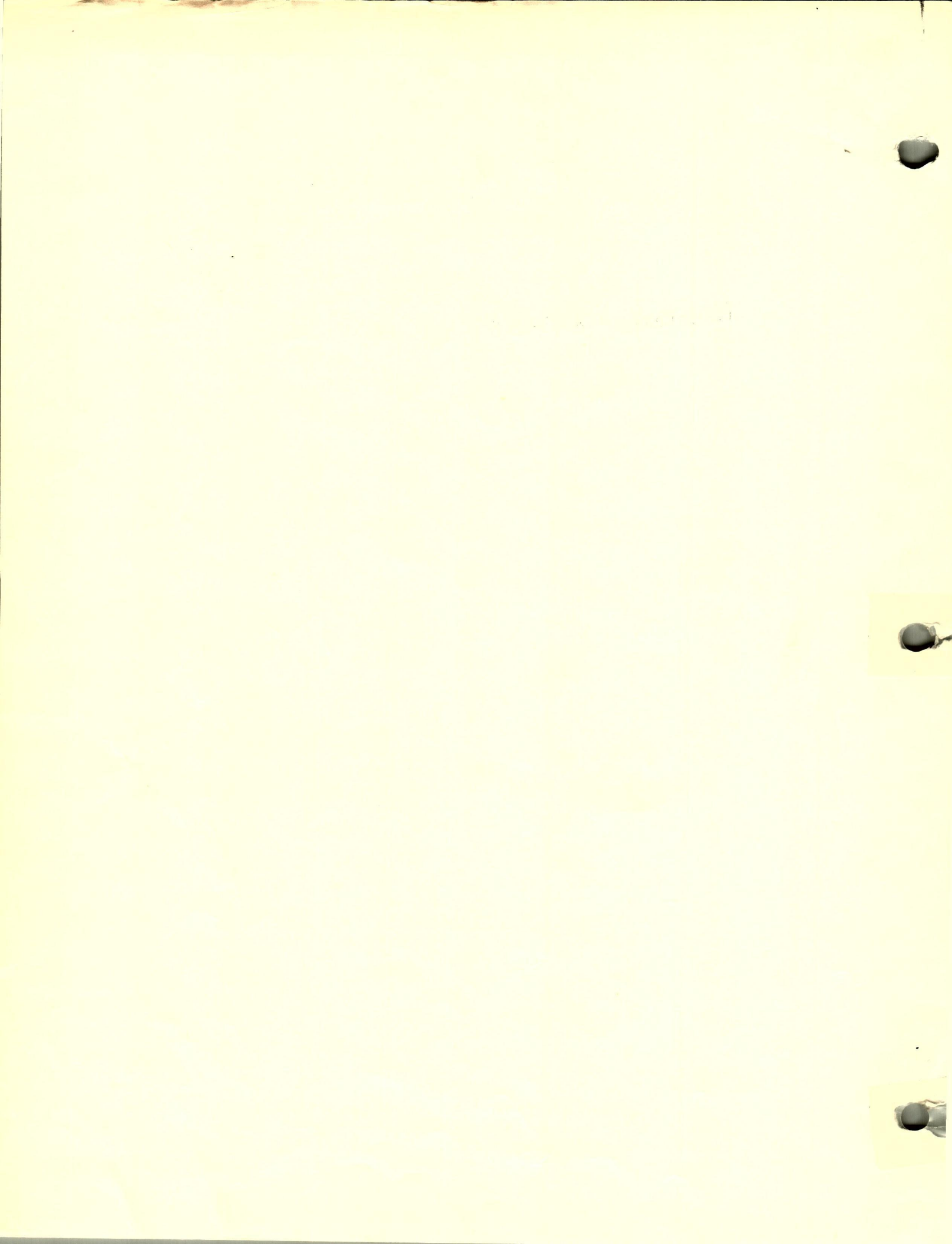


820.1 FLUORIDATION OF WATER

SECTION ONE: That the Vanceburg Water Works shall have permission to add fluoride to the water supply of the City of Vanceburg, Kentucky, subject to the rules and regulations of the Kentucky State Health Department.

Adopted 8-5-58



ORDINANCE NO. 830.1B

AN ORDINANCE AMENDING ORDINANCE NO.
830.1 REGULATING SOLID WASTE MANAGEMENT
IN THE CITY OF VANCEBURG, KENTUCKY

SECTION ONE: SOLID WASTE REGULATION AND COLLECTION

(1) No person shall accumulate or permit the accumulation of garbage or trash upon any property owned, occupied or otherwise controlled by such person within the corporate limits of the city.

(2) No person shall burn, bury or otherwise dispose of any garbage or trash upon any property within the corporate limits of the city, or convey or dump such garbage or trash upon the streets or other public property of the city.

(3) Garbage shall be kept in proper receptacles and shall be placed in a convenient location, as determined by the city, on such days as is specified for pick-up in the respective area. Trash shall be placed in a receptacle or bundled for pick-up.

(4) Persons, firms or corporations who generate a volume of two cubic yards (i.e., approximately equivalent to 500 pounds or 1/4 ton or 400 gallons) or more of garbage per week shall use metal dumpsters provided to them by the City. The dumpsters shall be purchased by the City and shall remain the property of the City. Each recipient of a dumpster shall provide, at the recipient's expense, a hard surface (e.g., concrete or asphalt) upon which the dumpster may be placed. The Mayor shall adopt appropriate rules and regulations for the placement and use of dumpsters.

~~(4)~~ (5) The city shall designate and employ such persons or corporations as may be necessary to collect all garbage and trash within the corporate limits of the city.

~~(5)~~ (6) Garbage shall be collected from each residence or place of business not less than once each week.

(7) No person, firm or corporation who resides out of the city limits who does not pay a service charge shall ~~not~~ deposit garbage, trash or refuse in the city limits for collection by the city.

SECTION TWO: SERVICE CHARGES

(1) Except as hereinafter set forth, a service charge shall be made at the rate of \$6.00 per month for each dwelling unit occupied as a residence, including house, duplex apartment, mobile home, and any other dwelling unit, within the city. A service charge shall be made for each place of business, based on the amount of refuse to be collected and other relevant factors, as determined by the city, provided the same weighting of such factors is applicable uniformly to all businesses.

(1A) An additional service charge shall be charged for ~~the~~ each pick-up and hauling of household garbage in excess of 90 gallons per week or non-household garbage, trash or refuse including but not limited to old furniture, household appliances, tree and bush trimmings and yard refuse. Said service charge shall be based on the amount of refuse collected and other relevant factors, as determined by the city, provided the same weighting of such factors is applicable uniformly in all households.

(2) The service charge shall be collected by the utility company and the service charge shall be added to the utility bill for each dwelling unit and business. Any resident or business who does not receive utilities from the city shall be billed for and pay the utility company for garbage collection only. The person responsible for garbage collection charges shall be the person responsible for utilities. A late charge equal to 10% of the amount due shall be added to any garbage collection charge which is not paid by the tenth of the month due.

(3) The service charges for low income and/or elderly persons shall be \$5.00 per month; however, the city may waive part, or all, of said service charge when circumstances indicate that full payment thereof will cause undue hardship.

SECTION THREE: ADMINISTRATION

(1) The ~~Chief Administrator~~ Mayor shall be charged with enforcement of this ordinance and shall make

any inspection necessary to that end.

(2) An appeal board is created, consisting of the members of the city council. Any person who is adversely affected by any act or decision of the Mayor ~~Chief Administrative Officer~~ in the enforcement of this ordinance may appeal such act or decision to the city council in writing within two weeks after the notice of such act or decision. The council shall hear all evidence concerning the act or decision and any reason therefore and within one week thereafter shall issue a decision in writing confirming, modifying or invalidating the act or decision.

SECTION FOUR: PENALTIES

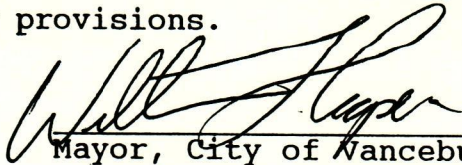
A person who violates this ordinance may be fined the sum of fifteen (\$15.00) dollars for each offense, together with the court costs. Violation of any provision of this Ordinance shall constitute a Class A misdemeanor. Each day a violation continues shall be considered a separate offense.

SECTION FIVE: REPEAL

Any provision in any other ordinance or regulation of the city in conflict with the provision of this ordinance are expressly repealed.

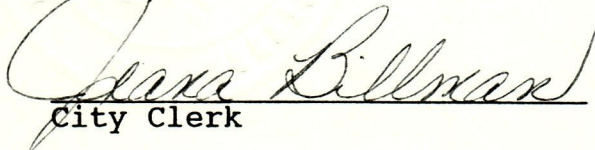
SECTION SIX: SEVERABILITY

Each separate provision of this ordinance shall be deemed independent of all other provisions; and if any provision be declared invalid it shall not affect the validity of the remaining provisions.



Mayor, City of Vanceburg

ATTEST:



City Clerk

[Faint handwritten scribbles]



First Reading : 8-31-92

Second Reading: 9-14-92

Vote : 5 Yes 1 No

ORDINANCE NO. 830.04

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF
THE APPALACHIAN REGIONAL COMMISSION FUNDING

Whereas, the Appalachian Regional Commission has approved the
City of Vanceburg Water Project, Lewis County,
Kentucky (ARC No. KY-10172-88-I-214-0815), and extended a grant offer
in the amount of \$ 220,000.00 for the project to be administered by
the Farmers Home Administration;

Now therefore, the City of Vanceburg hereby resolves to
accept this grant offer of \$ 220,000.00.

In witness whereof, the City of Vanceburg has duly adopted
this resolution and caused execution by the officers below in duplicate
on this 20th day of October, 19 89.

First Reading Oct 20, 1989

Second Reading Oct 23, 1989

CITY OF VANCEBURG

By:

M. J. Cooper
M. J. Cooper, Mayor

Attest:

Jana Gyurik
City Clerk

ORDINANCE NO. 830.05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
VANCEBURG, KENTUCKY, APPROVING EXECUTION OF
LEGAL SERVICES AGREEMENTS WITH THE LAW FIRM OF
STANLEY AND BERTRAM, AS LOCAL COUNSEL, AND
RUBIN AND HAYS, AS BOND COUNCIL

WHEREAS, the firms of Stanley and Bertram, Vanceburg, Kentucky, and
Rubin and Hays, Louisville, Kentucky, recognized Municipal Bond counsel,
have each submitted to the City Council of this City a form of Legal Services
Agreement, by which they would agree to act as attorneys for the City in the
preparation of all legal proceedings and the rendering of all Legal Services
pertaining to financing of certain additions, extensions and improvements to
the City's sewer system for the City, including both the services customarily
rendered by Local Counsel and the services customarily rendered by Bond Counsel,
and all related work, all as set out in said respective Legal Services Agreements,
which Agreements are deemed to be for the best interest of the City,

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of
Vanceburg, Kentucky, on behalf of said City, that the City Council accept and
approve each of said Legal Services Agreements, and that the Mayor and the City
Clerk of the City, be and they hereby are authorized to execute each of said
Legal Services Agreements, and that the Mayor and the City Clerk of the City,
be and they hereby are authorized to execute each of said Legal Services Agreements
on behalf of the City, copies of each of which Agreements are attached to the
minutes of the meeting at which this Ordinance is adopted and are made a part hereof
as if copied in full herein.

FIRST READING: Dec 4, 1989

SECOND READING: Dec 6, 1989

M. J. "Pat" Cooper
MAYOR, CITY OF VANCEBURG, KENTUCKY

ATTEST:

Deana Spurik
CITY CLERK

AN ORDINANCE REGULATING DIRECT AND INDIRECT
CONTRIBUTORS INTO THE WASTEWATER COLLECTION AND
TREATMENT SYSTEM OF THE CITY OF VANCEBURG, KENTUCKY
ACTING BY AND THROUGH THE UTILITIES COMMISSION OF THE
CITY OF VANCEBURG, KENTUCKY

NOW THEREFORE, BE IT HEREBY ORDAINED AS FOLLOWS:

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Vanceburg and enables the City to comply with all applicable State and Federal Laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403.)

The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the municipality wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (d) To provide for equitable distribution of the cost of the municipal wastewater system.

This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to the City of Vanceburg and the Utilities Commission of the City of Vanceburg, Kentucky, (the "City"), and to persons outside the City who are users of the City POTW. This ordinance is a supplement to Ordinance No. 610.16 as amended. Except as otherwise provided herein, the Utilities Commission of the City of Vanceburg, Kentucky, shall administer, implement, and enforce the provisions of this ordinance.

1.2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

- (1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (2) Approval Authority. The Director in an EPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.
- (3) Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (5) Building Sewer. A sewer conveying wastewater from the premises of a User to the POTW.
- (6) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
- (7) City. The City of Vanceburg, Kentucky, and the Utilities Commission of the City of Vanceburg, Kentucky.
- (8) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (9) Control Authority. The term "control authority" shall refer to the "Approval Authority", defined hereinabove; or the Superintendent if the City has an approved Pretreatment Program under the provisions of 40 CFR, 403.11.
- (10) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Kentucky.
- (11) Environmental Protection Agency, or EPA. The U. S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (12) Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

- (13) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (14) Indirect Discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system.)
- (15) Industrial User. A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act. (33 U.S.C. 1342).
- (16) Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- (17) National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (C) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.
- (18) National Prohibitive Discharge Standard of Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
- (19) New Source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
- (20) National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).
- (21) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (22) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (23) Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

- (24) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, collar dirt and industrial, municipal, and agricultural waste discharged into water.
- (25) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alternation of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d).
- (26) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- (27) Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the (City) who are users of the City's POTW.
- (28) POTW Treatment Plant. That portio of the POTW designed to provide treatment to wastewater.
- (29) Shall is mandatory: May is permissive.
- (30) Significant Industrial User. Any Industrial User of the City's wastewater disposal system who (i) has a discharge flow of 25,000 gallons or more per average work day, or (ii) has a flow greater than 5% of the flow in the City's wastewater treatment system, or (iii) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act of State Statutes and rules or (iv) is found by the city, State Control Agency or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- (31) State. State of Kentucky.
- (32) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (33) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (34) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

- (35) Superintendent. The person designated by the Utilities Commission of the City of Vanceburg, Kentucky, to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.
- (36) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.
- (37) User. Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.
- (38) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (39) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- (40) Wastewater Contribution Permit. As set forth in Section 4.2 of this ordinance.

1.3 Abbreviations

The following abbreviations shall have the designated meanings:

- . BOD - Biochemical Oxygen Demand.
- . CFR - Code of Federal Regulations.
- . COD - Chemical Oxygen Demand.
- . EPA - Environmental Protection Agency
- . l - Liter
- . mg - Milligrams
- . mg/l - Milligrams per liter
- . NPDES - National Pollutant Discharge Elimination System.
- . POTW - Publicly Owned Treatment Works.
- . SIC - Standard Industrial Classification.
- . SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
- . USC - United States Code.
- . TSS - Total Suspended Solids.

SECTION 2 - REGULATIONS

2.1 General Discharge Prohibitions

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. A user may not contribute the following substances to any

POTW:

- a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either along or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the City, the State or EPA has notified the User is a fire hazard or a hazard to the system.
- b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch ($\frac{1}{2}$ ") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, staw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- c) Any wastewater having a pH less than 5.0, unless the POTW is specifically designated to accommodate such wastewater, or wastewater having any other corrosive property capable or causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- f) Any substance which may cause the POTW's effluent or any other

product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

- g) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
- h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F) unless the POTW treatment plant is designed to accommodate such temperature.
- j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause Interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- k) Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- l) Any wastewater which causes a hazard to human life or creates a public nuisance.

When the Superintendent determines that a User(s) is contributing to the POTW, any of the above enumerated substances in such amounts as to Interfere with the operation of the POTW, the Superintendent shall: 1) Advise the User(s) of the impact of the contribution on the POTW; and 2) Develop effluent limitation(s) for such User to correct the Interference with the POTW.

2.2 Federal Categorical Pretreatment Standards.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that sub-category, shall immediately supersede the limitations imposed under this Ordinance. The Superintendent shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

2.3 Modifications of Federal Categorical Pretreatment Standards.

Where the City's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may the modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

2.4 State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

2.5 City's Right of Revision

The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 1.1 of this Ordinance.

2.6 Excessive Discharge

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the city or State. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in Section 2.1, e.g. the pH prohibition.)

2.7 Accidental Discharges

Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall

be approved by the City before construction of the facility. All existing Users shall complete such a plan by January 1, 19__ . No user who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written Notice. Within five (5) days following an accidental discharge; the User shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Notice to Employees: A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

SECTION 3 - FEES

3.1 Purpose.

It is the purpose of this chapter to provide for the recovery of costs from Users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth the City's Schedule of Charges and Fees.

3.2 Charges and Fees

The City may adopt charges and fees which may include:

- a) Fees for reimbursement of costs of setting up and operating the City's Pretreatment Program;
- b) Fees for monitoring, inspections and surveillance procedures;
- c) Fees for reviewing accidental discharge procedures and construction;
- d) Fees for permit applications;
- e) Fees for filing appeals;
- f) Fees for consistent removal (by the City) of pollutants otherwise subject to Federal Pretreatment Standards;

- g) Other fees as the City may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the City.

SECTION 4 - ADMINISTRATION

4.1 Wastewater Dischargers

It shall be unlawful to discharge without a City permit to any natural outlet within the City of Vanceburg, or in any area under the jurisdiction of said City, and/or to the POTW any wastewater except as authorized by the Superintendent in accordance with the provisions of this Ordinance.

4.2 Wastewater Contribution Permits

4.2.1 General Permits

All significant users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 180 days after the effective date of this Ordinance.

4.2.2 Permit Application

Users required to obtain a Wastewater Contribution Permit shall complete and file with the City, an application in the form prescribed by the City, and accompanied by a fee set by the Utilities Commission of the City of Vanceburg, Kentucky. Existing users shall apply for a Wastewater Contribution Permit within 30 days after the effective date of this Ordinance, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- a) Name, address, and location, (if different from the address);
- b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- c) Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 403(g) of the Act and contained in 40 CFR, Part 136, as amended;
- d) Time and duration of contribution;
- e) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;

- f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;
- i) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (2) No increment referred to in paragraph (1) shall exceed 9 months.
 - (3) No later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Superintendent.
- j) Each product produced by type, amount, process or processes and rate of production;
 - k) Type and amount of raw materials processed (average and maximum per day);
 - l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

- m) Any other information as may be deemed by the City to be necessary to evaluate the permit application.

The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

4.2.3 Permit Modifications

Within 9 months of the promulgation of National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by 4.2.2, the User shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Superintendent within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (h) and (i) of Section 4.2.2.

4.2.4 Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

- a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- b) Limits on the average and maximum wastewater constituents and characteristics;
- c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- d) Requirements for installation and maintenance of inspection and sampling facilities;
- e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- f) Compliance schedules;
- g) Requirements for submission of technical reports or discharge reports (see 4.3);
- h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;

- i) Requirements for notification of the City or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- j) Requirements for notification of slug discharges as per 5.2;
- l) Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance.

4.2.5 Permits Duration

Permits shall be issued for a specified time period, not to exceed five (5) (optional) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Section 2 are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

4.2.6 Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit.

4.3 Reporting Requirements for Permittee

4.3.1 Compliance Date Report

Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

4.3.2 Periodic Compliance Reports

- (1) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in the Pretreatment Standard or by the superintendent, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph (b)(4) of this section. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

- (2) The Superintendent may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed by accordance with the techniques approved by the Administrator.

(Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth - in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.)

4.4 Monitoring Facilities.

The City shall require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the City may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City.

4.5 Inspection and Sampling

The City shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The City, Approval Authority and (where the NPDES State is the Approval Authority). EPA shall have the right to set up on the User's Property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

4.6 Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.

The City shall annually publish in the Lewis County Herald newspaper a list of the Users which were not in compliance with any Pretreatment Requirements or Standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

4.7 Confidential Information

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten-day notification is given to the User.

SECTION 5 - ENFORCEMENT

5.1 Harmful Contributions

The City may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes Interference to the POTW or causes the City to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within 15 days of the date of occurrence.

5.2 Revocation of Permit

Any User who violates the following conditions of this Ordinance, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of Section 5 of this Ordinance:

- a) Failure of a User to factually report the wastewater constituents and characteristics of his discharge;

- b) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
- c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- d) Violation of conditions of the permit.

5.3 Notification of Violation

Whenever the City finds that any User has violated or is violating this Ordinance, wastewater contribution permit, or any prohibition, limitation of requirements contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the User.

5.4 Show Cause Hearing

5.4.1

The City may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least (ten) days before the hearing. Service may be made on any agent or officer of a corporation.

5.4.2

The City Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the (assigned department) to:

- a) Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- b) Take the evidence;
- c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.

5.4.3

At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

5.4.4

After the City Council has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

5.5 Legal Action

If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provision of this Ordinance, Federal or State Pretreatment Requirements, or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the (Circuit) Court of this county.

SECTION 6 - PENALTY: COSTS

6.1 Civil Penalties

Any User who is found to have violated an Order of the City Council or who willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than (One Hundred Dollars) nor more than (One Thousand Dollars) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit atlaw against the person found to have violated this Ordinance or the orders, rules, regulations and permits issued hereunder.

6.2 Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Wastewater Contribution Permit, or who falsified, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both.

SECTION 7 - SEVERABILITY

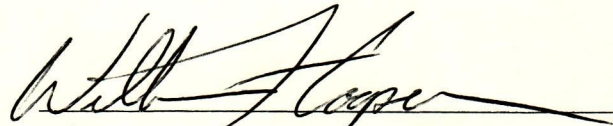
If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

SECTION 8 - CONFLICT

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 9 - EFFECTIVE DATE

This Ordinance shall be in full force and effect (Option A) from and after its passage, approval and publication, as provided by Law.


Mayor, City of Vanceburg

ATTEST:


Jeana H. Gyurik, City Clerk

1st Reading - 3/5/90
2nd Reading - 3/8/90



AN ORDINANCE SETTING FEES FOR THE COLLECTION OF GARBAGE AND TRASH FROM RESIDENCES AND COMMERCIAL ESTABLISHMENTS WITHIN THE BOUNDARIES OF THE CITY OF VANCEBURG

City of Vanceburg Ordinance No. 830.1D

Be it ordained by the City Council as Follows:

1.0 The definitions and terms of a certain ordinance entitled:

AN ORDINANCE PROVIDING FOR MANDATORY GARBAGE COLLECTION AND REGULATING SOLID WASTE MANAGEMENT WITHIN THE CITY OF VANCEBURG

are incorporated into and made a part of the ordinance.

2.0 The following rates for garbage collection services are hereby levied and imposed upon all users and customers effective the first day of Jan. 1, 1999,

2.1 Residential Rates - Senior Citizens - Small Businesses.

Weekly pickup, limit four (4) 30 gallon containers per pickup, \$9.00 per month. Extra Containers \$1.00 each

2.2 Senior Citizens 65 or older weekly limit two (2) 30 gallon containers per pickup \$5.00 per month. Extra Container \$1.00 each

2.3 Small Business - Weekly limit four (4) 30 gallon containers pickup \$9.00 per month. Extra Container \$1.00 each

2.4 Extra Item House Hold - Stove, Dryer, Tables, Chairs, Leaves etc. will be picked up on Tuesday only. Rate will be determined by volume picked up.

2.5 Commercial or Industrial Rates

SIZE	1X Weekly	2X Weekly	3X Weekly	4X Weekly	5X Weekly	6X Weekly	EXTRA
2YD	56.00	100.00	145.00	190.00	235.00	279.00	30.00
4YD	72.00	129.00	186.00	243.00	300.00	357.00	45.00
6YD	91.00	160.00	230.00	299.00	368.00	438.00	55.00
8YD	107.00	189.00	271.00	353.00	434.00	516.00	65.00

* 2YD - 2X/MONTH = 39.00

ATTEST:

Jana Bellman
CITY CLERK

William T. Cooper
WILLIAM T. COOPER, MAYOR

FIRST READING: 12-07-98
SECOND READING: 12-14-98

VOTE: 5 YES 0 NO

Revised
06.02.03

**NOTICE OF ENACTMENT AND SUMMARY
OF
ORDINANCE NO. 830.01C**

**AN ORDINANCE OF THE CITY OF VANCEBURG, KENTUCKY
PROVIDING FOR MANDATORY GARBAGE COLLECTION AND REGULATING
SOLID WASTE MANAGEMENT WITHIN THE CITY OF VANCEBURG**

(Storage, Collection, Transportation, Processing
and Disposal)

As required by KRS 83A.060(9), I hereby certify that an Ordinance bearing the above title was given first reading by the City Council of the City of Vanceburg, Kentucky, at a duly convened meeting of the City Council held on December 7, 1998, and was given second reading and enacted by said City Council at a duly convened meeting held on December 14, 1998, and that the following is a Summary of such Ordinance prepared by E. V. Holder, Jr., Attorney for the City of Vanceburg, Kentucky.

SUMMARY OF ORDINANCE

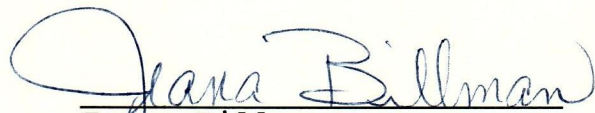
This Ordinance is known as the Solid Waste Management Ordinance and pertains to the public health, safety and welfare of the citizens of the City of Vanceburg. The Ordinance regulates storage, collection, processing, transportation, and disposal of solid waste, hazardous waste, and infectious waste; empowers the Mayor to make rules and regulations for administering the provisions of the Ordinance; prohibits certain practices; and establishes penalties for the violation of the Ordinance.

The full text of each section that imposes fines, penalties, forfeitures, taxes or fees are as follows:

SECTION 10: PENALTIES

Violation of any of the provisions of this ordinance or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall constitute a Class A Misdemeanor, provided that each day's violation thereof shall be a separate offense for the purpose hereof. Violators of this ordinance may be issued a citation by the City Police or any duly authorized agency.

A copy of the full text of said Ordinance is available for public inspection at the City Building, 609 Front Street, Vanceburg, Kentucky, during regular business hours, Monday through Friday.



Jeana Billman
Clerk, City of Vanceburg

**AN ORDINANCE SETTING FEES FOR THE COLLECTION OF GARBAGE
AND TRASH FROM RESIDENCES AND FROM COMMERCIAL
ESTABLISHMENTS WITHIN THE BOUNDARIES OF
THE CITY OF VANCEBURG**

City of Vanceburg Ordinance No. 830.1E

BE IT ORDAINED BY THE CITY COUNCIL OF VANCEBURG, AS FOLLOWS:

- 1.0 The definitions and terms of Ordinance No. 830.10 entitled:
AN ORDINANCE PROVIDING FOR MANDATORY GARBAGE
COLLECTION AND REGULATING SOLID WASTE MANAGEMENT
WITHIN THE CITY OF VANCEBURG
are incorporated into and made a part of this ordinance.
- 2.0 The following rates for garbage collection services are hereby levied and imposed upon all users and customers effective the first day of July 1, 2003,

2.1 Residential Weekly pickup.

- (A) Senior Citizens (a primary resident 65 years of age or older):
Limit: one recycling container and two other 30 gallon container per pickup,
Rate: \$9.50 per month.
Discount: \$3.00 for proper use of recycling container.
Extra containers: \$1.00 each
- (B) Other Residential Households:
Limit: one recycling container and four other 30 gallon containers per pickup,
Rate: \$15.00 per month
Discount: \$3.00 for proper use of recycling container.
Extra containers: \$1.00 each
- (C) Items other than residential solid waste (e.g., yard waste, stoves, dryers, tables chairs, will be picked up only on Tuesday.
Rate: Determination will be made based upon volume.

2.2 Small Business Weekly pickup

- Limit: Four (4) 30 gallon containers
Rate: \$12.00 per month.
Extra Container \$1.00 each

2.3 Commercial and Industrial: Rates.

Size	1X Weekly	2X Weekly	3X Weekly	4X Weekly	5X Weekly	6X Weekly	Extra
2YD	\$56.00	\$100.00	\$145.00	\$190.00	\$235.00	\$279.00	\$30.00
4YD	\$72.00	\$129.00	\$186.00	\$243.00	\$300.00	\$357.00	\$45.00
6YD	\$91.00	\$160.00	\$230.00	\$299.00	\$368.00	\$438.00	\$55.00
8YD	\$107.00	\$189.00	\$271.00	\$353.00	\$434.00	\$516.00	\$65.00


*2YD - 2X/MONTH = \$39.00

3.0 Repeal of Prior Ordinance:

Ordinance 830.1D enacted December 14, 1998, is hereby repealed.


WILLIAM T. COOPER, MAYOR

ATTEST:


CITY CLERK

FIRST READING: 05-05-03

SECOND READING: 06-02-03

VOTE: 6 Yes No

AN ORDINANCE PROVIDING FOR MANDATORY GARBAGE COLLECTION
AND REGULATING SOLID WASTE MANAGEMENT WITHIN
THE CITY OF VANCEBURG

(Storage, Collection, Transportation, Processing and Disposal)

City of Vanceburg Ordinance No. 830.1C

AN ORDINANCE pertaining to public health, safety and welfare; regulating storage, collection, processing, transportation, and disposal of solid waste; providing a penalty for the violation of the provisions of this ordinance and repealing all ordinances in conflict herewith.

NOW, THEREFORE, be it ordained by the City Council, City of Vanceburg, Kentucky, that this ordinance shall be known as the Solid Waste Management Ordinance. The Mayor shall be responsible for the administrative management of this ordinance and the promulgation of rules and regulations authorized in Section 7.

SECTION 1: DEFINITIONS

For the purpose of this ordinance, the following terms shall be deemed to have the meaning indicated below:

Agricultural Uses: Operations for the production of agricultural or horticultural crops, including, but not limited to: livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provisions for dwellings for persons and their families who are engaged in the above agricultural use on their tract.

Agricultural Waste: Any non-hazardous waste resulting from the production and processing on-the-farm agricultural products, including manures, prunings and crop residues.

Approved Incinerator: An incinerator which complies with all current regulations of the responsible local, state and federal air pollution control agencies.

Bulky Wastes: Non-putrescible solid wastes consisting of combustible and/or noncombustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded into solid waste transportation vehicles.

Cabinet: The Natural Resources and Environmental Protection Cabinet.

City: The City of Vanceburg, Kentucky.

Collection: Removal of solid waste from the designated pick-up location to the transfer vehicle. Acceptable collection practices shall consist of the following (1) door-to-door household collection and /or (2) direct access to a staffed transfer facility.

Commercial Solid Waste: All types of solid waste generated by stores, offices, restaurants, warehouses and other service and nonmanufacturing activities, excluding households and industrial solid waste.

Composting: The process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions and which stabilizes the organic fraction into a material which can easily and safely be stored, handled and used in an environmentally acceptable manner:

- (a) Composting may include a process which creates an anaerobic zone within the composting material.
- (b) Composting does not include simple exposure of solid waste under uncontrolled conditions resulting in natural decay.

County: The County of Lewis, Kentucky.

Demolition and Construction Waste: Materials resulting from the construction or destruction of residential, industrial or commercial structures.

Directors: The Director of the Solid Waste Management Program of the City shall be the Mayor or other city employee designated as such by the City Council.

Disposal: The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment, be emitted into the air or be discharged into any water, including groundwaters.

Disposable Solid Waste Containers: Disposable plastic or paper sacks with a capacity of 10 to 35 gallons specifically designed for storage of solid waste.

Dwelling Units: Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used or are intended to be used for living, sleeping, cooking and eating.

Generator: Any person, by site, whose act or process produces waste.

Hazardous Waste: Any waste or combination of wastes which are

determined by the Cabinet because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health of the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

Household Solid Waste: Solid waste, including garbage and trash generated by single and multiple family residences, hotels, motels, crew quarters and recreational areas such as picnic areas, parks and campgrounds.

Industrial Solid Waste: Solid waste generated by manufacturing or industrial processes that is not a hazardous waste or a special waste as designated by KRS 224.50-760, including, but not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer or agricultural chemicals; food and related products or by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment; and water treatment.

Multi-family Residential Units: A housing facility containing more than one dwelling unit under one roof.

Occupant: Any person, who, along or jointly or severally with others, shall be in actual possession of any dwelling unit or any other improved real property, either as an owner or as a tenant.

Open Burning: Burning of any matter in such manner that the combustion resulting from burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

Open Dump: Any facility on site for the disposal of solid waste which does not have a valid permit issued by the Cabinet or does not meet the environmental performance standards established under regulations promulgated by the Cabinet.

Person: An individual, trust firm, joint stock company, corporation (including a government corporation), partnership, association, federal agency, state agency, city, commission, political subdivision of the State of Kentucky, or any interstate body.

Processing: Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is

reduced.

Public Nuisance: Illegal waste disposal practices that include but are not limited to open burning, open dumps or littering which are deemed to be nuisance under applicable law.

Recycling: Any process by which materials which would otherwise become solid waste are collected, separated or processed and reused or returned to use in the form of raw materials or products, including refuse-derived fuel when processed in accordance with administrative regulations established by the Cabinet, but does not include the incineration or combustion of materials for the recovery of energy.

Residential Dwelling Units: A building or portion thereof, providing complete housekeeping facilities for one (1) person or one (1) family.

Residential Solid Waste: Solid waste resulting from the maintenance of dwelling units.

Sanitary Landfill: A permitted facility for the disposal of solid waste which complies with the "environmental performance standards" specified in 401 KAR 47:030.

Sludge: Any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, waster supply treatment plant or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant or any other such waste having similar characteristics and effects.

Solid Waste: Any garbage, refuse, sludge and other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining waste, coal-mining by products, refuse and overburden), and agricultural operations, and from community activities, but does not include those materials including, but not limited to sand, soil, rock, gravel or bridge debris extracted as part of a public road construction project funded wholly or in part with state funds, recovered material, special wastes as designated by KRS 224.50-760, solid or dissolved material in domestic sewage, manure, crops, crop residue or a combination thereof which are placed on the soil for return to the soil as fertilizers or soil conditioners, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

Solid Waste Management: The administration of solid waste activities: collection, storage, transportation, transfer,

processing, treatment and disposal, which shall be in accordance with Cabinet approved county or multi-county solid waste management plan.

Solid Waste Management Facility: Any facility for collection storage, transportation, transfer, processing, treatment or disposal of solid waste, whether such facility is associated with facilities generating such wastes or otherwise, but does not include a container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal, or a recovered material processing facility which is subject to regulation pursuant to Senate Bill 2 for control of environmental impacts and to prevent any public nuisance.

Solid Waste Management Plan: The document submitted by waste management districts, counties or any combination thereof as required under KRS 224.43-340 and approved by the Cabinet.

Solid Waste Storage/Container: Receptacle used by any person to store solid waste during the interval between solid waste generation and collection. A solid waste container is made out of plastic, vinyl or metal, ranging in size from about 10 gallons to 42 cubic yards in size.

Storage: The containment of wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such wastes.

Transfer: The placement of solid waste from smaller collection vehicles into larger vehicles for transportation to intermediate or final disposal facilities.

Transfer Facilities: Any transportation related facility including docks, parking areas and other similar areas where shipments of solid waste are held or transferred during the normal course of transportation.

Transportation: Any off-site movement of waste by any mode, any loading, unloading or storage incidental thereof.

Treatment: Any method, technique or process including neutralization, designed to change the physical, chemical or biological character or composition of any waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemicals composition of hazardous waste so as to render is nonhazardous.

Waste Site or Facility: Any place where waste is managed, processed or disposed of by incineration, landfilling or any

other method, but not include a container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of what solid waste prior to off-site disposal, or a recovered material processing facility or the combustion of processed waste in a utility boiler.

Yard Wastes: Grass clippings, leaves, tree trimmings.

SECTION 2: STORAGE OF SOLID WASTE

Section 2.1: Storage Containers Required.

Except as otherwise provided herein, the occupant or owner of every residential dwelling unit, agricultural, commercial or institutional and industrial establishment producing solid waste within the City shall provide sufficient and adequate containers for the storage of all solid waste except bulky waste, and demolition and construction waste to serve each dwelling unit and/or establishment; and to maintain such solid waste containers in good repair at all times.

Section 2.2: Solid Waste to be Stored in a Manner Prescribed by Ordinance.

The occupant or owner of every residential dwelling unit, agricultural, commercial or institutional and industrial establishment shall place all solid waste to be collected in proper solid waste containers, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Solid waste shall be stored in a manner that will be kept free from insect and rodent infestation and will not create a fire hazard.

Section 2.3: Standards for Residential Storage Containers.

Residential solid waste shall be stored in storage containers of not less than 10 gallons nor more than 35 gallons in nominal capacity. Storage containers shall be leakproof, waterproof and fitted with a fly-tight lid and shall be properly covered at all times, except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual storage containers and contents shall not exceed 50 pounds. Galvanized metal containers, or rubber, fiberglass, plastic or vinyl containers, which do not become brittle in cold weather may be used. Disposable solid waste containers within suitable frames, wire bag holders or other storage container may also be used for storage of residential solid waste, subject to approval by the Director.

Section 2.4: Standards for Residential, Commercial, Institutional and Industrial use Storage Containers.

All uses which generate more than a volume of 2 cubic yards

(i.e. approximately equivalent to 500 pounds or 1/4 ton or 400 gallons) of solid waste per week shall be required to provide bulk containers for storage as approved by the Director. Multi-family dwelling units and apartment complexes with more than ten dwelling units shall be required to provide bulk storage containers as approved by the Director. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing solid waste therein or removing the contents thereof; and shall meet all requirements as referenced in Section 7. Bulk storage containers shall be provided without expense by the City to the customer.

Section 2.5: Air Tight Containers.

No owner, occupant, tenant or lessee of any building or dwelling may leave outside the dwelling or building, in a place accessible particularly to children, any abandoned or unattended white goods (i.e. icebox, refrigerator or other receptacle that has an airtight door) without first removing the door.

Section 2.6: Yard Wastes.

Tree limbs less than 4" in diameter and brush shall be securely tied in bundles not larger than 48" long and 18" in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 50 pounds. Yard wastes shall be stored in containers so constructed and maintained as to prevent dispersal of wastes placed therein upon the premises served, upon adjacent premises or upon adjacent public rights of way. The weight of any individual container and contents shall not exceed 50 pounds. Residents shall not set out more than 4 bundles or containers of yard waste per week for collection. Yard waste exceeding this amount shall be collected separately at times designated by the Director. Residents are encouraged to compost or mulch yard waste on their own premises in a manner approved by the Director.

Section 2.7: Storage Containers Not in Compliance.

Solid waste containers which do not meet the specifications as outlined in this action shall be considered waste and will be collected together with their contents and disposed of.

SECTION 3: COLLECTION OF SOLID WASTE

Section 3.1: Responsibility Defined.

The City shall provide for the collection of all solid waste in the City, provided, however, the City may provide the collection service by contracting with a person, county or other City or combination thereof, for the entire City or portions thereof, as deemed to be in the best interest of the City. Those industries or businesses that produce large amounts of waste or waste that requires special equipment for removal may with the approval of the Director provide for the collection and disposal of such waste in a manner approved by the Director.

Section 3.2: Mandatory Collection.

The collection, removal and disposal of all solid waste is hereby declared to be compulsory and universal within the corporate limits of the City and shall be regulated by the terms of this Ordinance. Each occupied dwelling unit including houses, apartments and town-houses shall subscribe to and pay for residential collection services provided by the City of Vanceburg. Each business, commercial, institutional or industrial establishment located within the City of Vanceburg shall subscribe to and pay for collection services provided by the City of Vanceburg unless specifically exempted in writing by the Director as provided in Section 3.1 of this Ordinance.

Section 3.3: Collection and Disposal of Recyclable Materials.

All solid wastes which are sold, transferred or given for the specific purpose of recycling may be taken to any recycling center and such materials need not be treated as other solid wastes herein. Recyclable materials shall be stored in a safe and sanitary manner in accordance with any rules and regulations provided for in Section 7.

Section 3.4: Collection Points.

Tree limbs and yard wastes, as described in Section 2.6, shall be placed at the curb, alley or the rear of the building for collection. Points of collection of solid waste shall be from the roadside or curbside within the public rights of way or other locations near buildings, parking lots, etc. on private property. In general, solid waste generated by residential or agricultural uses shall be placed along the roadside or curbside fronting the subject property not more than twelve (12) hours before collection. All reusable storage containers shall be removed from the roadside or curbside by the generator within twelve (12) hours after collection. Residential, agricultural, commercial, institutional and industrial uses required to provide bulk storage containers shall be located on private property in areas accessible to collection vehicles.

Section 3.5: Bulky Rubbish.

The Director shall establish the procedures for collecting bulky rubbish from residential units within the City.

Section 3.6: Authority for Collectors to Enter Private Property.

Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this ordinance. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approved by the Director.

Section 3.7: Collection Frequency.

All solid waste, other than bulky waste, shall be collected at least once weekly. Residential, agricultural, commercial, institutional and industrial uses, generating large quantities of solid waste, may be required to provide collection at more frequent intervals (i.e. twice weekly or more) upon determination by the Director, as necessary for the protection of public health, safety and welfare.

Section 3.8: Ownership of Solid Waste.

All garbage and refuse placed in authorized storage containers and placed at the point of collection defined in Section 3.3, shall become the property of the City, or its duly authorized agent, at the time of collection. No person shall be allowed to separate, carry off or dispose of the same without written permission of the Director.

Section 3.9: Collector's Responsibility Defined.

Solid waste collectors operating within the City shall be responsible for the collection of solid waste from collection points to a transportation vehicle, provided solid waste is stored in compliance with provisions set forth in this ordinance. Spillage or blowing litter, caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the collector.

Section 3.10: Acceptable Collection Practices.

Collection practices which are deemed acceptable by the City are as follows:

- a. Door-to-door household collection. Collection service will be provided by the City or by contract, franchise or permit with the private sector.
- b. Direct access to a transfer facility within the City. Residents may transport their waste directly to a Cabinet approved transfer facility within the boundaries of the County, which meet the environmental performance standards of 401 Kentucky Administrative Regulations 47:030 and pay the prevailing rate for disposal at the facility. Taking waste to the transfer station does not relieve any person or business from subscribing to and paying for collection services provided by the City of Vanceburg.

Section 3.11: Prohibitions.

The following wastes may not be deposited in solid waste containers or receptacles:

1. Hazardous waste;
2. Liquid waste;
3. Bulky wastes, major appliances, furniture;
4. Tires;
5. Construction and demolition wastes;
6. Dead animals;
7. Any burning or smoldering materials or any other materials that would create a fire hazard; or
8. Batteries.

9. Other items specified by the Director that may be prohibited by the transfer station or landfill.

No person may remove any item from a solid waste receptacle, climb on or into a container or receptacle or damage any container.

SECTION 4: TRANSPORTATION OF SOLID WASTE

Section 4.1: Collection Vehicle Standards.

All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair. Open dump trucks or similar vehicles may be used for the transportation of bulky waste, tree limbs and similar items as long as they are secured in the vehicle to prevent spillage. The truck shall be securely covered with a tarp or other temporary cover if necessary to prevent spillage or blowing of materials during transportation.

SECTION 5: DISPOSAL OF SOLID WASTE

Section 5.1: Open Burning.

Open burning of solid waste other than yard waste, hazardous waste or bulky waste is prohibited except as provided for in 401KAR 63:005 "Open Burning".

Section 5.2: Open Dumping.

Open dumping of solid waste, including bulky waste, on all lands (i.e., roadsides, hollows, rivers, streams, lakes, etc.) by any person is prohibited by KRS 224.40-100 and this ordinance.

Section 5.3: Disposal Sites.

All solid waste including bulky waste shall be disposed of within a sanitary landfill having valid permit issued by the Cabinet in compliance with KRS 224.43-010, 224.40-100 and 224.40-310 and this ordinance.

Section 5.4: Hazardous Waste.

As defined within this ordinance, hazardous waste will require special handling and shall be disposed of only in a manner authorized by state and/or federal regulations.

SECTION 6:

Section 6.1: Collection, Storage and Transportation of Hazardous and Infectious Waste.

(A) DEFINITIONS

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

(1) **Cabinet:** Unless otherwise noted herein, "cabinet" shall refer jointly to the Cabinet for Human Resources and the Natural Resources Environmental Protection Cabinet.

(2) **Generator of Infectious or Hazardous Waste:** "Generator" shall include any entity or person who generates waste as defined as "infectious" or "hazardous" under this chapter or as provided by other federal, state and local regulations.

(3) **Hazardous Waste:** Any waste or combination of wastes which are determined by the Cabinet or other federal, state or local authorities because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating irreversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

(4) **Infectious Waste:** An infectious waste is a hazardous waste as defined herein. The following categories shall be considered infectious waste:

- (a) Microbiologicals - waste including all cultures and stocks of infectious agents.
- (b) Blood and blood products - human blood, blood products (such as serum, plasma and other blood components) and body fluids (to which Universal Precautions apply).
- (c) All Discarded Sharps - includes needles, syringes, scalpels and glass vials.
- (d) Pathologicals - wastes including tissues, organs, body parts discarded from surgical, obstetrical, autopsy and laboratory procedures.
- (e) Waste derived from animals (excluding bedding) shall be considered infectious if derived from animals affected with zoonotic diseases (transmissible from animals to humans) or purposely infected with agents infective to humans.

(B) The separation and labeling of infectious waste and hazardous waste must be done at the point of generation. For the purpose of this ordinance, a generator of infectious waste shall not include individual households utilizing home self-care, nor shall it include non-research farms. The collection,

storage and transportation of the infectious and hazardous waste should be managed in accordance with the standard enacted by the Cabinet and all other local, federal or state agencies with the authority thereover.

(C) It shall be unlawful for any generator to place or make available for collection by the city collection service any infectious waste or hazardous waste which has not by treatment been rendered non-hazardous, non-infectious and non-recognizable as to its former character in accordance with statutes and regulations enacted by the Cabinet and other local, state or federal agencies with authority thereover.

(D) Any generator of infectious waste or hazardous waste who intends to place for collection by the City infectious or hazardous waste which has been properly treated shall first notify the City collection service and provide to them documentation that the infectious or hazardous waste has been properly treated in accordance with the regulations of the Cabinet and other local, state or federal agencies who have authority with regard to same and that pursuant to said regulations or statutes the waste material may now be placed in a sanitary landfill.

(E) Any infectious or hazardous waste conveyed to a sanitary sewer shall comply with applicable federal, state and local pre-treatment regulations.

SECTION 7: RULES AND REGULATIONS

The Director shall make, amend, revoke and enforce reasonable rules and regulations, governing, but not limited to: Preparation, drainage and wrapping of garbage deposited in solid waste containers. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof. Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any. Weight limitations on the combined weight of solid waste containers and the content thereof and weight and size limitations on bundles of solid waste too large for solid waste containers. Storage of solid waste in solid waste containers. Sanitation, maintenance and replacement of solid waste containers. Schedules of and routes for collection and transportation of solid waste. Collection points of solid waste containers. Collection, transportation, processing and disposal of solid waste. Records of quantity and type of waste received at processing and/or disposal facilities. Handling of special wastes such as sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc. Storage, collection and processing of recyclable materials.

SECTION 8: PROHIBITED PRACTICES

It shall be unlawful for any person to: Dispose of garbage, refuse, rubbish or debris by dumping same on any premises in the City with or without the consent of the owner of the premises. Dump or permit the dumping of garbage, refuse, rubbish and debris on any property within the City. Deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal. Fail to have solid waste collected as provided in this ordinance. Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City or those of a solid waste collection agency operating under contract with the City. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency. Dispose of dead animals in any container to be collected by the City. Own or operate an open dump. To engage in the feeding of food waste to animals for commercial purposes. Dispose of solid waste at any facility or location which is not approved by the City and permitted by the Kentucky Department of Environmental Protection. Engage in the business of collecting, transporting, processing or disposing of solid waste within the geographic boundaries of the City without a permit, contract or franchise agreement from the City, operate under an expired permit, or operate after a permit has been suspended or revoked or contract or franchise agreement canceled; and violate any section of this ordinance or any other rule or regulation promulgated under the authority of Section 7.

SECTION 9: RATES AND CHARGES

Section 9.1: Fees for Collection of Garbage from Residences.

The City Council shall have the exclusive right to determine rates for garbage collection service. The rates may be changed, altered or modified from time to time and at any time depending upon the City's overall expense in maintaining the garbage collection service and the general requirements of the City.

Minimum rates for garbage collection service shall be established by separate ordinance. An extra charge above the monthly fee may be imposed for residences that have more than ~~four~~(4) 30 gallon containers or bundles per week.

Section 9.2: Fees for Collection of Garbage from Commercial Buildings and Industrial Sites.

The monthly garbage collection service fee applicable to commercial buildings and industrial sites shall be individually determined based upon the volume of garbage and the frequency

of the removal. The Director shall evaluate and update classifications at least once a year based on volume information for each business provided by the Sanitation Department. The Director may change a businesses' classification if there has been a change in volume or a business is incorrectly classified. Business customers may request a review of their classification no more than once in a six month period if their volume has changed.

Section 9.3: Billing.

(A) The applicable fee for garbage collection service shall be billed as a separate item on the regular billings for electric, gas, water and sewer service by the Vanceburg Utility Commission. The charge shall be payable at the collection office of the Vanceburg Utility Commission, in the same manner and within the same penalty-free period as required for payment of charges for electric, gas, water and sewer service. Failure to pay any part of the utility bill including the fee for garbage collection may result in disconnection of any or all utilities.

(B) The utilities customer in whose name the meter accounts are carried shall be held responsible for payment of the full amount of the garbage collection service charges billed.

(C) In instances where it is not feasible or possible to utilize the utility bills for notifying garbage service customers of service charges payable, separate bills may be issued and shall be payable within ten days after the date of rendering.

Section 9.4: Removal of Service Fees from Vacant Residences and the Like.

The City Clerk or the City Clerk's designee shall be responsible for removing garbage service fees from vacant residences or those billed by mistake.

SECTION 10: PENALTIES

Violation of any of the provisions of this ordinance or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall constitute a Class A Misdemeanor, provided that each day's violation thereof shall be a separate offense for the purpose hereof. Violators of this ordinance may be issued a citation by the City Police or any duly authorized agency.

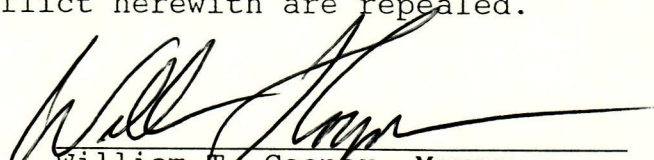
SECTION 11: SEVERABILITY CLAUSE

The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid or

unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.

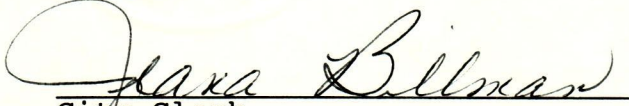
SECTION 12: REPEAL

Upon approval, passage and publication of this ordinance by law Ordinance Numbers 830.1 and 830.1B and all other city ordinances, orders, regulations, motions or parts thereof insofar as they may be in conflict herewith are repealed.




William T. Cooper, Mayor

ATTEST:



City Clerk

Approved as to form and legality



City Attorney

First Reading : 12-07-98
Second Reading: 12.14.98
Vote : 5 Yes 0 No

ORDINANCE NO. 830.1B

AN ORDINANCE AMENDING ORDINANCE NO.
830.1 REGULATING SOLID WASTE MANAGEMENT
IN THE CITY OF VANCEBURG, KENTUCKY

SECTION ONE: SOLID WASTE REGULATION AND COLLECTION

(1) No person shall accumulate or permit the accumulation of garbage or trash upon any property owned, occupied or otherwise controlled by such person within the corporate limits of the city.

(2) No person shall burn, bury or otherwise dispose of any garbage or trash upon any property within the corporate limits of the city, or convey or dump such garbage or trash upon the streets or other public property of the city.

(3) Garbage shall be kept in proper receptacles and shall be placed in a convenient location, as determined by the city, on such days as is specified for pick-up in the respective area. Trash shall be placed in a receptacle or bundled for pick-up.

(4) Persons, firms or corporations who generate a volume of two cubic yards (i.e., approximately equivalent to 500 pounds or 1/4 ton or 400 gallons) or more of garbage per week shall use metal dumpsters provided to them by the City. The dumpsters shall be purchased by the City and shall remain the property of the City. Each recipient of a dumpster shall provide, at the recipient's expense, a hard surface (e.g., concrete or asphalt) upon which the dumpster may be placed. The Mayor shall adopt appropriate rules and regulations for the placement and use of dumpsters.

~~(4)~~ (5) The city shall designate and employ such persons or corporations as may be necessary to collect all garbage and trash within the corporate limits of the city.

~~(5)~~ (6) Garbage shall be collected from each residence or place of business not less than once each week.

(7) No person, firm or corporation who resides out of the city limits who does not pay a service charge shall ~~not~~ deposit garbage, trash or refuse in the city limits for collection by the city.

SECTION TWO: SERVICE CHARGES

(1) Except as hereinafter set forth, a service charge shall be made at the rate of \$6.00 per month for each dwelling unit occupied as a residence, including house, duplex apartment, mobile home, and any other dwelling unit, within the city. A service charge shall be made for each place of business, based on the amount of refuse to be collected and other relevant factors, as determined by the city, provided the same weighting of such factors is applicable uniformly to all businesses.

(1A) An additional service charge shall be charged for ~~the~~ each pick-up and hauling of household garbage in excess of 90 gallons per week or non-household garbage, trash or refuse including but not limited to old furniture, household appliances, tree and bush trimmings and yard refuse. Said service charge shall be based on the amount of refuse collected and other relevant factors, as determined by the city, provided the same weighting of such factors is applicable uniformly in all households.

(2) The service charge shall be collected by the utility company and the service charge shall be added to the utility bill for each dwelling unit and business. Any resident or business who does not receive utilities from the city shall be billed for and pay the utility company for garbage collection only. The person responsible for garbage collection charges shall be the person responsible for utilities. A late charge equal to 10% of the amount due shall be added to any garbage collection charge which is not paid by the tenth of the month due.

(3) The service charges for low income and/or elderly persons shall be \$5.00 per month; however, the city may waive part, or all, of said service charge when circumstances indicate that full payment thereof will cause undue hardship.

SECTION THREE: ADMINISTRATION

(1) The ~~Chief Administrative Officer~~ Mayor shall be charged with enforcement of this ordinance and shall make

any inspection necessary to that end.

(2) An appeal board is created, consisting of the members of the city council. Any person who is adversely affected by any act or decision of the Mayor ~~Chief Administrative Officer~~ in the enforcement of this ordinance may appeal such act or decision to the city council in writing within two weeks after the notice of such act or decision. The council shall hear all evidence concerning the act or decision and any reason therefore and within one week thereafter shall issue a decision in writing confirming, modifying or invalidating the act or decision.

SECTION FOUR: PENALTIES

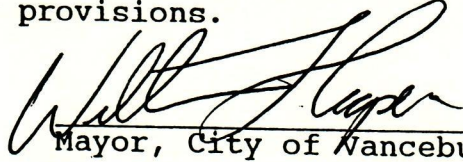
A person who violates this ordinance may be fined the sum of fifteen (\$15.00) dollars for each offense, together with the court costs. Violation of any provision of this Ordinance shall constitute a Class A misdemeanor. Each day a violation continues shall be considered a separate offense.

SECTION FIVE: REPEAL

Any provision in any other ordinance or regulation of the city in conflict with the provision of this ordinance are expressly repealed.


SECTION SIX: SEVERABILITY

Each separate provision of this ordinance shall be deemed independent of all other provisions; and if any provision be declared invalid it shall not affect the validity of the remaining provisions.



Mayor, City of Vanceburg

ATTEST:



City Clerk

First Reading : 8-31-92

Second Reading: 9-14-92

Vote : 5 Yes 1 No

ORDINANCE NO. 830.1

**AN ORDINANCE AMENDING ORDINANCE NO.
830.1 REGULATING SOLID WASTE MANAGEMENT
IN THE CITY OF VANCEBURG, KENTUCKY**

SECTION ONE: SOLID WASTE REGULATION AND COLLECTION

(1) No person shall accumulate or permit the accumulation of garbage or trash upon any property owned, occupied or otherwise controlled by such person within the corporate limits of the city.

(2) No person shall burn, bury or otherwise dispose of any garbage or trash upon any property within the corporate limits of the city, or convey or dump such garbage or trash upon the streets or other public property of the city.

(3) Garbage shall be kept in proper receptacles and shall be placed in a convenient location, as determined by the city, on such days as is specified for pick-up in the respective area. Trash shall be placed in a receptacle or bundled for pick-up.

(4) The city shall designate and employ such persons or corporations as may be necessary to collect all garbage and trash within the corporate limits of the city.

(5) Garbage shall be collected from each residence or place of business not less than once each week.

(6) No person, firm or corporation who resides out of the city limits who does not pay a service charge shall not deposit garbage, trash or refuse in the city limits for collection by the city.

SECTION TWO: SERVICE CHARGES

(1) Except as hereinafter set forth, ~~✗~~ a service charge shall be made at the rate of ~~\$3/30~~ \$6.00 per month for each dwelling unit occupied as a residence, including house, duplex apartment, mobile home, and any other dwelling unit, within the city. A service charge shall be made for each place of business, based on the amount of refuse to be collected and other relevant factors, as determined by the city, provided the same weighting of such factors is applicable uniformly to all businesses.

(1A) An additional service charge of \$5.00 per item shall be charged for the pick-up and hauling of non-household or business garbage, trash or refuse including but not limited to old furniture, household appliances, tree and bush trimmings and yard refuse. Said service charge shall be based on the amount of refuse collected and other relevant factors, as determined by the city, provided the same weighting of such factors is applicable uniformly in all households.

(2) The service charge shall be collected by the utility company and the service charge shall be added to the utility bill for each dwelling unit and business. Any resident or business who does not receive utilities from the city shall be billed for and pay the utility company for garbage collection only. The person responsible for garbage collection charges shall be the person responsible for utilities. A late charge equal to 10% of the amount due shall be added to any garbage collection charge which is not paid by the tenth of the month due.

(3) ~~The city may waive part or all of the service charges for low income and/or elderly persons when circumstances indicate that full payment will cause a hardship.~~ The service charges for low income and/or elderly persons shall be \$5.00 per month; however, the city may waive part, or all, of said service charge when circumstances indicate that full payment thereof will cause undue hardship.

SECTION THREE: ADMINISTRATION

(1) The chief administrative officer shall be charged with enforcement of this ordinance and shall make any inspection necessary to that end.

(2) An appeal board is created, consisting of the members of the city council. Any person who is adversely affected by any act or decision of the chief administrative officer in the enforcement of this ordinance may appeal such act or decision to the city council in writing within two weeks after the notice of such act or decision. The council shall hear all evidence concerning the act or decision and any reason therefore and within one week thereafter shall issue a decision in writing confirming, modifying or invalidating the act or decision.

SECTION FOUR: PENALTIES

A person who violates this ordinance may be fined the sum of fifteen (\$15.00) dollars for each offense, together

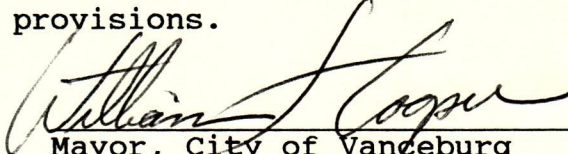
with the court costs. Each day a violation continues shall be considered a separate offense.

SECTION FIVE: REPEAL

Any provision in any other ordinance or regulation of the city in conflict with the provision of this ordinance are expressly repealed.

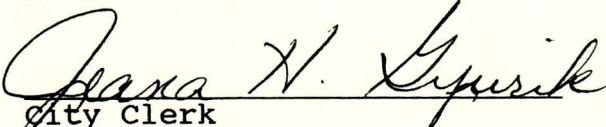
SECTION SIX: SEVERABILITY

Each separate provision of this ordinance shall be deemed independent of all other provisions; and if any provision be declared invalid it shall not affect the validity of the remaining provisions.



Mayor, City of Vanceburg

ATTEST:



City Clerk

First Reading : July 2, 1990

Second Reading: July 9, 1990

Vote : 4 Yes 1 No



Revised:
12-07-78



*Amended
3/7/89*

SECTION ONE: SOLID WASTE REGULATION AND COLLECTION

(1) No person shall accumulate or permit the accumulation of garbage or trash upon any property owned, occupied or otherwise controlled by such person within the corporate limits of the city.

(2) No person shall burn, bury or otherwise dispose of any garbage or trash upon any property within the corporate limits of the city, or convey or dump such garbage or trash upon the streets or other public property of the city.

(3) Garbage shall be kept in proper receptacles and shall be placed in a convenient location, as determined by the city, on such days as is specified for pick-up in the respective area. Trash shall be placed in a receptacle or bundled for pick-up.

(4) The City shall designate and employ such persons or corporations as may be necessary to collect all garbage and trash within the corporate limits of the city.

(5) Garbage shall be collected from each residence or place of business not less than once each week.

SECTION TWO: SERVICE CHARGES

(1) A service charge shall be made at the rate of \$3.50 per month for each dwelling unit occupied as a residence, including house, duplex apartment, mobile home, and any other dwelling unit, within the city. A service charge shall be made for each place of business, based on the amount of refuse to be collected and other relevant factors, as determined by the city, provided the same weighting of such factors is applicable uniformly to all businesses.

(2) The service charge shall be collected by the utility company and the service charge shall be added to the utility bill for each dwelling unit and business. Any resident or business who does not receive utilities from the city shall be billed for and pay the utility company for garbage collection only. The person responsible for garbage collection charges shall be the person responsible for utilities. A late charge equal to 10% of the amount due shall be added to any garbage collection charge which is not paid by the tenth of the month due.

(3) The city may waive part or all of the service charges for low income and/or elderly persons when circumstances indicate that full payment will cause a hardship.

SECTION THREE: ADMINISTRATION

(1) The chief administrative officer shall be charged with enforcement of this ordinance and shall make any inspection necessary to that end.

(2) An appeal board is created, consisting of the members of the City Council. Any person who is adversely affected by any act or decision of the Chief administrative officer in the enforcement of this ordinance may appeal such act or decision to the city council in writing within two weeks after the notice of such act or decision. The council shall hear all evidence concerning the act or decision and any reason therefore and within one week thereafter shall issue a decision in writing confirming, modifying or invalidating the act or decision.

SECTION FOUR: PENALTIES. A person who violates this ordinance may be fined the sum of fifteen (\$15.00) dollars for each offense, together with the court costs. Each day a violation continues shall be considered a separate offense.

SECTION FIVE: REPEAL. Any provision in any other ordinance or regulation of the city in conflict with the provisions of this ordinance are expressly repealed.

SECTION SIX: SEVERABILITY. Each separate provision of this ordinance shall be deemed independent of all other provisions; and if any provision be declared invalid it shall not effect the validity of the remaining provisions.

Adopted 12-6-76

ORDINANCE NO. 830.2

AN ORDINANCE REGULATING LIVESTOCK IN THE CITY OF VANCEBURG, KENTUCKY

NOW IT IS HEREBY ORDAINED AND ENACTED by the City of Vanceburg,
as follows:

SECTION ONE: Definition

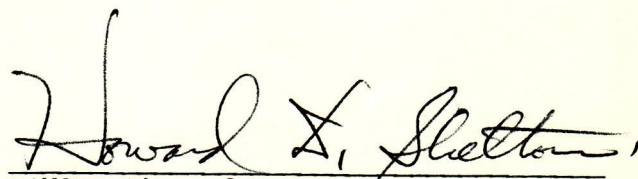
- (1) "Livestock" means any domestic animal used or raised on a farm except dogs and cats duly licensed and immunized against rabies.
- (2) "Run at Large" means to stray or wander on public or private property of a citizen other than the owner thereof without control or supervision by the owner of said livestock.

SECTION TWO: Henceforth, the owner of any livestock shall not allow said livestock to run at large in the city limits of the City of Vanceburg.

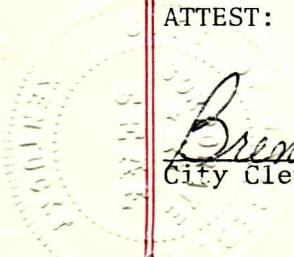
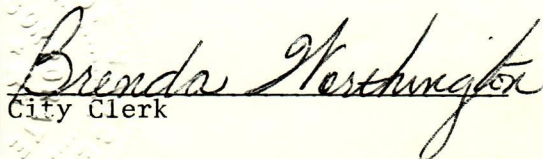
SECTION THREE: The penalty for each violation of this ordinance shall be a minimum fine of \$10.00 and shall not exceed \$50.00.

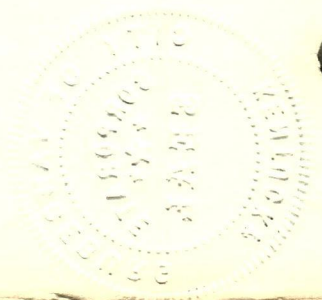
SECTION FOUR: This ordinance shall take effect upon proper publication according to law and all ordinances in conflict herewith are hereby repealed.

DATED: April 7, 1980


MAYOR, City of Vanceburg

ATTEST:



City Clerk



ORDINANCE NO. 830,3

AN ORDINANCE REGULATING ANIMALS IN THE CITY OF VANCEBURG

NOW THEREFORE, the City Council of the City of Vanceburg ordains as follows:

Section 1. No person shall cruelly treat any animal in the City in any way; any person who inhumanely beats, underfeeds, overloads, or abandons any animal shall be deemed guilty of a violation of this section.

Section 2. It is unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the City. A dangerous animal is defined as any animal which is known or reasonably known to present a danger to life or property.

Section 3. No person owning any dog shall suffer or permit such dog to disturb the peace and quiet of the neighborhood by barking, making other loud or unusual noises, or by running through or across cultivated gardens or fields.

Section 4. The members of the police department or any police officer of the Commonwealth of Kentucky are authorized to kill any dangerous animals of any kind when it is necessary for the immediate protection of any person or property.

Section 5. The penalty for violation of any section of this ordinance shall be a fine not to exceed \$25.00 and a jail sentence not to exceed 10 days.

Section 6. This ordinance shall become effective upon passage and publication according to law.

1st Reading: Nov. 14, 1983
2nd Reading: Dec. 5, 1983

Mr. J. Pat Cooper, MAYOR
CITY OF VANCEBURG

Brenda Henderson
CITY CLERK

ORDINANCE NO. 830.3

AN ORDINANCE AMENDING AN ORDINANCE REGULATING ANIMALS
IN THE CITY OF VANCEBURG

NOW THEREFORE, the City Council of the City of Vanceburg amends Ordinance No. 830.3 as follows:

Section 1. No person shall cruelly treat any animal in the City in any way; any person who inhumanely beats, underfeeds, overloads, or abandons any animal shall be deemed guilty of a violation of this section.

Section 2. It is unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the City. A dangerous animal is defined as any animal which is known or reasonably known to present a danger to life or property.

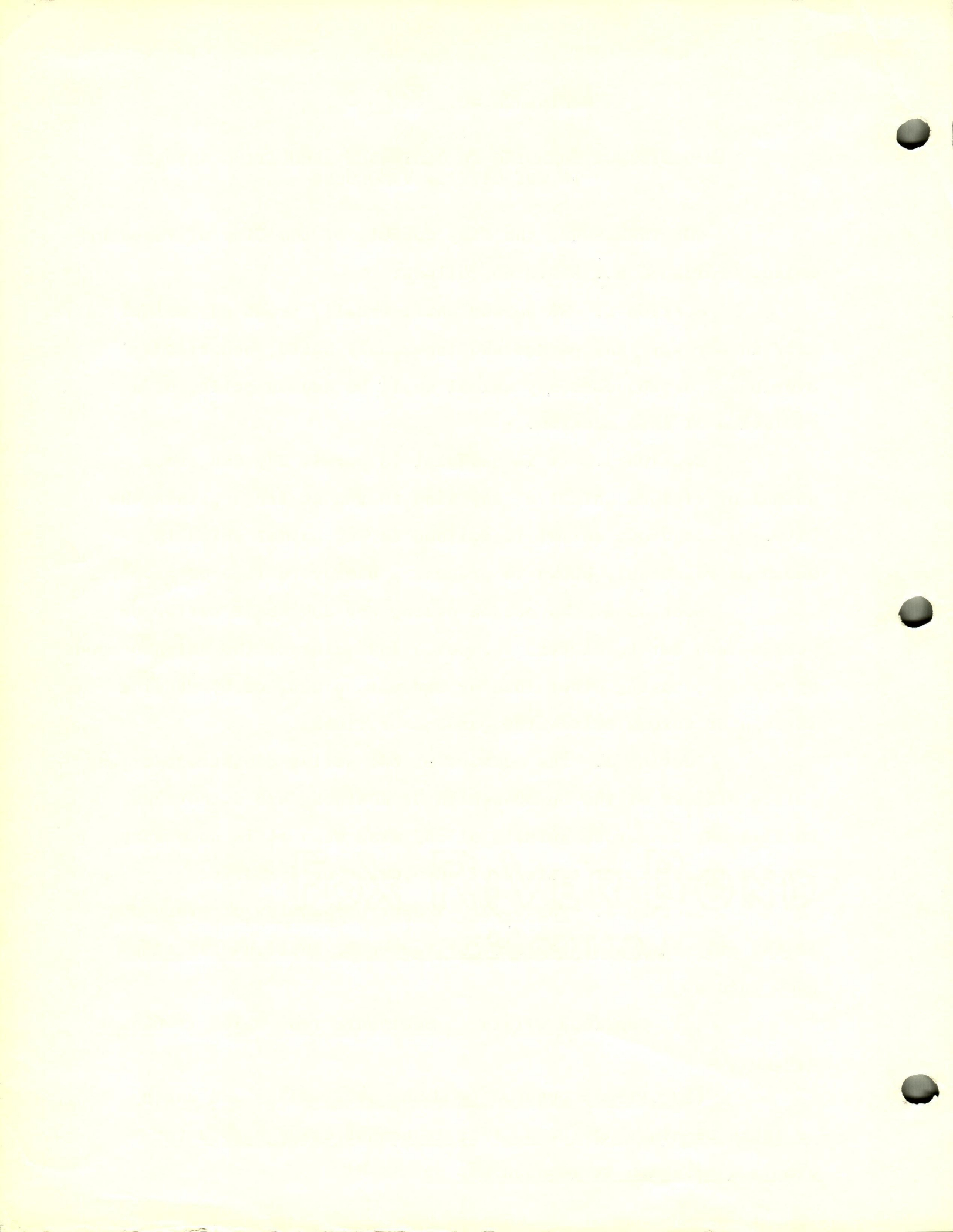
Section 3. No person owning any dog shall suffer or permit such dog to disturb the peace and quiet of the neighborhood by barking, making other loud or unusual noises, or by running through or across cultivated gardens or fields.

Section 4. The members of the police department or any police officer of the Commonwealth of Kentucky are authorized to kill any dangerous animals of any kind when it is necessary for the immediate protection of any person or property.

Section 5. The owner, keeper or handler of every dog in the city limits of the City of Vanceburg shall at all times keep such dog:

(a) Confined within an enclosure from which it cannot escape, or

(b) Firmly secured by means of a collar and chain or leash or other device so that it cannot stray beyond the premises on which it is secured, or



(c) when any dog is away from the premises of its owner, keeper or handler, it shall be secured by leash or other device or under the reasonable control of some person,

(d) Any peace officer may destroy any dog found running at large which is not restrained by a leash or other device or which is not under the reasonable control of some person; however, a peace officer shall be under a duty to make a fair and reasonable effort to determine whether any dog found at large has become lost temporarily or temporarily wandered from the immediate control of its owner, handler or keeper.

Section 6. The penalty for violation of any section of this ordinance shall be a fine not to exceed \$25.00 and a jail sentence not to exceed 10 days.

Section 7. This ordinance shall become effective upon passage and publication according to law.

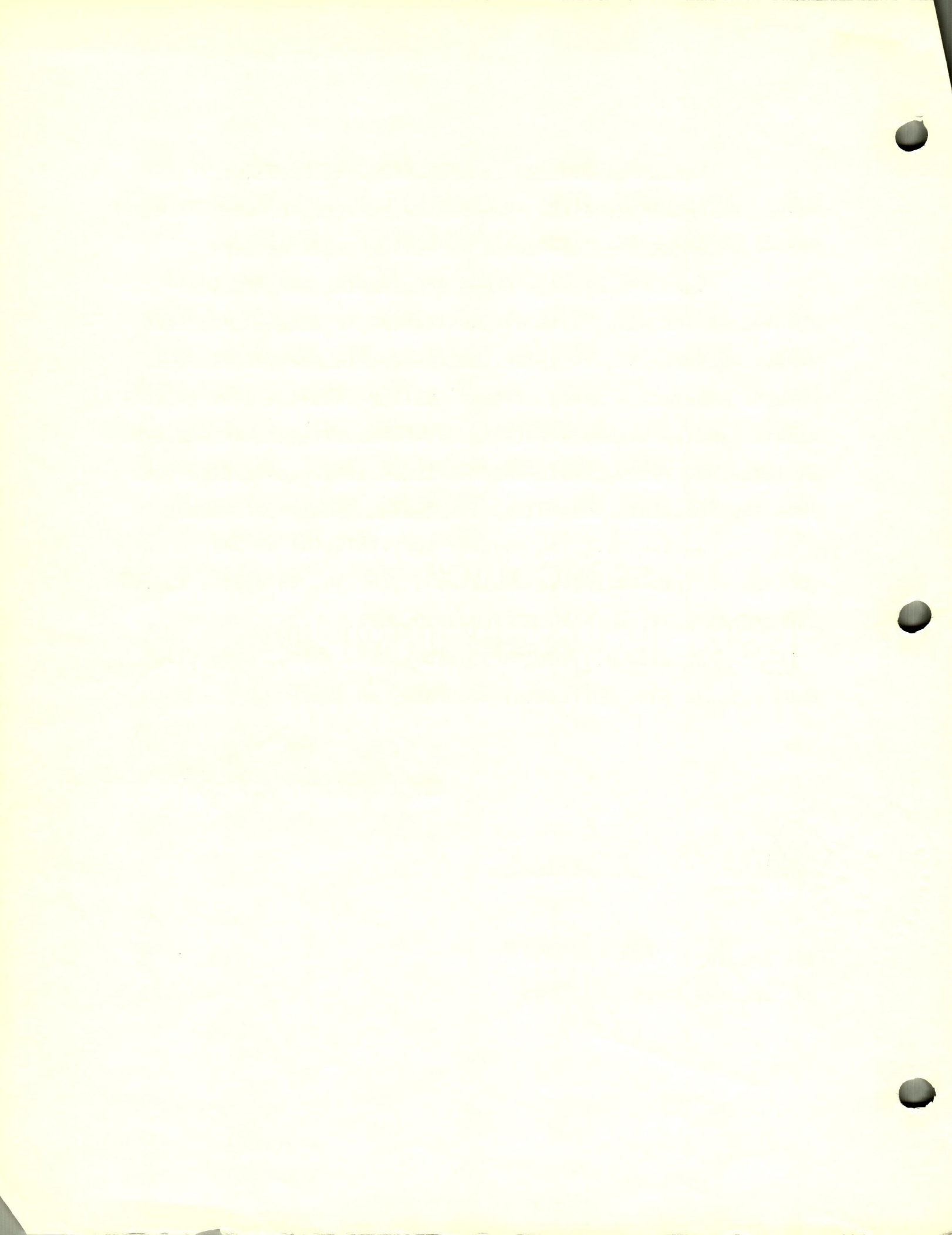
W. J. "Pat" Cooper
MAYOR, CITY OF VANCEBURG

ATTEST:

Jeanne H. Gurik
CITY CLERK

1st Reading - April 4, 1988

2nd Reading - May 2, 1988



ORDINANCE NO. 830.04

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE
APPALACHIAN REGIONAL COMMISSION FUNDING

Whereas, the Appalachian Regional Commission has approved the
City of Vanceburg Water Project, Lewis County,
Kentucky (ARC No. KY-10172-88-I-214-0815), and extended a grant offer
in the amount of \$ 220,000.00 for the project to be administered by
the Farmers Home Administration;

Now therefore, the City of Vanceburg hereby resolves to
accept this grant offer of \$ 220,000.00.

In witness whereof, the City of Vanceburg has duly adopted
this resolution and caused execution by the officers below in duplicate
on this 20th day of October, 1989.

CITY OF VANCEBURG

First Reading Oct. 20, 1989
Second Reading Oct 23, 1989

By:

M. J. Cooper
M. J. Cooper, Mayor

Attest:

Anna G. Husik
City Clerk

1940

1941

1942

1943

1944

1945

1946

REQUEST FOR OBLIGATION OF FUNDS

INSTRUCTIONS - TYPE IN CAPITALIZED ELITE TYPE IN SPACES MARKED () Complete items 1 thru 27 and applicable items 28 thru 40. See FMI, 2 Tabs 2 Spaces.			
1. CASE NO. St Co Borrower's ID 200690061600636		LOAN NO. (Finance Office Only)	FISCAL YEAR (Finance Office Only)
2. BORROWER NAME CITY OF VANCEBURG (1)		3. NO. NAME FIELDS 1 (1, 2, or 3 from Item 2)	
(2)		4. STATE NAME KENTUCKY	
(3)		5. COUNTY NAME LEWIS	
GENERAL BORROWER/LOAN INFORMATION			
6. RACE/ETHNIC CLASSIFICATION 1 = White 2 = Black 3 = AI/AN 4 = Hispanic 5 = A/PI		7. SEX CODE 1 = Male 2 = Female 3 = Family Unit 4 = Organization-Male Owned 5 = Organization - Female Owned 6 = Public Body	
8. MARITAL STATUS 1 = Married 2 = Separated 3 = Unmarried	9. VETERAN CODE 1 = Yes 2 = No	10. CREDIT REPORT 1 = Yes 2 = No	11. DIRECT PAYMENT 1 = County Office 2 = Finance Office 3 = No
12. TYPE OF PAYMENT 1 = Monthly 2 = Annually 3 = Semiannual 4 = Quarterly	13. FEE INSPECTION 1 = Yes 2 = No	14. INTEREST CREDIT 1 = Yes (SFH & MFH Only) 2 = No	15. COMMUNITY SIZE 1 = 10,000 or less (SFH & MFH Only) 2 = Over 10,000
COMPLETE FOR OBLIGATION OF FUNDS			
16. TYPE OF ASSISTANCE 085	17. PURPOSE CODE B4	18. TYPE OF FUNDS (See FMI)	
19. PERCENT OF LOAN GUARANTEED (Complete if Item 18 equals 1, 3, 4, or 5)	19A. TERM OF INTEREST RATE BUYDOWN (See FMI)	20. TYPE OF ACTION 1 = Obligation Only 2 = Obligation/Check Request 3 = Correction of Obligation	
21. TYPE OF SUBMISSION 1 = Initial 2 = Subsequent (Enter Code 2 if subsequent loan associated with Credit Sale or Assumption)	22. AMOUNT OF LOAN \$ 0.00	23. AMOUNT OF GRANT \$ 220000.00	
24. AMOUNT OF IMMEDIATE ADVANCE \$ 0.00	25. DATE OF APPROVAL MO DA YR	26. INTEREST RATE (%)	27. REPAYMENT TERMS (No. of Years)
COMPLETE FOR SINGLE FAMILY HOUSING ONLY			
28. INCOME CATEGORY CODES 1 = Very Low 2 = Low 3 = Moderate 4 = Above Moderate		29. LOW INCOME LIMIT-MAX. \$ 00	30. ADJUSTED FAMILY INCOME \$ 000
31. R. E. INSURANCE \$ 00	32. R. E. TAXES - 1st YEAR \$ 00	33. R. E. TAXES - 2nd YEAR \$ 00	34. NOTE INSTALLMENT INELIGIBLE \$ 00
35. TYPE OF UNIT 1 = Farm Tract 2 = Non-Farm Tract	36. DWELLING CODE 1 = Build 2 = Purchase New 3 = Purchase Old 4 = Refinance 5 = Repair 6 = Purchase Old-Repair 7 = Refinance-Repair		
COMPLETE FOR COMMUNITY PROGRAM AND CERTAIN MULTIPLE-FAMILY HOUSING LOANS			
37. TYPE OF APPLICANT 1 = Individual 2 = Partnership 3 = Corporation 4 = Public Body 5 = Assn. of Farmers 6 = Organ. of Farm Workers 7 = Other		38. PROFIT TYPE 1 = Full Profit 2 = Limited Profit 3 = Non-Profit	
COMPLETE FOR EM LOANS ONLY		COMPLETE FOR CREDIT SALE/ASSUMPTIONS ONLY	
39. DISASTER DESIGNATION NUMBER (See FMI)		40. TYPE OF SALE 1 = Credit Sale Only 2 = Assumption Only 3 = Credit Sale/Subsequent Loan 4 = Assumption/Subsequent Loan	

CERTIFICATION APPROVAL

41. COMMENTS AND REQUIREMENTS OF CERTIFYING OFFICIAL

Grant approval is subject to the conditions and requirements of the ARC Letter of Conditions dated October 11, 1989 and any Amendments thereto.

42. I HEREBY CERTIFY that I am unable to obtain sufficient credit elsewhere to finance my actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in or near my community for loans for similar purposes and periods of time. I agree to use, subject to and in accordance with regulations applicable to the type of assistance indicated above, and request payment of the sum specified herein. I agree to report to FmHA any material adverse changes, financial or otherwise, that occur prior to loan closing. I certify that no part of said sum has been received. I have reviewed the loan approval requirements and comments associated with this loan request and agree to comply with these provisions.

(For SFH & FP loans at eligible terms only) If this loan is approved, I elect the interest rate to be charged on my FmHA loan to be the lower of the interest rate in effect at the time of loan approval or loan closing. If I check "NO", the interest rate charged on my loan will be the rate specified in Item 26 of this form. YES NO

WARNING:

Section 1001 of Title 18, United States Code provides: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up . . . a material fact or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both."

Date _____, 19____

CITY OF VANCEBURG
By: M. J. "Pat" Cooper
M. J. "Pat" Cooper (Signature of Applicant)
Mayor

Date _____, 19____

(Signature of Co-Applicant)

43. I HEREBY CERTIFY that all of the committee and administrative determinations and certifications required by Farmers Home Administration regulations prerequisite to providing assistance of the type indicated above have been made and that evidence thereof is in the docket, and that all requirements of pertinent regulations have been complied with. I hereby approve the above-described assistance in the amount set forth above, and by this document, subject to the availability of funds, the Government agrees to advance such amount to the applicant for the purposes of and subject to conditions prescribed by Farmers Home Administration regulations applicable to this type of assistance.

(Signature of Approving Official)

Date Approved: _____

Title: _____

44. TO THE APPLICANT: As of this date _____, this is notice that your application for the above financial assistance from the Farmers Home Administration has been approved, as indicated above, subject to availability of funds and other conditions required by the Farmers Home Administration. If you have any questions contact the County Supervisor.

ORDINANCE NO. 830.07

AN ORDINANCE PROVIDING FOR THE INCURRING OF
INDEBTEDNESS FOR THE PURPOSE OF PROVIDING
A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING,
IMPROVING AND EXTENDING THE SEWER TREATMENT FACILITIES
OF THE CITY OF VANCEBURG, KENTUCKY, BY AND THROUGH THE
UTILITIES COMMISSION OF THE CITY OF VANCEBURG, KENTUCKY

WHEREAS, the City of Vanceburg, Kentucky, (the City), by and through its municipal utilities under the direction of the Utilities Commission of the City of Vanceburg, Kentucky, pursuant to Ordinance No. 200.01 requires that its Sewer Treatment Facilities be enlarged, improved and extended in order to better serve the citizens of the service areas of the municipal utilities and to provide for the needs of the expanding population;

WHEREAS, the City does not have sufficient assets required to enlarge, improve and extend the sewer system and since the sewer system is antiquated and at capacity, there is an urgent need to so enlarge, improve and extend the sewer system;

WHEREAS, the United States of America by and through the Farmers Home Administration has proposed through a letter of conditions dated November 14, 198~~8~~⁹, and approved by the City Council on December 6, 1989, to provide assistance to the City in the form of a low interest loan and grant;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF VANCEBURG hereby ordains as follows:

1. The Mayor and City Clerk are hereby authorized to execute and deliver on behalf of the City of Vanceburg, any and all documents necessary and proper for the purpose of acquiring,

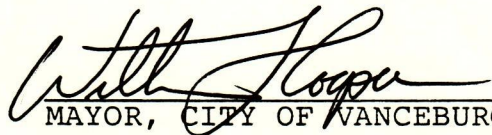
constructing, enlarging, improving and extending the Sewer Treatment Facilities of the City of Vanceburg, Kentucky, by and through the Utilities Commission of the City of Vanceburg, Kentucky.

2. Said authority granted hereby includes but is not limited to the execution and delivery of the documents reviewed by the City Council entitled, "Loan Resolution", "Assurance Agreement" and "Equal Opportunity Agreement" and including the performance of any of the stipulations contained in the Letter of Condition dated November 14, 1988.9

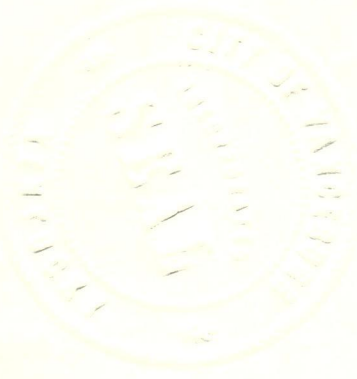
First Reading: August 15, 1990

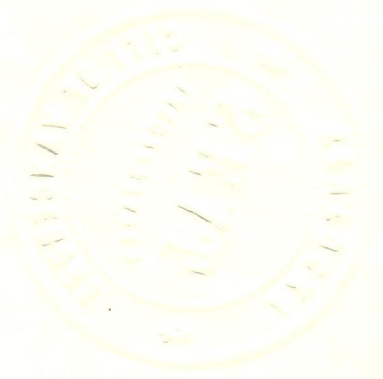
Second Reading: Sept. 10, 1990

VOTE: Yes 4 No 0


MAYOR, CITY OF VANCEBURG, KENTUCKY


CITY CLERK





ASSURANCE AGREEMENT
(Under Title VI, Civil Rights Act of 1964)

The City of Vanceburg
(name of recipient)

Front Street, Vanceburg, KY 41179
(address)

("Recipient" herein) hereby assures the U. S. Department of Agriculture that Recipient is in compliance with and will continue to comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d et. seq.), 7 CFR Part 15, and Farmers Home Administration regulations promulgated thereunder, 7 C.F.R. §1901.202. In accordance with that Act and the regulations referred to above, Recipient agrees that in connection with any program or activity for which Recipient receives Federal financial assistance (as such term is defined in 7 C.F.R. §14.2) no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination.

1. Recipient agrees that any transfer of any aided facility, other than personal property, by sale, lease or other conveyance of contract, shall be, and shall be made expressly, subject to the obligations of this agreement and transferee's assumption thereof.
2. Recipient shall:
 - (a) Keep such records and submit to the Government such timely, complete, and accurate information as the Government may determine to be necessary to ascertain our/my compliance with this agreement and the regulations.
 - (b) Permit access by authorized employees of the Farmers Home Administration or the U.S. Department of Agriculture during normal business hours to such books, records, accounts and other sources of information and its facilities as may be pertinent to ascertaining such compliance.
 - (c) Make available to users, participants, beneficiaries and other interested persons such information regarding the provisions of this agreement and the regulations, and in such manner as the Farmers Home Administration or the U.S. Department of Agriculture finds necessary to inform such persons of the protection assured them against discrimination.
3. The obligations of this agreement shall continue:
 - (a) As to any real property, including any structure, acquired or improved with the aid of the Federal financial assistance, so long as such real property is used for the purpose for which the Federal financial assistance is made or for another purpose which affords similar services or benefits, or for as long as the Recipient retains ownership or possession of the property, whichever is longer.
 - (b) As to any personal property acquired or improved with the aid of the Federal financial assistance, so long as Recipient retains ownership or possession of the property.
 - (c) As to any other aided facility or activity, until the last advance of funds under the loan or grant has been made.
4. Upon any breach or violation of this agreement the Government may, at its option:
 - (a) Terminate or refuse to render or continue financial assistance for the aid of the property, facility, project, service or activity.
 - (b) Enforce this agreement by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the breach or violation occurs.

Rights and remedies provided for under this agreement shall be cumulative.

In witness whereof, City of Vanceburg
(name of recipient) on this date has caused this agreement to be executed by its duly authorized officers and its seal affixed hereto, or, if a natural person, has hereunto executed this agreement.

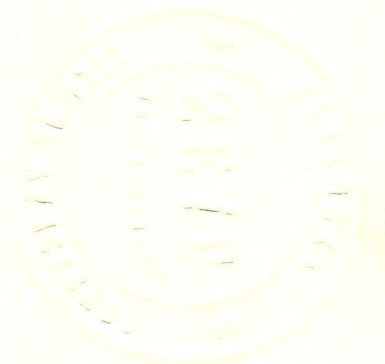
(SEAL)

Attest: *Anna Spink*
City Clerk Title

City of Vanceburg
Recipient

Date

Mayor Title
By: *William T. Cooper*
William T. Cooper Recipient



UNITED STATES DEPARTMENT OF AGRICULTURE

Form FmHA 400-1
(Rev. 7-19-83)

FARMERS HOME ADMINISTRATION

EQUAL OPPORTUNITY AGREEMENT

This agreement, dated between

City of Vanceburg

(herein called "Recipient" whether one or more) and the Farmers Home Administration, United States Department of Agriculture, pursuant to the rules and regulations of the Secretary of Labor (herein called the "Secretary") issued under the authority of Executive Order 11246, as amended, witnesseth:

In consideration of financial assistance (whether by a loan, grant, loan guaranty, or other form of financial assistance) made or to be made by the Farmers Home Administration to Recipient, Recipient hereby agrees, if the cash cost of construction work performed by Recipient or a construction contract financed with such financial assistance exceeds \$10,000—unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965.

1. To incorporate or cause to be incorporated into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

During the performance of this contract, the contractor agrees as follows:

- (a) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Farmers Home Administration setting forth the provisions of this nondiscrimination clause.
- (b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- (c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Farmers Home Administration, advising the said labor union or workers' representative of the contractor's commitments under this agreement as required pursuant to section 202(3) of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (d) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of all rules, regulations and relevant orders of the Secretary of Labor and of any prior authority which remain in effect.
- (e) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, rules, regulations, and orders, or pursuant thereto, and will permit access to his books, records, and accounts by the Farmers Home Administration, Office of Equal Opportunity, U. S. Department of Agriculture, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (f) In the event of the contractor's noncompliance with the Equal Opportunity (Federally Assisted Construction) clause or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government Contracts or Federally Assisted construction contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as provided by Law.
- (g) The contractor will include the provisions of this Equal Opportunity (Federally Assisted Construction) clause in every subcontract or purchase order, unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each such subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Farmers Home Administration may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Farmers Home Administration, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

2. To be bound by the provisions of the Equal Opportunity Clause in construction work performed by Recipient and paid for in whole or in part with the aid of such financial assistance.

3. To notify all prospective contractors to file the required 'Compliance Statement', Form FHA 400-6, with their bids.

4. Form AD-425, Instructions to Contractors, will accompany the notice of award of the contract.

Bid conditions for all nonexempt Federal and Federally assisted construction contracts require inclusion of the appropriate "Hometown" or "Imposed" plan affirmative action and equal employment opportunity requirements. All bidders must comply with the bid conditions contained in the invitation to be considered responsible bidders and hence eligible for the award.

5. To assist and cooperate actively with the Farmers Home Administration and the Secretary in obtaining the compliance of contractors and subcontractors with the provisions of the Equal Opportunity Clause and the said rules, regulations, and orders, to obtain and furnish to the Farmers Home Administration and the Secretary, Form AD-560, Certification of Nonsegregated Facilities, to submit the Monthly Employment Utilization Report, Form CC-257, as required and such other information as they may require the supervision of such compliance, and to otherwise assist the Farmers Home Administration in the discharge of its primary responsibility for securing compliance.

6. To refrain from entering into any contract, or extension or other modification of a contract, subject to such Executive Order with a contractor debarred from Government contracts or federally assisted construction contracts pursuant to Part II, Subpart D, of such Executive Order or to prior authority; and to carry out such sanctions and penalties for violation of the provisions of the Equal Opportunity Clause as may be imposed upon contractors and subcontractors by the Farmers Home Administration or the Secretary pursuant to such Subpart D.

7. That if Recipient fails or refuses to comply with these undertakings, the Farmers Home Administration may take any or all of the following actions: (a) cancel, terminate, or suspend said financial assistance in whole or in part; (b) refrain from extending any further assistance under the program involved until satisfactory assurance of future compliance has been received from Recipient; and (c) refer the case to the Office of Equal Opportunity, U. S. Department of Agriculture for appropriate action.

Witness the due execution hereof by Recipient on this, the date first above written.

Recipient

City of Vanceburg

Recipient

(CORPORATE SEAL)

Attest:

Diana Spunk

City Clerk

~~SECRETARY~~

Name of Corporate Recipient

By

William T. Cooper

William T. Cooper Mayor

~~SECRETARY~~

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE City Council

OF THE City of Vanceburg

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

SEWER TREATMENT FACILITIES

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the City of Vanceburg

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

SIX HUNDRED NINETY FOUR THOUSAND (\$694,000)

pursuant to the provisions of _____ ; and

WHEREAS, the Association intends to obtain assistance from the Farmers Home Administration, United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form FmHA 400-4, "Assurance Agreement," and Form FmHA 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by FmHA. No free service or use of the facility will be permitted.



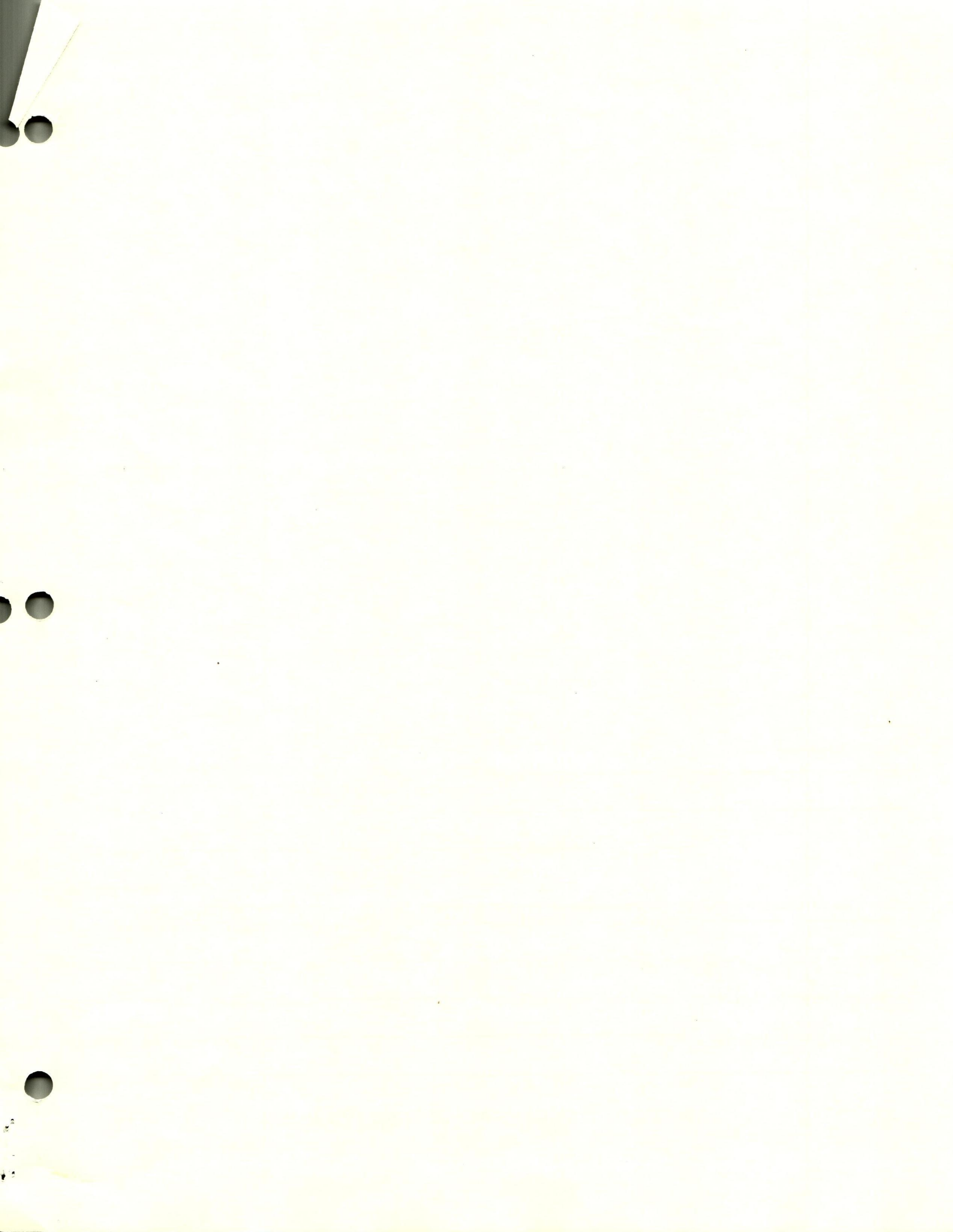
CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the _____

hereby certify that the _____ of such Association is composed of _____ members, of whom _____, constituting a quorum, were present at a meeting thereof duly called and held on the _____ day of _____, 19 ____; and that the foregoing resolution was adopted at such meeting by the vote shown above. I further certify that as of _____ the date of closing of the loan from the Farmers Home Administration, said resolution remains in effect and has not been rescinded or amended in any way.

Dated, this _____ day of _____, 19 ____.

 Title _____





Haworth, Meyer & Boleyn Inc.

Principals
James Haworth, P.E.
Fred Meyer, P.E., L.A.
Philip Boleyn, P.E., L.A.

PROFESSIONAL CONSULTING ENGINEERS

643 Teton Trail
Frankfort, KY 40601

Office: 502-223-2001
FAX: 502-223-2035

April 19, 1990

Mr. Don Burton
Utility Superintendent
611 Front Street
Vanceburg, Kentucky 41179

Re: Vanceburg Water
System Improvements
HMB Job No. 00751.00

Dear Don:

We wish to confirm our phone conversation with both you and Charles Blankenship on April 17th & April 18th respectively. Charles Blankenship indicated again, that to include the Fire Pump Station and Telemetering in the water project was a change in scope. He suggested that we wait until all phases were under construction before requesting their inclusion (ie, all **associated** costs counting toward your local contribution). It appears that a strong case can be made for including telemetering in the project at a later date. It is questionable as to the eligibility of the pump station. If its sole purpose is to provide fire protection then probably it cannot be included. The reason for this is that ARC does not provide monies for items that are there to fight fires; they can be included if fire protection is incidental to the primary function of providing flows, volume, storage capacity, etc.

Based on these conversations, we are submitting five (5) copies of Amendment #1 to our Engineering Contract. We request that you have the Mayor sign & date all copies, then forward all copies to Charles Blankenship for further processing.

Also, we have included a copy of our Invoice #1 (dated February 24, 1990) for your review. It would appear that the following eligibility applies:

REGIONAL OFFICES

3918 B DICKERSON PIKE
NASHVILLE, TN 37207
(615) 860-2070

184 SUMMERS STREET
CHARLESTON, WV 25301
(304) 343-4202

2307 E. BROAD
RICHMOND, VA 23223
(804) 780-1538

400 JACKSON PARK DRIVE
SEYMOUR, IN 47274
(812) 522-8391

HMB

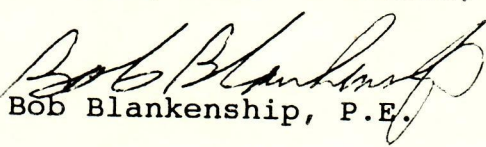
Mr. Don Burton
April 19, 1990
Page 2

<u>TASK</u>	<u>AMOUNT INVOICED</u>	<u>FmHA/ARC ELIGIBLE</u>
I Site Surveys (approximately 1/2 to each tank & well sites)	\$904.00	Yes
II Coordinate Test Wells	\$2640.00	Yes
III Radio Telemetry	\$1260.00	No
IV Fire Pump Station	<u>\$3477.00</u>	No
Summary	\$8281.00*	
*Eligible to be counted as local contribution		\$3544.00
Not Eligible to be counted as local contribution		\$4737.00

If additional information is required please contact us.

Very truly yours,

HAWORTH, MEYER & BOLEYN, INC.


Bob Blankenship, P.E.

BB/tp

cc: Charles Blankenship
Benton Hanson

AMENDMENT NO. 1
AGREEMENT FOR ENGINEERING SERVICES

CITY OF VANCEBURG, KENTUCKY
WATER SYSTEM IMPROVEMENTS

This Amendment #1 is an attachment to the contract entered into on the 3rd day of February 1989, by and between Vanceburg City Council and Haworth, Meyer & Boleyn, Engineers (643 Teton Trail, Frankfort, Kentucky 40601), for performance of engineering services.

WHEREAS, the original contract specified an amount of \$0.00 for Preliminary Engineering Services; \$30,000 for Engineering Services; \$20,000 for Engineering Inspection; and \$0.00 for Additional Services;

NOW, THEREFORE, the Vanceburg City Council and HMB Engineers amend the original contract as follows:

Section D - Additional Services shall be changed to \$5,000.00, itemized as follows:

Site Surveys @ Well and Tank Sites	\$1000.00
Coordinate Test Well Studies with Moody's	\$4000.00
TOTAL ADDITIONAL SERVICES	\$5000.00

IN WITNESS WHEREOF, the City and the Engineer have executed this Amendment to the original Agreement. This Amendment is effective as of the date signed by the City.

ENGINEER:

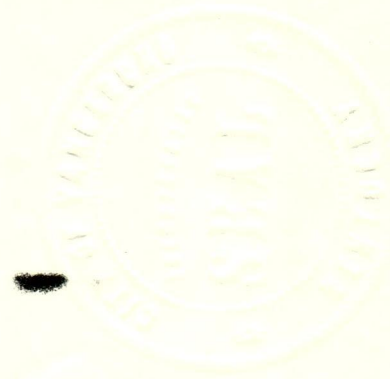
Philip Boleyn 4/25/90
Philip Boleyn (Date)
President

CITY OF VANCEBURG:

William T. Cooper
William T. Cooper (Date)
Mayor

Farmers Home Administration:

(Date)





Principals
James Haworth, P.E.
Fred Meyer, P.E., L.A.
Philip Boleyn, P.E., L.A.

Haworth, Meyer & Boleyn Inc.



PROFESSIONAL CONSULTING ENGINEERS

643 Teton Trail
Frankfort, KY 40601
Office: 502-223-2001
FAX: 502-223-2035

February 2, 1989

Mr. Donald Burton
Superintendent of Utilities
Vanceburg Utilities Commission
P.O. Box 489
Vanceburg, Kentucky 41179

Re: Vanceburg Utilities System
Water System Improvements
HMB Job #7401

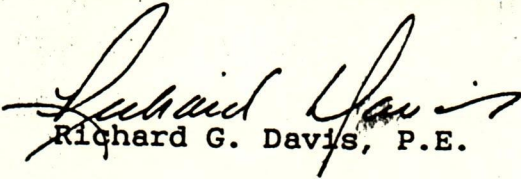
Dear Don:

Attached please find five (5) copies of the Agreement for Engineering Services for the subject project. It has been executed at this end. You need to get the mayor to sign all copies and send all originals to Charlie Blankenship for FmHA approval.

If you have any questions, please let me know.

Very truly yours,

HAWORTH, MEYER & BOLEYN, INC.


Richard G. Davis, P.E.

RGD/bs

Attachment

AGREEMENT FOR ENGINEERING SERVICES

This Agreement, made this 2nd day of February, 19 87

by and between the City of Vanceburg, Kentucky, hereafter referred to as the OWNER, and Haworth, Meyer & Bolēyn, Inc. hereinafter referred to as the ENGINEER:

THE OWNER intends to construct a 200,000 gallon water storage tank, a new water supply well and a 19,000 LF water line extension on KY 8

in Lewis County, State of Kentucky, which may be paid for in part with financial assistance from the United States of America acting through the Farmers Home Administration of the United States Department of Agriculture, hereinafter referred to as FmHA, pursuant to the consolidated Farm and Rural Development Act, (7 U.S.C. 1921 et seq.) and for which the ENGINEER agrees to perform the various professional engineering services for the design and construction of said system.

WITNESSETH:

That for and in consideration of the mutual covenants and promises between the parties hereto, it is hereby agreed:

SECTION A - ENGINEERING SERVICES

The ENGINEER shall furnish engineering services as follows:

1. The ENGINEER will conduct preliminary investigations, prepare preliminary drawings, provide a preliminary itemized list of probable construction costs effective as of the date of the preliminary report, and submit a preliminary engineering report following FmHA instructions and guides.
2. The ENGINEER will furnish 10 copies of the preliminary engineering report, and layout maps to the OWNER.
3. The ENGINEER will attend conferences with the OWNER, representatives of FmHA, or other interested parties as may be reasonably necessary.
4. After the preliminary engineering report has been reviewed and approved by the OWNER and by FmHA and the OWNER directs the ENGINEER to proceed, the ENGINEER will perform the necessary design surveys, accomplish the detailed design of the project, prepare construction drawings, specifications and contract documents, and prepare a final cost estimate based on the final design for the entire system. It is also understood that if subsurface explorations (such as borings, soil tests, rock soundings and the like) are required, the ENGINEER will furnish coordination of said explorations without additional charge, but the costs incident to such explorations shall be paid for by the OWNER as set out in Section D hereof.
5. The contract documents furnished by the ENGINEER under Section A-4 shall utilize FmHA-endorsed construction contract documents, including FmHA Supplemental General Conditions, Contract Change Orders, and partial payment estimates. All of these documents shall be subject to FmHA approval. Copies of guide contract documents may be obtained from FmHA.
6. Prior to the advertisement for bids, the ENGINEER will provide for each construction contract, not to exceed 10 copies of detailed drawings, specifications, and contract documents for use by the OWNER, appropriate Federal, State, and local agencies from whom approval of the project must be obtained. The cost of such drawings, specifications, and contract documents shall be included in the basic compensation paid to the ENGINEER.
7. The ENGINEER will furnish additional copies of the drawings, specifications and contract documents as required by prospective bidders, material suppliers, and other interested parties, but may charge them for the reasonable cost of such copies. Upon award of each contract, the ENGINEER will furnish to the OWNER five sets of the drawings, specifications and contract documents for execution. The cost of these sets shall be included in the basic compensation paid to the ENGINEER. Original documents, survey notes, tracings, and the like, except those furnished to the ENGINEER by the OWNER, are and shall remain the property of the ENGINEER.
8. The drawings prepared by the ENGINEER under the provisions of Section A-4 above shall be in sufficient detail to permit the actual location of the proposed improvements on the ground. The ENGINEER shall prepare and furnish to the OWNER without any additional compensation, three copies of a map(s) showing the general location of needed construction easements and permanent easements and the land to be acquired. Property surveys, property plats, property descriptions, abstracting and negotiations for land rights shall be accomplished by the OWNER, unless the OWNER requests, and the ENGINEER agrees to provide those services. In the event the ENGINEER is requested to provide such services, the ENGINEER shall be additionally compensated as set out in Section D hereof.

(Section A - continued)

9. The ENGINEER will attend the bid opening and tabulate the bid proposals, make an analysis of the bids, and make recommendations for awarding contracts for construction.
10. The ENGINEER will review and approve, for conformance with the design concept, any necessary shop and working drawings furnished by contractors.
11. The ENGINEER will interpret the intent of the drawings and specifications to protect the OWNER against defects and deficiencies in construction on the part of the contractors. The ENGINEER will not, however, guarantee the performance by any contractor.
12. The ENGINEER will establish baselines for locating the work together with a suitable number of bench marks adjacent to the work as shown in the contract documents.
13. The ENGINEER will provide general engineering review of the work of the contractors as construction progresses to ascertain that the contractor is conforming with the design concept.
14. Unless notified by the OWNER in writing that the OWNER will provide for resident inspection, the ENGINEER will provide resident construction inspection. The ENGINEER'S undertaking hereunder shall not relieve the contractor of contractor's obligation to perform the work in conformity with the drawings and specifications and in a workmanlike manner; shall not make the ENGINEER an insurer of the contractor's performance; and shall not impose upon the ENGINEER any obligation to see that the work is performed in a safe manner.
15. The ENGINEER will cooperate and work closely with FmHA representatives.
16. The ENGINEER will review the contractor's applications for progress and final payment and, when approved, submit same to the OWNER for payment.
17. The ENGINEER will prepare necessary contract change orders for approval of the OWNER, FmHA, and others on a timely basis.
18. The ENGINEER will make a final review prior to the issuance of the statement of substantial completion of all construction and submit a written report to the OWNER and FmHA. Prior to submitting the final pay estimate, the ENGINEER shall submit a statement of completion to and obtain the written acceptance of the facility from the OWNER and FmHA.
19. The ENGINEER will provide the OWNER with one set of reproducible record (as-built) drawings, and two sets of prints at no additional cost to the OWNER. Such drawings will be based upon construction records provided by the contractor during construction and reviewed by the resident inspector and from the resident inspector's construction data.
20. If State statutes require notices and advertisements of final payment, the ENGINEER shall assist in their preparation.
21. The ENGINEER will be available to furnish engineering services and consultations necessary to correct unforeseen project operation difficulties for a period of one year after the date of statement of substantial completion of the facility. This service will include instruction of the OWNER in initial project operation and maintenance but will not include supervision of normal operation of the system. Such consultation and advice shall be furnished without additional charge except for travel and subsistence costs. The ENGINEER will assist the OWNER in performing a review of the project during the 11th month after the date of the certificate of substantial completion.
22. The ENGINEER further agrees to obtain and maintain, at the ENGINEER'S expense, such insurance as will protect the ENGINEER from claims under the Workman's Compensation Act and such comprehensive general liability insurance as will protect the OWNER and the ENGINEER from all claims for bodily injury, death, or property damage which may arise from the performance by the ENGINEER or by the ENGINEER'S employees of the ENGINEER'S functions and services required under this Agreement.
23. The services called for in the Section A-1 and A-2 of this Agreement shall be completed and the report submitted

within N/A calendar days from the date of authorization to proceed. After acceptance by the OWNER and FmHA of the Preliminary Engineering Report and upon written authorization from the OWNER, the ENGINEER will complete final plans, specifications and contract documents and submit for approval

of the OWNER, FmHA and all State regulatory agencies within 90 calendar days from the date of authorization unless otherwise agreed to by both parties.

If the above is not accomplished within the time period specified, this Agreement may be terminated by the OWNER. The time for completion will be extended by the OWNER for a reasonable time if completion is delayed due to unforeseeable causes beyond the control and without the fault or negligence of the ENGINEER.

SECTION B - COMPENSATION FOR ENGINEERING SERVICES

1. The OWNER shall compensate the ENGINEER for preliminary engineering services in the sum of N/A Dollars (\$ _____) after the review and approval of the preliminary engineering report by the OWNER and FmHA.

2. The OWNER shall compensate the ENGINEER for design and contract administration engineering services in the amount of: (Select (a) or (b))

(a) Thirty thousand Dollars (\$ 30,000.00) or

(b) As shown in Attachment 1

When Attachment 1 is used to establish compensation for the design and contract administration services, the actual construction costs on which compensation is determined shall exclude legal fees, administrative costs, engineering fees, land rights, acquisition costs, water costs, and interest expense incurred during the construction period.

3. The compensation for preliminary engineering services, design and contract administration services shall be payable as follows:

(a) A sum which equals seventy percent (70%) of the total compensation payable under Section B-1 and 2, after completion and submission of the construction drawings, specifications, cost estimates, and contract documents, and the acceptance of the same by OWNER and FmHA.

(b) A sum which, together with the compensation provided in Section B-3-(a) above, equals eighty percent (80%) of the compensation payable immediately after the construction contracts are awarded.

(c) A sum equal to fifteen percent (15%) of the compensation will be paid on a monthly basis for general engineering review of the contractor's work during the construction period on percentage ratios identical to those approved by the ENGINEER as a basis upon which to make partial payments to the contractor(s). However, payment under this paragraph and of such additional sums as are due the ENGINEER by reason of any necessary adjustments in the payment computations will be in an amount so that the aggregate of all sums paid to the ENGINEER will equal ninety-five (95%) of the compensation. A final payment to equal 100 percent shall be made when it is determined that all services required by this Agreement have been completed except for the services set forth in Section A-21 hereof.

SECTION C - COMPENSATION FOR RESIDENT INSPECTION AS SET FORTH IN SECTION A-14

When the ENGINEER provides resident inspection, the ENGINEER will, prior to the preconstruction conference, submit a resume of the resident inspector's qualifications, anticipated duties and responsibilities for approval by the OWNER and FmHA. The ENGINEER will render to OWNER for such services an itemized bill, once each month, for compensation for such services performed hereunder during such period, the same to be due and payable by the OWNER to the ENGINEER on or before the 10th day of the following period.

The cost of resident inspection will be \$ 20,000.00

SECTION D - ADDITIONAL ENGINEERING SERVICES

In addition to the foregoing being performed, the following services may be provided UPON PRIOR WRITTEN AUTHORIZATION OF THE OWNER and written approval of FmHA.

- 1. Site surveys for water treatment plants, sewage treatment works, dams, reservoirs, and other similar special surveys as may be required.
2. Laboratory tests, well tests, borings, specialized geological, soils, hydraulic, or other studies recommended by the ENGINEER.
3. Property surveys, detailed description of sites, maps, drawings, or estimates related thereto; assistance in negotiating for land and easement rights.
4. Necessary data and filing maps for water rights, water adjudication, and litigation.

(Section D, - continued)

5. Redesigns ordered by the OWNER after final plans have been accepted by the OWNER and FmHA, except redesigns to reduce the project cost to within the funds available.
6. Appearances before courts or boards on matters of litigation or hearings related to the project.
7. Preparation of environment impact assessments or environmental impact statements.
8. Performance of detailed staking necessary for construction of the project in excess of the control staking set forth in Section A-12.
9. The ENGINEER further agrees to provide the operation and maintenance manual for facilities when required for \$ N/A .

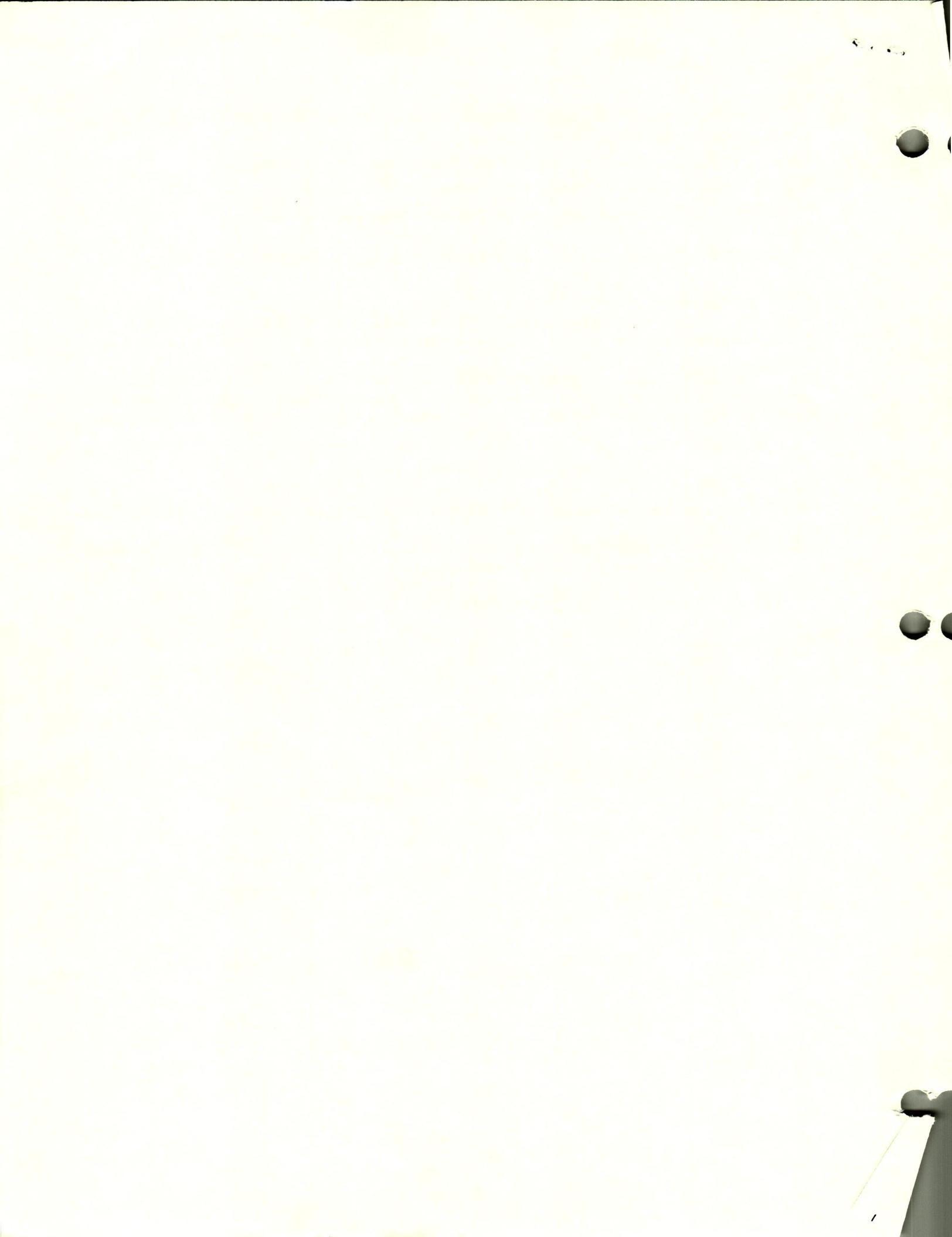
Payment for the services specified in this Section D shall be as agreed in writing between the OWNER and approved by FmHA prior to commencement of the work. Barring unforeseen circumstances, such payment is estimated not to

exceed \$ N/A . The ENGINEER will render to OWNER for such services an itemized bill, separate from any other billing, once each month, for compensation for services performed hereunder during such period, the same to be due and payable by OWNER to the ENGINEER on or before the 10th day of the following period.

SECTION E - INTEREST ON UNPAID SUMS

If OWNER fails to make any payment due ENGINEER within 60 days for services and expenses and funds are available for the project then the ENGINEER shall be entitled to interest at the rate of 12 percent per annum from said 60th day, not to exceed an annual rate of 12 percent.

SECTION F - SPECIAL PROVISIONS



ORDINANCE NO. 850.0

AN ORDINANCE OF THE CITY OF VANCEBURG, KENTUCKY, RELATED TO BLIGHTED, ABANDONED, AND DETERIORATED PROPERTY, MATTERS REGARDING PUBLIC NUISANCES, ESTABLISHING A VACANT PROPERTY REVIEW BOARD, PROVIDING PENALTIES FOR VIOLATION HEREOF, AND OTHER MATTERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANCEBURG, LEWIS COUNTY, KENTUCKY, AS FOLLOWS, TO-WIT:

SECTION 1: WHEREAS, there exist in the City of Vanceburg certain blighted, abandoned, and deteriorated properties which constitute a serious and growing menace which is detrimental to the public health, safety, and welfare of the residents of the City; and,

SECTION 2: WHEREAS, the City of Vanceburg recognizes that the existence of those blighted, abandoned, and deteriorated properties pose many problems, specifically including but not limited to:

- A) They constitute an economic and social liability;
- B) They substantially impair the growth of the community;
- C) They depreciate assessable values of property; and
- D) They are detrimental to the health, well being, and dignity of many residents in the neighborhood; and,

SECTION 3: WHEREAS, the benefits which result from eliminating the blighted, abandoned, and deteriorated properties which cause deterioration of neighborhoods will accrue to the residents of the City of Vanceburg;

NOW, THEREFORE, the City Council of the City of Vanceburg, Kentucky provides for the following:

SECTION 4: DEFINITIONS

1. “BLIGHTED” or “ABANDONED” or “DETERIORATED” property means any vacant structure or vacant or unimproved lot or parcel of ground in a predominately built-up neighborhood

- a. Which because of a physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with City Ordinances, the Kentucky Revised Statutes, or other applicable law; or
- b. Which because of physical condition, use, or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures; or
- c. Which because it is dilapidated, unsanitary, unsafe, vermin-infested, or lacking in the facilities and equipment required by applicable law as unfit for human habitation; or
- d. Which is a fire hazard, in danger of collapse, or is otherwise dangerous to the safety of persons or property; or
- e. From which the utilities, plumbing, heating, sewerage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use; or
- f. Which by reason of neglect or lack of maintenance has become a place for the accumulation of trash and debris, or a haven for rodents or other vermin; or
- g. Has been tax delinquent for a period of at least five years; or
- h. Has not been rehabilitated within the time constraints placed upon the owner by the appropriate code enforcement agency.

2. "Vacant Property Review Commission" means a commission established by ordinance to review vacant properties to make a written determination of blight, abandonment, and deterioration.

3. "Notice" shall mean giving notice to the land owner, designated agent, or resident by certified mail, return receipt requested, or personal delivery, or if unable to contact the land owner, designated agent, or resident, by the posting of a notice on the property in question in a clear and visible location and by sending said notice by regular mail.

SECTION 5: There is established in the City of Vanceburg a Vacant Property Review Commission (hereinafter "Commission") which shall certify properties as blighted, abandoned, or deteriorated to the City Council. The duties of the Commission shall be to investigate complaints relative to vacant properties, and report these complaints to the City Council and recommend appropriate action to be taken thereon. The number of members of the Commission shall be six, and their terms shall be from time of appointment until June 30 of the following year. The members of the Commission shall be appointed by the Mayor with the approval of the City Council. The members of the Commission shall serve without pay, and shall have no liability in any manner whatsoever for any action taken in their official capacity as a member of the Commission.

SECTION 6: Any property which has been investigated by the Vacant Property Review Commission may only be certified as blighted, abandoned, or deteriorated after the Commission has determined:

- a. That the owner, designated agent, or resident has been sent an order by the Commission or other appropriate official to eliminate the conditions which are in violation of local Ordinances or other applicable law;
- b. That the property is vacant;
- c. That the property is blighted, abandoned, or deteriorated;
- d. That the Commission has given notice to the property owner,

designated agent, or resident that the property has been determined to be blighted, abandoned, or deteriorated and the time period for correction of such condition has expired, and the property owner, designated agent, or resident has failed to comply with the notice. The findings required in this sub-section shall be in writing and included in the report by the Commission to the legislative body. The Commission shall notify the owner of the property, or a designated agent, or the resident that a determination of blight, abandonment, or deterioration has been made and that failure to eliminate the conditions causing the blight, abandonment, or deterioration shall render the property subject to condemnation by the City under KRS 99.705 to 99.730. Notice shall be mailed to the owner, designated agent, or resident by certified mail, return receipt requested; however, if the address of the owner or designated agent is unknown and cannot be ascertained by the Commission in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected. The written notice sent to the owner, designated agent, or resident shall describe the condition(s) that render the property blighted, or abandoned, or deteriorated and shall demand abatement of the conditions within ninety (90) days of the receipt of such notice.

SECTION 7: The City may acquire by eminent domain, pursuant to KRS Chapter 416, any property determined to be blighted, abandoned, or deteriorated pursuant to the provisions of this Ordinance. The City shall have the power to hold, clear, manage, or dispose of the property so acquired for residential and related use, pursuant to KRS 99.705 through 99.730.

SECTION 8: The City Council of the City of Vanceburg may institute eminent domain proceedings pursuant to KRS Chapter 416 against any property which has

been certified as blighted, abandoned, or deteriorated by the Commission if it finds:

1. That such property has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety, and welfare;
2. That such property is likely to continue to deteriorate unless corrected;
3. That the continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property; and
4. That the owner of such property has failed to correct the deterioration of the property.

SECTION 9: The City Council of the City of Vanceburg adopts the provisions of KRS 99.700 in their totality.

SECTION 10: The City shall be entitled to recover the costs expended in removing, correcting, or abating the blighting or deteriorating condition of such property, and said expenses shall be deducted from the purchase price of such property, along with all reasonable attorney's fees and court costs.

SECTION 11: PUBLIC NUISANCE DEFINED. Any building or structure within the corporate limits of the City of Vanceburg, Lewis County, Kentucky, because of want of repairs, dilapidated condition, instability, presence of debris or other material not being used for any apparent purpose, or which is especially liable to fire, and which is so situated as to endanger the life or property of others therein or what is commonly known as a fire hazard or collapse hazard to the property owner and residents of the City and interferes with the comfortable enjoyment of life or the property of the citizens thereof, is declared to be a public nuisance. Any property within the corporate limits of the City of Vanceburg, Lewis County, Kentucky, with the presence of debris, trash, or other material not being used for any apparent purpose and which is so situated as to be considered a health hazard or eyesore to the property owners and residents of the City and interferes with the comfortable enjoyment of life or property of the citizens thereof, is declared to be a public nuisance.

SECTION 12: On and after the effective date of this Ordinance it shall be unlawful for any person, firm, limited liability company, or corporation to allow a nuisance or suffer or permit weeds and like vegetation to grow or mature upon their privately owned property, except farm land, within the City of Vanceburg, Kentucky, and it shall be required that such weeds and like vegetation that may grow upon their said properties to be cut to the edge of the road and removed at least once each month during the season between June 1 and September 30 of each year.

SECTION 13: Should any owner of real estate located within the corporate limits of the City fail or refuse to comply with the provisions of this Ordinance after having been give ten (10) days to do so, the City of Vanceburg, its officers, agents, and/or contractors shall be authorized to enter upon such premises with appropriate devices and machinery and cut and remove therefrom said weeds and other like vegetation. The cost of so cutting and removing said weeds and other like vegetation shall, until paid by the owner of said property, be and constitute a lien upon and against said real estate in favor of the City of Vanceburg, and may be enforced and collected by any appropriate process of law. In addition, said lien shall include the attorney's fees and court costs incurred in its preparation and any proceedings to enforce this Ordinance. The written notice herein provided for shall be given by the City Clerk or such other official designated by her and shall be transmitted by certified mail, return receipt requested, to the property owner(s), involved at their last known address.

SECTION 14: In addition to the foregoing, any person, firm, limited liability company, or corporation who shall violate any of the provisions of this Ordinance shall be deemed guilty of a Class B Misdemeanor under Kentucky law and shall be subject to fine and imprisonment to the maximum amount allowed by law, sentence to be determined by the court or jury trying the case, and each day's violation after the effective date of said written notice shall be deemed a separate

offense. All monies collected by reason of the enforcement of this Ordinance, including enforcement of liens, fines, forfeitures, and court costs shall be paid into the General Fund of the City to defray the expense of general government.

SECTION 15: This Ordinance shall be enforced by any member of the Vanceburg Police Department, the Mayor of the City, or any other designee of the Mayor of the City of Vanceburg, Kentucky (hereinafter "Enforcement Officer").

SECTION 16: Each provision of this Ordinance is intended to be enacted separately, such that if any provision, paragraph, or sentence is determined to be invalid or unconstitutional, such finding shall not affect the validity or enforceability of the remainder of the provisions herein.

SECTION 17: That all Ordinances in conflict herewith are specifically hereby repealed to the extent of said conflict only.

This Ordinance shall be in full force and become effective from and after its passage, approval, and publication as required by law. This Ordinance is passed as an Emergency Ordinance in order to clarify, modify, or replace existing Ordinances.



MATT GINN, MAYOR
City of Vanceburg, KY

ATTEST:



JEANA BILLMAN
Vanceburg City Clerk

FIRST READING: 2/11/16
SECOND READING AND PASSAGE: 9/12/16
PUBLISHED: _____

ORDINANCE NO. 850.01
[as amended]

AN ORDINANCE OF THE CITY OF VANCEBURG, KENTUCKY, RELATED TO BLIGHTED, ABANDONED, AND DETERIORATED PROPERTY, MATTERS REGARDING PUBLIC NUISANCES, ESTABLISHING A VACANT PROPERTY REVIEW BOARD, PROVIDING PENALTIES FOR VIOLATION HEREOF, AND OTHER MATTERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANCEBURG, LEWIS COUNTY, KENTUCKY, AS FOLLOWS, TO-WIT:

SECTION 1: WHEREAS, there exist in the City of Vanceburg certain blighted, abandoned, and deteriorated properties which constitute a serious and growing menace which is detrimental to the public health, safety, and welfare of the residents of the City; and,

SECTION 2: WHEREAS, the City of Vanceburg recognizes that the existence of those blighted, abandoned, and deteriorated properties pose many problems, specifically including but not limited to:

- A) They constitute an economic and social liability;
- B) They substantially impair the growth of the community;
- C) They depreciate assessable values of property; and
- D) They are detrimental to the health, well being, and dignity of many residents in the neighborhood; and,

SECTION 3: WHEREAS, the benefits which result from eliminating the blighted, abandoned, and deteriorated properties which cause deterioration of neighborhoods will accrue to the residents of the City of Vanceburg;

NOW, THEREFORE, the City Council of the City of Vanceburg, Kentucky provides for the following:

SECTION 4: DEFINITIONS

1. "BLIGHTED" or "ABANDONED" or "DETERIORATED" property means any vacant structure or vacant or unimproved lot or parcel of ground in a predominately built-up neighborhood

- a. Which because of a physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with City Ordinances, the Kentucky Revised Statutes, or other applicable law; or
- b. Which because of physical condition, use, or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures; or
- c. Which because it is dilapidated, unsanitary, unsafe, vermin-infested, or lacking in the facilities and equipment required by applicable law as unfit for human habitation; or
- d. Which is a fire hazard, in danger of collapse, or is otherwise dangerous to the safety of persons or property; or
- e. From which the utilities, plumbing, heating, sewerage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use; or
- f. Which by reason of neglect or lack of maintenance has become a place for the accumulation of trash and debris, or a haven for rodents or other vermin; or
- g. Has been tax delinquent for a period of at least five years; or
- h. Has not been rehabilitated within the time constraints placed upon the owner by the appropriate code enforcement agency.

2. "Vacant Property Review Commission" means a commission established by ordinance to review vacant properties to make a written determination of blight, abandonment, and deterioration.

3. "Notice" shall mean giving notice to the land owner, designated agent, or resident by certified mail, return receipt requested, or personal delivery, or if unable to contact the land owner, designated agent, or resident, by the posting of a notice on the property in question in a clear and visible location and by sending said notice by regular mail.

SECTION 5: There is established in the City of Vanceburg a Vacant Property Review Commission (hereinafter "Commission") which shall certify properties as blighted, abandoned, or deteriorated to the City Council. The duties of the Commission shall be to investigate complaints relative to vacant properties, and report these complaints to the City Council and recommend appropriate action to be taken thereon. The number of members of the Commission shall be six, and their terms shall be from time of appointment until June 30 of the following year. The members of the Commission shall be appointed by the Mayor with the approval of the City Council. The members of the Commission shall serve without pay, and shall have no liability in any manner whatsoever for any action taken in their official capacity as a member of the Commission.

SECTION 6: Any property which has been investigated by the Vacant Property Review Commission may only be certified as blighted, abandoned, or deteriorated after the Commission has determined:

- a. That the owner, designated agent, or resident has been sent an order by the Commission or other appropriate official to eliminate the conditions which are in violation of local Ordinances or other applicable law;
- b. That the property is vacant;
- c. That the property is blighted, abandoned, or deteriorated;
- d. That the Commission has given notice to the property owner,

designated agent, or resident that the property has been determined to be blighted, abandoned, or deteriorated and the time period for correction of such condition has expired, and the property owner, designated agent, or resident has failed to comply with the notice. The findings required in this sub-section shall be in writing and included in the report by the Commission to the legislative body. The Commission shall notify the owner of the property, or a designated agent, or the resident that a determination of blight, abandonment, or deterioration has been made and that failure to eliminate the conditions causing the blight, abandonment, or deterioration shall render the property subject to condemnation by the City under KRS 99.705 to 99.730. Notice shall be mailed to the owner, designated agent, or resident by certified mail, return receipt requested; however, if the address of the owner or designated agent is unknown and cannot be ascertained by the Commission in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected. The written notice sent to the owner, designated agent, or resident shall describe the condition(s) that render the property blighted, or abandoned, or deteriorated and shall demand abatement of the conditions within ninety (90) days of the receipt of such notice.

SECTION 7: The City may acquire by eminent domain, pursuant to KRS Chapter 416, any property determined to be blighted, abandoned, or deteriorated pursuant to the provisions of this Ordinance. The City shall have the power to hold, clear, manage, or dispose of the property so acquired for residential and related use, pursuant to KRS 99.705 through 99.730.

SECTION 8: The City Council of the City of Vanceburg may institute eminent domain proceedings pursuant to KRS Chapter 416 against any property which has

been certified as blighted, abandoned, or deteriorated by the Commission if it finds:

1. That such property has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety, and welfare;
2. That such property is likely to continue to deteriorate unless corrected;
3. That the continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property; and
4. That the owner of such property has failed to correct the deterioration of the property.

SECTION 9: The City Council of the City of Vanceburg adopts the provisions of KRS 99.700 in their totality.

SECTION 10: The City shall be entitled to recover the costs expended in removing, correcting, or abating the blighting or deteriorating condition of such property, and said expenses shall be deducted from the purchase price of such property, along with all reasonable attorney's fees and court costs.

SECTION 11: PUBLIC NUISANCE DEFINED. Any building or structure within the corporate limits of the City of Vanceburg, Lewis County, Kentucky, because of want of repairs, dilapidated condition, instability, presence of debris or other material not being used for any apparent purpose, or which is especially liable to fire, and which is so situated as to endanger the life or property of others therein or what is commonly known as a fire hazard or collapse hazard to the property owner and residents of the City and interferes with the comfortable enjoyment of life or the property of the citizens thereof, is declared to be a public nuisance. Any property within the corporate limits of the City of Vanceburg, Lewis County, Kentucky, with the presence of debris, trash, or other material not being used for any apparent purpose and which is so situated as to be considered a health hazard or eyesore to the property owners and residents of the City and interferes with the comfortable enjoyment of life or property of the citizens thereof, is declared to be a public nuisance.

SECTION 12: On and after the effective date of this Ordinance it shall be unlawful for any person, firm, limited liability company, or corporation to allow a nuisance or suffer or permit weeds and like vegetation to grow or mature upon their privately owned property, except farm land, within the City of Vanceburg, Kentucky, and it shall be required that such weeds and like vegetation that may grow upon their said properties to be cut to the edge of the road and removed at least once each month during the season between June 1 and September 30 of each year.

SECTION 13: Should any owner of real estate located within the corporate limits of the City fail or refuse to comply with the provisions of this Ordinance after having been give ten (10) days to do so, the City of Vanceburg, its officers, agents, and/or contractors shall be authorized to enter upon such premises with appropriate devices and machinery and cut and remove therefrom said weeds and other like vegetation. The cost of so cutting and removing said weeds and other like vegetation shall, until paid by the owner of said property, be and constitute a lien upon and against said real estate in favor of the City of Vanceburg, and may be enforced and collected by any appropriate process of law. In addition, said lien shall include the attorney's fees and court costs incurred in its preparation and any proceedings to enforce this Ordinance. The written notice herein provided for shall be given by the City Clerk or such other official designated by her and shall be transmitted by certified mail, return receipt requested, to the property owner(s), involved at their last known address.

SECTION 14: In addition to the foregoing, any person, firm, limited liability company, or corporation who shall violate any of the provisions of this Ordinance shall be deemed guilty of a Class B Misdemeanor under Kentucky law and shall be subject to fine and imprisonment to the maximum amount allowed by law, sentence to be determined by the court or jury trying the case, and each day's violation after the effective date of said written notice shall be deemed a separate

offense. All monies collected by reason of the enforcement of this Ordinance, including enforcement of liens, fines, forfeitures, and court costs shall be paid into the General Fund of the City to defray the expense of general government.

SECTION 15: This Ordinance shall be enforced by any member of the Vanceburg Police Department, the Mayor of the City, or any other designee of the Mayor of the City of Vanceburg, Kentucky (hereinafter "Enforcement Officer"). Such Enforcement Officer shall have the right to enter into premises or property or improvements located thereon which are located within the city limits of the City of Vanceburg at any reasonable time of day, or at any time of day if the Enforcement Officer determines that an emergency or imminent threat of collapse or fire is present, in order to inspect said premises, property, or improvements located thereon for violations of this ordinance.

SECTION 16: Each provision of this Ordinance is intended to be enacted separately, such that if any provision, paragraph, or sentence is determined to be invalid or unconstitutional, such finding shall not affect the validity or enforceability of the remainder of the provisions herein.

SECTION 17: That all Ordinances in conflict herewith are specifically hereby repealed to the extent of said conflict only.

This Ordinance shall be in full force and become effective from and after its passage, approval, and publication as required by law. This Ordinance is passed as an Emergency Ordinance in order to clarify, modify, or replace existing Ordinances.


DANA BLANKENSHIP, MAYOR
City of Vanceburg, KY

ATTEST:


JEANA BILLMAN

Vanceburg City Clerk

FIRST READING: 09.09.19

SECOND READING AND PASSAGE: 10.07.19

PUBLISHED: 10.15.19