

BRACKEN COUNTY FISCAL COURT

ORDINANCE NO. 2004-05

An ordinance enabling providers of Municipal Sewer Systems within Bracken County, Kentucky, to adopt rules and regulations concerning sanitary sewage systems, including but not limited to: sewer connections; requirement of all sources of flowable sewage to be connected to available sewer line; prohibition of non-sewer facilities; approval of sewer connections; cost of sewer installations; prohibition of deposit of certain substances in the system; and penalties for violation of the ordinance.

WHEREAS, there are communities within Bracken County which have taken steps to begin providing Sanitary Sewer Service to residents within the County, and

WHEREAS, it is deemed advisable and necessary to authorize Municipal Sewer Systems, Sanitation Districts or other agencies providing or delivering Sanitary Sewer Service to adopt certain rules and regulations relating to said sewer services;

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE FISCAL COURT OF THE COUNTY OF BRACKEN, OF THE COMMONWEALTH OF KENTUCKY, AS FOLLOWS:**

All Municipal Sewer Systems, Sanitation Districts or other agencies providing sanitary services within Bracken County which are operating a sanitary sewage system (hereafter referred to as "Service Providers") may enact, adopt and approve any of the following sections and thereby making said actions applicable to their sanitary sewer operations.

Section 1. Abutting Owners Must Connect to Sewer Lines.

All owners, tenants and occupants of dwellings, houses, apartments, hotels, motels, mobile homes, house trailers, mobile home parks, trailer camps, manufacturing or commercial establishments, or any other building of any kind or nature situated on a lot or lots, through which any sewage collection line is installed, or which abuts upon any street, alley or easement in which there is installed a sewage collection line, or to which property a sewage collection line is extended, shall within ninety (90) days following the date on which such sewage collection line is placed in operation, connect therewith all sanitary sewage drain pipes of such dwellings, houses, apartments, hotels, motels, mobile homes, house trailers, mobile home parks, trailer camps, manufacturing or commercial establishments or other buildings, with said sanitary sewage collection line conveying thereby all of the sewage therefrom into said sewer system, such

connections to be made in accordance with such rules and regulations as the County may from time to time duly establish; and the failure to make such connection is hereby declared unlawful and to constitute a nuisance.

#### Section 2. Sewer Connections Required for New Buildings.

All architects, contractors, builders or other persons, before commencing the erection of any building or other improvement capable of emitting liquid wastes or sewage, on any lot or parcel of land abutting on a street, alley or easement in which there may be hereafter installed and maintained any such sewage collection line, or on any lot or parcel of land through which there may be hereafter installed a sewage collection shall before erecting or installing such building or improvement, exhibit to the Municipal Sewer System, Sanitation District or other appropriate agency, satisfactory evidence that a means has been provided or will be provided for connecting the sanitary sewage drain pipes from such building or other improvement with such sewer line hereafter constructed, not shall any storm water, surface of sub-surface water be otherwise introduced into an any such sanitary sewage collection line.

#### Section 3. Non- Sewer Facilities Prohibited.

It shall be unlawful for any person to construct or maintain or permit to be constructed or maintained any outdoor toilet, privy, vault, cesspool, septic tank or other similar contrivance for the reception of sewage on any lands owned by such person or under his control, which abut upon a sewage collection line in any public street, alley or other easement or through which a sewage collection line passes or to which a sewage collection line is hereafter available; all such outdoor toilets or privies shall be removed; and all such vaults, cesspools, septic tanks or other similar contrivances for the reception of sewage shall be closed or filled or otherwise removed from the properties described above within ninety (90) days after such sewage collection service becomes available.

All such privies, surface toilets or other means of casting or depositing sewage into a container above or below the surface of the ground or upon or into the soil or into any running or percolating stream of water or into any cistern or well whereby the soil or any surface or subsurface waters is contaminated with such sewage are hereby declared to constitute a public nuisance and their use or maintenance for a period of more than ninety (90) days following the availability of a sewage collection line to the property is hereby prohibited.

#### Section 4. Sewer Connections; Regulations.

All sewer connections shall be made under such regulations as the service provider may establish. Failure to effect such connection is hereby declared to be unlawful and shall constitute a nuisance.

Section 5. Storm Water Drain Connections Prohibited.

No storm water drain shall be or remain connected or be connected with any separate sanitary sewer heretofore or hereafter constructed as, or made a part of, the sewer system of the service provider, nor shall any storm water be otherwise introduced into the service provider's sewer system.

Section 6. Sewer Taps to be Made Only by Service Provider.

No sewer taps (breaking or entering into sewer lines of the service provider shall be made by any person, firm or corporation except the service provider. The service provider will, upon application and payment of any tapping or connection fee, as may be prescribed, tap the sewer and run a lateral to the property line of any applicant where sewers are available, and any and all installations or attachments thereto shall be made by the applicant under the directions and supervision of the service provider, provided that nothing herein shall be construed as requiring the service provider to furnish a sewer connection or sewer services to any premises where a sewer is not available at the time that the application is made.

Section 7. Property Owners Required to Install Toilets.

Each owner of a house, building or property used for human occupancy, employment recreation or other purposes, to which sewer service is made available by the service provider, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with such available sewer system in accordance with the requirements of this Ordinance.

Section 8. Sewer Installation Costs to be Borne by Property Owners.

All costs and expense incident to the installation and connection of a building to the Service Provider's sewer system shall be borne by the owner, who shall indemnify the service provider from any loss or damage that may directly or indirectly be occasioned by the installation and connection of the building to the service providers sewer system. All connections shall be made under the supervision of the service provider.

Section 9. Septic Facilities Not Connected to Sewers are Prohibited.

It shall be unlawful for any person to construct or maintain a privy, well, vaults, cesspool, cistern, septic tank or similar contrivance for the reception of flowable sewage where sewers are available, and all such privies, wells, vaults, cesspools, cisterns, septic tanks, facilities and similar contrivances shall be removed or disconnected by the owners and the occupants of premises to which sewers are made available as soon as the same are made available to such

premises. All such privies, facilities and other means of casting or depositing sewage into the soil or into any running or percolating stream of water or into any cistern or well, whereby the soil is contaminated with such sewage is hereby declared a public nuisance and is prohibited.

Section 10. Unsanitary Deposit of Garbage and Discharge of Sewage or Other Wastes to Non Sewer Facilities are Prohibited.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property, any garbage or other objectionable waste, or to discharge to any natural outlet, any sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided under the supervision of the service provider.

Section 11. Inflammable and Other Improper Substances Prohibited From Being Deposited in Sewer System.

That no substances shall be placed or discharged into a sewer system which will create a combustible, gaseous, explosive or inflammable condition in said sewer system, nor shall any substances or objects be placed or discharged into the sewer system which will not dissolve and which will thus cause an obstruction and clogging within said system. No petroleum products shall be placed or discharged into the sewer system.

Section 12. Special Usages of Sewer System.

In the event that a building or premises discharging sewage, water or other wastes into the sewer system, uses water supplied on other than a metered basis from either a private or public water supply, thence in each such case the owner or occupant may be required to cause a water meter or other measuring device to be installed, acceptable to the governing body of the service provider or its duly authorized agent which may be in charge and control of the operation of the waterworks and sewer systems; and the quantity of water used, as measured by such meter or device, shall determine the sewer rate and charge.

Section 13. Unusual Sewage Discharges.

In the event the sewage, water or other liquid wastes being discharged into the sewer facilities from any building or premises contains unduly high concentrates of any substances which add to the operating costs of the sewer system, thence special rates, rentals or charges may be established, charged and collected as to such building or premises, or the owner or other interested party may be required to specially treat such sewage, water or other liquid wastes before it is discharged into the sewer system.

Section 14. Penalty for Violation of Ordinance.

Any person, firm or corporation violating any of the provisions of this Ordinance, or failing or refusing to comply with same, whether or not he, she or it shall be the owner or the occupant of the property involved, shall be fined not less than Twenty Five Dollars (\$25.00), not more than One Hundred Dollars (\$100.00), for each offense. Each day such person, firm or corporation fails or refuses to connect the sanitary sewage drain pipes from any property or building owned or occupied by him, her, or its, with the sewer system, and each day any such privy, well, or pool, cistern, septic tank or sink, into which such sewage is cast or permitted to be disposed of, is kept or maintained in violation of this ordinance, shall constitute a separate offense.

Section 15. Severability Clause.

If any clause, provision, or section of this Ordinance shall be ruled void or unenforceable by any court of competent jurisdiction, the remainder hereof is intended to be enacted and shall be in force and effect notwithstanding.

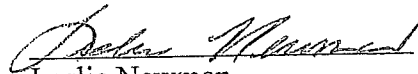
Section 16. Provisions in Conflict Repealed.

All ordinances, resolutions and orders and parts thereof, and particularly any ordinances heretofore adopted prescribing water and sewer rates and charges in conflict herewith, are hereby repealed to the extent of such conflict, and this Ordinance shall become effective immediately upon its enactment, approval and publication as provided by law.

Adopted by the vote of SIX yeas and two nays.

First Reading Held: October 27, 2004

Second Reading, Adoption and Passage: November 24, 2004

  
Leslie Newman  
Bracken County Judge Executive

Attest:   
Rodney Egan  
Fiscal Court Clerk

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 26<sup>th</sup> day of April 2017.

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

Earl Bush  
Earl Bush, County Judge Executive

ATTESTED BY:

Tina K Teegarden  
Tina K Teegarden, Fiscal Court Clerk