE WATER SYSTEMS; PROVIDING PENALTIES; AND OTHER MATTERS.

WHEREAS, the City Council of the City of Raceland, Kentucky, recognizes the need to correct and prevent the pollution of the many creeks, streams, lakes and other water resources that lie within the boundaries of the City of Raceland, Kentucky, and finds that responsive action is necessary to safeguard and improve the public health safety and welfare of its citizens;

NOW THEREFORE, be it ORDAINED by the City Council of the City of Raceland, Kentucky, a Municipal Corporation of the Fifth Class, as follows:

SECTION 1: PROHIBITED FACILITIES - From the effective date of this Ordinance, it is deemed a public nuisance, endangers the public health and is unlawful for any person owning an occupied building in the County to construct, install, use, or maintain a straight pipe, privy, cesspool, sinkhole, or other receptacle for the purpose of receiving or discharging wastewater; and the owner of a building connected to such facilities and any person(s) that performs the work in making such a connection shall be subject to the penalties set out herein.

SECTION 2: WHERE PUBLIC WASTEWATER SYSTEM IS NOT AVAILABLE

A. From the effective date of this Ordinance, where a public wastewater system is not available, it is the responsibility of a property owner to connect or have connected any and all newly constructed and/or substantially renovated buildings intended for occupancy to an approved, on-site wastewater treatment system. The type, capacity and location of any on-site wastewater system to serve any such building intended for occupancy shall comply with the regulations of the Greenup County Health Department, or the Kentucky Division of Water, as appropriate, and the Greenup Wastewater District, (District) created herein,

B. The property owner shall operate and maintain the on-site wastewater system in working condition at all times, or may

contract with the District, created herein, to provide this service. Discharge of effluent from any on-site wastewater system to any open drain, ditch, sinkhole, stream, or well is prohibited, with the exception that holders of current NPDES/KPDES permits may discharge at permitted discharge points.

C. Failure to connect to an approved on-site wastewater system when a public wastewater system is not accessible is hereby declared to constitute a nuisance, to endanger the public health and is unlawful.

SECTION 3: WHERE A PUBLIC WASTEWATER SYSTEM IS OR BECOMES AVAILABLE

A. All persons owning property in the County, upon which there is an existing, occupied building that is, or becomes accessible to a public wastewater system, shall make a service connection to that system, at the owner's expense, using material and workmanship in accordance with the regulations of that public wastewater system.

B. Said connection shall be made within four (4) months from the date that written notice is provided to the property owner that wastewater service is available. After this time, whether or not the connection to the wastewater system in made, the property owner shall be billed for wastewater service based on metered water consumption or the system average usage charge which ever shall apply.

C. Occupied buildings are deemed accessible to a public wastewater system if a collection line of the wastewater system is located within 500 linear feet from an occupied building or a building to be occupied. At the discretion of the affected wastewater system, certain building locations within the 500 linear foot distance may be declare 'not feasible to serve' taking into consideration geographic site characteristics, hydraulic engineering standards and affordability.

D. Permanency of connection: Once a building is connected to a public wastewater system the owner may not remove, disconnect, or otherwise interrupt the flow of wastewater to that system for any purpose unless so directed in writing by the Greenup County

Health Department or the Kentucky Division of Water and the District.

E. Failure to connect to a public wastewater system under the conditions outlined above is hereby declared to constitute a nuisance, endanger the public health and is unlawful.

SECTION 4: PUBLIC WASTEWATER CONNECTION TIME EXTENSION PERMIT - A person owning property in Greenup County upon which there is any existing, occupied building that is accessible, or which becomes accessible to a public wastewater system, may apply for a 'Connection Time Extension Permit' from the District, which shall be valid for a three(3) year period, if that person can document that he or she has a functioning, on-site system approved by the Greenup County Health Department, or the Kentucky Division of Water, which system was installed within ten (10) calendar years previous to the date of public wastewater service availability. Upon presentation of appropriate documentation, the person will receive a permit affecting that specific building. If, for whatever reason during the period of the time extension, the on-site wastewater system fails, the permit is automatically revoked and the person must connect to the public system and comply in full with the provisions of this Ordinance. No additional time extension for that building shall be provided.

SECTION 5: EXCLUSION OF STORM WATER AND OTHER SURFACE WATER

A. It is the responsibility of property owners to assure that storm water, other surface water or unpermitted discharges not enter a public wastewater system.

B. All persons requesting to connect to any wastewater system, either an on-site or centralized system, shall provide adequate means for excluding storm water, such as from roof drains, foundation drains or other sources of surface water, from entering the wastewater system, provide supporting documentation and allow an agent of the District right of access for timely inspection to verify compliance.

C. Once a building is connected to a public wastewater system, no person shall subsequently connect any roof drain or foundation drain to the wastewater system or permit, allow or cause water from any source other than the sanitary plumbing of the building to enter the wastewater system.

SECTION 6: PENALTIES - Any person, entity or corporation violating any of the provisions of this ordinance, or failing or refusing to comply with the rules and regulations of the Greenup County Health Department or the District relating to this Ordinance shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for each offense. Each day such person, entity or corporation fails or refuses to comply with the specific provisions of this ordinance, shall constitute a separate offense.

SECTION 7: That any ordinance of the City of Raceland, Kentucky in conflict herewith is hereby repealed to the extent of any such conflict only.

SECTION 8: That this ordinance shall become effective from and after its passage, approval and publication as required by law.

Approval as to Form: James W Lyon Jr

James W. Lyon, Jr.
City Attorney
City of Raceland, Kentucky

Michael R Wilson
HON. MICHAEL R. WILSON, MAYOR
CITY OF RACELAND, KENTUCKY

ATTEST:

Diana K Moore City Clerk
DIANA K. MOORE, CITY CLERK

FIRST READING: November 11, 2014

SECOND READING: December 9, 2014

PUBLISHED: _____