

COMMONWEALTH OF KENTUCKY
COUNTY OF WARREN
ORDINANCE NO.07-23WC

AN ORDINANCE OF THE COUNTY OF WARREN, KENTUCKY, AS AGENCY ADMINISTRATOR FOR THE PLUM SPRINGS AND WARREN COUNTY JOINT STORM WATER SEWER AGENCY, SETTING STORM WATER FEES FINANCING THE FEDERALLY MANDATED PHASE II STORM WATER MANAGEMENT PROGRAM, PURSUANT TO KPDES (KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM) STORM WATER DISCHARGE PERMIT SERVICES AND OTHER STORM WATER RELATED SERVICES), PURSUANT TO FEDERAL REGISTER VOLUME 64, 235.

WHEREAS, pursuant to KRS 76.232 the County of Warren and the City of Plum Springs, established, by Ordinance, the Plum Springs and Warren County Joint Storm Water Sewer Agency for the purpose of, *inter alia*, setting storm water fees, rates, rentals and/or charges for services, within the City and County, exclusive of the City of Bowling Green; and

WHEREAS, to comply with the State and Federal unfunded mandates with regard to storm water and related sewer issues, the Storm Water Manager has determined that a fee is necessary from both the residential and non-residential water customers of both Bowling Green Municipal Utilities and the Warren County Water District, who are located within Warren County, Kentucky, specifically excluding the water customers inside the city limits of Bowling Green; and

WHEREAS, based upon the powers granted to the Agency under the joint ordinance establishing the Agency, the Agency Administrator has determined it is in the best interest of the public health, safety, and welfare of the citizens of the County, as a method of controlling, directing, and/or retaining surface run-off before it enters streams and/or groundwater, and preventing soil erosion; and

NOW, therefore, be it HEREBY ORDAINED by the Fiscal Court of the County of Warren, Commonwealth, Kentucky, as follows:

Section 1. **Authority.**

Authority for the adoption of a system of fees to fund the implementation of the Plum Springs and Warren County Joint Storm Water Sewer Agency is granted to the Warren Fiscal Court, pursuant to Warren County Fiscal Court Ordinance No. 07-17, City of Plum Springs Ordinance No. 07-01, the approved Interlocal Agreement, KRS 76.010 to KRS 76.279, and KRS Chapter 67. All powers granted therein are adopted herein.

Section 2. **Establishment of Rate.**

- a. Effective July 1, 2007, every current residential customer, located outside the incorporated areas of the City of Bowling Green, receiving a water bill from the Warren County Water District or Bowling Green Municipal Utilities shall pay a fee of four dollars (\$4.00) per month, to fund the Plum Springs and Warren County Joint Storm Water Sewer Agency .

- b. Effective July 1, 2007, every current non-residential customer, located outside the incorporated areas of the City of Bowling Green, receiving a water bill from the Warren County Water District or Bowling Green Municipal Utilities shall pay a fee of ten dollars (\$10.00) per month, to fund the Plum Springs and Warren County Joint Storm Water Sewer Agency .
- c. The fee referenced herein shall be known as the Storm Water Management Fee.
- d. In addition, any new water customer added after July 1, 2007 shall be subject to the appropriate monthly Storm Water Management fee.
- e. The Warren County Water District and Bowling Green Municipal Utilities have previously determined whether a water customer is residential or non-residential.

Section 3. **Storm Water Management Fee Payable.**

- a. The fee shall be billed on a monthly basis and shall be placed on the water bill of the customer. The bill shall be generated by the Warren County Water District or Bowling Green Municipal Utilities.
- b. Payment for the Storm Water Management fee shall be due at the same time the water bill is due.
- c. Any payment not received within forty-five (45) business days after the bill due date shall be considered delinquent.
- d. The Warren County Water District and/or Bowling Green Municipal Utilities shall notify the Agency Administrator for the Plum Springs and Warren County Joint Storm Water Sewer Agency of the delinquency.
- e. The Agency Administrator shall cause to have a delinquency notice sent to the customer. The customer shall have fifteen (15) business days to cure the delinquency.
- f. Failure to cure the delinquency over the sixty (60) day period referenced herein, shall cause the delinquency to be referred to the Code Enforcement Board for collection.
- g. Should the delinquency be referred to the Code Enforcement Board, the delinquency shall bear interest and penalties at a rate of 12% per annum, effective on the date the amount was first due.
- h. Upon referral to the Code Enforcement Board, the Code Enforcement Board shall follow the procedures established in the Ordinance creating said Board.

Section 4. **Request for Review.**

If the water customer believes that his or her Storm Water fee should be exempt for just cause, the water customer may contact the Storm Water Manager, located at 1141 State Street, 2nd Floor, Bowling Green, KY 42101.

Said request shall be made in writing on a form provided by the Storm Water Manager. Once the request for review is received, the Storm Water Manager shall have forty-five (45) business days to review and make a determination regarding the request.

After the finding by the Storm Water Manager, the water customer may further appeal to the Agency Administrator (Warren County Fiscal Court) for a further review.

Section 5. Use of Fees.

The Fees collected herein shall be used solely for the purposes as directed by the Plum Springs and Warren County Joint Ordinance and Interlocal Agreement. The fees shall be deposited in an account separate from that of the Agency Administrator's General Fund. The account shall be labeled "Plum Springs and Warren County Joint Storm Water Sewer Agency." All payments shall be reviewed and approved by the Storm Water Manager and then approved by the Agency Administrator for final payment.

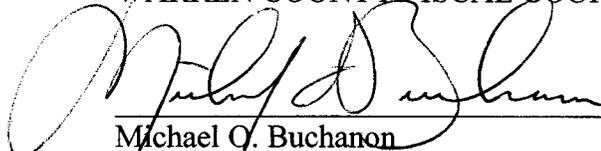
Section 6. Severability.

If any provision of this Ordinance shall, for any reason, be declared invalid or unenforceable, such declaration shall not affect the validity or enforceability of the remainder hereof.

INTRODUCED AND PUBLICLY READ on first reading on this the 18th day of May, 2007.

PUBLICLY READ, APPROVED AND ADOPTED on this the 29th day of May, 2007.

WARREN COUNTY FISCAL COURT


Michael Q. Buchanan
Warren County Judge-Executive

ATTEST:


Brenda Hale, Fiscal Court Clerk

62-B-2