

11-01-16

ORDINANCE NO. 10 -2016

AN ORDINANCE AMENDING ORDINANCE NO. 17-2012 OF THE CITY OF GREENUP, KENTUCKY ESTABLISHING WATER RATES, TAP FEES, INSTALLATION CHARGES, SERVICE CHARGES, PENALTIES AND INTEREST, CUSTOMER DEPOSIT FEES AND OTHER MISCELLANEOUS CHARGES AND FEES RELATED TO THE CITY OF GREENUP WATER SYSTEM.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Greenup,

Kentucky, as follows:

SECTION 1: The charges for water sold by the City of Greenup:

Water Rates:

Metered Water Rates Inside City

0 - 2,000	19.90 21.89
2,001 - 8,000	8.68 9.55 per 1,000 gals.
8,001 - 16,000	6.68 7.35 per 1,000 gals.
16,001 - 24,000	4.70 5.17 per 1,000 gals.
24,001 - 100,000	3.89 4.28 per 1,000 gals.
Over 100,001	3.78 4.16 per 1,000 gals.

Metered Water Rates Outside City

0 - 2,000	25.63 30.12
2,001 - 8,000	11.14 13.08 per 1,000 gals.
8,001 - 16,000	8.57 10.07 per 1,000 gals.
16,001 - 24,000	6.02 7.07 per 1,000 gals.
24,001 - 100,000	4.99 5.86 per 1,000 gals.
Over 100,001	4.86 5.71 per 1,000 gals.

Surcharge for debt service

Customers in expansion phases where debt service still exists shall be assessed a \$10.00 monthly surcharge as long as the debt service payment exists.

Minimum Bill

All taps above the minimum, which are greater than 3/4 or 5/8 shall be charged a minimum bill as follows:

1"	\$149.09 164.00
1½"	\$182.11 200.32
2"	\$232.66 255.96
3"	\$682.83 751.11
4"	To be negotiated by Mayor and City Council
5"	To be negotiated by Mayor and City Council
6"	To be negotiated by Mayor and City Council

There shall be no minimum bill for taps which are used exclusively for fire protection. Single residential users with taps greater in size than 3/4" or 5/8" shall be required to pay the minimum bill only for a 3/4" or 5/8" tap.

SECTION 2:

(A) There shall be a fee for water reconnection due to service disconnection for nonpayment as follows:

All customers shall be charged a fee to reconnect water service during regular work hours Monday through Friday before 3:00 p.m., except holidays, at \$50.00.

Any service reconnection requested by a customer to occur except for the hours and dates set forth above shall be a charge of \$100.00.

The above charges shall be paid before the water is reconnected.

The customer shall be charged a fee to turn water off and to reconnect water, except for emergency situations and disconnection due to failure to pay for charges, an amount of \$30.00 either to disconnect or reconnect the water.

(B) Tap Fees

<u>Meter Size</u>	<u>In-town Tap Fees</u>	<u>Out-of-town Tap Fees</u>
5/8 x 3/4"	\$ 1,200.00	\$ 1,400.00
1"	\$ 1,500.00	\$ 1,725.00

Any size tap that is not set forth above shall be charged at a rate which will fully reimburse the City for all costs paid by the City for the tap including, but not limited to, the tap itself, labor, fuel, equipment and depreciation. Water taps shall be installed in the road right-of-way unless otherwise authorized in writing by the Mayor. Taps not installed in the right-of-way shall be installed with the minimum distance from the main line to the tap. The City reserves the right to refuse to provide service to any location where the cost of providing service is excessive. All users desiring service with the City of Greenup shall sign a water user contract before water is provided.

(C) Water Meter Test Fees

Any customer desiring their water meter to be tested shall pay a fee of \$25.00 if inside the City and \$50.00 if outside the city. The fee will be refunded if the test determines the meter to be inaccurate and overstating consumption. The fee must be paid by the customer before a water meter is tested.

(D) WATER METER RE-READ

Any customer may request that their meter be reread. Upon request and payment by the customer of \$15.00 fee if in-city and \$20.00 fee outside the city, the meter shall be reread. The fee shall be paid in full before the meter is reread. Should the second reading of the meter be 15% lower than the first reading, the City will apply the fee charged as a credit on the customer's water bill. **A second request for a re-read in any calendar year will incur a fee of \$50 if in town and \$100 if out based on the same terms above.**

SECTION 3: Hydrant Meter Fees

The City of Greenup may authorize a meter for temporary installation of a fire hydrant or tap onto a fire hydrant. Any individual requesting and using such meter shall pay the applicable user charges, with a minimum charge of Twenty Dollars (\$ 20.00) per day, a One Hundred Dollar (\$ 100.00) fee each for, turn on and turn off, and shall provide a Five Hundred Dollar (\$ 500.00) deposit. Applicant will be billed for actual meter usage and fees upon request for meter to be removed. Charges are due with 15 days of the invoice date of the bill. Charges not paid by the due date will be subject to the Penalty & Interest provision of the ordinance.

SECTION 4: Returned Check Fees

Any account on which payment is made partially or wholly made by a check or electronic withdrawal that is returned for insufficient funds shall be charged a fee of \$35.00 for such check. In addition, after the second such occurrence within a twelve- month period, the City may require payment by cash, cashier's check or money order for a twelve-month period. Thereafter, any single repetition shall cause the same requirements to be placed in effect indefinitely.

SECTION 5: Penalties and Interest

All charges remaining unpaid after they become due shall be charged a penalty of ten percent (10%) and interest at the rate of 1% (12% per annum) per month. The minimum penalty shall not be less than \$ 5.00. The due date shall be fifteen calendar days from the date that the utility bills are mailed. If the due date falls on a Saturday, Sunday or legal holiday, then the due date shall be the next business day.

SECTION 6: Adjusting Meter Pits

The cost of adjusting meters to grade shall be the actual cost incurred by the City of Greenup. Actual cost is defined as all costs incurred to complete installation including, but not limited to, salary, benefits, materials and equipment use charges.

SECTION 7: Miscellaneous Fines/Penalties

(A) It shall be illegal for any person to turn on water at their tap without the permission of a properly authorized City of Greenup employee. Any person turning on water without permission from a City of Greenup employee shall have committed a Class B misdemeanor.

(B) No person shall install or aid another in installing a "jumper" across a water meter. Violation of this Ordinance shall be a Class B misdemeanor with a maximum penalty of ninety (90) days in jail and/or a fine of \$250.00. Further, a civil fine shall inure to the individual(s) receiving water by use of the jumper of \$50.00 per day each day the water jumper was used and payment of an appropriate minimum water bill for the tap size. Water service shall not be provided until the civil fine and/or criminal restitution is paid.

(C) Only one residence or business shall be serviced per tap except for apartment house or trailer parks. Any person violating this Ordinance shall be guilty of a violation and fined up to \$ 50.00 per day and each day this Ordinance is violated shall be considered a separate violation. Water service shall be disconnected to the property which has allowed another individual to use their line to obtain water service. Until such time as an appropriate minimum bill (based on tap size and the penalty above) is paid for the number of months that the second user used the water, then service shall be disconnected to the property and no service shall be

provided to either property or to the individuals who allowed or used the illegal tapping until such time as said bill and penalty is paid.

(D) No person shall make use of a fire hydrant or other unmetered water source except that they be authorized to do so by the Mayor or his designee, the fire chief of any city, fire department or fire district for fire department purposes. Any person violating this Ordinance shall be fined up to \$200.00 per day with each day of use being considered a separate occurrence.

SECTION 8: Customer Deposit

A customer deposit fee of One Hundred Dollars (\$100.00) shall be required of all new customers who are homeowners. A customer deposit fee of One Hundred Fifty Dollars (\$150.00) shall be required of all new customers who are renters. The customer deposit fee is Seventy-five Dollars (\$75.00) for family residential units occupied by the homeowner, wherein the occupant is on a fixed income due to being blind, disabled or sixty-two (62) years of age or older, provided that said total family income does not exceed Nineteen Thousand Five Hundred Dollars (\$19,500.00) annually, provided that such financial incapacity is proven and established to the satisfaction of the Mayor or his designee, by sworn affidavit or other properly authenticated records. The deposit will be refunded after eighteen (18) months of service if it is determined by the Mayor or his designee that the customer has had a good payment history.

SECTION 9: Adjustments

An adjustment may be made to individual residential water invoice if a high usage occurs which causes monthly volume to exceed 200% of the average monthly usage during the previous twelve (12) months. An adjustment may be made for any amount over 200% of the average invoice; however, no invoice so adjusted shall be reduced to less than 3,000 gallons. The City

may determine to extend this adjustment to more than one invoice cycle, if it appears to be part of the same occurrence.

This adjustment may only be granted once per year to the same tap.

Any adjustment under this policy requires the approval of the Mayor or his designed which shall be detailed on an adjustment form. These adjustment forms shall include the amount, date and reason for the adjustment. These forms shall be maintained on file by the City Clerk/Treasurer for a period of thirty-six (36) months.

SECTION 10: Pool Adjustments

The Mayor or his designee is authorized to adjust the sewer usage for any customer who has filled their pool. The adjustment will be based on water used to fill their pool. This usage is for one time each year. Customer must request this adjustment and it will be applied to their next utility invoice.

SECTION 11: Unusual Circumstances

The Mayor or his designee is authorized under unusual and/or special circumstances, nonrecurring and rare in nature, to provide reasonable adjustments based upon mitigating conditions, which appear to require such adjustment to a utility invoice. The burden of proof should rest with the customer and there is absolutely no obligation on the City to provide such adjustment. The Mayor or his designee shall maintain a file of any such adjustments under this policy for review by the Greenup City Council.

SECTION 12: Delinquent Accounts

If charges for water service remain unpaid by the due date of the delinquent notice, such water service may be discontinued. In addition to the 10% penalty and interest charges, all water service charges shall be paid before water service is reconnected. If a check or electronic

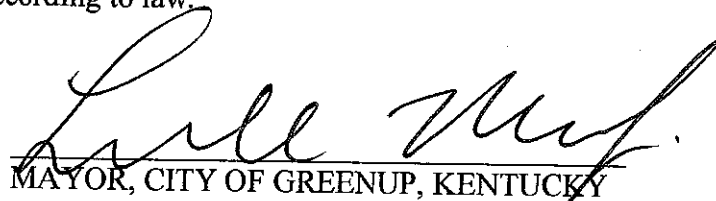
payment following a shutoff notice is returned for insufficient funds, the service shall be shut off immediately without further notice.

City shall refuse service to the delinquent applicant until all charges are paid. The delinquency shall be deemed to exist whether the outstanding delinquency is in the nature of the applicant or the spouse.

SECTION 13: That all Ordinances in conflict herewith are specifically hereby repealed to the extent of said conflict only.

SECTION 14: That each section and each sentence of this Ordinance is enacted separately and the invalidity and/or unconstitutionality of any one particular sentence and/or section shall not affect the validity and/or constitutionality of any other sentence and/or section.

SECTION 15: That this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.


MAYOR, CITY OF GREENUP, KENTUCKY

ATTEST:


CITY CLERK

FIRST READING: 9/13/2014

SECOND READING: 9/15/2014