

McCREARY COUNTY

WATER SHORTAGE RESPONSE ORDINANCE

(Advisory, Alert and Emergency Phases)

ORDINANCE NO.

610.1

An ordinance authorizing the declaration of a water shortage; establishing procedures and measures for the essential conservation of water resources; authorizing the issuance of administrative regulations; and prescribing certain penalties.

Be it Enacted by the Fiscal Court of McCreary County.

Section 1. Purpose. The purpose of this ordinance is to provide for the declaration of official phases of water supply shortage situations and the implementation of voluntary and mandatory water conservation measures throughout the County in the event a shortage is declared. Nothing in this ordinance shall be construed to interfere with common law riparian or statutory water rights.

Section 2. Definitions.

- (a) "Customer," as the term is used in this ordinance, shall mean any person using water for any Water District distribution system and for which either a regular charge is made or, in the case of bulk sales, a cash charge is made at the site of delivery.
- (b) "Other Sources of Water," as the term is used in this ordinance, shall mean water that has not been introduced by the County into its water distribution system.
- (c) "Raw Water Supplies," as the term is used this ordinance, shall mean all water potentially available to persons in the County of McCreary.
- (d) "Treated Water," as the term is used in this ordinance, shall mean water that has been introduced by the District into its water distribution system, including water offered for sale. Uses of treated water are classified as follows:

Essential Water Uses (Class 1):

The following uses of water, listed by Site or User type, are essential.

Domestic:

- water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.

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8/19/2005
PURSUANT TO 807 KAR 5:011
SECTION 9 (1)

By 
Executive Director

Health Care Facilities:

- patient care and rehabilitation, including related filling and operation of swimming pools.

Water Hauling:

- sales for domestic use where not reasonably available elsewhere.

Public Use:

- firefighting,
- health and public protection purposes, if specifically approved by health officials and the municipal governing body.

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

The following uses of water, listed by site or user type, are socially or economically important.

Domestic:

- personal, in-house water use including kitchen, bathroom and laundry.

Water Hauling:

- non-domestic, when other sources are not reasonably available elsewhere.

Commercial and Civic Use:

- commercial car and truck washes,
- laundry mats,
- restaurants, clubs and eating places,
- schools, churches, motels/hotels and similar commercial establishments.

Outdoor Non-Commercial Watering:

- minimal watering of vegetable gardens,
- minimal watering of trees where necessary to preserve them.

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 of 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 at a minimum level necessary to maintain stock,
- watering at a minimum rate necessary to establish or maintain revegetation or landscape plantings required pursuant to law or regulation,
- watering of woody plants where necessary to preserve them
- minimal watering of golf course greens.

Recreational:

- operation of municipal swimming pools and residential pools that serve more than 25 dwelling units

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By 
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Air Conditioning:

- 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.

Non-Essential (Class 3):

Any waste of water, as defined herein, is non-essential. The following uses of water, listed by site or user type, are non-essential.

Public Use:

- use of fire hydrants (excluding Class I and Class II 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.

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 for the minimum amount required to support fish and wildlife.

Ornamental Purposes:

- fountains, reflecting pools and artificial waterfalls.

Outdoor Watering:

- use of water for dirt control or compaction,
- watering of annual or non-woody plants, 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.

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 II.

Non-commercial washing of motor and other

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8/19/2005

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Air Conditioning (see also Class II purposes):
- refilling cooling towers after draining.

(e) "Waste of Water," as the term is used in this ordinance, 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 defective plumbing.

(f) Water Shortage Response Phases:

"Advisory," as the term is used in this ordinance, shall mean that conditions exist which indicate the potential for serious water supply shortages.

"Alert," as the term is used in this ordinance, shall mean that raw water supplies are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs, or if demands are higher than normal for a consistent period of time and supplies may not be adequate to meet normal needs.


"Emergency," as the term is used in this ordinance, shall mean that water supplies are below the level necessary to meet normal needs and that serious shortages exist in the area.

Section 3. Declaration of a Water Shortage Advisory. Whenever the governing body of the District finds that a potential shortage of raw water supplies is indicated, it shall be empowered to declare by resolution that a Water Shortage Advisory exists, and that the Water District shall, on a daily basis, monitor the supply and demands upon that supply. In addition, the Manager or Superintendent is authorized to call upon all water customers to employ voluntary water conservation measures to limit non-essential (Class 3) water use and eliminate the waste of water. This resolution shall be published in the official city newspaper and may be publicized and through the general news media or any other appropriate method for making such resolutions public.

Section 4. Declaration of a Water Shortage Alert. Whenever the governing body of the District finds raw water supplies to be consistently below seasonal averages, and if they continue to decline and may not be adequate to meet normal needs, it shall be empowered to declare by resolution that a Water Shortage Alert exists. The District shall continue to encourage voluntary water conservation measures defined under the Advisory declaration, and further shall impose a ban on all non-essential (Class 3) water uses for the duration of the shortage until it is declared to have ended by resolution of the governing body. Declaration of these resolutions shall follow the guidelines in Section 3 of this ordinance.

Section 5. Declaration of a Water Shortage Emergency. Whenever the governing body of the District 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 resolution that a Water Shortage Emergency exists. Essential Uses (Class 1) shall be identified, in specific, as targeted for voluntary conservation initiatives. Also, all Socially or Economically Important Uses (Class 2) shall be banned in addition to the Non-Essential Uses (Class 3). These restrictions shall be considered pursuant to the emergency as ended by resolution of the governing body. Declaration of these resolutions shall follow the guidelines in Section 3 of this ordinance.

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3/19/2008
PURSUANT TO KAR 2011-111
SECTION 9(h)

By 
Executive Director

Section 6. Shortage Water Rates. Upon the declaration of a water shortage as provided in Sections 3-5, the governing body of the District shall have the power to adopt shortage water rates, by ordinance, designed to conserve water supplies. Such rates may provide for, but not be limited to: (a) higher charges per unit for increasing usage (increasing block rates); (b) uniform charges for water usage per unit of use (uniform unit rate); (c) extra charge for use in excess of a specified level (excess demand surcharge); or (d) discounts for conserving water beyond specified levels.

Section 7. Regulations. During the effective period of any water supply shortage as provided for in Section 3-5, the Water Superintendent is empowered to promulgate such regulations as may be necessary to carry out the provision of this ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or emergency meeting.

Section 8. Penalties. Any person who violates the provisions of this ordinance, who fails to carry out the duties and responsibilities imposed by this ordinance, or who impedes or interferes with any action undertaken or ordered pursuant to this ordinance shall be subject to the following penalties.

(a) If the County Judge Executive, Water Superintendent, or other County Official or Officials charged with implementation and enforcement of this ordinance or a water supply shortage resolution learns of any violation of any water use restriction imposed pursuant to this ordinance, a written notice of the violation shall be affixed to the property where the violation occurred and mailed to the customer of record and to any other person known to the District who is responsible for the violation and order that it be corrected, cured, or abated immediately or within such specified time as the District determines is reasonable under the circumstances. If the order is not complied with, the District may terminate water service to the customer subject to the following procedures.


(1) The District shall give the customer notice by mail that, due to the violation, water services will be discontinued within a specified time and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the District governing body or a hearing officer appointed by the governing body;

(2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and

(3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(b) A fee of \$50.00 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200.00 for the second violation and \$300.00 for each additional violation.

(c) Any customer may also be charged with violation of this ordinance and prosecuted in Municipal Court. Any person so charged and found guilty in Municipal Court of violating the provisions of this ordinance shall be guilty of a Class B misdemeanor. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100.00 which may not be adjusted by the Municipal Court. In addition, such customer may be required by the Court to serve a definite term of imprisonment in the city or county jail which shall be fixed by the Court. The penalty shall not exceed 30 days. The penalty for a second violation shall be a mandatory fine of \$200.00.

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8/18/2005
PURSUANT TO KRS 187.005
SENDER (X)
By 
Executive Director

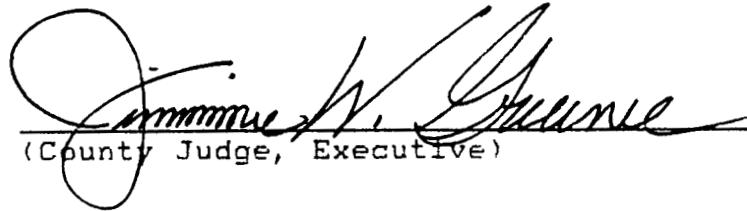
of \$300 which may not be adjusted by the Municipal Court. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days. Penalties for additional violations shall be the same as the second violation

Section 9. Severability. If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.

Section 10. Effective Date. This ordinance shall take effect immediately upon adoption or passage.

Section 11. Effective Period. This ordinance will remain in effect until terminated by action of the Fiscal Court.

Passed by the District (or commission) this 27 day of April, 1999.



(County Judge, Executive)

ATTEST:



(County Clerk's Signature)

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE
8/19/2005
PURSUANT TO 807 KAR 5:011
SECTION 9 (1)

By 

Executive Director

McCREARY COUNTY WATER DISTRICT

WATER RATIONING ORDINANCE

ORDINANCE NO.

An ordinance authorizing the declaration of water rationing; establishing procedures and measures for the essential conservation of water resources; authorizing the issuance of administrative regulations; and prescribing certain penalties.

Be It Enacted by the Fiscal Court of McCreary County.

Section 1. Purpose. The purpose of this ordinance is to provide for the declaration of rationing for equitable distribution of critically short water supplies. Nothing in this ordinance shall be construed to interfere with common law riparian or statutory water rights.

PUBLIC SERVICE COMMISSION
OFFICER IN CHARGE
EFFECTIVE

JUL 24 1999

Section 2. Definitions

- (a) "Allotment," as the term is used in this ordinance, shall mean the maximum quantity of water allowed for each customer over any applicable as established in the provisions of this ordinance.
- (b) "Customer," as the term is used in this ordinance, shall mean any person using water for any purpose from the Districts 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 the site of delivery.
- (c) "Excess Use," as the term is used in this ordinance, shall mean the usage of water by a water customer in excess of the water allotment provided under the provisions of this ordinance for that customer, over any applicable period.
- (d) "Non-Residential Customer," as the term is used in this ordinance, shall mean commercial, industrial, institutional, public and all other such users, with the exception of hospitals and health care facilities.
- (e) "Rationing," as the term is used in this ordinance, shall mean procedures established to provide for the equitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety.
- (f) "Residential Customer," as the term is used in this ordinance, shall mean any customer who receives water service for a single or multi-family dwelling unit. The term residential customer does not include educational or other institutions, hotels, motels, or similar commercial establishments.
- (g) "Service Interruption," as the term is used in this ordinance, shall mean the temporary suspension of water supply, or reduction of pressure below that required for adequate supply, to any customer, portion of a water supply, or entire system.

PURSUANT TO 807 KAR 5.011,
SECTION 9(1)
BY: [Signature]
SECRETARY OF THE COMMISSION

- (h) "Water Supplies," as the term is used in this ordinance, shall mean water available to McCreary County Water District for treatment by virtue of its water rights or withdrawal permit or any treated water introduced by the District into its water distribution system, including water offered for sale.

Section 3. Declaration of Rationing. Whenever the governing body of the District finds a need to provide for the equitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety, it shall be empowered to declare by resolution the adoption of mandatory rationing.

Section 4. Objectives of Rationing

- (a) It is imperative that water customers achieve an immediate further reduction in water use in order to extend existing water supplies and, at the same time, assure that sufficient water is available to preserve the public health and sanitation and to provide fire protection service.
- (b) Should shortages continue, further reductions in usage may be required. The additional usage reduction in the rationed area must be a valid and attainable goal reflective of the conditions which currently exist.
- (c) The plan provides for equitable reductions in water usage and for equal sacrifice on the part of each water customer. The success of this ordinance depends on the cooperation of all water customers in the emergency area.

JUL 24 1999

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PURSUANT TO 807 KAR 5-011,
SECTION 011
BY: Stephan B. Bey
SECRETARY OF THE COMMISSION

Section 5. Water Use Rationing for Residential Customers.

- (a) Metered Residential Water Customers and Allotments:
- (1) The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed.
 - (2) Each dwelling unit (household) shall be allotted 40 gallons per day for each resident of the household. Households with only one permanent resident will have a daily allotment of 55 gallons.
 - (3) Residential water customers are required to provide County and utility personnel with reasonable access to read meters as necessary to this rationing declaration. Where access is not readily available, all reasonable efforts to contact customers in order to arrange for access to read meters shall be made. In the event a water customer does not allow entry to read the meter after reasonable efforts to arrange for such access, the dwelling unit (household) allotment will be reduced to 55 gallons per day; 40 gallons for households with only one permanent resident.

- (4) (i) Where the residential water allotment provided under this section would create an extraordinary hardship, as in the case of special health-related requirements, the water customer may apply to the County for an exemption or variance from these requirements. If it is found that the allotment provided in this section would impose an extraordinary hardship, a revised allotment for the particular customer may be established.
- (ii) Any person aggrieved by a decision relating to such an exemption or variance rendered by a public utility rendering water service beyond its corporate limits, may file a complaint with the Public Service Commission.

Section 6. Water Use Rationing for Non-Residential Water Customers

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- (a) Non-residential water customers shall further reduce their water usage to 50 percent of use levels during rationing.
- (b) It is the primary responsibility of each non-residential water customer to meet its mandated water use reduction in whatever manner possible.
- (c) The District will establish a water allotment for each non-residential water customer, based upon a required further reduction of water usage from the rate of water used by the customer in effect on _____, or the last recorded use level if no meter readings record the rate of the customer's use on _____.
- (d) Each non-residential water customer shall provide access to County or District personnel for purposes of meter reading and monitoring of compliance with this ordinance. All reasonable efforts will be made to contact customers to arrange for access.
- (e) (1) If the mandated further reduction in water usage cannot be obtained without imposing an extraordinary hardship which threatens health and safety, the non-residential customer may apply to the District for a variance. For these purposes "extraordinary hardship" means a permanent damage to property or economic loss which is substantially more severe than the sacrifices borne by other water users subject to this water rationing ordinance. If the further reduction would cause an extraordinary hardship or threaten health or safety, a variance may be granted and a revised water use reduction requirement for the particular customer may be established.
- (2) Any person aggrieved by a decision relating to such a variance rendered by a public utility or municipal corporation rendering water service beyond its corporate limits may file a complaint with the state's Public Service Commission.
- (f) The District will provide each non-residential customer with suggested means to reduce usage levels.

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PURSUANT TO ORDINANCE NO. 11,
SECTION 9 (1)

BY: Stephan O. Bell
SECRETARY OF THE COMMISSION

Section 7. Water Use Rationing for Hospitals and Health Care Facilities

- (a) Hospitals and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers as may be applicable to each individual institution, to the extent compliance will not endanger the health of the patients or residents of the institution.
- (b) Each hospital or health care facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage.
- (c) The District will provide each hospital and health care facility with suggested means to reduce water usage levels.

Section 8. Enforcement of Water Rationing.

- (a) The water utility will have primary responsibility for monitoring of compliance with the water rationing ordinance.
- (b) The following provisions shall govern the implementation of service interruptions:
 - (1) In order to effectuate compliance with its ordinance, the District is hereby authorized and required to plan and implement service interruptions to all or part of its water supply system, as may be deemed appropriate, when any and/or or all of the following conditions are determined to exist:
 - (i) The mandated reduction in system-wide usage has not been achieved, and/or
 - (ii) The mandated reduction in system-wide water usage has been achieved, but has failed to have a significant impact in extending limited water supplies, and/or,
 - (iii) Service interruptions are necessary in order to further extend limited and/or dwindling water supplies.
 - (2) In the event it is determined that service interruptions are necessary, the District shall notify its customers that a planned service interruption is to be imposed. This shall be done through the public media (newspapers, radio, and television) and at least one day prior to the service interruptions.

Such notice shall:

- (i) State the day or days when the planned service disruptions will occur;
- (ii) State the time(s) when such planned services interruptions will commence, and the time(s) such interruptions will cease;

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PURSUANT TO 807 KAR 5-011,
SECTION 9(1)
BY: Stephen O. Best
SECRETARY OF THE COMMISSION

- (iii) State whether the planned service interruptions are to be imposed on the entire systems, or part thereof, and, if only part(s) of the system will experience planned service interruptions, identify geographic boundaries within which such interruptions will occur; and
 - (iv) Advise all customers within the areas affected by planned services interruptions how to treat any water received from the system, for human consumption, during the period(s) of such interruptions and for such additional time as may be necessary until full pressure is restored to the system.
- (3) If a planned service interruption is imposed as authorized and required by this ordinance, it must provide for the continued delivery of water to health care facilities within the area(s) affected by such interruptions, by means of any adequate, alternative delivery measures that may be necessary.
- (4) If a planned interruption is implemented, it must make provision, by any means possible, for the continued delivery of such water as may be necessary for the proper operation of sewage collection, treatment, and disposal systems and facilities.
- (c) Any residential or non-residential water customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use charges.
- (1) "Excess-use charges" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration, ~~as provided~~ in accordance with the following schedule:
- | Excess Usage Per Month | Charge For Excess | |
|--|-------------------|--|
| First 2,000 gallons or portion thereof | \$7.00 | PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE
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| Each 1,000 gallons, or portion thereof, thereafter | \$15.00 | PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: <u>Stephan O. Bell</u>
SECRETARY OF THE COMMISSION |
- (2) Any monies collected through excess-use charges shall not be accounted for as income, but shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.
- (d) In addition to the excess-use charge, non-compliance with the water rationing provisions of this ordinance will result in the following:
- (1) For the first excess use, a warning of possible discontinuation shall be issued to the customer.

- (2) For the second or subsequent excess use, service to the customer may be interrupted or shut off for a period not to exceed 48 hours, or, if the customer provides access, a flow restrictor may be installed in the customer's service line for the duration of the emergency. The cost incurred to interrupt or shut off and reinstate service, or to install and remove a flow restrictor shall be assessed to the water customer.
- (e) Meter reading scheduled are authorized to be altered to assure adequate monitoring of compliance with this ordinance.
- (f) Any customer or other person aggrieved by a decision or action imposing an excess-use charge or other remedy for non-compliance with the requirements of this ordinance may proceed in accordance with the following provisions:
- (1) The County shall adopt procedures which provide an opportunity for the customer or aggrieved party to rebut the findings of a violation, or provide evidence of circumstances beyond the customer's control which resulted in the violation. A record of evidence regarding disputed violations shall be kept, and a written notice of the District's final decision and action in such cases shall be provided to the customer or aggrieved party.
- (2) Any person aggrieved by the final decision or action of a public utility may file a complaint with the Public Service Commission in accordance with established procedures.

Section 9. Shortage Water Rates. Upon the declaration of water rationing as provided in Section 3, the governing body of the District shall have the power to adopt shortage water rates, by ordinance, designed to conserve water supplies. Such rates may provide for, but not be limited to: (a) higher charges per unit of use (increasing block rates); (b) uniform charges per unit of use (uniform unit rate); (c) extra charges for use in excess of a specified level (excess demand surcharge); or (d) discounts for conserving water beyond specified levels.

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Section 10. Regulations. During the effective period of water rationing as provided for in Section 3, the Water Superintendent is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water shortage resolution, or water shortage rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or emergency meeting.

PURSUANT TO KAR 5:011,
SECTION 10
IS
EFFECTIVE
BY ORDER OF THE COMMISSION

Section 11. Penalties. Any person who violates the provisions of this ordinance, who fails to carry out the duties and responsibilities imposed by this ordinance, or who impedes or interferes with any action undertaken or ordered pursuant to this ordinance shall be subject to the following penalties.

- (a) If the County Judge Executive, Water Superintendent, or other County Official or Officials charged with implementation and enforcement of this ordinance or a water supply shortage resolution learns of any violation of any water use restriction imposed pursuant to this

ordinance, a written notice of the violation shall be affixed to the property where the violation occurred and mailed to the customer of record and to any other person known to the District who is responsible for the violation or its correction. Said notice shall describe the violation and order that it be corrected, cured, or abated immediately or within such specified time as the District determines is reasonable under the circumstances. If the order is not complied with, the District may terminate water services to the customer subject to the following procedures.

- (1) The District shall give the customer notice by mail that, due to the violation, water services will be discontinued within a specified time and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the District governing body or a County Official designated as a hearing officer by the governing body;
 - (2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
 - (3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.
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JUL 24 1999
- (b) A fee of \$50.00 shall be paid for the reconnection of any water services terminated pursuant to subsection (1) (a). In the event of subsequent violations, the reconnection fee shall be \$200.00 for the first violation and \$300.00 for each additional violation.
 - (c) Any customer may be also be charged with violation of this ordinance and prosecuted in District Court. Any person so charged and found guilty of a Class B misdemeanor. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be mandatory fees of \$100.00 which may not be adjusted by the District Court. In addition, such customer may be required by the court to serve a definite term of confinement in the county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second violation shall be a mandatory fine of \$200.00, which may not be adjusted by the District Court. In addition, such customer shall serve a definite term of confinement in the county jail, which shall be fixed by the Court and which shall not exceed 30 days. Penalties for additional violations shall be the same as the second violation.

Section 12. Severability. If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.

Section 13. Effective Date. This ordinance shall take effect immediately upon adoption or passage.

Section 14. Effective Period. This ordinance will remain in effect until terminated by action of the Fiscal Court.

Passed by the Fiscal Court this _____ day of _____, 1999.

ATTEST:

Jimmie W. Greene,
McCreary County Judge Executive

Jo Kidd,
McCreary County Court Clerk

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JUL 24 1999

PURSUANT TO 807 KAR 5.011,
SECTION 9(1)
BY: Stephen O Bell
SECRETARY OF THE COMMISSION