

**COMMONWEALTH OF KENTUCKY
WARREN COUNTY FISCAL COURT
ORDINANCE NO. 23-09WC**

AN ORDINANCE REPEALING AND REPLACING 07-23WC ESTABLISHING FOR 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 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 ORDAINED BY THE FISCAL COURT OF THE COUNTY OF WARREN, COMMONWELATH OF 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., City of Plum Springs Ordinance No., 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. 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.

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-day (60) period referenced herein, shall cause Agency to issue a citation and to be referred to the Code Enforcement Board. The violator shall respond to the citation by either paying the civil fine or requesting in writing a hearing before the Code Enforcement Board to contest the delinquency notice. If the violator responds by paying the civil fine, the violator shall still be required to remedy the delinquency notice. If the violator fails to remedy the violation or to request a hearing within the designated time, the code official is authorized to issue another citation and to remedy the delinquency notice.

g. If a delinquency notice for a violation of this Ordinance is not contested by the person charged with the violation, the maximum penalties shall apply; however, the Board may waive any or all of a penalty of an uncontested violation, if in its discretion, the Board determines that such waiver will promote compliance with this Ordinance. The penalties listed are for each month a delinquent payment period continues, beginning on the first day after the ending date of the sixty (60) day period provided for curing the initial delinquent payment. A second offense is an offense that occurs within

five (5) years of the prior offense. All other delinquent payments are those which occur within five (5) years of two (2) or more prior offenses:

<u>1st Offense</u>	<u>2nd Offense</u>	<u>All Others</u>
<u>\$100.00</u>	<u>\$500.00</u>	<u>\$1000.00</u>

h. If the violator is not the property owner, concurrently with the violator's delinquency notice, the property owner will also receive a delinquency notice. If the violator does not correct the delinquency, the property owner will be subject to the fine and property lien's provided for by the Code Enforcement Board Ordinance.

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 fading 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.

SECTION 7. Repeal and Replace

This Ordinance hereby repeals and replaces Ordinance 07-23WC.

This Ordinance is adopted pursuant to KRS 67.077 in that it was published in summary form on the 9th day of January, 2023, and was introduced and read on the 6th day of January, 2023, and given final reading on the 20th day of January, 2023, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary form pursuant to KRS Chapter 424 and KRS 67.077 Subsection 3.

APPROVED this the 20th day of January, 2023.



DOUG GORMAN
WARREN COUNTY JUDGE EXECUTIVE

ATTESTED:



BRENDA HALE
Warren County Fiscal Court Clerk

Passed by a Vote of 7 to 0.

APPROVED AS TO FORM AND LEGALITY BY:


AMY HALE MILLIKEN
Warren County Attorney