

ORDINANCE NO. 17- 10

AN ORDINANCE TO THE CITY OF SOMERSET AMENDING ORDINANCE 01-15 AND 10-03, SPECIFICALLY PROVISIONS IN SAID ORDINANCES REGARDING TAP ON FEES AND CONNECT FEES INCIDENT TO THE USE, SERVICES AND FACILITIES OF THE CITY'S WATER DEPARTMENT FOR THE CITY OF SOMERSET;

WHEREAS, ORDINANCE 01-15 HAS BEEN AMENDED TO ALLOW CHANGES TO FEES AND CHARGES FOR ALL OTHER ASPECTS OF WATER SERVICE, INCLUDING, BUT NOT LIMITED TO, ORDINANCE 10-03, AS WELL AS UPDATED ANNUAL RATE SCHEDULES ADOPTED WITH THE CITY'S ANNUAL BUDGET ORDINANCES; AND

WHEREAS, OTHER TYPES OF FEES/RATES HAVE BEEN ADJUSTED OVER THE DECADES FOR THE WATER SYSTEM, FEES AND CHARGES FOR INITIAL TAP ON FEES FOR WATER SERVICE HAVE NOT BEEN UPDATED OR AMENDED SINCE THE ENACTMENT OF ORDINANCE 01-15, SPECIFICALLY SECTION 3 (D), WHICH WAS ORIGINALLY ENACTED IN JUNE 2001; AND

WHEREAS, THE CITY HAS DETERMINED THAT SAID SERVICES CAN NO LONGER BE PROVIDED FOR THE RATES SET IN ORDINANCE 01-15, SECTION 3(D), AND THEREFORE WISHES TO AMEND SAID RATES PURSUANT TO KRS CHAPTER 91A, AND ALL OTHER APPLICABLE LAW; AND

WHEREAS, THE CITY HAS ALSO DETERMIND THAT THE CHARGES FOR OTHER TYPES OF CONNECTIONS TO THE CITY'S WATER SYSTEM AS SET FORTH IN ORDINANCE 10-03, SPECIFIAALLY SECTION 3(B), SUBSECTIONS (A) AND (B), NEED TO BE ADJUSTED, AND THEREFORE WISHES TO AMEND SAID RATES PURSUANT TO KRS CHAPTER 91A, AND ALL OTHER APPLICABLE LAW;

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

(I) Ordinance 01-15, *Section 3D*, adopted on June 11, 2001, is hereby repealed and replaced in full with the following:

Effective July 1, 2017, a schedule of tap on fees for each tap on to the Water System of the City of Somerset, Kentucky is hereby established, and from and after said date, payment pursuant to said schedule of tap on fees shall be paid to the City within ninety (90) days of notice given to the owner or occupant of any premises where water service is made available by the City*. Said notice shall include a statement that the adjacent water facility is capable of providing service to the meter(s) in the volume and manner requested. Said notice shall also include a statement that the City of Somerset, and/or any other governmental agency

required to approve said tap on, has approved, or has been provided written confirmation of any such needed approval(s). Said schedule of tap on fees is set as follows:

| | |
|------------------|--|
| 5/8 Meter | \$600.00 |
| 1 in Meter | \$1,000.00 |
| 1 1/2-2 in Meter | \$3,000.00** |
| Above 2 inches | Fee will be determined by the City of Somerset's Water Department, and shall be based on factors including, but not limited to, the size, the location and the estimated cost(s). At no time shall the fee be less than the actual cost(s) incurred by the City of Somerset.** |

**This schedule is intended to cover any and all tap on connections that are considered new to the City's Water System as determined by the City of Somerset, and shall not apply to "connect or re-connects" as defined by the City and as amended below.*

***This fee may be adjusted by the City of Somerset for industrial and manufacturing developments in order to promote the growth of Economic Development, so long as the tap on fee charged is not less than the actual cost(s) incurred by the City of Somerset.*

(II) Ordinance 10-03, Section 3B, Subsections (a) and (b), adopted on April 12, 2010, is hereby repealed and replaced in full with the following:

B. Connect Fees:

(a) Effective July 1, 2017, a schedule of non-refundable connect fees* for the Water System of the City of Somerset, Kentucky is hereby established. Said schedule of non-refundable connect fees shall apply regardless of whether the location is inside, or outside, the City's corporate limits. The schedule of non-refundable connect fees is set as follows:

| | |
|-------------|---|
| Residential | \$30.00 |
| Commercial | \$30.00-\$100.00 depending on size of meter |

**This schedule is intended to cover any and all connections that are not considered new to the City's Water System as determined by the City of Somerset, and shall not apply to "tap on fees" as defined by the City and as amended above in Section I of this Amending Ordinance, nor "residential re-connect after failure to pay" which are set forth in Ordinance 10-03.*

(III) If any part of this ordinance amending Section 3(D) of **Ordinance 01-15**, or any part of this ordinance amending Section 3(B), Subsections (a) and (b) of **Ordinance 10-03**, is deemed by a Court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this amending ordinance shall continue in full force and effect.

(IV) Any Ordinance in conflict with this Amending Ordinance, or any policies in conflict with the ones enacted herein, are hereby repealed and replaced with the Amendments contained herein in so far as the same are in conflict herewith.

(V) This ordinance shall be in full force and effect upon passage, approval, and publication according to law. The new rates adopted in this Ordinance shall be applied beginning July 1, 2017.

FIRST READING MAY 8, 2017

SECOND READING MAY 22, 2017

ATTEST: 
City Clerk

Approved: 
Mayor, Eddie Girdler