

ORDINANCE NO. 9 -2014

ORDINANCE AMENDING SECTIONS 51.03, 52.20, 52.22, 52.57, 52.58, and  
52.75 OF  
LAGRANGE CITY ORDINANCES

WHEREAS, the City Council of the City of LaGrange, Kentucky, has the authority pursuant to statute to enact Ordinances relating to the City; and

WHEREAS, the City of LaGrange, Kentucky has codified its Ordinances; and

WHEREAS, there needs to be a reference in Chapter 51, which deals with sewer issues, that deposit requirements, fees and charges for sewer service are set forth in Chapter 52; and

WHEREAS, Sections 52.20 and 52.75 need to be amended to eliminate existing inconsistencies and consolidate all billing delinquency and discontinuance matters in a single section; and

WHEREAS, Section 52.22 needs to be amended to make clear the amount of any refundable deposit for utility services will be set by the Utilities Commission; and

WHEREAS, Section 52.57 needs to be amended to make clear origination fees are non-refundable; and

WHEREAS, Section 52.58 needs to be amended to correct the amount of the out-of-city customer sewer rates and charges; and

BE IT THEREFORE ENACTED AND ORDAINED BY THE CITY OF LAGRANGE, KENTUCKY, THAT A NEW SECTION 51.03 IS ENACTED AND THAT EXISTING SECTION 52.20, 52.22, 52.57, 52.58, and 52.75 ARE AMENDED TO READ AS FOLLOWS:

§ 52.20 READING OF METERS; ~~BILLING; DELINQUENCY~~

(A) Meters will be read monthly, generally between the fifteenth and twentieth of each month.

~~(B) Bills for water and sewer service are due and payable at the Utility Commission, or to any designated agent on their date of issue. The past due date shall be the tenth day after the date of issue. Bills will be dated and mailed on the last working day of each month.~~

~~(C) All bills not paid on or before the past due date shall be deemed delinquency, as the Utility Commission shall serve a customer a~~

~~written final notice of the delinquency, and of the fact that the customer is entitled, upon written request, to a hearing on the question of termination of service. If a delinquent bill is not paid within ten (10) days after the date of the final notice, and if no hearing is requested, or if a hearing is requested and timely held, and the customer's delinquency is thereby established, the water supply to the customer may be discontinued without further notice. If, however, prior to discontinuance of service, a written certificate signed by a physician, a registered nurse, or a public health officer that, in the opinion of the certifier, discontinuance of service will aggravate an existing illness or infirmity on the affected premises, services shall not be discontinued until the affected resident can make other living arrangements or until ten (10) days elapse from the time of the Utility Commission's receipt of the certification, whichever occurs first.~~

~~(D) If a deadline date falls on a Sunday or legal holiday, the deadline shall not expire until the next succeeding secular day.~~

#### **§ 52.22 ORIGNATION FEEDEPOSIT**

The ~~Utilities Commission~~Director shall have the right to require an ~~amount fee sum,~~ as may be specified or revised from time to time ~~in § 52.58, shall to~~ be placed on deposit with the Utilities Commission utilities by a customer ~~for the purpose of establishing or maintaining such customer's credit, or~~ as assurance for the payment of water ~~or~~and sewer bills by such customer. Any amount remaining after application to the final bill(s)~~This fee is non-~~ is refundable when the customer terminates service. Interest on deposits shall be paid if required by law. Deposits are in addition to the origination fee required by § 52.57.

#### **§ 52.57 ORIGNATION FEES INSIDE CITY LIMITS**

Non-refundable ~~o~~origination fees will be charged as follows:

Without Sewer

Residential	\$ 30.00
Commercial w/o sewer 5/8" - 1"	\$ 45.00

With Sewer

Residential - 5/8" - 1"	\$ 45.00
Commercial - 5/8" - 1"	\$ 45.00
Commercial - 1 1/2"	\$ 75.00
Commercial - 2"	\$125.00

Commercial - 3"	\$200.00
Commercial - over 3"	\$300.00
All Industrial	\$500.00
Multi-Family Units	
With sewer	\$ 5.00 per unit / minimum charge \$45.00
Without sewer	\$ 5.00 per unit / minimum charge \$45.00
Trans Fee	\$ 15.00
Reconnect and/or service call	\$ 15.00
Service calls	\$ 25.00 (at discretion of Director)

~~Rental property will be required to place a refundable deposit of \$100.00 with the Commission or the property owner may sign a statement that they will be responsible for any unpaid balances on the account.~~

**§ 52.58 TAPPING FEES; PORTABLE METER RENTAL INSIDE CITY LIMITS**

(A) Installation. Charges for sewer taps will be calculated by using a capacity charge factor, based on the meter size and its flow capacity, a 5/8 meter will have a capacity factor of one. Customers requiring a larger meter will pay, based on a capacity factor multiplied by the base.

<b>Meter Size</b>	<b>Capacity Factor</b>	<b>Tap Fee</b>
5/8 or 3/4	1	\$ 2,500 Base Fee
1" Disc	2.8	\$ 7,000
1 1/2" Disc	4.8	\$ 12,000
2" Compound	8	\$ 20,000
3" Compound	18	\$ 45,000
4" Compound	40	\$100,000
6" Compound	80	\$200,000
2" Turbine	10	\$ 25,000
3" Turbine	22	\$ 55,000
4" Turbine	50	\$125,000
6" Turbine	100	\$250,000
8" Turbine	180	\$450,000

Multi-family units, apartments, and condos, will pay the base tap fee multiplied by the number of units regardless of the water meter size.

All out of city customers will pay an additional ~~10~~25% on sewer rates and charges.

**§ 52.75 BILLING, DELINQUENCY AND DISCONTINUANCE**

(A) All users shall be billed monthly, including any unpaid fees. Bills are due and will be dated and mailed on the last working day of each month. Bills are payable at the Utility Commission or to any designated agent. The past due date shall be the tenth day after the due date. Billing for any particular month shall be made within ten (10) days after the end of the month. Payments are due within twenty (20) days after the end of the month. Any payment not received within thirty (30) days after the end of the month shall be delinquent.

(B) A late ~~payment penalty charge~~ of ten percent (10%) of the ~~utilitysewer~~ service charges ~~bill~~ will be added to each ~~past due delinquent~~ bill, ~~for each ten (10) days or portions thereof of delinquency. When any bill is more than twenty five (25) days in default, water and/or sewer service to such premises shall be discontinued until such bill is paid. See § 52.20 for discontinuance of service.~~

(C) All bills not paid on or before the past due date shall be deemed delinquent. The Utility Commission shall mail the customer a written final notice of the delinquency, and of the fact that the customer is entitled, upon written request, to a hearing on the question of termination of service. If a delinquent bill is not paid within ten (10) days after the date the final notice is mailed, and if no hearing is requested, or if a hearing is requested and timely held and the customer's delinquency is thereby established, the water supply to the customer may be discontinued without further notice. If, however, prior to discontinuance of service, there is delivered to the Utilities Commission, or to its employee empowered to discontinue service, a written certificate signed by a physician, a registered nurse, or a public health officer stating that, in the opinion of the certifier, discontinuance of service will aggravate an existing illness or infirmity on the affected premises, services shall not be discontinued until the affected resident can make other living arrangements or until ten (10) days elapse from the time of the Utility Commission's receipt of the certification, whichever occurs first.

(D) If a deadline date falls on a Sunday or legal holiday, the deadline shall be extended through the next working day.

(E) Any portion of a bill which remains unpaid 30 days after its due date shall accrue interest at the rate of 12% per annum until paid.

(~~FE~~) When any bill (including interest and penalty) remains unpaid for one year after the date due, such bill shall be recorded in the land records of the county by the Utility Commission and shall constitute a lien on the property. If such lien (including interest and penalty) remains unpaid for a period of one (1) year after date of recordation, such property shall be subject to foreclosure and sale. The lien shall include any reasonable attorney's fees and expenses of collection paid or agreed to be paid by the Utilities Commission and awarded by a court of competent jurisdiction.

This Ordinance shall become effective upon its passage and publication.

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WILLIAM LAMMLEIN, MAYOR

ATTEST:

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STEPHANIE COOPER, CITY CLERK

First Reading: May 5, 2014

Second Reading: June 2, 2014

VOTE:

FOR:	6
AGAINST:	1
ABSTAINED:	0
PRESENT:	7