

CHAPTER 51: GAS AND WATER

Section

- 51.01 Gas and water tap charges
- 51.02 Service rates and charges
- 51.03 When rates become effective
- 51.04 Billing procedure
- 51.05 Notice taken of statutory requirements
- 51.06 Water shortage advisories, alerts, emergencies
- 51.99 Penalty

§ 51.01 GAS AND WATER TAP CHARGES.

(A) No free use of the services and facilities of the municipal utility system of the city (hereinafter the "system") shall be granted or permitted to any user thereof, including the City of Morehead.

(B) Effective September 1, 2009, the cost for any person, firm, corporation or legal entity desiring to connect or tap onto any water line of the City of Morehead/Morehead Utility Plant Board for residential purposes shall be five hundred dollars (\$500.00) each for such water tap.

(C) Effective September 1, 2009, the cost for any person, firm, corporation or legal entity desiring to connect or tap onto any water line of the City of Morehead/Morehead Utility Plant Board for industrial or commercial purposes shall be the actual cost of labor and material incurred by the Morehead Utility Plant Board.

(D) Effective September 1, 2009, the cost for any person, firm, corporation or legal entity desiring to connect or tap onto any gas line of the City of Morehead/Morehead Utility Plant Board for residential purposes shall be three hundred dollars (\$300.00) each for such gas tap.

(E) Effective September 1, 2009, the cost for any person, firm, corporation or legal entity desiring to connect or tap onto any gas line of the City of Morehead/Morehead Utility Plant Board for industrial or commercial purposes shall be the actual cost of labor and material incurred by the Morehead Utility Plant Board.

(F) Upon payment of the connection or tapping charge the Morehead Utility Plant Board shall cause the connection or tapping to be made.

(G) Any party making any connection without payment of the connection or tapping charge or violating any provision of this section, upon conviction, shall be fined not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00) and each day's violation shall be deemed a separate offense.

(Ord. passed 6-13-67; Am. Ord. passed 6-7-78; Am. Ord. 17:2009, passed 8-10-09)

§ 51.02 SERVICE RATES AND CHARGES.

(A) Rates and charges for the use of the water and gas services and facilities of the system shall be based on the consumption of water, and rates and charges for the use of the gas services and facilities of the system shall be based on the consumption of gas. Rates and charges shall be at least adequate to meet the cost of maintaining, repairing, and operating the system, and making required principal and interest payments and deposits to the debt service or depreciation reserve. On that basis, monthly rates and charges are established and fixed, and will be maintained, at not less than the following:

Water Rates	2013-2014 Fiscal Year	July 1, 2014 and thereafter
First 2,000 gallons	\$10.66	\$11.94 for 2,000 gallons - Minimum Bill
Next 4,000 gallons	\$4.30	\$4.82 for 1,000 gallons
Next 4,000 gallons	\$3.76	\$4.21 for 1,000 gallons
Next 20,000 gallons	\$3.23	\$3.61 for 1,000 gallons
Next 20,000 gallons	\$2.69	\$3.01 for 1,000 gallons
Next 250,000 gallons	\$2.15	\$2.41 for 1,000 gallons
Greater than 300,000 gallons	\$1.84	\$2.06 for 1,000 gallons

(B) The Utility Plant Board may establish the following maximum rates for natural gas customers within the corporate limits of the city:

Gas Rates

First 1,000 MCF	\$3.45 over purchase cost to MUPB from supplier
All purchases over 1,000 MCF	\$1.60 per 1,000 MCF over purchase cost to MUPB from supplier

All charges shall be on a pro rata basis per gas consumption over minimum bill. A minimum bill shall be paid by all customers in an amount to equal the MUPB's actual cost of one thousand (1,000) MCF, from supplier of natural gas plus three dollars and forty-five cents (\$3.45).

(C) Rates and charges for customers of water and gas service located outside the corporate limits of the city shall be one hundred

twenty percent (120%) of the rate schedule which is to be charged to customers located within the corporate limits of the city.

(D) The industrial charge for gas purchases over 5,000 MCF shall be as follows:

First 5,000 MCF	\$3.45 over purchase cost to MUPB from supplier per first 1,000 MCF and \$1.60 over purchase cost per each additional 1,000 MCF up to 5,000 MCF
Over 5,000 MCF	After first 5,000 MCF, \$1.10 over purchase cost to MUPB per 1,000 MCF
Over 25,000 MCF	After first 25,000 MCF, \$0.93 over purchase cost to MUPB per 1,000 MCF

(Ord. passed 5-9-67; Am. Ord. passed 3-11-81; Am. Ord. passed 4-14-86; Am. Ord. passed 4-14-86; Am. Ord. passed 2-14-91; Am. Ord. 1-93, passed 1-11-93; Am. Ord. 19:96, passed 8-12-96; Am. Ord.10:99, passed 4-12-99; Am. Ord. 36:2007, passed 11-12-07; Am. Ord. 14:2013, passed 6-10-13)

Cross-reference:

Water shortages, rates, see § 51.06

§ 51.03 WHEN RATES AND CHARGES BECOME EFFECTIVE.

(A) The rates and charges herein prescribed shall become effective immediately upon making a connection.  
(Ord. passed 6-7-78)

§ 51.04 BILLING PROCEDURE.

The rates and charges shall be billed monthly in the case of metered users, and no less frequently than quarterly in the case of special users, and the water bill and sewer bill shall be rendered at the same time and on the same bill forms, but as separate charges, and all bills for the service shall be due and payable when rendered. If not paid by the fifteenth (15th) of the month following the date rendered, the bill shall be delinquent, and a delay penalty equal to ten percent (10%) of the face amount of the bill shall become due and payable. If the delinquency date should fall on a Sunday or a legal holiday, then the face amount of the bill may be paid on the event secular a day which is not a holiday. If the entire bill is not paid by the fifth (5th) day of the month following the due date, (approximately thirty-five (35) days), then pursuant to authority of KRS 96.934, the water service connection to the premises shall be disconnected, (locked-off). If any delinquent customer shall, thereafter, desire reconnection, a charge in the sum of thirty-two dollars (\$32) is fixed to cover the expense thereof; and prior to reconnection, the customer shall be required to pay the delinquent bill, the penalty, and the charge for reconnection. If the water services are reconnected by the customer, a charge of thirty-five dollars (\$35) will be placed on the customer's account to cover the expense of an additional trip and to replace a broken lock. Whether or not any premises are disconnected because of a delinquency, the City Attorney or any attorney duly authorized to act for and by the city, is authorized and directed to enforce and collect the amount of any bills remaining delinquent for thirty (30) days after the penalty is added (including the penalty, six percent (6%) interest from the date the penalty is added, and court costs) by suit in any court of competent jurisdiction.

(Ord. passed 6-7-78; Am. Ord. 03:2003, passed 2-10-03)

§ 51.05 NOTICE TAKEN OF STATUTORY REQUIREMENTS.

Nothing set forth in this chapter shall be construed in a manner to conflict with the requirements of the Kentucky Revised Statutes, and of any ordinance authorizing the issuance of construction bonds, that the rents, royalties, fees, rates, and charges for the services rendered by the system shall be fixed and revised from time to time to be sufficient to provide for the payment of interest on all bonds; to create a sinking fund to pay the principal when due; and to provide for the operation and maintenance of the system and an adequate depreciation account. It is expressly declared that the rates and charges herein set forth are minimal only, and that they will be increased, if increases should be required at any time, or from time to

time, to comply with the requirements set forth in the statutes and in any bond-authorizing ordinance.

(Ord. passed 6-7-78)

§ 51.06 WATER SHORTAGE ADVISORIES, ALERTS, EMERGENCIES.

(A) Definitions

"CUSTOMER." Any person using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of bulk sales, a cash charge is made at that site of delivery.

"OTHER SOURCES OF WATER." Water that has not been introduced by the city into its water distribution system.

"RAW WATER SUPPLIES." All water potentially available to persons in the City of Morehead.

"TREATED WATER." Water that has been introduced by the City into its water distribution system, including water offered for sale.

"WASTE OF WATER." Includes, but is not limited to

(1) permitting water to escape down a gutter, ditch, or other surface drain, or

(2) failure to repair a controllable leak of water due to defection plumbing.

(B) Treated Water Uses

(1) Class 1 - Essential Water Uses

(a) Domestic. Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.

(b) Health Care Facilities. Water necessary for patient care and rehabilitation.

(c) Water Hauling. Water sales for domestic use where not reasonably available elsewhere.

(d) Public Use. Water necessary for firefighting, health and public protection purposes, as specifically approved by health officials and the municipal governing body.

(2) Class 2 - Socially or Economically Important Uses of Water

(a) Domestic. Personal, in-house water use including kitchen, bathroom and laundry.

(b) Water Hauling. Non-domestic use, when other sources are not reasonably available elsewhere.

(c) Commercial and Civic Use. Water usage by commercial car and truck washes, laundromats, restaurants, clubs and eating places, schools, churches, motels/hotels and similar commercial establishments and charity car washes.

(d) Outdoor Non-Commercial Watering. Minimal watering of vegetable gardens and minimal watering of trees where necessary for their survival.

(e) Outdoor Commercial or Public Watering (using conservation methods and when other sources of water are not available or feasible to use). Agricultural irrigation for the production food and fiber or the maintenance of livestock, watering by arboretums and public gardens of national, state, regional or community significance where necessary to preserve specimens, watering by commercial nurseries where necessary to maintain stock, watering where necessary to establish or maintain revegetation or landscape plantings required pursuant to law or regulation, watering of woody plants where necessary to preserve them, and minimal watering of golf course greens.

(f) Recreational Watering - operation of municipal swimming pools and residential pools that serve more than twenty-five (25) dwellings.

(g) Air Conditioning Watering - refilling for startup at the beginning of the cooling season, makeup of water during the cooling season, refilling specifically approved by health officials and the municipal governing body where the system has been drained for health protection or repair services.

(3) Class 3 - Non-Essential Use of Water. Any waste of water as defined herein, is non-essential. Additionally, the following uses of water are non-essential.

(a) Public Use. Use of fire hydrants (excluding Class I and Class 2 uses), including use of sprinkler caps, testing fire apparatus and fire department drills, flushing of sewers and hydrants except as needed to ensure public health and safety as approved by health officials and the municipal governing body.

(b) Commercial and Civic Use. Serving water in restaurants, clubs, or eating places, except by customer request, failure to repair a controllable leak, increasing water levels in scenic and recreational ponds and lakes, except as necessary to support fish and wildlife.

(c) Ornamental Purposes. Fountains, reflecting pools and artificial waterfalls.

(d) Outdoor Non-Commercial Watering. Use of water for

dirt control or compaction, watering of annual or non-woody plants other than vegetable gardens, watering of lawns, parks, golf course fairways, playing fields and other recreational areas, washing sidewalks, walkways, driveways, parking lots, tennis courts or other hard surface areas, washing down buildings or structures for purposes other than immediate fire protection, flushing gutters or permitting water to run or accumulate in any gutter or street.

(e) Outdoor Commercial or Public Watering. Expanding nursery facilities, placing new irrigated agricultural land in production or planting of landscaping except when required by a site design review process, use of water for dirt control or compaction, watering of lawns, parks, golf course fairways, playing fields and other recreational areas, washing sidewalks, walkways, driveways, parking lots, tennis courts or other hard surface areas, washing down buildings or structures for purposes other than immediate fire protection, flushing gutters or permitting water to run or accumulate in any gutter or street, recreational uses other than those specified as Class 2 and noncommercial washing of motor and other vehicles.

(f) Air Conditioning. Refilling cooling towers after draining. (See also Class 2 purposes.)

(C) Water Shortage Response Phrases:

(1) Advisory. Conditions exist which indicate the potential for serious water supply shortages.

(2) Alert. Raw water supplies are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.

(3) Emergency. Water supplies are below the level necessary to meet normal needs and that serious shortages exist in the area.

(D) Declaration of a Water Shortage Advisory. Whenever the Morehead Utility Plant Board finds that a potential shortage of raw water supplies is indicated, the General Manager shall be empowered to declare a Water Shortage Advisory. The General Manager shall provide the Mayor of the City of Morehead a copy of said Advisory. The General Manager or his/her designee shall, on a daily basis, monitor the supply and demands. As a part of the advisory, the Morehead Utility Plant Board is authorized to call upon all water customers to employ voluntary water conservation measures to limit nonessential (Class 3) water use and eliminate the waste of water for the duration of the shortage advisory until it is declared to have ended by resolution of the Morehead Utility Plant Board.

(E) Declaration of a Water Shortage Alert. Whenever the Morehead Utility Plant Board finds raw water supplies continue to decline consistently below seasonal averages and may not be adequate to meet normal needs of the citizens, the Morehead Utility Plant Board shall be

empowered to declare by the passage of a resolution a Water Shortage Alert. The Morehead Utility Plant Board shall provide the Mayor of the City of Morehead a copy of said resolution upon passage. The General Manager or his/her designee shall, on a daily basis, monitor the supply and demands. The Morehead Utility Plant Board shall continue to encourage voluntary water conservation measures defined under the Advisory declaration, and further there shall be a ban on all non-essential (Class 3) water uses for the duration of the shortage alert until it is declared to have ended by resolution of the Morehead Utility Plant Board. Rowan Water and Bath Water shall be restricted to their contract limits or to such capacity as determined by the Morehead Utility Plant Board upon the declaration of a Water Shortage Alert.

(F) Declaration of Water Shortage Emergency. Whenever the Morehead Utility Plant Board finds that raw water supplies are below the level necessary to meet normal needs and that serious shortages exist, it shall be empowered to declare by the passage of a resolution a Water Shortage Emergency. The Morehead Utility Plant Board shall provide the Mayor of the City of Morehead a copy of said resolution upon passage. The General Manager or his/her designee shall, on a daily basis monitor the supply and demands. Essential uses (Class 1) shall be identified, in specific, as targets for voluntary conservation initiatives. Also, all Socially or Economically Important Uses (Class 2) shall be restricted and Non-Essential Uses (Class 3) shall be banned. These restrictions shall be considered ongoing until the shortage emergency is ended by resolution of the Morehead Utility Plant Board. Rowan Water and Bath Water shall be restricted to the contract limits upon Declaration of a Water Shortage Emergency.

(G) Notices. The Morehead Utility Plant Board shall publish notice of all advisories, alerts, or emergencies along with any and all water use restrictions in The Morehead News and other general news media (radio, television, etc.). Further, the Morehead Utility Plant Board shall publish in the same manner notice when the advisories, alerts or emergencies have ended.

(H) Water Rates. Upon the declaration of a Water Shortage Advisory, Water Shortage Alert, or Water Shortage Emergency, the City of Morehead may adopt shortage water rates designed to conserve water supplies. Such rates may provide for, but not be limited to higher charges per unit for increasing usage (increasing block rates), uniform charges for water usage per unit of use (Uniform unit rate), extra charges for use in excess of a specified level (excess demand surcharge); or discounts for conserving water beyond specified levels.

(I) Regulations. During a Water Shortage Advisory, Water Shortage Alert, or Water Shortage Emergency, the Morehead Utility Plant Board is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance. Such regulations shall be subject to the review of the Board of City Council at its next regular or special meeting.

(Ord. 35:99, passed 10-11-99) Penalty, see § 51.99

## § 51.99 PENALTY.

(A) Any person found to be in violation of § 51.06 may be issued a Notice of Violation by a Code Enforcement Officer allowing the offender a specified time to remedy the violation without a fine. If the violation is not remedied, the offender shall be issued a citation by a Code Enforcement Officer. If the Code Enforcement Officer believes that the violation presents a serious threat to the public health safety, and welfare, or, if in the absence of immediate action, the effects of the violation will be irreparable or irreversible, or the violation is a repeated violation, the Code Enforcement Officer may issue a citation without a Notice of Violation. If the citation is not contested by the offender, the following penalties shall apply; however the Code Enforcement Board may waive all or any portion of said penalty if, in its discretion, the Code Enforcement Board determines that such waiver will promote compliance with this Section:

- (1) First Offense: \$ 50.00 and compliance
- (2) Second Offense: \$100.00 and compliance
- (3) Third Offense: \$150.00 and disconnection of water

(B) If the citation is contested and a hearing before the Code Enforcement Board is required the following maximum penalties may be imposed at the discretion of the Code Enforcement Board:

- (1) First Offense: \$100.00 and compliance
- (2) Second Offense \$200.00 and compliance
- (3) Third Offense \$300.00 and disconnection of water  
(Ord. 35.99, passed 10-11-99)