

FISCAL COURT ORDERS

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**AN ORDINANCE REQUIRING RESIDENTS OF
COUNTY TO CONNECT TO AN APPROVED
ON-SITE WASTEWATER SYSTEM OR A PUBLIC SEWER
SYSTEM IF AVAILABLE; AND ESTABLISHING PENALTIES.**

WHEREAS, the Perry County Fiscal Court has deemed it advisable and necessary in order to protect the public health and promote the general welfare of the people of Perry County, that all sources of flowable sewage be connected to an approved, appropriately functioning, on-site sewer or a public sewer system if available;

NOW, THEREFORE, the Fiscal Court of Perry County, Kentucky does ordain as follows:

SECTION 1: PROHIBITED FACILITIES

- A. From the effective date of this Ordinance, it shall be unlawful for any person owning any occupied building within the County to construct, install, use, or maintain any straight pipe, privy, cesspool, sinkhole, or other receptacle for the purpose of discharging from or receiving sewage on such premises.
- B. The construction, installation, use, or maintenance of any such straight pipe, privy, cesspool, sinkhole, or other receptacle for receiving sewage on premises within the County shall be deemed and is hereby declared to be public nuisance, is unlawful, and an owner of such facility shall be subject to the penalties set out herein.

SECTION 2: WHERE PUBLIC SEWER IS NOT AVAILABLE

- A. From the effective date of this Ordinance, where a public sewer system is not available, the property owner shall be responsible to connect or have connected any and all newly constructed and/or substantially renovated, occupied buildings to an on-site wastewater disposal system. The type, capacity, location and layout of any and/or all on-site sewer systems shall comply with the provisions of the Perry County Health Department and/or other applicable local and state regulations, including KRS 211.250 relating to certification of an approved on-site sewer system and KRS 224 regarding the permit requirements of the Kentucky Pollutant Discharge Elimination System.
- B. The property owner shall operate and maintain the on-site sewer disposal system in a sanitary manner at all times. Discharge of septic tank effluent or effluent of any other approved sewage disposal system to any open drain, ditch, stream, or well penetrating water-bearing formations shall be prohibited, with the exception that holders of current NPDES/KPDES permits may discharge at permitted discharge points provided they are in compliance with the issuing authority.

- C. No statement contained in this Article shall be construed to interfere with any other requirements that may be imposed by applicable local or state laws or regulations.

SECTION 3: WHERE PUBLIC SEWER IS AVAILABLE

A. Improved Premises currently accessible to a public sewer system:

- i. All persons owning property within the County, upon which there is any existing, occupied building, which property is accessible to a public sewer system shall, at their own expense, make a sewer service connection to the public sewer system, in accordance with the provisions of this Ordinance.
- ii. Said connection shall be made in a timely manner so as not to interrupt the schedule of construction or within three (3) months from the date such sewer line is installed and placed in operation, whichever is more appropriate.
- iii. Premises are deemed accessible to a public sewer if the system's sewer line is located within reasonable proximity of the property boundary. *(Reasonable proximity will be determined by the public sewer system's project engineer on a case-by-case basis taking into consideration engineering feasibility and cost.)* *
- iv. The property owner's sewer line material and manner of connection must comply with the regulations governing same as the system may establish by ordinance.
- v. Failure to connect to a public sewer system under the conditions outline^d above is hereby declared to be unlawful and to constitute a nuisance.

B. Improved Premises which subsequently become accessible to a public sewer system:

- i. All persons owning any occupied building within the County upon premises which in the future become accessible to a public sewer system, in accordance with the provisions of this Ordinance and according to regulations and procedures as the system may establish by ordinance.
- ii. Said connection shall be made within three (3) months from the date such sewer line is installed and placed in operation.
- iii. Premises are deemed accessible to a public sewer if the sewer system's line is located within reasonable proximity of the property boundary line. *(Reasonable proximity will be determined by the public sewer system's project engineer on a case-by-case basis taking into consideration engineering feasibility and cost.)*
- iv. Failure to connect to a public sewer system under the conditions outlined above is hereby declared to be unlawful and to constitute a nuisance.

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- C. New construction on properties accessible to a public sewer system:
- i. All persons owning any premises within the County that are accessible to a public sewer system, and upon which an occupied building is subsequently erected shall, at their own expense, make a sewer service connection to the public sewer system, in accordance with the provisions of this Ordinance.
 - ii. Said connection shall be made at the time the building is erected. All sewer service connections to the public sewer system shall be made in accordance with the requirements and established procedures of said system.
 - iii. Premises are deemed accessible to a public sewer if the sewer connection is located within reasonable proximity of the property line. *(Reasonable proximity will be determined by the public sewer system's project engineer on a case-by-case basis taking into consideration engineering feasibility and cost.)* *
 - iv. Failure to connect to a public sewer system under the conditions outlined above is hereby declared to be unlawful and to constitute a nuisance.
- D. Permanency of connection:
- i. Once a property is served by a specific public sewer system and connection is made to said system the owner may not remove, disconnect, or otherwise interrupt the flow of sewage to that system for the purpose of constructing or installing an alternative on-site treatment system or connecting to another sewer system unless so directed by the County Health Department or the Division of Water, Kentucky Natural Resources and Environmental Protection Cabinet.

SECTION 4: PUBLIC SEWER CONNECTION WAIVER

Any persons owning property within the County upon which there is any existing, occupied building, which is accessible to a public sewer system, or any persons owning any occupied building with the County upon premises which at a future date becomes accessible to a public sewer system can apply for a waiver of service if said person can document s/he has a permitted, functioning septic tank, wetlands, aerator system, or other system approved by the County Health Department or permitted by the Division of Water, which has been installed within the last three (3) calendar years from the date of sewer service availability. Said person must provide documentation from the health department that their operating system is permitted and functioning. If such documentation is provided, said person will receive a one-time waiver to serve the site(s) in question until the on-site system fails and the permit for same is revoked. Once the operating system fails and the permit is revoked, said person must comply in full with the provisions of this Ordinance and no other waiver will be provided.

SECTION 5: EXCLUSION OF STORM WATER RUNOFF

- A. The discharge of storm water runoff or other surface water into a public sewer system is hereby prohibited.
- B. All persons proposing to connect to the public sewer system shall provide adequate means for excluding storm water runoff such as from roof drains or foundation drains, or other surface waters being discharged into the sewer system.
- C. No person once connected to a public sewer shall subsequently connect any roof drain or foundation drain thereto or permit any such drains to remain connected thereto, nor shall he permit, allow or cause to enter into any public sewer any other surface water from any other source.

SECTION 6: PENALTIES

Any person, firm, or corporation violating any of the provisions of this ordinance, or failing or refusing to comply with same shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. Each day such person, firm or corporation fails or refuses to comply with the specific directions of this ordinance, shall constitute a separate offense.

SECTION 7: NON-INTERFERENCE WITH FUTURE REGULATIONS

No statement contained in this Ordinance shall be construed to interfere with any other requirements that may be imposed by applicable local or state laws or regulations. If any clause, provision or section of this Ordinance shall be ruled void or unenforceable by any court or competent jurisdiction, the remainder of this Ordinance shall be enacted and shall be in force and effect not withstanding.

SECTION 8: AUTHORIZATION TO FILE

Following the adoption of this Ordinance, the County Judge/Executive is hereby authorized and directed to file a certified copy of this Ordinance with the County Court Clerk of Perry County.

SECTION 9: NON-CONFLICT WITH OTHER REGULATIONS

All ordinances, resolutions and orders and parts thereof, and particularly any ordinances heretofore adopted that are in conflict herewith are repealed to the extent of such conflict.

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SECTION 10: EFFECTIVE DATE

This ordinance shall become effective immediately upon its adoption, approval and publication as provided by law.

Adopted and approved 7-28, 20~~08~~⁰⁸

Jenny R. Noble
Perry County Judge/Executive

ATTEST:

Sharon Adams
Perry County Court Clerk