

ORDINANCE NO. 01-2017

AN ORDINANCE OF THE CITY OF ELIZABETHTOWN, KENTUCKY
AMENDING THE SEWER USE ORDINANCE (ORDINANCE NO. 11-2002)

BE IT ORDAINED that from and after the passage, approval and publication of this ordinance, the Sewer Use Ordinance (Ordinance No. 11-2002) is amended as follows:

PARAGRAPH 040037

All grease interceptors or traps shall be maintained by the user at his expense, in a manner that shall prevent fat waste, oil or grease from being carried into the sewer at all times. Fat waste, oil or grease removed from such a facility shall not be disposed of in the sanitary sewer. Maintenance shall include the dry cleaning of the trap or interceptor on at least a monthly basis for units located outside, and daily for undersink units. The Control Authority may grant an extension on a required cleaning frequency [~~on a case-by-case basis~~] where the user has demonstrated, with analytical data, the cleaning frequency produces an effluent in consistent compliance with this Ordinance. A record of maintenance shall be mailed or faxed to the Control Authority [~~every three (3) months~~] **on a quarterly basis** on a form the Control Authority provides. **Quarters will run from January through March, April through June, July through September and October through December.** Failure to submit a maintenance record to the Control Authority by tenth day of the following quarter (**January 10th, April 10th, July 10th, and October 10th**) will result in assessment of a [~~five dollar per day~~] **\$100.00** late reporting fee **applied as a surcharge.** [~~If a failure to maintain grease traps or interceptors results in partial or complete blockage of parts of the sewer system or requires excessive maintenance by the City, the discharger shall be billed for all cleanup costs incurred by the City.~~]

Failure to maintain grease traps will result in [~~an administrative fine being set of~~] a **surcharge being applied in the amount of** \$50.00 per [~~occurrence monthly~~] **monthly occurrence** for interior undersink traps and \$200.00 per [~~occurrence monthly~~] **monthly occurrence** for exterior traps. [~~Each day a trap remains unmaintained or uncleaned shall be considered a separate occurrence for the purpose of enforcement of this Ordinance.~~]
(Amended: Ordinance #06-2004; 05/17/04)

If a failure to maintain grease traps or interceptors results in partial or complete blockage of parts of the sewer system or requires excessive maintenance by the City, the discharger shall be billed for all cleanup costs incurred by the City.

The City may terminate water service if the offending user fails to pay the surcharge at least three months past the due date. The City will notify Hardin County Water District #2 to terminate water service pursuant to KRS 96.930-96.943.

Penalty: Any person violating this paragraph may also be found guilty of a civil offense. The civil administrative fine shall be not less than \$50.00 for the failure to maintain the interior

under sink traps and not less than two hundred dollars (\$200.00) for failure to maintain the exterior traps. The civil fine shall be paid directly to the City of Elizabethtown. If the fine is not paid within thirty (30) days from the date of notification, the City may recover said fine in a civil action in the court of proper jurisdiction. The City may also obtain injunctions or abatement orders to insure compliance with this ordinance or pursue administrative remedies when appropriate, including injunctions and abatement proceedings. (Amended: Ordinance #06-2004; 05/17/04)

The ~~[enforcing agency, department or individual may]~~ **City may also** choose to seek enforcement through the Code Enforcement Board enacted on the 30th day of April, 2003, by Ordinance #09-2003. **The citing officer shall cite the offender to appear before the Code Enforcement Board. (Ord. 9-2003).** (Amended: Ordinance No. 19-2003; 06/23/03)

Nothing in this section shall negate the ability of the City to pursue civil penalties of up to \$25,000 as prescribed by law. ~~[The citing officer may at his or her discretion cite the offender to appear before the Code Enforcement Board. (Ord. 9-2003). (Amended: Ordinance #06-2004; 05/17/04)]~~

PARAGRAPH 060008 Treatable Constituents Surcharge Parameters and Rates.

Surchargeable parameters identified in PARAGRAPH 040051, 040052, 040053, 040054 shall be charged at a rate as established by Section 3, Subsection ~~[C]~~ **B** of the Elizabethtown Water and Sewer Rate Ordinance. (Amended Ordinance #02-2013; 03/04/13) (Amended Ordinance #07-2016; 05/16/16)

BE IT FURTHER ORDAINED that the Mayor of the City of Elizabethtown and/or her designate be and she is authorized and directed to take all steps necessary to perfect this Ordinance.

READ THE FIRST TIME, the 20th day of February, 2017.

READ, ADOPTED AND APPROVED the 6th day of March, 2017.

EDNA B. BERGER, MAYOR

ATTESTED TO:

MARY CHAUDOIN, CITY CLERK