

CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2019-#6

AN ORDINANCE AMENDING CHAPTER 51 (SEWERS) OF
THE CITY OF DAYTON CODE OF ORDINANCES.

WHEREAS, the City, through interlocal agreement has authorized and transitioned all responsibility for stormwater and sewer systems to Sanitation District # 1 and thus desires to update City Ordinance to reflect the same.

BE IT ORDAINED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY
AS FOLLOWS:

Section I

That Chapter 51 of the City of Dayton Code of Ordinances is amended as follows:

§ 51.01 CONNECTION WITH SEWER SYSTEM REQUIRED [~~3~~-TAPPING FEE].

~~[(A)]~~ All owners and occupants of houses, apartments, hotels, motels, mobile homes, manufacturing or commercial establishments, or any other buildings of any kind situated upon lots abutting on any street, alley, or easement in the city in which there has heretofore been installed a sewer line of the municipal sewer system of the city, or in which there is hereafter installed a sewer line which is part of any future extension or improvement to said municipal sewer system, shall, within 90 days from the date such sewer line is installed and placed in operation, connect therewith all sanitary sewerage drain pipes of such houses, apartments, hotels, motels, mobile homes, manufacturing or commercial establishments, or other buildings, conveying the sewage therefrom into said sewer line. ~~[Such connections are to be made under those regulations established by ordinance of City Council, and failure to do so is hereby declared to be a nuisance.]~~

~~[(B)]~~ A tapping fee for sewer installation shall be paid to the Department of Public Services at the time the application for connection is filed. The tapping fee shall be one hundred dollars (\$100.00).]

§ 51.02 NEW BUILDINGS TO BE CONNECTED WITH SEWER SYSTEM.

All architects, contractors, builders, or other person who shall erect new buildings for dwelling, manufacturing, or commercial purposes on a lot or parcel of ground abutting on a street, alley, or easement in the city in which there may be hereafter installed and maintained any sewer line shall, before erecting the building, exhibit to the City Council or any other board or body of the city which may be in charge and control of the municipal sewer system, satisfactory evidence that a means has been or will be provided for connecting the sanitary sewerage drain pipes from the building to the sewer line. No storm-water drain shall be connected with any sanitary sewer hereafter constructed, nor shall any stormwater be otherwise introduced into any separate sanitary sewer.

§ 51.03 PRIVIES. CESSPOOLS. AND THE LIKE PROHIBITED.

(A) It shall be unlawful for any person to construct or maintain a privy, vault, cesspool, septic tank, or similar contrivance for the reception of sewage when the premises abut on a public sewer line in any street, alley, or other easement in the city. All such privies or toilets shall be removed by the owners and the occupants of the property abutting on any street, alley, or other easement or private property on which runs a sewer line and to which the drainage from the premises may be connected."

(B) All such privies, surface toilets, or other means of casting or depositing sewerage into a container above or below the surface of the ground, into the soil, into any running or percolating stream of water, or into any cistern or well, whereby the soil is contaminated with such sewerage, are hereby declared to be unlawful and to constitute a nuisance.

§ 51.04 PROHIBITED DISCHARGES.

It shall be unlawful to permit or cause the flow of any of the following substances into the sanitary or storm sewer system of the city:

- (A) Grease, fatty material, offal, or garbage;
- (B) Stone dust, sand, dirt, gravel, sawdust, metal filings, broken glass, or any material which may cause or create an obstruction in the sewer; or
- (C) Gasoline, benzene, fuel oil, or any petroleum products or volatile liquids.

~~§ 51.05 RATES AND CHARGES, BILLING.~~

~~(A) The users of the sewer collection system of the city are hereby classified into two classes:~~

- ~~(1) Those who will be users when available, of the collection facilities to be constructed, in part, from proceeds of the sale of certain revenue bonds issued in 1965; and~~
- ~~(2) Those who are users of the existing system only.~~

~~(B) There shall initially be no charge imposed on the users of the existing system.~~

~~(C) There is hereby established an initial schedule of rates and charges for the use of and services rendered by the municipal sewer collection facilities other than the existing system, as follows. The rates are payable each March 1, June 1, September 1, and December 1. Any bill not paid within 15 days after the due date shall be subject to a penalty of 10% of the amount due.~~

- ~~(1) Flat rate: \$16.50 per quarter.~~
- ~~(2) Apartment building rates:~~

| | |
|----------------------|------------------------|
| 4 Units | \$33 quarterly |
| 5 Units | \$40 quarterly |
| 6 Units | \$47 quarterly |
| Each additional unit | \$7 per unit quarterly |

~~(D) A tap-in charge of \$100 shall be levied against all users who connect to the newly constructed sewer collection facilities. Sewage disposal service for all users of the sewer collection system of the city, existing and as extended, shall continue to be rendered by Sanitation District No. 1 of Campbell and Kenton Counties, under contract.~~

~~(E) The schedule of rates and charges set forth in division (C) shall apply to all establishments in any manner directly or indirectly connected with and served by the municipal sewer collection system of the city, other than the existing system.~~

~~(F) The rates and charges set forth in division (C) shall be billed to the owners or occupants of the premises. If the occupant of any of the premises is not the owner, both the occupant and the owner shall be responsible for the payment of sewer bills.~~

~~(G) The rates and charges set forth in division (C) shall be revised from time to time as may be necessary in order that the city may comply with the covenants and undertakings securing the sewer revenue bonds of the city.]~~

§ 51.06 SANITARY SEWER USER FEE.

~~(A) There is hereby levied and imposed upon all users of public sanitary sewer lines within the corporate~~

~~limits of the city a quarterly sanitary sewer user fee in the amount of \$4.05 for the first ten thousand cubic feet of water or less, and \$4.05 for each additional ten thousand cubic feet of water or portion thereof.~~

~~(B) The quarterly sanitary sewer user fee hereby established shall be collected by the Sanitation District No. 1 of Campbell and Kenton Counties, or other agency as authorized by the Mayor and funds generated from said fee shall be remitted to the city on a quarterly basis.~~

~~(C) All funds collected by the city shall be placed in a separate fund to be established by the City Clerk/Treasurer who shall make a separate accounting of the fund and who shall record, maintain and invest the revenue received.~~

~~(D) The revenues received under this section, including any interest accumulated from investment of the revenues shall be used exclusively for the purposes of payment of all of the city's debt obligation to the Sanitation District No. 1 of Campbell and Kenton Counties as required by Kentucky Revised Statute and for the costs of collection of the fee.~~

~~(E) The City Clerk/Treasurer shall file an annual report of revenues, collected, interest earned, and expenditures made to the Mayor. Upon a determination by the Mayor that adequate revenues and interest have accrued to pay the debt obligation described herein, the fee hereby imposed shall be terminated.]~~

§ 51.15 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"PERMITTEE. Includes and applies to any person or entity on behalf of whom the work being done under the permit is to be performed, and the application for the permit shall be signed by the person or entity in addition to the person or entity actually doing the work.

§ 51.16 PERMIT REQUIRED; APPLICATION, FEE.

(A) No person, utility, company, or entity shall cut, excavate, damage or in any way alter any street, sidewalk, water line or sewer line in the city in order to install or repair any utility line or in order to connect into the consolidated water or sewer system of the city without first obtaining a permit for such action from the [City Inspector/Zoning Administrator] Sanitation District. In addition, no person shall cause such action to be done or suffer or permit any person acting on his behalf or under his control to do such action without first obtaining permit. This subchapter shall apply to water and sewer lines on private property if the lines are part of or connected with the water and sewer systems operated by the city.

(B) The permit shall be granted pursuant to application therefore made to the City Inspector/Zoning Administrator in such manner and in such form as he may prescribe. A fee in the amount established by the city shall be paid for each such application. A separate permit shall be required for each street, water line, or sewer line sought to be cut, excavated, or altered. The permit shall contain a clause whereby the permittee agrees to be bound by the terms of this subchapter.

§ 51.17 REPAIR AND RESTORATION.

Every cut, excavation, or alteration made pursuant to this subchapter shall be fully repaired and restored by the permittee or the person or entity on whose behalf the permittee is acting, according to generally accepted engineering standards. The repair or restoration shall be inspected by the City Inspector/Zoning Administrator, or such qualified person as he may designate. The permittee shall notify the City Inspector/Zoning Administrator of the progress of the repair or restoration and shall comply with the reasonable directions of the City Inspector/Zoning Administrator concerning the time and manner of the inspection.

§ 51.18 INSPECTION FEE.

The permittee shall pay to the city a fee in the amount established by the city for inspection time required by this subchapter.

§ 51.19 BOND.

The City Inspector/Zoning Administrator shall, as a condition precedent to granting a permit under this subchapter, require the permittee to post a bond paid by cash or certified check in the amount established by the city, sufficient to defray the cost of performing the repair and restoration work that will arise out of the work to be done pursuant to that permit.

§ 51.20 LIABILITY INSURANCE.

Any person, utility, company, or entity obtaining a permit to open or excavate in any street, sidewalk, grassplot, alley, water line or sewer line whether the work is to be done by that person or the city, shall obtain and file with the City Council, and continue to keep in force until the excavation and reconstruction work has been completed, a liability insurance policy conditioned for the benefit of persons suffering injury, loss, or damage to their person or property resulting from any negligence in connection with the excavation and reconstruction work, or as a result of the negligence of the person or of the city, their agents, servants, or employees, and which policy shall also protect the city" against any" liability which may be imposed by law upon it by reason of such excavation and reconstruction work. The liability policy shall "be in a sum of not less than \$10,000 for the injury or death of any person, and not less than \$20,000 for the death or injury of all persons affected by anyone accident, and not less than \$1,000 for the benefit of persons who may suffer property damage in anyone accident resulting from the negligent excavation and reconstruction work. Such policy shall, as to the form thereof and the solvency of the insurance company, be subject to the approval of the City Clerk/Treasurer.

§ 51.21 CITY MAY AUTHORIZE REPAIR OR RESTORATION; LIEN.

Upon the failure of the permittee to properly repair and restore any cut, excavation, or alteration, the city may authorize the repair or restoration of the area in a proper manner. In the event the city must make the repair or restoration, the city shall have a lien against the property on which repair and restoration is made for the reasonable value of labor and materials used in remedying the situation. The lien shall be on record in the Clerk/Treasurer's office and shall bear interest at 12% per annum thereafter until paid in full.

§ 51.22 VIOLATIONS.

In addition to the remedies provided in § 51.21, every owner of premises on which a cut, excavation, or alteration is made, and every permittee herein who causes or permits a violation of this subchapter shall be guilty of civil offense ~~[upon conviction, shall be fined as set forth in § 51.99. Further, if deemed necessary to protect the public ways and public utilities of the city, additional permits under this subchapter may be denied to any person or entity convicted of violating it].~~

§ 51.40 CONNECTION REQUIRED.

All downspout drains, driveway drains, and storm water drains shall be connected to storm sewers where and when it is, in the opinion of the City Inspector, reasonable to do so, but in no case shall any storm drain or sewer be connected to sanitary sewer.

§ 51.41 PLANS FOR DRAINAGE REQUIRED FOR PERMIT ISSUANCE.

No zoning or building permit shall be issued for any structure or for the remodeling of any structure which does not show the locations for downspout drains, driveway drains, and storm water drains from point of collection to point of disposal in accordance with the provisions of this section.

§ 51.42 DISPOSAL WHERE CONNECTION IMPRACTICAL.

(A) Where it is impractical to tie or connect a house storm drain system directly to a storm sewer, the storm water shall be carried underground in pipe to be disposed of in the gutter of the public street abutting the lot

on which construction or improvement is taking place. If it is necessary to cut the curb to place storm drains so that storm water will empty into the public street gutter, the curb shall be patched and grouted in a clean, workmanlike manner acceptable to the City Inspector and at the cost of the owner or contractor.

(B) If storm water cannot be disposed of in a public storm sewer or street gutter, the storm water shall be carried in pipe into the back yard to a point approximately equidistant from the two side lot lines, the rear lot line, and the rear line of the structure. No storm water shall be discharged toward or in the immediate vicinity of a property line. The termination of the line shall be marked so that, during final inspection, the City Inspector may approve or order changes in same.

[§ 51.99 PENALTY.

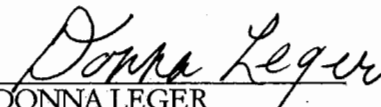
~~Whoever violates any provision of this chapter for which no other penalty has been specifically provided shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00), or imprisoned for not more than thirty (30) days, or both.]~~

Section II

This ordinance shall be in full force and effect from and after its adoption, approval and publication as is required by law. Any Ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.


MAYOR BEN BAKER

ATTEST:


DONNA LEGER
CITY CLERK/TREASURER

3-5-19
4-16-19