

Commonwealth of Kentucky
Bracken County Fiscal Court
Ordinance # 17-01

WHEREAS, the Bracken County Fiscal Court adopted Ordinance No. 04-05 to address and regulate sanitary sewer systems, and specifically mandatory connection thereto where available; and

WHEREAS, by Ordinance No. 14-01 , the Bracken County Fiscal Court committed to improving community health, protecting the natural environment and enhancing economic competitiveness in partnering with the City of Augusta and the City of Brooksville in creating the Augusta Regional Sewer Authority; and,

WHEREAS, Ordinance No. 04-05 contemplated mandatory connection, by authorizing any sanitation district and other providing agencies (hereafter collectively referred to as “Service Providers”) to adopt regulations regarding the connection to and use of sanitary sewer systems, including mandatory connection of sanitary drain systems of abutting property owners; and

WHEREAS, the Bracken County Fiscal Court has consistently found that properly constructed and operated sanitary sewer systems promote the public health and wellbeing of the citizens of Bracken County, Kentucky, particularly in areas of the County that have been identified as more densely populated rural areas, where the impact of failed private septic systems are more problematic; and

WHEREAS, due to high cost to both property owners and the Service Providers, the Bracken County Fiscal Court has considered and finds it appropriate not to require sewer connections to be made to occupied structures located more than 300 linear feet from a Service Provider’s collection facilities and, in some instances due to special circumstances, to allow Service Providers to waive the connection requirement for an occupied structure located within the 300 linear feet mandatory connection access area; and

WHEREAS, the Bracken County Fiscal Court has further determined that mandatory connection either to a sanitary sewer system, when accessible, or to an approved on-site sewer system best protects water quality, promotes sustainable community development and achieves economies of scale necessary to assure customer affordability as well as financial stability of sanitary sewer systems for the future.

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF BRACKEN COUNTY, KENTUCKY, as follows:

1. **AMENDMENT.** Ordinance No. 04-05 shall remain in full force and effect, except as specifically amended hereby.
2. **MANDATORY CONNECTION.** From the effective date of this Ordinance, the owner of each dwelling, house, mobile home, trailer, trailer camp, apartment, motel, hotel, or other building or property used for human occupancy, employment, recreation or other purposes in

Bracken County, shall either connect to a sanitary sewer system, if the structure is located within 300 linear feet of a Service Provider's collection facility, or to an on-site treatment or holding system, approved by the Bracken County Health Department or the Kentucky Division of Water.

A.) The owners of such properties which abut upon any road, street, alley or easement in which there is installed a sewer collection line, or to which property a sanitary sewer collection line is subsequently extended, shall complete the proper connection within ninety (90) days of receipt of the Service Provider's written notice that the sewer collection line is in operation, such that the drain piping from the affected dwelling, house, apartment, hotel, motel, mobile home, house trailer, mobile home park, trailer camp, manufacturing or commercial establishment or other building is permanently tied to the Service Provider's sanitary sewer collection facility.

B.) Such connection shall be made at the property owner's expense, and in accordance with applicable statutes and regulations of the Commonwealth of Kentucky, and rules and regulations as may be adopted by the Bracken County Fiscal Court from time to time or by a sanitation district, as previously authorized by Ordinance No. 04-05, and by other Service Providers.

C.) As sanitary sewer collection lines are constructed and placed in service, Service Providers shall be required to provide written notice to the owners of properties determined to be feasibly served by such lines. Such notice shall be made by certified U.S. mail, return receipt requested, or by posting on the premises or by courier service. Certified mail service shall be deemed to have been made upon delivery to the residence by the U.S. Postal Service whether accepted or rejected. After the required time for connection to the sewer line has elapsed, whether or not the connection to the sanitary sewer system is made, the property owner shall be billed for wastewater service based on the rules of the respective Service Provider.

3. EXEMPTIONS.

A.) Exempted from the provisions of this Ordinance is any single family dwelling located more than three hundred (300) linear feet from the sanitary sewer collection line, or from an extension thereof, or from the right of way of the road, street, alley or easement upon which a sanitary sewer collection line is located. Accordingly, if any part of the structure of the dwelling is located three hundred (300) feet or closer to such right of way, even if the actual sanitary sewer collection line is on the opposite side of a roadway, then the mandatory connection provisions of Numerical Paragraph (2) hereof shall apply.

B.) Accessibility to Service (or) Service Connection Feasibility - At the discretion of the respective Service Provider, a certain dwelling or other building site, located within the 300 linear foot distance from a sanitary sewer collection line may be reviewed and declared 'not feasible to serve' after taking into consideration geological site characteristics, hydraulic engineering standards, probable cost and affordability issues, as may affect both initial costs borne by the owner and system maintenance costs borne by

the Service Provider. In such instances, neither the property owner nor the Service Provider is bound by their respective obligations relating to mandatory connection to a sanitary sewer system cited herein.

- C.) For an owner of a property upon which there is an existing, occupied single family dwelling being served by an on-site sewer system, and the building is determined to be accessible to a Service Provider's collection system, if eligible, the owner may apply to the Service Provider for a Connection Time Extension Permit. To be eligible for such a permit, the owner must: i) provide documentation that the on-site wastewater treatment system was approved by the Bracken County Health Department or the Kentucky Division of Water, ii) provide documentation that the system was installed within the previous ten (10) years, and iii) provide a notarized statement from the Bracken County Health Department that the system is functioning properly. If granted, the permit shall be valid for a period of five (5) years up to fifteen (15) years from the date of issuance depending on the age of the system. No permit issued will be for longer than fifteen (15) years. If, for whatever reason during the duration of the time extension, the on-site wastewater system fails, the permit shall be automatically revoked and the owner must arrange for the building to be connected to the Service Provider's sanitary sewer system. Failure is defined as any repairs beyond the normal pumping out of the system.

4. EXCLUSION OF STORM WATER AND OTHER SURFACE WATER

- A.) It is the responsibility of property owners to ensure that storm water, other surface water or unpermitted discharges not enter a public wastewater system.
- B.) All persons currently served by a public sanitary sewer systems or requesting to connect to any sewer system, either an on-site or public sanitary sewer system, shall provide adequate means for excluding storm water (i.e., water from roof drains, foundation drains, or other sources of surface water) from entering the sewer system; such persons shall provide any requested or required supporting documentation, and allow an agent of the Bracken County Health Department or a sanitary sewer Service Provider right of access for timely inspection to verify compliance.
- C.) Once a building is connected to a public sanitary sewer system, no person shall subsequently connect any roof drain or foundation drain to the sanitary sewer system or permit, allow, or cause water from any source other than the sanitary drainage plumbing of the building to enter the sanitary sewer system.

5. AMENDMENT. This Ordinance amends Ordinance No. 04-05, which shall remain in full force and effect, except as specifically amended hereby. The purposes of this Amendment are to make clear that when a collection line of a sanitary sewer system is accessible to an occupied structure, connection to that sanitary sewer system is MANDATORY, and to relieve any sanitation district or other Service Provider operating such system from adopting rules and regulations for making such connection mandatory. Nothing contained herein shall hinder any sanitation district or other Service Provider operating a sanitary sewer system in Bracken County or limit their authority to make and enforce its respective rules and

regulations, and any rules and regulations in place upon the adoption of this Ordinance shall remain in full force and effect, except as specifically inconsistent herewith.

6. PENALTIES. The penalties set forth in Section 14 of Ordinance No. 04-05 shall apply to violations of this Ordinance, and are incorporated herein by reference as if set forth in full.

Given first reading this 26th day of April 2017.

Thereafter, given second reading, and adopted, after publication in accordance with KRS Chapter 424 this 24th day of May, 2017.

Earl Bush
Earl Bush, County Judge Executive

ATTESTED BY:

Tina K Teegarden
Tina K Teegarden, Fiscal Court Clerk