

COMMONWEALTH OF KENTUCKY
COUNTY OF TRIMBLE
ORDINANCE NO. 340.6
AN ORDINANCE RELATING TO:
WATER RATIONING

Filed
8-18-01
James Daniel
TCC

WHEREAS, state law requires all water districts to adopt a Water Shortage Plan;
and

WHEREAS, as a part of the said Water Shortage Plan, water districts are
required to adopt a Water Rationing Plan, and

WHEREAS, it is in the best interest of the citizens of Trimble County that the
Trimble County Fiscal Court adopt policies and procedures for the enforcement of the
Water Rationing Plan

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF
TRIMBLE COUNTY, KENTUCKY AS FOLLOWS:

Section 1: Purpose: The purpose of this ordinance is to provide for the declaration of
rationing for equitable distribution of critically short water supplies. Nothing in this
ordinance shall be construed to interfere with the common law riparian or statutory water
rights.

Section 2: Definitions:

- (a) "Allotment" as the term is used in this ordinance, shall mean the maximum quantity
of water allowed for each customer over any applicable period as established in the
provisions of this ordinance;
- (b) "Customer" as the term is used in this ordinance, shall mean any person using water
for any purpose from a public water distribution system in Trimble County and for
which either a regular charge is made or, in the case of bulk sales, a cash charge is
made at the site of the delivery;
- (c) "Excess Use", as the term is used in this ordinance, shall mean the usage of water by
a customer in excess of the water allotment provided under the provisions of this
ordinance for that customer, over any applicable period.
- (d) "Non-residential customer", as the term is used in this ordinance, shall mean
commercial, industrial, institutional, public and all other such users with the
exception of hospitals and health care facilities.

- (e.) "Rationing", as the term is used in this ordinance, shall mean procedures established to provide for the equitable distribution of critically limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety.
- (f.) "Residential customer", as the term is used in this ordinance, shall mean any customer who receives water service for a single or multi-family dwelling unit. The term residential customer does not include educational or other institutions, hotels, motels, or similar commercial establishments.
- (g.) "Service interruption", as the term is used in this ordinance, shall mean the temporary suspension of water supply, or reduction of pressure below that required for adequate supply, to any customer, portion of the water supply, or entire system.
- (h.) "Water supplies", as the term is used in this ordinance, shall mean water available to Trimble County for treatment by virtue of its water rights or withdrawal permit or any treated water introduced by public water distribution systems in Trimble County, including water offered for sale.

Section 3: Declaration of Rationing: Whenever the Trimble County Fiscal Court finds a need to provide for the equitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety, it shall be empowered to declare by resolution the adoption of mandatory rationing.

Section 4: Objectives of Rationing:

- (a.) It is imperative that water customers achieve an immediate further reduction in water use in order to extend existing water supplies and, at the same time, assure that sufficient water is available to preserve the public health and sanitation and to provide fire protection services.
- (b.) Should shortages continue, further reductions in usage may be required. The additional usage reduction in the rationed area must be a valid and attainable goal reflective of the conditions which currently exist.
- (c.) The plan provides for equitable reductions in water usage and for equal sacrifice on the part of each water customer. The success of this ordinance depends on the cooperation of all water customers in emergency areas.

Section 5: Water Use Rationing for Residential Customers:

(a.) Metered Residential Water Customers and Allotments:

- (1.) The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed.
- (2.) Each dwelling unit (household) shall be allotted forty (40) gallons per day for each resident of the household. Households with only permanent resident will have a daily allotment of fifty-five (55) gallons.
- (3.) Residential water customers are required to provide city and utility personnel with reasonable access to read meters as necessary to this rationing declaration. Where access is not readily available, all reasonable efforts to contact customers in order to arrange for access to read meters shall be made. In the event a water customer does not allow entry to read the meter after reasonable efforts to arrange such access, the dwelling unit (household) allotment will be reduced to fifty-five (55) gallons per day; forty (40) gallons for households with only one permanent resident.
- (4.) (a.) Where the residential water allotment provided under this section would create an extraordinary hardship, as in the case of special health related requirements, the water customer may apply to the Water Board for an exemption or variance from these requirements. If it is found that the allotment provided in this section would impose an extraordinary hardship a revised allotment for the particular customer may be established by the Water Board.
(b.) Any person aggrieved by a decision relating to such an exemption or variance rendered by a public utility or municipal corporation rendering water service beyond its district limits may file a complaint with the Fiscal Court in accordance with normal administrative procedures, or with the Public Service Commission.

(b.) Non-metered Residential Water customers and allotments:

- (1.) In order to effectively implement and monitor the residential water conservation effort, a water allotment shall be established for the entire

water system based on 40 gallons per day per capita served or 50% of the water used by the entire system during the _____ month of _____.

- (2.) The Fiscal Court and Water Board will establish a communication system with the customers through the local media to inform them of the requirements of the water rationing provisions of this ordinance, possible conservation measures that customers may employ, the system allotment and a regularly scheduled report of whether the usage was within the allotment.
- (c) Metered and Non-metered Residential customers of the same water supply system: Where a water supply system serves both metered and non-metered residential customers, the allotments and procedures provided under both subsections (a) and (b) shall be applied as appropriate.

Section 6: Water Use Rationing for Non-Residential Water Customers:

- (a.) Non-residential water customers shall further reduce their water usage to 50% percent of use levels during the _____ month of _____.
- (b.) It is the primary responsibility of each non-residential water customer to meet its mandated water use reduction goal in whatever manner possible.
- (c.) The Water Board shall establish a water allotment for each non-residential water customer, based upon a required further reduction of water usage from the rate of water used by the customer in effect on _____ (date), or the last recorded use level if no meter readings record the rate of the customer's use on _____ (date).
- (d.) Each non-residential water customer shall provide access to Water Board personnel for purposes of meter reading and monitoring of compliance with this ordinance. All reasonable efforts will be made to contact customers to arrange for access.
- (e.) (1.) If the mandated further reduction in water usage cannot be obtained without imposing an extraordinary hardship which threatens health and safety, the non-residential customer may apply to the Water Board for a variance. For these purposes "extraordinary hardship" means a permanent

damage to property or economic loss which is substantially more severe than the sacrifices borne by other water uses subject to this water rationing ordinance. If the further reduction would cause an extraordinary hardship or threaten health or safety, a variance may be granted and a revised water use reduction requirement for the particular customer may be established.

(3.) Any person aggrieved by a decision relating to such a variance rendered by a public utility or municipal corporation rendering water service beyond its corporate limits may file a complaint with the state's Public Service Commission.

(f.) The Water Board will provide each non-residential customer with suggested means to reduce usage levels.

Section 7: Water Use Rationing for Hospitals and Health Care Facilities:

(a.) Hospitals and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers as may be applicable to each individual institution, to the extent compliance will not endanger the health of the patients or residents in the institution.

(b.) Each hospital or health care facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage.

(c.) The Water Board will provide each hospital and health care facility with suggested means to reduce usage levels.

Section 8: Enforcement of Water Rationing:

(a.) The Water Board will have primary responsibility for monitoring of compliance with this water rationing ordinance.

(b.) The following provisions shall govern the implementation of service interruptions:

(1.) In order to effectuate compliance with this ordinance, the Water Board is hereby authorized and required to plan and implement service interruptions to all or part of its water supply system, as may be

deemed appropriate, when any and/or all of the following conditions are determined to exist:

- (a.) The mandated reduction in system wide usage has not been achieved, and/or
 - (b.) The mandated reduction in system wide water usage has been achieved but has failed to have a significant impact in extending limited water supplies, and/or,
 - (c.) Service interruptions are necessary in order to further extend limited and/or dwindling water supplies.
- (2.) In the event it is determined that service interruptions are necessary, the Water Board shall notify its customers that a planned service interruption is to be imposed. This shall be done through the public media and at least one day prior to the service interruption.
- Such notice shall:
- (a.) State the day or days the planned service interruption will occur;
 - (b.) State the time(s) when such planned service interruption will commence, and the time(s) such interruption will cease;
 - (c.) State whether the planned service interruptions are to be imposed on the entire system, or part thereof, and if only part(s) of the system will experience planned service interruptions, identify geographic boundaries within which such interruptions will occur, and
 - (d.) Advise all customers within the areas affected by planned service interruptions how to treat any water received from the system, for human consumption, during the period(s) of such interruptions and for such additional time as may be necessary until full pressure is restored to the system.
- (3.) If a planned service interruption is imposed as authorized and required by this ordinance, it must provide for the continued delivery of water to health care facilities within the area(s) affected by such

interruptions, by means of any adequate, alternative delivery measures that may be necessary.

(4.) If a planned service interruption is implemented, it must make provision, by any means possible, for the continued delivery of such water as may be necessary for the proper operation of sewage collection, treatment, and disposal systems and facilities.

(c.) Any residential or non-residential water customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess use- charges:

(1.) "Excess use charges" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration computed in accordance with the following schedule:

<u>Excess Usage Per Month</u>	<u>Charge for Excess</u>
First 2,000 gallons or portion thereof	\$ _____ per thousand or portion thereof
Each 1,000 gallons or portion thereof Thereafter	\$ _____ per thousand or portion thereof, thereafter

(2.) Any monies collected through excess use charges shall not be accounted for as income, but shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.

(d.) In addition to the excess use charges, non-compliance with the water rationing provisions of this ordinance will result in the following:

(1.) For the first excess use, a warning of possible discontinuation shall be issued to the customer.

(2.) For the second or subsequent excess use, service to the customer may be interrupted or shut off for a period not to exceed 48 hours, or, if the customer provides access, a flow restrictor may be installed in the customer's service line for the duration of the emergency. The cost incurred to interrupt or shut off and reinstate service or to install and remove the flow restrictor, shall be assessed against the water customer.

(e.) Meter reading schedules are authorized to be altered to assure adequate monitoring or compliance with this ordinance.

(f.) Any customer or other person aggrieved by a decision or action imposing an excess use charge or other remedy for non-compliance with the requirements of this ordinance may proceed in accordance with the following provisions:

(1.) The Water Board shall adopt procedures which provide an opportunity for the customer or aggrieved party to rebut the finding of a violation, or provide evidence of circumstance beyond the customer's control which resulted in the violation. A record of evidence regarding disputed violations shall be kept, and a written notice of the Water Board's final decision and action in such cases shall be provided to the customer or aggrieved party.

(2.) Any person aggrieved by the final decision or action by a public utility or municipal corporation may file a complaint with the Public Service Commission in accordance with established procedures.

Section 9: Shortage Water Rates: Upon declaration of water rationing as provided in Section 3, the Water Board shall have the power to adopt shortage water rates, by regulation, designed to cover water supplies. Such rates may provide for, but not limited to, (a.) higher charges per unit for increasing usage (increasing block rates); (b) uniform charges for water usage per unit of use (uniform unit rate); (c) extra charges for use in excess of specified level (excess demand surcharge); or (d.) discounts for conserving water below specified levels.

Section 10: Regulations: During the effective period of water rationing as provided in Section 3, the Water Board is empowered to promulgate regulations as may be necessary to carry out the provisions of this ordinance, any water supply shortage resolution, or water shortage rate ordinance.

Section 11: Penalties: Any person who violates the provision of this ordinance, who fails to carry out the duties and responsibilities imposed by this ordinance, or who impedes or interferes with any action undertaken or ordered pursuant to this ordinance shall be subject to the following penalties:

- (a.) If the Manager of the Water District, or the Chairman of the Water Board, or other County officials in charge of implementation and enforcement of this ordinance or a water supply shortage resolution learn of any violation of any water use restriction imposed pursuant to this ordinance, a written notice of the violation shall be affixed to the property where the violation occurred and mailed to the customer of record and to any other person known to the officials in charge who is responsible for the violation or its correction. Said notice shall describe the violation and order that is to be corrected, cured or abated immediately or within specified time as the official

determines is reasonable under the circumstances. If the order is not complied with, the Water District may terminate water service to the customer subject to the following procedures:

- (1.) The Water District shall give the customer notice by mail that, due to the violation, water services will be discontinued within a specified time and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the District or a District official designated as hearing officer by the Board;
 - (2.) If such hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
 - (3.) The Board or hearing officer shall make findings of fact and order whether service shall continue or be terminated.
- (b.) A fee of \$50.00 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200.00 for the second violation and \$300.00 for the third or subsequent violations.
- (c.) Any customer may also be charged with violation of this ordinance and prosecuted in District Court. Any person so charged and found guilty of violating the provisions of this ordinance shall be guilty of a Class B Misdemeanor. Each day's violation shall constitute a separate offense.

Section 9: Severability: If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstances is held invalid, the

constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.

Section 10: Effective date: This ordinance shall take effect immediately upon adoption and passage.

Section 11: Effective period: This ordinance shall remain in effect until terminated or amended by subsequent ordinance.

This matter having come on for a hearing before the Trimble County Fiscal Court at a regular meeting of the Fiscal Court held on July 16, 2001 and a motion having been made by Magistrate Mike Dunaway and seconded by Judge/Executive Ray Clem and following discussion the same was approved as the second reading by vote of the Fiscal Court and the same is hereby adopted by the Trimble County Fiscal Court

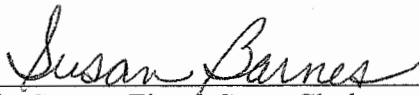
Approved as to form and content by Trimble County Attorney:



Perry R. Arnold, Trimble County Attorney

After second reading on July 16, 2001, 2001 the foregoing Ordinance was approved to be published and on the same occasion was signed in open Court by the County Judge/Executive, Honorable Ray Clem as evidence of his approval, attested under the seal of the Trimble County Fiscal Court Clerk.


Ray Clem, Trimble County Judge/Executive

Attest: 
Trimble County Fiscal Court Clerk

Published: _____

110.1

RECEIVED
JERRY L. POWELL TRIMBLE CO.

COMMONWEALTH OF KENTUCKY
COUNTY OF TRIMBLE
ORDINANCE NO. 110.1

DATE 9-25-01
9:00 A.M. P.M.
Perry R. Arnold D.C.

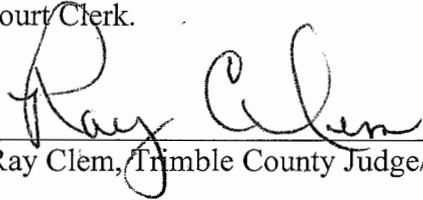
AN ORDINANCE RELATING TO THE REAPPORTIONMENT OF
MAGISTERIAL DISTRICTS IN TRIMBLE COUNTY, KENTUCKY

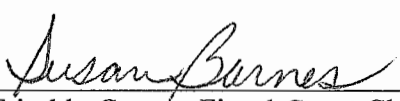
WHEREAS, the Trimble County Fiscal Court has voted to approve the plan for reapportionment of magisterial districts in Trimble County as drafted by the Reapportionment Commission appointed pursuant to KRS 67.045, and

WHEREAS, KRS 67.045 requires reapportionment to districts which have population as nearly equal as possible and because it is in the best interest of the Citizens of Trimble County to adopt the reapportionment plan as drafted, and

NOW THEREFORE, BE IT ORDAINED BY THE TRIMBLE COUNTY FISCAL COURT, that the reapportionment of Magisterial Districts as drafted by the Reapportionment Commission and as described in the written Exhibit A attached to this ordinance and as shown by the Map that is attached as Exhibit B to this Ordinance, is hereby adopted to be the new division of magisterial districts in Trimble County, Kentucky.

After second reading on September 17, 2001 the foregoing Ordinance was approved to be published and on the same occasion was signed in open Court by the County Judge/Executive, Honorable Ray Clem as evidence of his approval, attested under the seal of the Trimble County Fiscal Court Clerk.


Ray Clem, Trimble County Judge/Executive

Attest: 
Trimble County Fiscal Court Clerk

Approved as to form and content by Trimble County Attorney:


Perry R. Arnold, Trimble County Attorney

Published: _____

EXHIBIT A

**REPORT OF THE REAPPORTIONMENT COMMISSION
FOR MAGISTERIAL DISTRICTS IN TRIMBLE COUNTY
FOR 2001**

The Trimble County Fiscal Court appointed Sylvan Scott, J. W. Sachleben and Lee Congleton to serve on the reapportionment commission for purposes of reapportioning magistrates' districts in compliance with KRS 67.045. All members of the commission together with County Clerk Jerry Powell, met at the offices of the Kentucky Indiana Planning and Development Agency in Louisville on July 9, 2001. Meeting with the commissioners and County Clerk was Adam Forseth from KIPDA.

The Commissioners and County Clerk have completed their work in reapportioning the magistrates districts and present the following as their report.

The Commissioners recommend to the Trimble County Fiscal Court that the following boundaries be adopted as new magistrates districts in order to comply with KRS 67.045.

District No. 1:

Beginning at a point on the Ohio River north of Highway 36 where Highway 36 intersects with School Hollow Road; thence crossing Highway 36 at the west right of way line of School Hollow Road and continuing with the west right of way line of School Hollow Road to the west right of way line of Barth Hill Road; thence continuing with the west right of way line of Barth Hill Road to the west right of way line of McCord Lane at its intersection with Barth Hill Road; thence continuing with the west (north) right of way line of McCord Lane to its intersection with U.S. Highway 421; thence with the west right of way line of U. S. Highway 421 to its intersection with the Milton-Bedford Pike; thence with the west right of way line of Milton-Bedford Pike to its intersection with U. S. Highway 421 across from Highway 1226 (Palmyra Road); thence continuing with the west right of way line of U. S. Highway 421 to its intersection with Highway 625 (Mt. Pleasant Rd.) thence continuing with the north right of way line of Highway 625 to its intersection with Ogden Ridge Road; thence with the west right of way line of Ogden Ridge Road to its intersection with Wentworth Road; thence with the north right of way line of Wentworth Road to its intersection with Highway 1838; thence with the east right of way line of Highway 1838 to its intersection with Watson Landing Road; thence with the north right of way line of Watson Landing Road to its terminus at the Ohio River; thence in a northerly and easterly direction with the Ohio River to the point of beginning north of Highway 36 at its intersection with School Hollow Road.

District No. 2:

Beginning at a point on the Ohio River at the terminus of Watson Landing Road; thence with the south right of way line of Watson Landing Road to its intersection with Highway 1838; thence with the western right of way line of Highway 1838 to its intersection with Wentworth Road; thence with the south right of way line of Wentworth Road to its

intersection with Ogden Ridge Road; thence with the east right of way line of Ogden Ridge Road to its intersection with Highway 625 (Mt. Pleasant Rd.); thence with the south right of way line of Highway 625 to its intersection with U. S. Highway 421; thence with the west right of way line of U. S. Highway 421 to its intersection with U. S. 42; thence with the west right of way line of U. S. 42 in a southerly direction to its intersection with Highway 3175; thence with the west right of way line of Highway 3175 to its terminus in Trimble County at the Henry County Line; thence in a westerly direction with the Henry County line and the Oldham County Line to the Ohio River; thence with the Ohio River north to the point of beginning.

District No. 3:

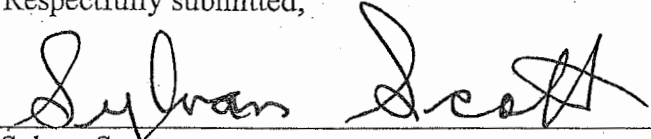
Beginning at a point on the Ohio River north of Highway 36 where Highway 36 intersects with School Hollow Road; thence crossing Highway 36 at the east right of way line of School Hollow Road and continuing with the east right of way line of School Hollow Road to the east right of way line of Barth Hill Road; thence continuing with the east right of way line of Barth Hill Road to the east right of way line of McCord Lane at its intersection with Barth Hill Road; thence continuing with the east (north) right of way line of McCord Lane to its intersection with U.S. Highway 421; thence with the east right of way line of U. S. Highway 421 to its intersection with the Milton-Bedford Pike; thence with the east right of way line of Milton-Bedford Pike to its intersection with U. S. Highway 421 across from Highway 1226 (Palmyra Road); thence continuing with the east right of way line of U. S. Highway 421 to its intersection with Cutshaw Lane; thence with the north right of way line of Cutshaw Lane to its intersection with Hardy Creek Road; thence with the east (north) right of way line of Hardy Creek Road to its intersection with U. S. Highway 42; thence with the north right of way line of U. S. Highway 42 to its terminus in Trimble County at the Carroll County line; thence in a northwesterly direction with the Carroll County line to the Ohio River; thence with the Ohio River in a westerly direction to the point of beginning.

District No. 4:

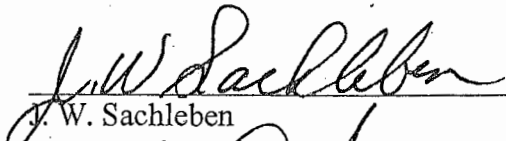
Beginning at a point on the south right of way line of U. S. Highway 42 at the Carroll County line; thence continuing with the south right of way line of U. S. Highway 42 to its intersection with Hardy Creek Road; thence with the south (west) right of way line of Hardy Creek Road to its intersection with Cutshaw Lane; thence with Cutshaw Lane to its intersection with U. S. Highway 421; thence with the east right of way line of U. S. Highway 421 to its intersection with U. S. 42; thence with the east right of way line of U. S. Highway 42 to its intersection with Highway 3175; thence with the east right of way line of Highway 3175 to its terminus in Trimble County at the Henry County Line; thence with the Henry County line and the Carroll County line to the point of beginning.

A map of these proposed districts is included as a part of this report for purposes of clarification.

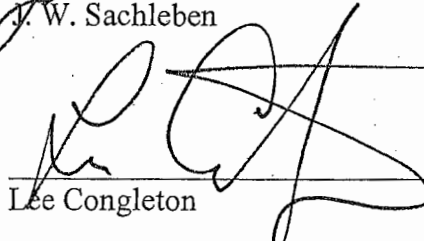
Respectfully submitted,



Sylvan Scott



J. W. Sachleben

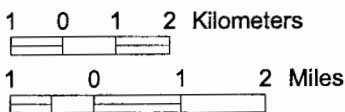
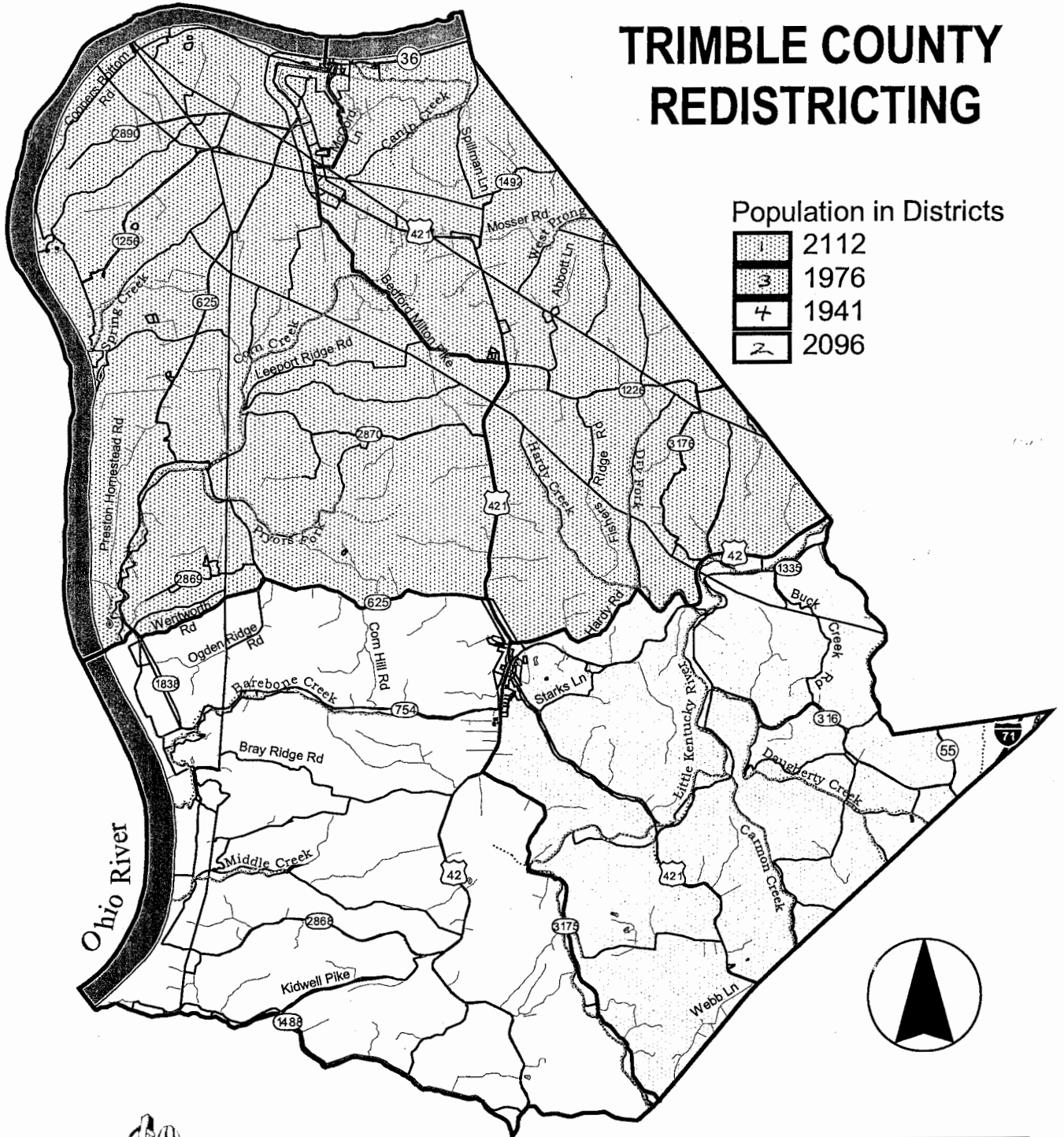


Lee Congleton

TRIMBLE COUNTY REDISTRICTING

Population in Districts

1	2112
3	1976
4	1941
2	2096



Legend

- Interstate
- State Roads
- Local Roads
- Streams

