

**SPENCER COUNTY, KENTUCKY
ORDINANCE NO. 4
FISCAL YEAR 2008 SERIES**

**AN ORDINANCE RELATING TO ONSITE AND CENTRALIZED SEWER SYSTEMS
AND
THE CREATION OF A SANITATION DISTRICT IN SPENCER COUNTY, KENTUCKY**

WHEREAS, the Spencer County Fiscal Court recognizes the need to correct and prevent the pollution of its creeks, streams, lakes and other water resources, and finds that responsive action is necessary to safeguard and improve the public health, safety, and welfare of its citizens; and,

WHEREAS, the Spencer County Fiscal Court finds that the establishment of a Sanitation District to plan for sewer service, regulate the development of sewer systems as well as to construct, acquire, own, operate and maintain onsite and centralized collection and treatment facilities for sewage and other liquid waste will protect and enhance the natural environment and economic well being of the entire County and constitutes a valuable and necessary governmental service; and,

WHEREAS, the Kentucky Revised Statutes (KRS) Chapter 67.083 provides for the establishment of agencies to provide necessary governmental services and further, Chapter 67.715 authorizes the County Judge Executive, with the approval of the Fiscal Court, to create and establish any special district to effect such purpose; and,

WHEREAS, it is the intent of the Fiscal Court of Spencer County to establish the Spencer County Sanitation District (herein referred to as "Sanitation District") having all necessary and appropriate authority, service area and jurisdiction and operational capacity to accommodate all of Spencer County, exclusive of the land area presently served by the sewer system operated by the City of Taylorsville Water Works.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF SPENCER COUNTY, COMMONWEALTH OF KENTUCKY, AND SO ORDERED, THAT:

SECTION 1: DEFINITIONS

- A. "Affected property owner" means any person owning property in Spencer County which property is not located in the land area served by the sewer system operated by the City of Taylorsville Water Works and has not been granted a centralized sewer connection waiver.
- B. "Centralized Sewer System" means a system comprised of collection pipes that convey raw sewage from occupied buildings in a community to a sewage treatment plant, for processing and eventual discharge of treated water into an adjacent surface water.
- C. "Certified Installer" means a specific individual person who has met the requirements for certification contained in KRS 211.357 and the certification maintenance requirements contained in Kentucky Administrative Regulations.
- D. "Effluent" means the liquid discharge of a septic tank or other sewage pretreatment unit.
- E. "Inflow" means water other than wastewater that enters a sewer system from means such as roof drains, yard drains, area drains, drains from springs or swampy areas, openings in manhole covers, cross connections with storm sewers, catch basins, cooling towers, storm waters, source runoff, street wash waters, drainage, or any other source which directs rainwater into the sewer system.
- F. "KIPDA Area Water Management Planning Council" means that regional planning council authorized by the Kentucky General Assembly that includes Spencer County.
- G. "Onsite sewer system" means a complete system installed on a parcel of land, under the control or ownership of any person, which accepts sewage for treatment and ultimate disposal under the surface of the ground. The common terms "on-site sewage system" or "on-site system" also have the same meaning.
- H. "Open ditch or drain" a paved or unpaved linear depression made in the surface of the earth that allows polluted water to collect and flow away illegally from an occupied building's sewer system or sewer system component.
- I. "Person" means any individual, firm, corporation, association, organization, partnership, business trust, company or governmental unit.
- J. "Sinkhole" means a naturally occurring topographic depression in a karst area. Its drainage is subterranean and serves as a recharge source for groundwater and it is formed by the collapse of a conduit or the solution of bedrock.

- K. "Straight pipe" means an illegal sewage disposal system that transports raw or partially settled sewage directly to an open ditch on ground surface, creek or creek branch, lake, or other surface water.
- L. "Surface water" means those waters having well-defined banks and beds, either constantly or intermittently flowing; lakes and impounded waters; marshes and wetlands; and any subterranean waters flowing in well-defined channels and having a demonstrable hydrologic connection with the surface. Effluent ditches and lagoons approved for use in sewage treatment which are situated on property owned, leased, or under valid easement by a permitted discharger are not considered to be surface waters of the Commonwealth.
- M. "Wastewater" mean and is used interchangeably with the terms "sewage" and "sewers".
- N. "Water Resource Information System" ("WRIS") means Kentucky's database of all water and sewer projects proposed by all water and sewer systems.

SECTION 2: PROHIBITED FACILITIES

From the effective date of this Ordinance, it is recognized and deemed to endanger the public health and it is unlawful for any person owning an occupied building in the County to construct, install, use, or maintain a straight pipe, open drain or ditch, sinkhole, or other unapproved method or receptacle for the purpose of receiving or discharging sewage from the building. 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 3: WHERE CENTRALIZED SEWER IS AVAILABLE

- A. All affected property owners having property upon which there is a building that is or becomes occupied and that is accessible to a centralized sewer system, shall make a sewer service connection to that system, at the owner's expense, using material and workmanship in accordance with the regulations of the Sanitation District, created herein.
- B. The Sanitation District shall notify all affected property owners and the Spencer County Health Department by letter when centralized sewer service becomes available to areas within the County, and provide information regarding how to apply for service. Connection to the sewer system shall be made by the affected property owner within one hundred and eighty (180) days from the notification letter date line. Subsequently, any onsite system shall be removed or abandoned once it poses no danger to the health and welfare of any individual or to the environment, as directed by the Spencer County Health Department.
- C. An occupied building is deemed *accessible* to a centralized sewer if:

- 1) the building is located at a distance not greater than 1,500 linear feet from a sewer collection line; and
- 2) the construction cost for the connection is not anticipated to be abnormally high due to site characteristics.

If circumstances warrant, the Sanitation District, at its expense, may engage a licensed engineer to perform a twenty (20) year present worth cost analysis of the proposed connection. If this analysis illustrates that total costs of connection are not expected to be more than 20% above the normal cost per linear foot for such connection the connection shall be considered *accessible*, and the connection shall be installed by the owner, at the owner's expense. If, after the connection is complete, the actual, verified cost to the owner is greater than 20% above the normal connection cost per linear foot, the Sanitation District shall pay the overage. The normal cost per linear foot standard shall be determined by the Sanitation District.

- D. Permanency of connection: Once a building is connected to a centralized sewer system the owner may not remove, disconnect, or otherwise interrupt the flow of sewage to that system for any purpose unless directed by the Spencer County Health Department, the Sanitation District, or the Kentucky Division of Water.
- E. Failure to connect to a centralized sewer system under the conditions outlined within this Section is hereby declared to endanger the public health and is unlawful.

SECTION 4: WHERE CENTRALIZED SEWER IS NOT AVAILABLE

- A. From the effective date of this Ordinance, where a centralized sewer 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, occupied or intended for occupancy, to an approved, onsite sewer system, including those designed to serve individual buildings or to serve groups or clusters of buildings. The type, capacity and location of any onsite sewer system to serve any such building intended for occupancy shall comply with the regulations of the Sanitation District, created herein, whose regulations shall also conform to applicable regulations of the Spencer County Health Department, Taylorsville-Spencer County Planning and Zoning Commission, the Kentucky Department for Public Health Protection and Safety and the Kentucky Division of Water.
- B. Discharge of effluent from any onsite sewer system to any open drain, ditch, pit, sinkhole, stream or well is prohibited, with the exception that holders of current NPDES/KPDES permits may discharge at permitted discharge points.
- C. The property owner is responsible for and must assure that the onsite sewage system is in working condition at all times, and shall properly operate and maintain the system or contract with qualified individuals or firms, approved by the Sanitation District to provide this service.

- D. Failure to connect to an approved onsite sewer system when a centralized sewer system is not accessible is hereby declared to endanger the public health and is unlawful.
- E. The Sanitation District may establish rules for periodic monitoring of all onsite systems to assure their proper functioning and may, but is not required to, promulgate a schedule for periodic pumping for septic tanks.

SECTION 5: CENTRALIZED SEWER CONNECTION WAIVER

- A. An affected property owner owning property upon which there is a building that is occupied or that becomes occupied and that is accessible, or becomes accessible to a centralized sewer system, may apply for a centralized sewer connection waiver ("connection waiver") from the Sanitation District, if the person can provide documentation that the building is connected to an onsite sewer system approved by the Spencer County Health Department or the Kentucky Division of Water. If such documentation is not available, the individual may request the Spencer County Health Department to conduct an inspection of the onsite system to determine whether the system is functioning properly. Upon presentation of documentation verifying approval of the onsite sewer system, the Sanitation District shall grant a connection waiver affecting the specific building.
- B. If and when any approved onsite sewer system fails, for the waiver to remain in force, the affected property owner must apply within thirty (30) days of such system failure to the Spencer County Health Department for an onsite sewer system repair permit. Should the affected property owner receive a repair permit, he shall arrange with a certified installer to complete such repairs within sixty (60) from the date of issuance of the repair permit. Once repairs are completed and approved by the Spencer County Health Department, the Sanitation District shall allow the waiver to continue in force. Failure by the affected property owner to comply with Section 5 of this Ordinance shall result in withdrawal of the connection waiver and the affected property owner shall be required to connect to the centralized sewer system within sixty (60) days of the issuance of the notice of withdrawal of the connection waiver and no additional waiver for that building shall be granted.
- C. An affected property owner may request a connection waiver conditioned upon his providing proof of ownership by deed of property located outside the corporate boundaries of a municipality and consisting of ten (10) or more acres together with a signed affidavit that the property is used for agricultural or horticultural purpose, pursuant to KRS 134.010(9) or (10), or is available for such use. Upon verification of the information provided, the Sanitation District shall grant a connection waiver. Such waiver shall continue for as long as the property meets the conditions set out in this section and shall cover all single family dwellings, buildings and other structures incident to the operation and maintenance of that farm.

SECTION 6: EXCLUSION OF STORM WATER AND OTHER SURFACE WATER

- A. It is the responsibility of a property owner to assure that storm water or other surface water is not allowed to inflow or otherwise enter a centralized sewer system or onsite sewer system.
- B. All affected property owners making application to connect to any sewer system, either an onsite or centralized system, shall provide adequate means for excluding storm water and other surface water inflow, provide copies of approved building construction plans or other documents illustrating elements designed to exclude such water and shall allow an agent of the Spencer County Health Department or the Sanitation District or both the Spencer County Health Department and the Sanitation District right of entry for timely inspection to verify compliance.
- C. Once a building is connected to an onsite or centralized sewer system, no person shall subsequently connect any roof drain or foundation drain to that sewer system or permit, allow or cause water from any source other than the sanitary plumbing of the building to enter the sewer system.

SECTION 7: CREATION OF SANITATION DISTRICT

- A. In accordance with and pursuant to KRS Chapter 67.715 (2) and KRS Chapter 67.083 (3) (c) (h) and (r), the Spencer County Fiscal Court grants its approval for the County Judge Executive to establish a special district to be known as the Spencer County Sanitation District (Sanitation District). Further, the Sanitation District shall be structured and formed such that it shall have all powers and duties to reasonably, efficiently and effectively implement the provisions of and carry out the duties prescribed by KRS Chapter 220. Further, the Sanitation District shall coordinate Spencer County's initial and on-going watershed planning effort to protect and enhance area water resources. The Sanitation District shall serve as the County's representative in region-wide watershed planning implementation.
- B. The Fiscal Court, pursuant to KRS Chapter 220.035, reserves the power and authority to review and approve, amend or disapprove proposed Sanitation District activities relating to regulation of sewer development and construction of capital improvements; review and approve, amend or disapprove charges or user fees established by the Sanitation District; and review and approve, amend or disapprove any budget as may be proposed by the Sanitation District.

SECTION 8: SANITATION DISTRICT PURPOSES, STRUCTURE & AUTHORITY

- A. Purposes:
 - 1) The Sanitation District shall prepare a comprehensive, watershed based, sewer services plan for the entire land area of Spencer County. The Sanitation District shall engage the citizens of the County in this continuous planning process to assure a realistic and common sense approach, inclusive of all existing sewer systems and considering all appropriate technologies for both onsite and centralized systems to assure cost effective service coverage for the entirety of the County.

- 2) The Sanitation District shall regulate and control all aspects of the development of sewer facilities throughout the County including but not limited to the location and specifications of all onsite and centralized collection and treatment facilities.
 - 3) The Sanitation District shall regulate and control the provision of sewer system operations, maintenance and management services as may be performed by qualified contractors, requiring that a written contractual agreement be entered between an owner and a contractor, setting out work scope, term and service fees.
 - 4) When appropriate, the Sanitation District may itself may serve as the responsible management entity, providing sewer system operations and maintenance services by contract with an owner, via its staff, for a fee, or by subcontracting with others qualified to provide these services, for a fee.
 - 5) The Sanitation District may own, operate, maintain and manage, or contract others to provide any/all of these services utilizing the array of appropriate technologies for centralized and onsite sewer facilities to effect the purpose of the ordinance; and
 - 6) The Sanitation District shall serve as directed by the Fiscal Court in matters relating to water resources.
- B. Structure: The Sanitation District shall be governed by a five (5) member board of directors, appointed by the County Judge Executive and approved by the Fiscal Court, such that the duration of initial members' terms shall be 2 years for two members, 3 years for two members and 4 years for one member; thereafter terms shall be 4 years in duration. In making appointments to the board of commissioners, care shall be taken to assure that the collective talents of the board members includes:
- 1) basic knowledge of water chemistry relating to current water quality standards and other technical skills associated with sewers,
 - 2) understanding and capacity to successfully manage public business operations,
 - 3) knowledge and capacity to handle the fiduciary obligations of a public entity and
 - 4) demonstrated commitment to the ethical standards of public service.

The Sanitation District is hereby charged to devise and promulgate rules, regulations, procedures, charges and service rates affecting all aspects of the planning and implementation processes of sewer service in Spencer County. The Sanitation District shall work cooperatively in conjunction with the Spencer County Health Department, the Taylorsville-Spencer County Planning and Zoning Commission and the sewer system operated by the City of Taylorsville Water Works to become the 'single point of contact' relating to centralized and onsite sewer development and regulation for Spencer County, excluding the land area presently served by the sewer system operated by the City of Taylorsville Water Works. The board of directors shall prepare and submit to the Fiscal Court, at its request, all proposed plans for sewer service including construction projects to be included in the WRIS, all regulatory and administrative requirements, as well as all documentation in support of requests for project funding

assistance for the Fiscal Court's review and approval, amendment or disapproval. All such actions as relate to proposed plans, regulations, and funding requests shall be documented and such documents shall be provided to the Fiscal Court through the County Judge Executive at least thirty days prior to the proposed effective date or time for submission to any state or federal regulatory or funding agency or other person or entity. Once approved, the Sanitation District shall make available to the citizens of Spencer County, developers and others all of its proposed service plans, proposed construction projects identified in the WRIS, as well as its operational rules, regulations and procedures.

C. Authority:

- 1) The Sanitation District shall have the authority to coordinate, oversee and regulate the development of all sewer facilities in Spencer County, with the exception of the land area presently served by the sewer system operated by the City of Taylorsville Water Works. Incident to the purposes stated above and these authorities and to enable their accomplishment, the Sanitation District is specifically authorized to develop, own, manage and operate sewer facilities and the attendant duties and obligations thereof as enumerated in KRS 220.030 which includes, but is not limited to acquisition, constructing or having constructed, onsite and centralized systems of drainage or collection laterals, filters, tanks, trunk lines, intercepting sewers, lift stations, force mains, treatment and disposal works, with all appurtenances thereto, and to maintain, operate and repair same, as well as to enter binding agreements with qualified contractors, installers and operators to provide such service, and take all other action necessary for the fulfillment of the purposes of KRS 220.010 to 220.520.
- 2) The Sanitation District shall have the powers stated in KRS Chapter 220 including the power to sue and be sued, contract and be contracted with, incur liabilities and obligations, exercise the right of eminent domain, secure rights of way and easements, issue bonds and to perform all acts necessary and proper for carrying out the purposes for which the Sanitation District is created. The Sanitation District shall have the authority to execute the powers with which it is vested as provided in KRS Chapter 220.510.
- 3) The Sanitation District shall have the power of condemnation, as provided and described in KRS Chapter 220.310, subject to concurrence of the Spencer County Fiscal Court.

SECTION 9: SANITATION DISTRICT BOUNDARIES

The Sanitation District's boundaries shall be co-terminus with those of Spencer County with the exception of that land area served by the sewer system operated by the City of Taylorsville Water Works. The Sanitation District's boundaries shall be acknowledged and ratified by the KIPDA Area Water Management Planning Council and may be amended from time to time. Further, the Sanitation District shall work cooperatively and collaboratively with the Spencer County Health Department, the City of Taylorsville and neighboring governments and agencies to assure best use and integration of all available

resources for support and timely development of sewer services throughout Spencer County.

SECTION 10: FEES, RATES AND CHARGES

The Sanitation District shall devise, review annually and publish its schedule of fees, rates and charges, which shall be based on the actual cost of providing services as provided in KRS Chapter 220.510. The schedule may include service assessments, system development charges and other similar fees and charges.

SECTION 11: AGENCY COMMUNICATION & COOPERATION

The Sanitation District shall actively and routinely coordinate all its planning, administration and regulatory actions as well as convey updated information regarding its facilities construction and operational activities with the Spencer County Fiscal Court and the Spencer County Health Department to best assure full interagency communication and integrated service delivery to the citizens of Spencer County.

SECTION 12: CONCORDANCE

Statements contained in this Ordinance shall not be construed to conflict with other Spencer County ordinances, state or federal laws or regulations.

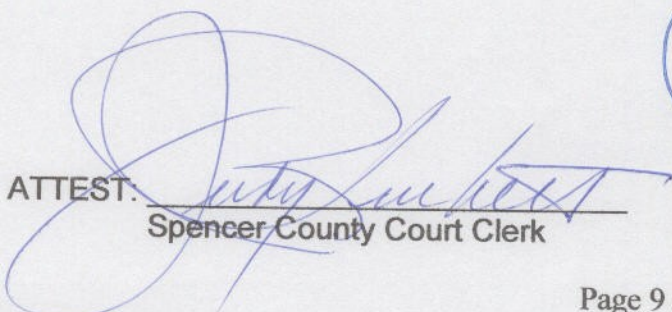
SECTION 13: PENALTIES

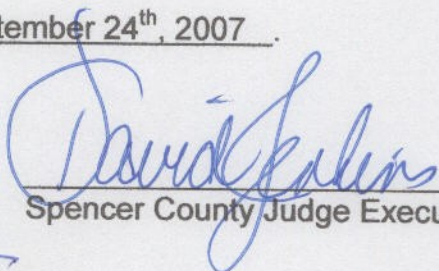
Any person, entity or corporation violating any of the provisions of this ordinance, or failing or refusing to comply with the rules and regulations of the Spencer County Health Department or the Sanitation District relating to this Ordinance shall be fined not less than fifty dollars (\$50.00) nor more 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.

Given first reading and approval on August 20th, 2007.

Published September 12th, 2007.

Given second reading and adoption on September 24th, 2007.

ATTEST: 
Spencer County Court Clerk


Spencer County Judge Executive