

**CITY OF OAK GROVE, KENTUCKY
ORDINANCE NO. 2022-04**

**AN ORDINANCE AMENDING ORDINANCE 2020-07 ESTABLISHING A SEWER AND
WATER ORDINANCE FOR THE CITY OF OAK GROVE, KENTUCKY.**

WHEREAS, it is the opinion of the City Council that the current water contracts and regulations [~~discourage~~] do not facilitate growth in the City; and

WHEREAS, it is in the best interest of the City and the public to simplify the water rate structure to accommodate maintenance and growth.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF OAK GROVE, KENTUCKY, AS FOLLOWS:**

SECTION I – APPLICABILITY OF STANDARD WATER CONTRACT.

Any customer/developer/builder extending water lines within the City of Oak Grove shall, before extending said water lines, enter into and comply with the terms of the Water Contract for Public and Private Water Lines, the terms of which are incorporated by reference herein (a copy of said contract is attached hereto and is labeled “Exhibit A”).

**SECTION II – SEWER AGREEMENTS WITH THE HOPKINSVILLE WATER
ENVIRONMENT AUTHORITY (HWEA).**

Any customer/developer/builder extending sewer lines within the City of Oak Grove shall, before extending said sewer lines, enter into an agreement with HWEA in accordance with their laws, rules, regulations, and ordinances. HWEA shall have approval authority over wastewater aspects of all projects in the City of Oak Grove, pursuant to the contract agreed upon by both parties.

SECTION III – SCHEDULE OF RATES, CHARGES, AND FEES.

Water service from the Oak Grove system shall include an access fee/system development fee that is deposited to the Utility System Tap Reserve Fund, an installation fee and a monthly service fee based on quantity use. The minimum access fee/system development fee and the minimum monthly bill for a single-family structure or each unit of a duplex, triplex, multi-unit residential structure or shopping center and a single unit nonresidential structure, such as a stand-alone commercial structure, shall be determined in accordance with the following schedule based on meter size requested by the customer and approved by the City. The access fee and minimum monthly bill for a multi-unit structure shall be calculated individually per the total number of units.

(A) Water access fees are set up as follows:

WATER	
Meter Size	Access/System Development Fee
$\frac{5''}{8}$ or $\frac{3''}{4}$	[\$250.00] <u>500.00</u>
1"	[\$900.00] <u>1,200.00</u>
$1 \frac{1''}{2}$	[\$1,000.00] <u>1,400.00</u>
2"	[\$1,200.00] <u>1,600.00</u>
3"	[\$1,500.00] <u>2,500.00</u>
4"	[\$1,700.00] <u>3,200.00</u>
6"	[\$2,200.00] <u>4,000.00</u>

(B) All Water access fees referred to in this chapter shall be paid in full prior to the issuance of a building permit for a designated site and said fees shall not be transferable to any other location. The developer must also show proof of approval by HWEA before a building permit will be issued;

(C) Any property located within one-hundred fifty (150) feet of public water utility, which is not connected to the City of Oak Grove Water System within ninety (90) days after notification to do so, shall be charged a monthly minimum bill. ~~[Connections made within ninety (90) days of the notification date will not be required to pay a water system access fee. However, after ninety (90) days, the current water system access fee will apply;] Upon connection, the current water system access fee will apply;~~ and

~~(D) [Rules and regulations for customer service: To aid in the administration and understanding of this ordinance by all parties, a reference guide titled "Rules and Regulations for Customer Service" is attached hereto and labeled "Exhibit B." A copy of such can be obtained from the Oak Grove Water Department.]~~

(E) The above water access fees may be waived by the City of Oak Grove at its discretion for business development/inducement or charitable purposes.

SECTION IV – INSTALLATION FEE.

(A) All installation fees shall be paid by the customer/builder/developer, including the actual cost of service assembly, such as, tapping the line, furnishing and installing the service line, meter, meter box, yoke, and other fittings, highway crossings, or other restorative work, such as pavement repair, etc;

(B) The customer/builder/developer shall install at no cost to the City, all necessary extensions to the City's water system in newly dedicated public road right-of-ways or utility easements;

(C) The customer/builder/developer shall transfer to the City prior to installations, the title and all necessary easements for those extensions at no cost to the City; and

(D) The customer/builder/developer shall agree to immediately repair or cause to be repaired at no cost to the City all breaks, leaks, or defects of any type whatsoever arising from any cause whatsoever occurring within one (1) year from the date such extensions are accepted in writing by the City.

SECTION V – APPROVAL OF SIZE AND LOCATION OF METERS AND PRIVATE SERVICE LINES.

The City must approve the size and location of each meter to be installed and the size and location of each private water service line. Each individual commercial or residential unit shall have a separate metered water service at the expense of said unit. [~~Oak Grove Water Service Regulations, Section 50.54 allows for more than one unit to be served by single meter. When 50.54 applies, the account for the meter will be set up for all available units and billed monthly, as defined in 50.54, for all available units, regardless of occupancy.~~]

SECTION VI – COMPLIANCE WITH CITY'S SPECIFICATIONS.

All connections and extensions to the City's water system must comply with the specifications of the city and must be approved in writing by the City prior to water services being provided.

SECTION VII – WATER RATES BASED ON METER MEASUREMENTS.

Each residential and commercial customer shall pay monthly in accordance with the rates established in the City's annual budget ordinance effective July 1 of each year:

	<u>Monthly Customer Charge</u>	<u>Rate per 1,000 gallons</u>
<u>Residential Customers</u>	[\$12.00] <u>\$14.00</u>	[\$4.50] <u>\$5.27</u>
<u>Commercial Customers</u>		
<u>¾ inch meter</u>	[\$20.00] <u>\$23.40</u>	[\$5.50] <u>\$6.44</u>
<u>1 inch meter</u>	[\$50.00] <u>\$58.50</u>	[\$5.50] <u>\$6.44</u>
<u>1 ½ inch meter</u>	[\$75.00] <u>\$87.75</u>	[\$5.50] <u>\$6.44</u>
<u>2 inch meter</u>	[\$200.00] <u>\$234.00</u>	[\$5.50] <u>\$6.44</u>
<u>3 inch meter</u>	[\$500.00] <u>\$585.00</u>	[\$5.50] <u>\$6.44</u>
<u>4 inch and larger meter</u>	[\$750.00] <u>\$877.50</u>	[\$5.50] <u>\$6.44</u>

(A) Water service will be provided to customers outside the Oak Grove City Limits who execute Consent to Annexation Agreement, the terms of which are incorporated by reference herein (a copy of said agreement is attached hereto and is labeled "Exhibit [E] D"). This requirement applies to new accounts and existing accounts that are being changed over to a new customer. Failure to execute the Consent to Annexation agreement by the property owner(s) will result in the denial of water service to that property. County Residential and Commercial customers serviced by the City shall pay the prevailing Christian County Water District Rate plus a monthly service charge of ~~two~~ five dollars ~~[(~~\$2.00~~)]~~ (\$5.00);

(B) In order to initiate said water service, each customer shall execute the water contract of water service, the terms of which are incorporated by reference herein (a copy of said contract is attached hereto and is labeled "Exhibit [C] B and Exhibit [D] C"). Each customer shall adhere to the items contained in the "Important

Information” fact sheet, provided by Oak Grove Utility Department Personnel when the new account is opened;

(C) A deposit of [~~one hundred dollars (\$100.00)~~] one hundred fifty dollars (\$150.00) and a new service connection fee of [~~thirty five dollars (\$35.00)~~] fifty dollars (\$50.00) will be paid by each residential customer in order to initiate water service.

(D) A deposit of two hundred and fifty dollars (\$250.00) and a new service connection fee of [~~thirty five dollars (\$35.00)~~] fifty dollars (\$50.00) will be paid by each commercial customer in order to initiate water service.

(E) Delinquent Bills/Reprocessing Fee: Should any customer fail to pay their bill by the termination date, services are subject to be disconnected. Delinquent bills received on or after the termination date must be paid in cash, money order, MasterCard or Visa. Payment must include the full bill amount, the reprocessing fee of \$50.00 plus any and all other applicable fees (as defined below). Water service will not be restored until full payment is received. Once the account is delinquent, the Oak Grove Utility will only accept money orders for payment through overnight drop box. Checks will not be accepted as payment for a delinquent bill (only cash, money order, MasterCard, or Visa). Cash payments are not accepted through the overnight drop box at any time;

(F) Trip Fees: The customer shall be charged a trip fee of [~~\$35.00~~] \$50.00 per each additional trip made to accomplish or perform a service. This is in addition to any/all other applicable fees incurred during the process of completing the task;

(G) Labor Fees: A fee of [~~\$35.00~~] \$50.00 per hour per technician shall apply when any repair or field work/services are performed. In addition, a fee of [~~\$45.00~~] \$65.00 per hour per vehicle shall apply for the use of light-duty equipment (ex. Small backhoe, service trucks, etc.) and [~~\$65.00~~] \$85.00 per hour for heavy-duty equipment (ex. large backhoe, dump truck, etc.) In the event contractor rental services are required, the cost for such services plus 15% administrative fees will be applied (see Item O, this section).

(H) Overtime Service Charge: Any services performed or call outs made after hours shall result in an Overtime Service Charge fee of [~~\$35.00~~] \$50.00. This is in addition to the [~~\$35.00~~] \$50.00 trip fee cost, plus any and all applicable fees incurred for labor, parts, supplies, or the use of equipment.

(I) Reconnection Fee/Connection Fee: Should services be discontinued due to a problem with a customer's action (example; bad ck), a Reconnection Fee of \$50.00 shall be due, in addition to all monies owed to Utility. For services connected after hours, full bill payment is due by noon the following workday, to include any fees applicable plus an overtime service charge. Services will be immediately discontinued

again if payment is not received in the allotted time. Services will not be reinstated until the account is paid in full to include an additional trip fee.

(J) Returned Check Fee: A Returned Check service fee of \$50.00 shall apply should the Utility receive notification of a customer's "Insufficient Funds" check or electronic payment. Said fee plus all [~~monies~~] balances due are payable in cash, money order, [~~Visa or MasterCard~~] credit/debit card only. The Utility shall notify and allow the customer 3 business days to pick up the returned check and pay in full all monies owed. If the balance due is not paid within the allotted time, the customer's service will be discontinued. Should the Utility receive two (2) Insufficient Fund notices on a customer, said customer is placed on the "No Checks List" for one (1) year. After a year, said customer may resume writing checks. Should the Utility receive any additional insufficient funds notices on said customer, the customer shall be permanently placed on the "No Checks List".

(K) Tampering Fee: Should any equipment or hardware within the meter pit area be damaged, disturbed or tampered with, the water account holder/property owner shall be subject to an additional \$100.00 Tamper Fee for the first occurrence. A second occurrence of tampering at the same address by the same account holder/property owner will be subject to an additional \$250.00 Tamper Fee. The third occurrence of tampering at the same address by the same account holder/property owner will be subject to an additional \$500.00 Tamper Fee, with the fourth occurrence subject to an additional \$750.00 Tamper Fee. (Any theft of utility service that totals more than \$1,000.00 is subject to Class D felony charges under KRS 514.060). This fee shall be paid in conjunction with any and all other fees and charges incurred by the customer due to delinquency, necessary repairs, and equipment replacement. Should services be disconnected due to non-payment of said items, water service will not be restored to the customer until all fees and associated costs are paid in full. The water meter box and the equipment therein are the property of Oak Grove Utility. The customer has the right to open the box and read the meter. All other actions will be subject to possible tampering charges. Meter boxes are not to be opened when temperatures are below forty (40) degrees Fahrenheit.

(L) Meter Testing: Water meters will be tested upon the customer's request. This will be done at the customer's expense, unless it is found the meter is overcharging the customer outside of allowable tolerances defined by the American Water Works Association (AWWA). The customer will be responsible for any and all costs associated with the testing process. Those costs consist of the actual meter testing, shipping fees, a fifteen (15%) percent administration fee, as well as any and all trip and labor fees defined in this ordinance.

(M) Hydrant Meters: A deposit of [~~\$250.00~~] \$1,500.00 shall be charged for the use of a two (2") meter for use on a fire hydrant. This shall include the use of a backflow apparatus and a hydrant wrench. The deposit shall be paid at the Oak Grove Utility Office when requesting a hydrant meter. A rental contract and agreement shall be filled out and signed by the requesting company's representative. The Utility shall install

the backflow and meter on the hydrant at the requested time. A representative from the requesting company must be present at the time of delivery to receive instruction on the use of the hydrant and equipment. The responsible party is to remove all equipment from the hydrant and properly reinstall it on a daily basis. The renting Company shall notify the Utility when it is finished with the hydrant meter and equipment. The Utility shall retrieve the hydrant meter and equipment immediately. The cost of the usage on the meter and trip fees shall be deducted from the deposit money. The remaining funds shall be returned to the renting company. Should the actual usage exceed the deposit, the renting company shall be billed and pay the balance, due upon receipt.

(N) All rates established in this section [~~will~~] may be subject to an annual increase of at least 3 percent (3%) to compensate for inflation.

(O) All contract services, materials, equipment and testing ordered by the Oak Grove Water Department at the request of the customer/developer/builder or due to actions from the customer/developer/builder are subject to a fifteen percent (15%) administrative fee.

(P) A wholesale rate may be available to any large commercial, industrial, or water utility as established and approved by the city council.

SECTION VIII – REQUEST FOR AVAILABILITY OF WATER AND/OR SEWER.

In order for a developer to receive a letter of reservation for water services, the developer must submit a request in writing to the City.

Reservations for water availability do not automatically guarantee availability. Availability must be approved in writing by the City, and is valid for one (1) year from the date of issuance and is non-transferable.

Developers must request sewer availability from the Hopkinsville Water Environment Authority (HWEA), pursuant to their laws, rules, regulations and ordinances. The Developer will be required to provide proof of approval by HWEA before a building permit will be issued.

SECTION IX – REVIEW SITE PLANS OR SUBDIVISIONS.

Prior to any construction, the developer shall submit plans for review and shall pay a fee based on the following scale to the City:

Less than 2 acres	\$350.00
2-4.99 acres	\$500.00
5 plus acres	\$1,200.00
Subdivision with less than 50 lots	\$750.00

Subdivision with 50 or more lots \$1,000.00

If any subdivision or site plan is required to be reviewed four (4) times or more, an additional two-hundred fifty dollars (\$250.00) will be charged for each review thereafter. Every development shall be required to submit "as-builts" for water lines and appurtenances to the Oak Grove Utility Office. The "as-builts" shall include all changes made to the initial water submittal (i.e. field changes or re-engineered changes). The development shall not receive any water meters until this requirement is fulfilled and approved by the Oak Grove Utility Office.

SECTION X – UTILITY CONSTRUCTION INSPECTION.

(A) All utility construction must be inspected by an authorized representative of the City and HWEA. The cost of water line inspection services will be paid by the customer/developer/builder upon execution of the water contract for public and private water lines. Sewer line inspection fees shall be paid to HWEA pursuant to their laws, rules, regulations and ordinances.

(B) The following construction/inspection fees shall apply for water projects not covered by the contracts referenced in Section X (A), above:

(1) Base fee of fifty-dollars [~~(fifty)~~\$50.00 per hour with a minimum fee of seventy-five dollars \$75.00~~]].~~ This fee shall include the following services:

- (a) Inspection of lines before backfill.
- (b) Verify pressure tests.
- (c) Bacteriological tests.
- (d) Final clean-up.
- (e) Leakage tests.

(2) In addition to the base fee, the customer/developer/builder shall pay for the cost of all test chemicals and test materials needed.

(3) If a customer/developer/builder is found to be in noncompliance requiring additional inspection(s), for each additional inspection, the city shall receive a fee of seventy-five dollars (\$75.00) per hour with a minimum fee of one-hundred dollars (\$100.00).

(4) All work shall be conducted within the City's normal business hours. Any work outside of said hours will require written notice from the customer/developer/builder 48 hours prior to the time work is to begin and written approval by the City. Said work shall be charged to the customer/developer/builder at the rate of one and one-half (1½) times the base fee.

(5) The cost of inspection services will be paid by the customer/developer/builder within 15 days of being billed by the city.

SECTION XI -- SEQUENCE OF CONSTRUCTION.

Any construction project in the City of Oak Grove that requires public utilities shall install these facilities before any construction, including but not limited to, the construction of slabs or footers, laying of block or framing of any walls, shall begin. This requirement is needed to facilitate the utility inspections of Oak Grove and HWEA personnel and to facilitate the duties of the Oak Grove Fire Department.

A one (1) year warranty on the water lines and appurtenances shall go into effect after the project or phase has been completed to the satisfaction and approval of the [City] Public Works Director. Any leaks, defects, or predicaments in workmanship shall be the responsibility of the developer to address upon notification within said warranty period. The developer shall comply with any warranties on sewer lines and appurtenances pursuant to HWEA's laws, rules, regulations and ordinances.

Further, any roads to be dedicated to public use shall not lay the top cover of asphalt until the construction of the structures are 90% complete. No residential or commercial landowner or tenant shall construct a concrete or gravel driveway to extend over the gutter on City-maintained roads.

SECTION XII – FILLING IN OF SEPTIC TANKS.

In the event a residence, business or other structure taps onto the municipal sewer system, the owner must fill any septic tank on the property within 90 days. The septic tank must be pumped dry and filled in with gravel. The owner must then notify the Oak Grove Utility Department that the septic tank has been filled with gravel in accordance with this section and provide proof that any actions taken meet the regulations and specifications of the HWEA, Christian County Health Department and Kentucky Plumbing Code.

SECTION XIII – YARD METERS.

In the event a customer would like to install a yard meter, the customer shall contact the Oak Grove Utility Office and request an inspection of the area where the proposed meter is to be placed. If the area is acceptable to the [~~Utility Office~~] Public Works Director, the customer shall purchase a meter, box, and yoke from the Utility Office. The customer shall be responsible for hiring a Kentucky State Certified plumber to do all tapping and installation. Said plumber shall have a business license with the City of Oak Grove before any work is done.

Once installed, the customer shall contact the Oak Grove Utility Office to inspect the connection before backfilling occurs. The customer shall pay a deposit

establishing an account for said yard meter and a trip fee will be added to account. Only water usage recorded on the meter shall be billed, plus any applicable fees.

Any yard meter accounts may become temporarily inactive when not in use without effecting the deposit (i.e. deployment or winter season), provided all billing payments are kept current. If payments are not current, this account shall be treated the same as a homeowners account and be locked off for non-payment and closed. Should the account be closed, a new deposit shall be paid as defined in this ordinance, to reinstate the yard meter service. The Oak Grove Utility Office must receive signed and dated written instructions as to when to reactivate and temporarily deactivate this account. A trip fee shall be charged for each trip made to accommodate the customer.

This meter shall be solely for the purpose of yard use, including but not limited to, washing cars, watering gardens, watering lawns, filling swimming pools and filling hot tubs. Under no circumstances shall a customer use the meter for any other purpose except as stated above. In the event a yard meter is being used for another purpose, said account shall be closed. The account shall be reconnected upon the payment in full of any applicable charges and fees and violating activity discontinued. The customer shall pay trip fees for reactivation.

SECTION XIV – PRIVATE FIRE PROTECTION SERVICE ACCESS FEES AND RATES.

To aid in fire protection and savings in fire insurance premiums, the Oak Grove Water Department may allow the installation of a private fire protection system. The tap on the exiting water main and all line work will be done at the customer's expense. For all new construction, a Resilient Wedge Gate Valve will be installed at the Customer's Property Line and will delineate the point of ownership between the Oak Grove Water Utility and the customer.

To account for water loss in private systems and guard against possible contamination from stagnant water in Private Fire Protection Lines, an appropriately sized Radio-Read Fire Service Meter and Check Valve will be required in a dry, in-ground vault, located immediately following the previously mentioned Gate Valve. The Fire Service Meter and Check Valve Vault will be sized adequately to accommodate the future installation of an appropriately sized dual-check valve. A Fire Service Access Fee will be charged for each application. The Oak Grove Water Department will provide the Tapping Sleeve and Tapping Valve and inspection of all publicly owned main extensions.

The Fire Service Access Fee is based upon the following main line sizes:

<u>Size of Main (being tapped)</u>	<u>Fee</u>
2"	\$1,200
4"	\$1,600
6"	\$1,800
8"	\$2,500

10"	\$2,500
12"	\$3,000
16"	\$7,000

For existing customers with non-metered, Private Fire Protection Service connections, the Oak Grove Water Department allow the installation of a Gate Valve, Meter, Check Valve and Vault. Fire Service Access Fees will not apply to customers who have established connections at the time of the enactment of this ordinance.

Private Fire Protection Service Rate:

(Rates and Charges for existing and non-metered – Billed semi-annually in advance)

Through 2" connection	\$65.00 per year
Through 3" connection	\$65.00 per year
Through 4" connection	\$140.00 per year
Through 6" connection	\$400.00 per year
Through 8" connection	\$850.00 per year
Through 10" connection	\$1,525.00 per year
Through 12" connection	\$2,475.00 per year

For metered Private Fire Protection Services, the water usage will be billed at the Commercial Rate defined in this ordinance. However, should no water be used, the standard minimum rate, will not be applied. Private Fire Protection Service Meters and the Check Valve will be subject to the same testing requirements as Commercial Meters, defined herein.

SECTION XV -- PENALTY.

Any person in violation of this ordinance shall be subject to a fine of up to two hundred fifty dollars (\$250) per day, except as otherwise provided herein for a period of one (1) month. After one (1) month, City Ordinance will apply and the penalties of this section will start anew until such time as the violation is corrected.

SECTION XVI – ENFORCEMENT.

All enforcement of this ordinance shall be handled by the Oak Grove Code Enforcement Officer.

SECTION XVII -- APPEALS.

Any appeals of action taken and/or penalties by the City shall be taken to the Code Enforcement Board within thirty (30) days of the date of such action or penalty assessment.

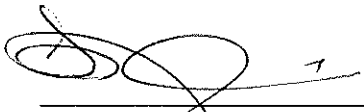
SECTION XVIII -- UNCONSTITUTIONALITY.

Any and all existing ordinances inconsistent with this ordinance are hereby repealed. Should any part of this ordinance be void or unconstitutional, the remaining ordinance shall remain in full force and effect.

First Reading this 17 day of May 2022.

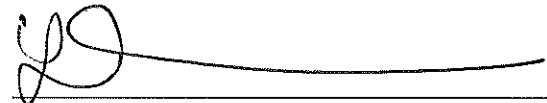
Second Reading this 7 day of June 2022.

APPROVED:



Theresa Jarvis, Mayor
City of Oak Grove, Kentucky

ATTEST:



Lorelynn Fisher, City Clerk
City of Oak Grove, Kentucky

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This advertisement was paid for by the City of Oak Grove using taxpayers' dollars in the amount of \$ 435.40.