

96.930 Declaration of policy of KRS 96.930 to 96.943.

The General Assembly hereby recognizes and declares that the use of water in any manner tending to contaminate it, raises a correlative public duty to provide for the proper disposition thereof according to the highest public health standards, and that such public duty includes full responsibility for paying the cost of such disposition.

Effective: June 19, 1958

History: Created 1958 Ky. Acts ch. 170, sec. 1, effective June 1958.

96.931 Definitions for KRS 96.930 to 96.943.

As used in KRS 96.930 to 96.943, unless the context otherwise requires:

- (1) "City" means an incorporated municipality of any class;
- (2) "Governing body" means the body vested by law with the legislative power of a city;
- (3) "Sewer body" means the body vested with responsibility for the control, operation, and maintenance of a city's sewer facilities, which may be the governing body or a board, commission, or agency, created by statute or by city ordinance, or a private person, performing such functions under lawful contract with the city;
- (4) "Water supplier" means any person supplying water intended to be used, or actually used, in any manner resulting in contamination and includes the city itself, other cities and public bodies, and private operators of water-supplying facilities;
- (5) "Public health standards" means such standards as are lawfully prescribed from time to time by the secretary for health and family services, the United States Public Health Service, or any lawfully constituted county, city, or other public board, department, or agency, vested with responsibility in this area.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 99, sec. 115, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 98, effective July 15, 1998. -- Created 1958 Ky. Acts ch. 170, sec. 2, effective June 19, 1958.

96.932 Enforcement of sewer charge collections by discontinuing water service.

In the interests of the public health, safety, and general welfare, cities may enforce collection of lawful rates and charges for the use of municipal sewer facilities by requiring that water service, whether provided publicly or privately, be discontinued until payment is made or some satisfactory arrangement is reached. Cities may delegate to sewer bodies the power to issue orders to water suppliers to discontinue service to any person who is delinquent in paying sewer charges.

Effective: June 19, 1958

History: Created 1958 Ky. Acts ch. 170, sec. 3, effective June 19, 1958.

96.934 Coordination of sewer body with water supplier.

- (1) If a city is also the water supplier, the governing body may provide that rates for water service and sewer service be billed simultaneously and that water service shall be discontinued upon failure to pay any part of such charges, including penalties, interest, and reasonable fees for disconnection and reconnection;
- (2) If a city is not also the water supplier, then in the event of failure on the part of any sewer user to pay, when due, the bill for sewer service charges, the sewer body may, when such power has been delegated to it by the city, give notice in writing, signed by an authorized person, to the water supplier, to discontinue water service to premises designated in the notice, until notified otherwise. The notice shall identify the delinquent sewer user in such manner as reasonably to enable the water supplier to identify the water service connection which is to be cut off pursuant thereto. Upon receipt of such notice, the water supplier shall discontinue water service to the premises until notified otherwise by the sewer body.

Effective: June 19, 1958

History: Created 1958 Ky. Acts ch. 170, sec. 4, effective June 19, 1958.

96.936 Rights of water supplier.

- (1) A water supplier may in writing served upon the city clerk, set forth (a) reasonable fees or charges for disconnecting and reconnecting water service connections, and (b) whether or not it will require that an authorized agent of the sewer body accompany its own agent or employee when disconnection is undertaken pursuant to any order to discontinue service by the sewer operator.
- (2) If, at the time a water supplier receives notice to discontinue service the terms of the written instrument delivered to the city clerk require that an authorized agent of the sewer body be present when the water connection is cut off, the water supplier shall not be required to effect the discontinuance of water service if it is unable to procure the presence of an authorized agent of the sewer body.

Effective: June 19, 1958

History: Created 1958 Ky. Acts ch. 170, sec. 5, effective June 19, 1958.

96.938 Adjustments of sewer charges.

No payment of the bill for sewer service charges disputed by the sewer user shall be deemed a waiver by the sewer user of any right thereafter to claim and recover from the sewer body any and all sums improperly included in the bill. In the event of such dispute, the authorized agent of the sewer body may make adjustment for any apparent error in mathematical computation of the bill, he may tentatively agree to any proposed plan for delayed payment, or he may refer the dispute to the sewer operator for consideration. In such event the agent of the sewer body may direct that the water service not be discontinued at that time, and he shall indorse such direction upon the water supplier's discontinuance notice. If a water supplier is directed not to discontinue service, after sending an agent to perform such duty, it shall be entitled to receive its proper fee as if the discontinuance had been made.

Effective: June 19, 1958

History: Created 1958 Ky. Acts ch. 170, sec. 6, effective June 19, 1958.

96.940 Contract for joint collection of charges.

Any sewer body and any water supplier may enter into a contract relating to any of the provisions of KRS 96.930 to 96.943. Such contract may provide that the water supplier shall furnish to the sewer body copies of its records, or that the water supplier will compute sewer charges for the sewer body. However, no such contract shall render nugatory the right of a sewer body, to order water suppliers to terminate water service to any premise, provided such authority has been delegated to the sewer body by the city.

Effective: June 19, 1958

History: Created 1958 Ky. Acts ch. 170, sec. 7, effective June 19, 1958.

96.942 Nonliability for discontinuing service.

No water supplier who discontinues water service pursuant to an order from the sewer body as provided in KRS 96.930 to 96.943, shall incur any liability by reason thereof, except to the extent of its own negligence or other improper conduct.

Effective: June 19, 1958

History: Created 1958 Ky. Acts ch. 170, sec. 8, effective June 19, 1958.

96.943 Liability for failure to discontinue service.

Any water supplier which wrongfully fails or refuses to discontinue water service pursuant to an order properly made to it by a sewer body and continues such failure or refusal for a period of thirty (30) days after receipt of the notice, shall be liable to the sewer body for any amount due from the sewer user involved.

Effective: June 19, 1958

History: Created 1958 Ky. Acts ch. 170, sec. 9, effective June 19, 1958.