

**CITY OF GEORGETOWN**  
**ORDINANCE NO. 2015-010**

**AN ORDINANCE AMENDING ORDINANCE 99-045 REGARDING HYDRANT FEES**

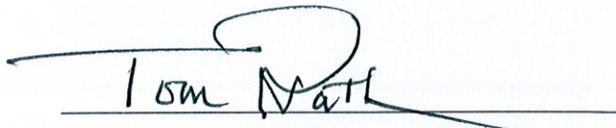
**SUMMARY**

1. Amends Ordinance # 99-045 is to revise the criteria for when a hydrant served by the Kentucky American Water Company is accepted by the city into the public fire protection system and therefore becomes the city's responsibility for service charges from Kentucky American. Bases acceptance on the distance of hydrants from habitable structures, rather than dedication of street infrastructure.
2. Provides that hydrants intended to be private are exempt from the standard and remain private unless specifically accepted by the city council
3. Reduces the city's administrative fee from fifteen percent to two percent.
4. Provides for severability, repeal of inconsistent ordinances and an effective date upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: July 13, 2015

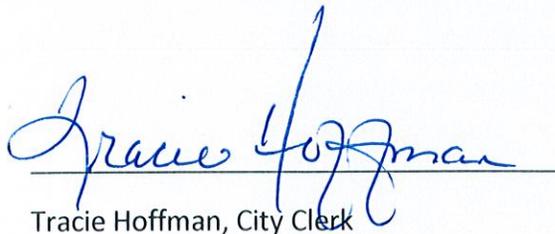
PUBLICLY READ SECOND TIME AND PASSED: August 10, 2015

APPROVED:

  
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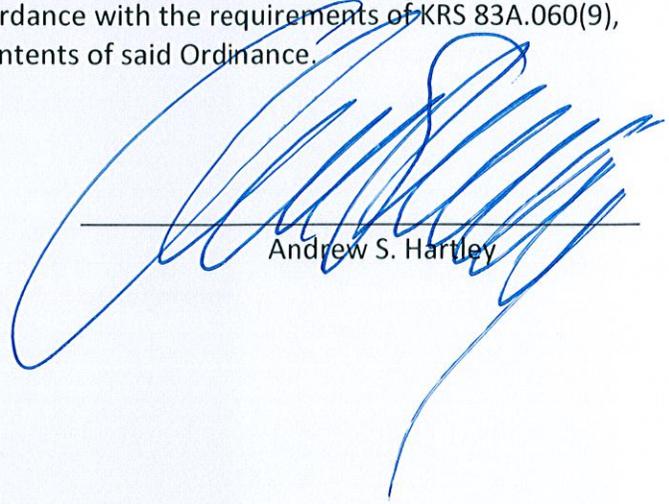
Tom Prather, Mayor

ATTEST:

  
\_\_\_\_\_

Tracie Hoffman, City Clerk

I, Andrew S. Hartley, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky. My office is located at 100 North Court Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 15-010 of the City of Georgetown, Kentucky, was prepared in accordance with the requirements of KRS 83A.060(9), and is a true and accurate summary of the contents of said Ordinance.



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Andrew S. Hartley

**CITY OF GEORGETOWN**  
**ORDINANCE NO. 2015-010**

**AN ORDINANCE AMENDING ORDINANCE 99-045 REGARDING HYDRANT FEES**

Sponsor – Council Member David Lusby

**WHEREAS:** The Georgetown City Council desires to amend the hydrant fees ordinance to revise the standard for when a hydrant is accepted into the public hydrant system;

**NOW, THEREFORE,** be it ordained by the City of Georgetown, Kentucky, as follows:

**SECTION ONE**

Ordinance # 99-045 is amended as follows:

(a) *Establishment of hydrant fee.* A fee for fire hydrants shall be charged of all customers, within the area of the city served by ~~KyAm~~ (the Kentucky American Water Company ("KyAm")). This fee shall cover all costs related to the maintenance of fire hydrants within the KyAm service area. Related costs shall include the city's cost of administering the collection of the fee and the required remittance to KyAm in satisfaction of all fire hydrant service charges levied for the provision and maintenance of fire hydrants within the KyAm service.

(b) *Calculation of hydrant fee.* The fire hydrant fee to be charged customers of the KyAm service area shall be calculated as follows: (1) The KyAm annual service charge per hydrant times the number of hydrants in the KyAm service area yields the amount to be collected from the benefitted residents. The number of hydrants used in this calculation shall be the actual number of hydrants in service plus that number reasonably anticipated for installation during the coming year;

(2) The amount determined in paragraph (1) above, times one hundred and two (102)~~(fifteen (115))~~ percent, yields the total income the city must receive to cover the service charge for all hydrants anticipated during the year in which the established fee is to be collected, the expense of administering the collection and payment of funds under this section, additional funds necessary to offset income lost due to nonpayment of fee and interim rate increases. In the event the actual experience reveals that one hundred and two (102)~~(fifteen (115))~~ percent of the KyAm service charge is not sufficient to cover the actual costs described above, the city, upon documentation of the insufficiency, may establish the total required income under this paragraph at greater than one hundred and two (102)~~(fifteen (115))~~ percent of the amount determined in paragraph (1) above;

(3) The amount determined in paragraph b., above, divided by the number of customers yields the annual amount to be collected from each customer in the KyAm service area;

(4) The amount determined in paragraph (3), above, divided by twelve (12) yields the monthly payment to be collected from each customer.

(c) *Annual review of hydrant fee.* On or before January 1 of each succeeding year after the effective date of the hydrant fee, the city shall review the fee calculated under subsection (b) above, making such adjustments as are necessary to maintain the fee at one hundred fifteen (115) percent of that amount required to cover the anticipated annual cost of the KyAm service fee for fire hydrants, subject to the provisions of subsection (b)(2).

(d) *Responsibility for hydrant service charge.* The initial responsibility for the service charge for KyAm hydrants shall rest with the person or entity with whom KyAm contracted for the installation of the hydrant. The City shall assume responsibility for the service charge for a hydrant when the hydrant is accepted by the City as part of the public fire protection system. Hydrants which are installed as part of the public fire protection ~~[service]~~ system shall be installed pursuant to approved development plans or subdivision plats and dedicated to the city's use as part of the public fire protection ~~[service]~~ system. The city's acceptance of the dedication of a hydrant shall occur whenever any structure or part thereof for which a certificate of occupancy has been issued lies within the hydrant's Service Area. For purposes of this section, Service Area means a circle with a hydrant as the center point and a radius equal to one half (1/2) of the minimum distance between hydrants, as required by the applicable standard adopted by the City of Georgetown. Application for acceptance of a hydrant into the public fire protection system shall be made to the Fire Marshal, on a form issued by him or her. Upon a determination by the Fire Marshal that a hydrant meets the criteria in this section for acceptance into the public fire protection service and certification of such to the City Clerk, such hydrant shall be automatically accepted into the public fire protection system and such acceptance shall not require approval of the city council. [shall occur at such time as the public improvements, of which the hydrant is part, are installed according to the approved plan pursuant to the provisions of KRS 100.277(4). The city shall assume responsibility for the KyAm service fee upon acceptance of the dedication (e.g. a developer will be responsible for the cost of the hydrant until he or she has installed all public improvements according to a planning commission approved plan or plat. Upon acceptance of the installed hydrant into the public fire protection system, the city shall assume responsibility for hydrant payments to KyAm.)] Notwithstanding the provisions of this section, responsibility for hydrants that are or were not intended to be dedicated to the city as part of the public fire protection system shall remain with the person or entity with whom KyAm contracted for the installation of the hydrant and such person or entity's successors and assigns unless specifically accepted by the city council for maintenance as part of the public fire protection system.

(e) *Responsibility of Kentucky American Water Company.* The Kentucky American Water Company shall cooperate with the city in the provision of all necessary information related to the location and number of KyAm fire hydrants within the city's limits and the number and location of KyAm's customers. KyAm shall include the city's fire hydrant fee on its water bill to

customers within the city's boundaries. KyAm shall remit to the city all hydrant fee payments collected. The remittance of these payments shall be on or before the tenth day of each month.

(f) *Commencement of hydrant fee payments.* The KyAm customers' monthly hydrant payments shall commence upon the completion of the following:

- (1) The calculation of the city's fee as provided above;
- (2) Notification to KyAm of the amount to be collected;
- (3) The inclusion of the amount to be collected on the KyAm customer water bill; and
- (4) If necessary, approval by the public service commission of the inclusion of the city's fee on the KyAm customer water bill.

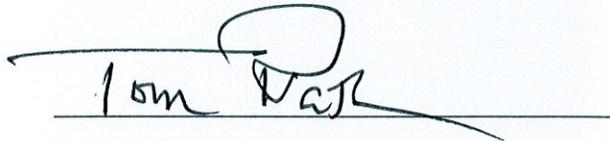
**SECTION TWO** - If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION THREE** - This Ordinance shall become effective on adoption and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: July 13, 2015

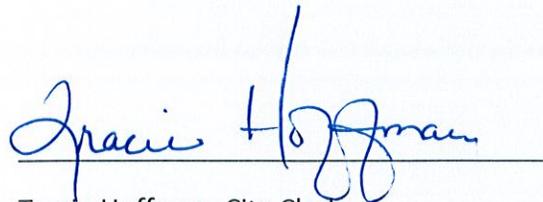
PUBLICLY READ SECOND TIME AND PASSED: August 10, 2015

APPROVED:

A handwritten signature in black ink, appearing to read "Tom Prather", written over a horizontal line.

Tom Prather, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Tracie Hoffman", written over a horizontal line.

Tracie Hoffman, City Clerk