

AN ORDINANCE OF THE CITY OF SMITHS GROVE, KENTUCKY GRANTING UNTO THE WARREN COUNTY WATER DISTRICT THE RIGHTS TO USE THE STREETS, ALLEYS AND OTHER RIGHTS OF WAY OF THE CITY OF SMITHS GROVE FOR INSTALLATION AND OPERATION OF SEWER FACILITIES; AND, AUTHORIZING THE CONTRIBUTION OF FUNDS FROM THE CITY'S GENERAL FUNDS TO ASSIST THE WARREN COUNTY WATER DISTRICT IN ACQUISITION, CONSTRUCTION , AND INSTALLATION OF A SANITARY SEWER SYSTEM IN THE CITY OF SMITHS GROVE; AND, AUTHORIZED THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF SMITHS GROVE AND WARREN COUNTY WATER DISTRICT REGARDING UTILIZATION OF KENTUCKY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR PURPOSES OF ACQUISITION, CONSTRUCTION, AND INSTALLATION OF CERTAIN ADDITIONS TO THE WARREN COUNTY WATER DISTRICT.

WHEREAS, the Warren County Water District (hereinafter the "District"), a duly constituted water district who presents Chapter 74 of the Kentucky Revised Statutes, is undertaking to acquire and improve and will operate and maintain a municipal sanitary sewer system (hereinafter the "System") for the benefit of the citizens of the City of Smiths Grove (hereinafter the "City") and its Environs and in the interest of the public health, safety and welfare; and

WHEREAS, it is necessary for the City to establish regulations regarding the connections to the System and related matters; and

WHEREAS, it is further necessary for the City to grant to the District the right to use the City's streets, alleys, and other public rights-of-way for installation and operation of the System and to provide other assistance including the contribution of sums from the City's general fund for assistance in construction of the System.

WHEREAS, it is further necessary for the City to enter into a Memorandum of Agreement between the City of Smiths Grove and Warren County Water District regarding utilization of Kentucky Community Development Block Grant funds for purposes of acquisition, construction, and installation of certain additions to the Warren County Water District.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SMITHS GROVE, KENTUCKY, DOES HEREBY ORDAIN AS FOLLOWS:

## ARTICLE I - DEFINITIONS

SECTION 1. All statements and recitals set forth in the preamble of this Resolution, including the terms defined therein, are hereby affirmed and adopted as a part of the Resolution.

## ARTICLE II - USE OF PUBLIC SEWERS REQUIRED

SECTION 1. All homes, businesses, commercial, industrial and other establishments within the corporate limits of the City shall become water and sewer customers of the District and connect to the Sewer System.

SECTION 2. Each home within the City shall pay a \$500 connect fee. Each business, commercial, industrial, or other establishment within the City shall pay a \$1,000 connect fee. The connect fees shall be paid to the District upon their request.

SECTION 3. All homes, businesses, commercial, industrial or other establishments discharging waste water shall comply with all rules and regulations of the District as presently in force and as same may be amended from time to time.

## ARTICLE III - OBLIGATIONS BETWEEN CITY AND DISTRICT

SECTION 1. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the System. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

## ARTICLE IV - PENALTIES

SECTION 1. Any person(s) found to be violating any provisions of this Ordinance shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

SECTION 2. Any person(s) who shall continue any violation beyond the time limit provided for in ARTICLE IV, SECTION 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$500 for each violation. Each day in which such violation shall continue shall be deemed a separate offense.

SECTION 3. Any person(s) violating any of the provisions of this Resolution shall become liable to the District for any expense, loss of damage occasioned the District by reason of such violation.

## ARTICLE V - USE OF CITY STREET, ALLEYS, AND RIGHT-OF-WAYS

SECTION 1. The City hereby grants to the District such franchises, easements, and the right to utilize the City's streets, alleys and other rights-of-way for installation and operation of the System within the City and shall convey when required by easement or otherwise such right-of-way and shall further assist the District in obtaining and/or providing any easements within the City of Smiths Grove, including if required, the institution of condemnation proceedings in order that the District may have such easements as may be required for the District.

## ARTICLE VI ASSISTANCE IN CONSTRUCTION AND INSTALLATION OF THE SYSTEM

SECTION 1. The City shall contribute the sum of \$100,000 from its general fund, with said funds to be transferred to the District's Construction Fund to be maintained by the District upon receipt from the District of a commitment of loan funds in the amount of \$761,000 for installation of the System.

SECTION 2. The City will execute a Memorandum of Agreement between the City of Smiths Grove and Warren County Water District regarding utilization of Kentucky Community Development Block Grant funds for purposes of acquisition, construction, and installation of certain additions to the Warren County Water District.

SECTION 3. The City will cooperate with the District and assist in the collection of connect fees in the sum of \$500 for all residences and \$1,000 for all business, commercial, industrial and other establishments. Farmers Home Administration requires that \$129,000 in connect fees be on deposit with the District prior to the District taking construction bids on the System. The City shall not be entitled to a return of any sums deposited in the "1993 Sewer System Construction Fund" pursuant to Article VI, Section 1 deposited in the "1993 Sewer System Construction Fund".

SECTION 4. The City will assist and cooperate with the processing of any grant application in the City's name and provide such data, surveys or other information as may be required for processing of such grant.

## ARTICLE VII

SECTION 1. All resolutions or parts of resolutions and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 2. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part of parts.

ARTICLE VIII

SECTION 1. This Ordinance shall be in full force and effect from and after its adoption and publication in accordance with Kentucky law.

ADOPTED BY THE CITY COMMISSIONERS OF THE CITY OF SMITHS GROVE, KENTUCKY, at a meeting held on the 26<sup>th</sup> day of February, 19 93, and upon such adoption signed by the Mayor, attested under the seal by the Clerk and declared to be in full force and effect.

(SEAL)

James H. Kelley  
MAYOR  
CITY OF SMITHS GROVE, KENTUCKY

ATTEST:

Dorothy J. Neal  
CITY CLERK