

**CITY OF WALTON, KENTUCKY
ORDINANCE NO. 2021-04**

AN ORDINANCE OF THE CITY OF WALTON, IN BOONE COUNTY AND KENTON COUNTY, KENTUCKY, AMENDING SECTIONS 50.01, 50.40 AND 50.41 OF THE WALTON CODE OF ORDINANCES, IN ORDER TO PROVIDE THAT OWNERS AND LESSEES SHALL BE RESPONSIBLE FOR PAYMENT FOR ALL WATER AND SEWER BILLS, PLUS ANY ADDITIONAL FEES, CHARGES, AND COSTS, FOR REAL ESTATE CONNECTED TO THE CITY'S WATER AND/OR SEWER SYSTEM.

WHEREAS, the City has previously adopted Ordinances to create and operate the City's water and sewer systems, including provisions for the payment by customers for the costs and charges related to the providing of water and sewer service to their real estate;

WHEREAS, the City now wishes to clarify that the term *Customer* includes all owners and lessees of real estate to which the City provides water and sewer service, and that all such owners and lessees are responsible for the costs and charges related to the City providing water and sewer service to their real estate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALTON, KENTUCKY AS FOLLOWS:

SECTION ONE

Section 50.01 of the City of Walton Code of Ordinances is hereby amended as follows:

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Walton, Kentucky, acting by and through its City Council or such other body as shall be the governing body of the city under the laws of Kentucky at the given time.

SYSTEM. The combined and consolidated water and sewer system of the city, as now or hereafter constituted.

MANAGER. The manager, superintendent, or other person duly employed and authorized by the city to supervise the operation of the system.

CUSTOMER. A property owner or his/**HER/ITS** agent **WHOSE REAL ESTATE IS CONNECTED TO THE CITY'S WATER AND/OR SEWER SYSTEM, AND ANY [or]** lessee of real property, who has agreed to purchase water and/or sewer service from the city.

SECTION TWO

Section 50.40 of the City of Walton Code of Ordinances is hereby amended as follows:

§ 50.40 APPLICATION FOR WATER/SEWER SERVICE.

Each customer must make written application for water/sewer service at the City Hall. Said application, including service received thereunder, is not assignable by the customer. **EACH PROPERTY OWNER, OR HIS/HER/ITS AGENT, WHOSE REAL ESTATE IS CONNECTED TO THE CITY'S WATER AND/OR SEWER SYSTEM, AND ANY LESSEE OF THE REAL PROPERTY, SHALL BE JOINTLY, SEVERALLY AND PERSONALLY RESPONSIBLE AND LIABLE FOR PAYMENT FOR ALL WATER AND SEWER BILLS, PLUS ANY DELINQUENCY OR LATE PENALTY FEES, SERVICE CHARGES, INTEREST, COLLECTION FEES, COURT COSTS AND ATTORNEY FEES, CONNECTED TO WATER/SEWER SERVICE FOR THAT REAL PROPERTY.**

SECTION THREE

Section 50.41 of the City of Walton Code of Ordinances is hereby amended as follows:

§ 50.41 BILLING PROCEDURES, DISCONTINUANCE OF SERVICE, AND OTHER REGULATIONS; PROHIBITIONS AND CONDITIONS.

The following regulations, prohibitions, and conditions are applicable and are in force and effect with respect to the combined and consolidated water and sewer system of the city:

(A) All taps and connections to the water mains and sewer of the city shall be made by and/or under the direction and supervision of the manager.

(B) Water service may be discontinued by the city for any violation of any rule, regulation, or condition of service and especially for any of the following reasons:

(1) Misrepresentation in the application or contract as to the property or fixtures to be supplied, or as to additional use of water/sewer service, or as to unusual or extraordinary use of sewer facilities.

(2) Failure to report to the city additions to the property or fixtures to be supplied, or of additional use of water/sewer service.

(3) Resale or giving away of water.

(4) Waste or misuse of water due to improper or imperfect service pipes or failure to keep same in suitable state of repair.

(5) Tampering with meter, meter seal, service, or valves, or permitting such tampering by others.

(6) Connection, cross-connection, or permitting the same, of any separate water supply to premises which receive water from the city.

(7) FAILURE TO TIMELY PAY ANY BILL OR TO ABIDE BY ANY NOTICE SENT TO A CUSTOMER BY THE CITY IN CONNECTION WITH WATER/SEWER SERVICE.

(C) Any customer desiring to discontinue the water/sewer service to his premises for any reason must give notice of discontinuance in writing at city hall; otherwise a customer shall remain liable for all water used and water/sewer services rendered to such premises by the city unless said notice is received by the city. No person shall remain in a dwelling or building not connected to the water and sewer system, and if so, same shall be deemed a violation of this chapter and subject to the penalties of § 50.99 hereof.

(D) Bills and notices relating to the conduct of the business of the city will be mailed to the customer at the address listed on the application unless a change of address has been filed in writing with the city. The city shall not otherwise be responsible for the

delivery of any bill or notice nor will the customer be excused from the payment of any bill or any performance required in said notice. **IT SHALL BE THE RESPONSIBILITY OF EACH PROPERTY OWNER, OR HIS/HER/ITS AGENT, WHOSE REAL ESTATE IS LEASED, TO MONITOR THE ACCOUNT TO INSURE THAT THE BILLS FOR WATER/SEWER SERVICE ARE BEING PAID IN A TIMELY FASHION AND THAT THE ACCOUNT IS IN GOOD STANDING.**

(E) (1) Meters will be read once monthly between the fifteenth and twenty-fifth of each month.

(2) Bills for water and sewer service are due and payable at City Hall, or to any designated agent, on their date of issue. The past due date shall be the fifteenth day after the date of issue. Bills will be dated and mailed on the first day of each month. A service fee of twenty dollars (\$20) will be assessed for any check returned by the maker's bank for any reason. If a customer's personal check is returned by the maker's bank for any reason three (3) times within a twelve (12) month period, the city will no longer accept such customer's personal check; subsequent payments must be paid in cash, by certified or cashier's check, by money order or by credit card.

(3) All bills not paid on or before the past due date shall be deemed delinquent, and shall be assessed a ten percent (10%) late penalty payment. In addition, the city may serve a customer a written final notice of said delinquency. The city will also serve notice that such customer is entitled, upon written request, to a hearing on the question of termination of service. If a delinquent bill is not paid within ten days after the date of final notice, and if no hearing is requested, or if a hearing is requested and timely held, and such customer's delinquency is thereby established, the water supply to the customer may be discontinued without further notice; provided, however, if prior to discontinuance of service, there is delivered to the city, or to its employee empowered to discontinue service, a written certificate signed by a physician, a registered nurse, or a public health officer that, in the opinion of the certifier, discontinuance of service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or until ten days elapse from the time of the city's receipt of said certification, whichever occurs first.

(4) If a deadline date falls on a Sunday or legal holiday, such deadline shall not expire until the next succeeding secular day.

(F) Where the water supply to the customer has been discontinued for non-payment of delinquent bills, a charge of thirty dollars (\$30) will be made for reconnection of water service. However the reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the city have been paid.

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[THE REMAINDER OF THIS SECTION § 50.41 SHALL REMAIN UNAMENDED BY THIS ORDINANCE]

SECTION FOUR

This Ordinance shall take effect and shall be in full force upon and after its enactment and publication as required by law.

SECTION FIVE

All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

SECTION SIX

If any sentence, clause, section or part of this ordinance or the application thereof to any particular situation is, for any reason, found to be unconstitutional, illegal or invalid, the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION SEVEN

This ordinance may be read and published in summary form.

PASSED AND APPROVED ON FIRST READING BY 5 OF 6 MEMBERS OF CITY COUNCIL ON THE 13th DAY OF APRIL, 2021.

PASSED AND APPROVED ON SECOND READING BY ____ OF ____ MEMBERS OF CITY COUNCIL ON THE ____ DAY OF _____, 2021.

APPROVED:

GABRIEL D. BROWN, MAYOR

ATTEST:

CITY CLERK

DATE OF PUBLICATION: _____