

MINUTES OF MEETING HELD JUNE 12, 2023

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday June 12, 2023, at 6:00 p.m. with the following present: Council Members; Tom Eastham, David Burdine, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Robin Daughetee, Patrick Hunley, John Minton, Jim Mitchell, David Godsey, Amanda Bullock, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley. Absent: Brian Dalton.

Mr. Wheeldon moved to approve the minutes of the regular meeting held on May 22, 2023, along with reports as mailed. Mr. Burdine seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. T. Eastham, Mr. Burdine, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, and Ms. Bullock.

Mr. Burdine made a motion to approve the following Resolution Number 23-08: ACCEPTING THE GRANT, APPROVING THE GRANT ASSISTANCE AGREEMENT, AUTHORIZING THE AMENDMENT OF THE CITY OF SOMERSET'S ANNUAL BUDGET, AND AUTHORIZING A REPRESENTATIVE TO SIGN ALL RELATED DOCUMENTS. Ms. Bullock seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. T. Eastham, Mr. Burdine, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, and Ms. Bullock.

RES. 23-08
21CWW300

EXHIBIT 4
RESOLUTION 23-08

RESOLUTION OF THE CITY OF SOMERSET ACCEPTING THE GRANT, APPROVING THE GRANT ASSISTANCE AGREEMENT, AUTHORIZING THE AMENDMENT OF THE CITY OF SOMERSET'S ANNUAL BUDGET, AND AUTHORIZING A REPRESENTATIVE TO SIGN ALL RELATED DOCUMENTS

WHEREAS, the Kentucky General Assembly has appropriated funds for infrastructure projects in Senate Bill 36 of the 2021 Regular Session of the Kentucky General Assembly for the Cleaner Water Program, and

WHEREAS, the CITY OF SOMERSET (the "Grantee") has previously determined that it is in the public interest to acquire and construct certain facilities and improvements to the Grantee's utility system (the "Project"), and

WHEREAS, the Grantee desires funding from the Kentucky Infrastructure Authority (the "Authority") for the purpose of acquisition and construction of the Project, and

WHEREAS, in order to obtain a grant from the Cleaner Water Program for the Project, and administered by the Authority, the Grantee is required to enter into an assistance agreement (the "Agreement") with the Authority

NOW, THEREFORE, BE IT RESOLVED by the governing body of the CITY OF SOMERSET as follows:

SECTION 1. The Grantee hereby accepts the grant award and approves the Agreement between the Grantee and the Authority to provide the necessary funds to the Grantee for the Project

SECTION 2. That MAYOR ALAN KECK, and Successors-in-Title, are hereby designated to be the Grantee's "Authorized Official" for this Project and is hereby directed and empowered by the Grantee to execute the Agreement, related documents and agreements, and to otherwise act on behalf of the Grantee to effect such grant award, and to engage a qualified Project Administrator.

SECTION 3. That the Grantee hereby agrees and commits to include, by amendment to its annual budget and audit process, the receipts and expenditures of funds subject to the Agreement up to and including the date of Project closeout.

C - Exhibit 4 - 1

RES. 23-08
21CWW300

SECTION 4. That this resolution shall take effect at the earliest time provided by law.

ADOPTED on June 12, 2023.

CITY OF SOMERSET

Authorized Signatory

C - Exhibit 4 - 2

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that I am the duly qualified and acting City Clerk of the Granite and that the foregoing is a full, true and correct copy of a Resolution adopted by the governing body of said Granite at a meeting duly held on June 12, 2023, and that the official action appears as a matter of public record in the official records or journal of the Granite, and that said meeting was held in accordance with all applicable requirements of Kentucky law, including Sections 61.810, 61.815, 61.820 and 61.823 of the Kentucky Revised Statutes, and that a quorum was present at the meeting, and that the official action has not been modified, amended, revoked or repealed and is now in full force and effect.

IN TESTIMONY WHEREOF, witness my signature, below on June 15, 2023.



City Clerk

C - Exhibit 4 - 3

First reading was given the following Ordinance Number 23-06: **ADOPTING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024 ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY; ALL OF WHICH SHALL BE IN EFFECT AFTER ADOPTION OF THIS ORDINANCE AND PUBLICATION ACCORDING TO LAW.**

ORDINANCE NUMBER 21-06

AN ORDINANCE ADOPTING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024 ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY, ALL WHICH SHALL BE IN EFFECT AFTER ADOPTION OF THIS ORDINANCE AND PUBLICATION ACCORDING TO LAW.

WHEREAS, AN ANNUAL BUDGET PROPOSAL AND MESSAGE HAVE BEEN PREPARED AND DELIVERED TO THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY, AND

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

SECTION 1. THAT THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024 IS HEREBY ADOPTED AS FOLLOWS:

	REVENUE	EXPENDITURES
GENERAL FUND	\$28,560,000.00	\$28,560,000.00
SANITATION SERVICE	\$6,893,350.00	\$6,893,350.00
GAS SERVICE	\$1,033,950.00	\$1,033,950.00
WATER SERVICE	\$25,112,425.00	\$25,112,425.00
WASTEWATER	\$12,813,800.00	\$12,813,800.00
WATER PARK	\$2,862,000.00	\$2,862,000.00
LUTA CENTER	\$1,339,700.00	\$1,339,700.00
TRAVEL AND TOURISM	\$483,900.00	\$483,900.00
LMS	\$9,481,500.00	\$9,481,500.00
THE VIRGINIA	\$1,208,100.00	\$1,208,100.00
MUNICIPAL AID MAPS	\$251,150.00	\$251,150.00
TOTAL ALL FUNDS	\$101,719,905.00	\$101,719,905.00

SECTION 2. THE CITY OF SOMERSET HEREBY REVIEWS AS REQUIRED BY LAW AND AMENDS THE CITY'S PAY AND CLASSIFICATION PLAN AS SET FORTH IN EXHIBIT "A". ALL FACTS HEREIN TO BE INCORPORATED IN FULL HEREBY REFLECT, BEGINNING ON THE EFFECTIVE DATE OF THIS ORDINANCE, WHICH SHALL REMAIN IN EFFECT UNTIL SUCH TIME AS IT IS AMENDED OR REPEALED BY PROPER ACTION OF THE COUNCIL.

SECTION 3. EXHIBIT "B" SET FORTH RATES AND SERVICE FEES FOR UTILITY AND SERVICES SOLELY BY THE CITY. THE RATES AND SERVICE FEES SET FORTH IN THE EXHIBIT INCLUDE THE REQUIRED KVA ESCALATIONS FOUND IN ORDINANCE 21-18.

SECTION 4. IF ANY PART OF THIS ORDINANCE, INCLUDING BUT NOT LIMITED TO REVIEWS, AMENDMENTS, AND APPROVALS, IS CHALLENGED BY A COURT OF COMPETENT JURISDICTION TO BE UNENFORCEABLE OR UNCONSTITUTIONAL, THE REMAINING PROVISIONS OF THIS ORDINANCE SHALL CONTINUE IN FULL FORCE AND EFFECT.

SECTION 5. ANY ORDINANCE IN CONFLICT WITH THIS ORDINANCE OR ANY PROVISIONS IN CONFLICT WITH THE OSEPS ENACTED HEREIN, ARE HEREBY REPEALED IN SO FAR AS THE SAME ARE IN CONFLICT HEREBY.

SECTION 6. THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS APPROVAL AND PUBLICATION ACCORDING TO LAW.

FIRST READING: JUNE 13, 2023

SECOND READING:

APPROVED: ALAN ELK, MAYOR
CITY OF SOMERSET, KENTUCKY

ATTEST: NICK BRADLEY, CITY CLERK

EXHIBIT A
PAY AND CLASSIFICATION PLAN 2023-2024
CITY OF SOMERSET
EFFECTIVE JULY 2023

TITLE/CLASSIFICATION	R#	MINIMUM	MAXIMUM
EXECUTIVE			
CITY CLERK	1	50000	84500
ASST CITY CLERK	2	28000	47000
EXEC ASSISTANT/CHIEF OF STAFF	1	45000	79500
MAYOR'S OFFICE SECRETARY	1	27500	50000
CLERK/LEGAL/FILES	1	25000	45000
CLERK/COMMUNICATIONS	1	26000	40000
CLERK/FRONT DESK	1	25000	45000
CHIEF FINANCIAL OFFICER	1	65000	99500
ACCOUNTING SUPERVISOR	1	37500	70000
ACCOUNTING CLERKS	3	27000	55000
PURCHASING AGENT	1	37500	75000
PAYROLL CLERKS	2	27000	52000
BILLING SUPERVISOR	1	30000	59000
CLERKS/COLLECTIONS	4	25000	45000
CLERKS/CUSTOMER SERVICE	2	25000	45000
CITY ATTORNEY	1	65000	99500
CITY ENGINEER	1	60000	90000
HR DIRECTOR	1	45000	70000
HR/HOUSING/CD	1	43000	67000
CITY PLANNER	1	38000	60000
ASSISTANT	1	25000	43000
BUILDING INSPECTOR	1	40000	70000
CODE ENFORCEMENT/SAFETY	1	40000	64500
INFORMATION TECHNOLOGY	2	45000	77000
COMMUNITY DEVELOPMENT	1	30000	58500
TOURISM	1	35000	69000
ABC ADMINISTRATOR	1	40000	65000
ABC ASSISTANT	1	30000	48500

THE VIRGINIA			
EVENT/VENUE DIRECTOR	1	35000	55000
TECH DIRECTOR	1	35000	55000
FACILITY OPERATIONS	1	27500	50000
ASSISTANT	1	27500	50000
STREET DEPARTMENT			
STREET DEPT. MANAGER	1	40000	67500
STREET DEPT. CLERK	1	29000	40000
STREET DEPT. FOREMAN	1	28000	50000
TRUCK/EQUIPMENT DRIVER	3	24000	52000
MECHANICS	2	31800	55000
SERVICE WORKERS	7	25000	55000
SANITATION			
SANITATION MANAGER	1	40000	67500
SANITATION FOREMAN	1	35000	55500
SANITATION CLERK	2	25000	47000
TRUCK/EQUIPMENT DRIVER	9	27000	52000
TRUCK DRIVER/MECHANIC	1	32000	55000
SERVICE WORKERS	9	24000	48000
WASTEWATER DEPARTMENT			
WASTEWATER MANAGER	1	45000	72000
PLANT SUPERVISOR - WATER	1	40000	70000
PLANT SUPERVISOR - SEWER	2	40000	70000
DISTRIBUTION SUPERVISOR	1	40000	70000
FOREMAN	4	30000	62500
CROSS CONNECTION SPECIALIST	1	29000	52000
EQUIPMENT OPERATORS	3	27000	57500
METER READERS/GENERAL	3	25000	42000
PRETREATMENT CLERK	1	22500	50000
OPERATIONS CLERK	2	22500	50000
LIFT STATION TECHNICIANS	2	25000	54000
FACILITY OPERATIONS	1	27500	50000
TECHNICIANS	21	23000	52000
GENERAL LABOR	3	23000	42000
SPECIAL OPERATIONS	2	27500	50000
NATURAL GAS DEPARTMENT			
DIRECTOR	1	55000	87500
NG ENGINEER	1	55000	80000

SYSTEMS MANGER	1	45000	70000
FOREMAN	4	45000	70000
OPERATORS/SPECIALIST	6	28000	60000
SERVICE TECHNICIANS	4	22500	50000
COMMISSION TECHNICIANS	2	30000	50000
METER READERS/GENERAL	3	25000	40000
CLERK/ACCOUNTING	1	25000	49500

PARKS AND RECREATION

DIRECTOR	1	45000	44000
ASST DIRECTOR	1	40000	52500
MAINTENANCE SUPERVISOR	1	30000	52500
PROGRAM SPECIALIST	4	27000	47500
PROGRAM/ACTIVITY MANAGER	1	27000	47500
MAINTENANCE	3	22500	45000
GENERAL	3	22500	40000
CEMETERY MANAGER	1	28500	47000

WATER PARK

MANAGER	1	45000	47500
DIRECTIONS SPECIALIST	1	25000	43000
MAINTENANCE	2	22000	45000

FUEL CENTER

MANAGER	1	23000	39500
CLERK	1	18200	28000

FIRE DEPARTMENT

FIRE CHIEF	1	45000	70000
BATTALION CHIEF/MAJOR	4	40000	65000
TRAINING OFFICER/ Fire Marshal	1	40000	60000
CAPTAIN	3	40000	58500
LIEUTENANT	7	33500	57000
FIRE FIGHTERS	18	26000	48000

POLICE DEPARTMENT

POLICE CHIEF	1	55000	92500
MAJOR	1	50000	85000
CAPTAINS	4	45000	80000
LIEUTENANTS	4	42500	77500

SERGEANTS	4	39500	72500
DETECTIVES	4	37400	65000
POLICE OFFICERS/S/O'S/NARCOTICS	32	37400	65000
RECRUITS	3	37400	40000
PROPERTY OFFICER	1	28000	50000
CLERK/DATA ENTRY	3	20800	52500
SAFETY OFFICER	1	19500	37500

EMS DEPARTMENT

EMS CHIEF	1	45000	72000
MAJOR	3	44000	68000
CAPTAIN	4	42000	66500
LIEUTENANT	4	35000	64000
PARAMEDICS**	26	34800	62500
EMT**	18	27500	53000
TRAINING DIRECTOR	1	26000	62500
OFFICE/CLERICAL	2	20600	59000

**PARAMEDICS AND EMT POSITION INTERCHANGEABLE BY MGT

**Exhibit B – Service Rates
Supporting the 2023-2024
City of Somerset Budget Ordinance**

Natural Gas

CITY RESIDENTIAL CUSTOMERS
FACILITIES CHARGE \$6.31 (LESS THAN ONE UNIT)
ALL VOLUMES \$7.08/DTH

CITY COMMERCIAL CUSTOMERS
FACILITIES CHARGE \$7.98
ALL VOLUMES \$7.98/DTH

CITY INDUSTRIAL CUSTOMERS
FACILITIES CHARGE \$8.93
ALL VOLUMES \$8.93/DTH

COUNTY RESIDENTIAL CUSTOMERS including FERGUSON
FACILITIES CHARGE \$12.54
ALL VOLUMES \$12.54/DTH

COUNTY COMMERCIAL/ LIGHT INDUSTRIAL CUSTOMERS including FERGUSON
FACILITIES CHARGE \$12.54
ALL VOLUMES \$12.54/DTH

EDUCATION SERVICE
FACILITIES CHARGE \$7.08
ALL VOLUMES \$7.08/DTH

HEAVY INDUSTRIAL – NEGOTIATED RATES AND CONTRACTS

Emergency Market Surcharge: Should spot gas purchase or immediate delivery gas prices as measured by the New York Mercantile Exchange's Henry Hub Price Chart or Index go over the trigger price of \$5.00 (Dollars per Million BTU); Somerset Gas may charge to its customers the short-term additional cost of gas incurred in the purchased of immediate delivery or spot gas while that gas is above the trigger price.

**Exhibit B – Service Rates
Supporting the 2023-2024
City of Somerset Budget Ordinance**

SANITATION RATES

Small Business (Non-Dumpster)
1 Can Per Week 11/3 Yard (\$25)
2 Cans Per Week 2 2/3 Yards (\$35)
3 Cans Per Week 4 Yards (\$45) Same as a 4yd Dumpster (Broken Down by Cubic Yard Price Per Square Yd)

4yd, 6yd, and 8yd Dumpsters 4 Yard \$45 Each Dump*

6 Yard \$55 Each Dump *

Yard \$65 Each dump

(min. 1 dump charge per month)

Roll-Off Dumpsters*

10yd 100 Over 4 Tons Plus 45 Extra Per Ton Over

20yd \$450 Over 8 Tons Plus 45 Extra Per Ton Over

30yd \$600 Over 10 Tons Plus 45 Extra Per Ton Over

40yd \$750 Over 12 Tons Plus 45 Extra Per Ton Over

(min. 1 dump charge per month)

Compactors (Non-Contracted Locations) *

\$700 Each Dump

Residential Customers

\$15.56 Per Month for 2023-24 with the following inflation "catch-up rates" for 2024-2025 -

\$18.56 Per Month and 2025-2026 - \$21.56 Per Month

*Large Volume Users may contract for other rates based upon volume or other considerations.

WASTEWATER RATES

**Exhibit B – Service Rates
Supporting the 2023-2024
City of Somerset Budget Ordinance**

CITY RESIDENTIAL

VOLUME 11 & OVER	MINIMUM	RATE
	\$10.44	\$0.78

CITY COMMERCIAL

VOLUME 11 & OVER	MINIMUM	RATE
	\$11.00	\$0.52

CITY INDUSTRIAL

VOLUME 11 & OVER	MINIMUM	RATE
	\$41.12	\$0.62

COUNTY RESIDENTIAL

VOLUME 11 & OVER	MINIMUM	RATE
	\$18.63	\$0.82

COUNTY COMMERCIAL

VOLUME 11 & OVER	MINIMUM	RATE
	\$27.86	\$0.96

COUNTY INDUSTRIAL

VOLUME 11 & OVER	MINIMUM	RATE
	\$47.75	\$0.84

GOVERNMENT/NON-PROFIT/EDUCATION

VOLUME 11 & OVER	MINIMUM	RATE
	\$73.60	\$0.54

FERRISON

VOLUME 11 & OVER	MINIMUM	RATE
	\$17.24	\$0.66

WATER RATES

**Exhibit B – Service Rates
Supporting the 2023-2024
City of Somerset Budget Ordinance**

CITY RESIDENTIAL & COMMERCIAL CUSTOMERS

FIRST 1000 GALLONS USED PER MONTH	\$3.38
1001 AND ABOVE GALLONS USED PER MONTH	\$.35

CITY INDUSTRIAL CUSTOMERS

FIRST 1000 GALLONS USED PER MONTH	\$9.38
1001 AND ABOVE GALLONS USED PER MONTH	\$.35

CITY GOVERNMENT/NON-PROFIT/EDUCATION CUSTOMERS

FIRST 1000 GALLONS USED PER MONTH	\$9.38
1001 AND ABOVE GALLONS USED PER MONTH	\$.35

COUNTY RESIDENTIAL & COMMERCIAL CUSTOMERS

FIRST 1000 GALLONS USED PER MONTH	\$16.28
1001 AND ABOVE GALLONS USED PER MONTH	\$.62

COUNTY INDUSTRIAL CUSTOMERS

FIRST 1000 GALLONS USED PER MONTH	\$16.28
1001 AND ABOVE GALLONS USED PER MONTH	\$.62

COUNTY GOVERNMENT/NON-PROFIT/EDUCATION CUSTOMERS

FIRST 1000 GALLONS USED PER MONTH	\$16.28
1001 AND ABOVE GALLONS USED PER MONTH	\$.62

FERRISON RESIDENTIAL & COMMERCIAL CUSTOMERS

FIRST 1000 GALLONS USED PER MONTH	\$12.80
1001 AND ABOVE GALLONS USED PER MONTH	\$.51

FERRISON INDUSTRIAL CUSTOMERS

FIRST 1000 GALLONS USED PER MONTH	\$12.80
1001 AND ABOVE GALLONS USED PER MONTH	\$.51

FERRISON GOVERNMENT/NON-PROFIT/EDUCATION CUSTOMERS

FIRST 1000 GALLONS USED PER MONTH	\$12.80
1001 AND ABOVE GALLONS USED PER MONTH	\$.5

First reading was given the following Ordinance Number 23-07: AMENDING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023 ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY.

ORDINANCE NUMBER

AN ORDINANCE AMENDING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023 ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY.

WHEREAS, AN ANNUAL BUDGET HAS BEEN ADOPTED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY, AND

WHEREAS, THE COMMON COUNCIL HAS RECEIVED PROPOSED BUDGET CHANGES AND HAS MADE NECESSARY MODIFICATIONS,

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

SECTION 1. THAT THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023 IS HEREBY AMENDED AS FOLLOWS:

	REVENUE	EXPENDITURES
GENERAL FUND	\$27,383,870.00	\$27,383,870.00
SANITATION SERVICE	\$6,079,300.00	\$6,079,300.00
GAS SERVICE	\$12,248,400.00	\$12,248,400.00
WATER SERVICE	\$24,309,040.00	\$24,309,040.00
WASTEWATER	\$13,951,995.00	\$13,951,995.00
WATER PARK	\$2,346,800.00 \$2,156,800.00	\$2,346,800.00 \$2,156,800.00
THE CENTER	\$1,206,100.00	\$1,206,100.00
TRAVEL AND TOURISM	\$406,700.00	\$406,700.00
FMS	\$8,234,200.00	\$8,234,200.00
VIRGINIA	\$2,212,500.00	\$2,212,500.00
MUNICIPAL AID (MAP)	\$316,100.00 \$276,100.00	\$316,100.00 \$276,100.00

TOTAL ALL FUNDS	\$98,794,065.00 \$98,544,065.00	\$98,794,065.00 \$98,544,065.00
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SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS APPROVAL AND UPON THE DATE OF PUBLICATION UNLESS STATED OTHERWISE IN THE BODY OF THIS ORDINANCE.

FIRST READING: JUNE 13, 2023

SECOND READING:

APPROVED:
AL ANKLUCK, MAYOR
CITY OF SOMERSET, KENTUCKY

ATTEST:
NICK BRADLEY, CITY CLERK

First reading was given the following Ordinance Number 23-08: REQUIRING A PERMIT FOR BURNING AND SETTING FIRES WITHIN THE CORPORATE LIMITS OF THE CITY OF SOMERSET KY BY FIRST OBTAINING APPROVAL AND WRITTEN PERMIT OF THE SOMERSET FIRE DEPARTMENT.

ORDINANCE NO. 23-08

AN ORDINANCE REQUIRING A PERMIT FOR BURNING AND SETTING FIRES WITHIN THE CORPORATE LIMITS OF THE CITY OF SOMERSET KY BY FIRST OBTAINING APPROVAL AND WRITTEN PERMIT OF THE SOMERSET FIRE DEPARTMENT

WHEREAS the City has an interest and duty to protect its citizens and property in the City, and,

WHEREAS the regulation of burning material in the City by the city's professional fire department provides for the health and safety of persons and property in the City

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

Burning and setting fires within the corporate limits of the City of Somerset KY shall require a permit in accordance with the following regulations and provisions:

(A) The Somerset Fire Department shall be notified prior to burning commencing. The site will be inspected by the Fire Chief and a member of the Somerset Fire Department approved by the Fire Chief. Upon inspection of the type of material, size of burn and weather conditions, a permit may be issued for that burn. The form and information on the permit will be substantially the same as depicted on the sample form attached to this Ordinance and incorporated herein as though here set forth in full. All issued permits shall be readily available at the burn site and shall be produced when requested by any member of the Fire Department or the Police Department. Failure to produce a permit shall authorize City personnel to immediately extinguish any existing fire. Permits may be obtained by contacting Somerset Fire Department by phone, in person, or by calling 911. No advance permits shall be issued due to changing weather conditions. The permit is nontransferable and may be used for only one location and one permissible burn.

(B) The following conditions must be met after issuing a permit for burning:

(1) A competent adult at least 18 years of age or older shall be present at all times. No person shall start or have any fire whenever there may be danger of such fire spreading beyond the control of the person so starting, or having such open fire to injure, damage or endanger the life, limb or property of another. At no time shall particulate matter from the burn be deposited upon the property of others.

(2) A means of fire control will be readily available

(3) All fires shall be located at a safe distance from any structure, sidewalks, vehicle, or overhead power lines

(4) A burn site it may be ordered discontinued if the open burn presents dangerous, hazardous, or unhealthy conditions, as determined by the Somerset Fire Dept

(5) Material, other than naturally occurring vegetation and wood, including processed lumber are strictly prohibited. Flammable liquids or other materials that produce dense smoke shall also be strictly prohibited.

(6) Burning shall be permitted only when winds do not exceed 15 miles per hour as reported by the Weather Service during the entire period of burning. Fire department personnel can further restrict burning based on the wind conditions of the actual burn site

(7) To reduce smoke, burn pile dimensions should be kept to a minimum and wet material shall not be burnt.

(C) BURN FIRE PIT RULES

Burning in "fire pits" shall be permitted without the issuance of a permit for the purpose of cooking food for human consumption, recreational or ceremonial purposes, or as a "keep warm" fire used on construction sites during cold-weather months providing all of the following conditions are met before burning

(1) The burn fire pit shall be of sturdy construction consisting of a metal ring or masonry chimney or other UL listed structure or preferred. If a commercial chimney or other UL listed fire ring is used, the manufacturer's safety precautions should be followed

(2) A competent adult of at least 18 years of age shall be present at all times. No person shall start or have any fire whenever there may be danger of such fire spreading beyond the control of the person so starting, or having such open fire so as to injure, damage or endanger the life, limb or property of another. At no time shall particulate matter from the burn be deposited upon the property of others.

(3) A means of fire control will be readily available, water hose, sand or approved water extinguisher is preferred.

(4) No unapproved materials shall be burned. Materials other than naturally occurring vegetation or wood, as well as flammable liquids or other materials that produce dense smoke shall be strictly prohibited

(5) Weather conditions are permissible. Burning shall be permitted only when winds do not exceed 15 miles per hour at the actual burn site as reported by the Weather Service during the entire period of burning.

(6) The fire shall be located at a safe distance from any structure, sidewalks, vehicle, or overhead power line

(7) There shall be no overhanging tree limbs

(8) At no time should burning materials be outside and/or hang past the burn fire pit

(9) Use of a burn fire pit may be ordered discontinued if it presents dangerous, hazardous, or unhealthy conditions, as determined by the Somerset Fire Dept

(D) Any burning must also comply with any applicable statutes, rules, or regulations of any agency of the commonwealth of Kentucky, or United States of America

(E) Those permitted to burn according to this ordinance must indemnify and save harmless the City of Somerset KY from all liability for any damage to persons, personal property, or real property arising from any burning.

(F) Any person convicted of violating any of the provisions of this ordinance may be punished by the denial of future permits for up to one year from the date of the offense AND a fine not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250). Each violation shall constitute a separate offense.

(G) This ordinance shall take effect from and upon its passage and approval as required by law.

(H) Ordinance Number 629 which previously governed open burning is repealed and supplanted by this Ordinance.

First Reading: June 12, 2023 Second Reading & Vote _____

Approved:

Alan L. Keck, Mayor

Attested:

Nick Bradley, City Clerk

Mr. Daughette made a motion to approve a tax refund for a Homestead Exemption in the amount of \$52.65 to Jane W. Godbey. Mr. Burdine seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. T. Eastham, Mr. Burdine, Mr. Wheeldon, Mr. J. Eastham,

Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, and Ms. Bullock.

There being no further business the meeting adjourned at 7:17 p.m.

APPROVED: 
MAYOR

ATTEST: 
CITY CLERK