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November 10, 2022

City of Crittenden, Kentucky
Attention: Mayor James L. Purcell
117 S. Main Street
Crittenden, KY 41030

Via Email: jimpurcell48@gmail.com

In re: Grant County Sanitary Sewer District
Ordinance No. 01-2008-613

Dear Mayor Purcell:

Over the last few weeks, there appears to be some controversy as to the interpretation and application of the Grant County Sanitary Sewer Ordinance No. 01-2008-613 ("Ordinance") as it applies to mandatory tap-in to the District's existing sanitary sewer system (a copy of the entire Ordinance is attached). Specifically, a question has surfaced as to whether or not three (3) single family residences located on Violet Road, Crittenden, KY (currently served by on-site septic systems) should be required to tap-in to the District's existing sanitary sewer system. The Ordinance at §IV. USE OF WASTEWATER FACILITIES (D) states in its entirety as follows:

“(D) CONNECTION TO SEWER REQUIRED: EXCEPTION.

The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes under the jurisdiction of this chapter and abutting on any street, alley, or rights-of-way in which there is or may be located a wastewater sewer connected to the treatment facility of the district, is required at the owner's expense to install suitable toilet facilities therein and to connect facilities directly to the proper sewer in accordance with the provisions of this chapter, within 60 days after date of official notice to do so provided the proper wastewater sewer is within 300 feet of any house, building or property used for human occupancy, employment, recreation, or other purpose. This section shall not apply to any person served by a privately constructed, owned, operated, or maintained wastewater sewer and wastewater treatment facility that discharges directly to a natural outlet in accordance with the provisions of this chapter and applicable state and federal laws.

For purposes of calculating 300 feet as indicated in this section, distance will be measured in a straight line from the nearest practical connection point with an

existing sewer line to that point of the owner's occupied structure where sewerage is currently discharged from that structure to an existing septic or other sewer treatment facility. All determinations requiring an owner to tap in to the district's system shall be made by the manager whose decision shall be final. Any appeal from the manager's determination requiring an owner to tap in to the district's system shall be made by the owner to the district no later than 30 days following the district's notification to the owner requiring owner's tap in to the district's system. [Emphasis added].

The manager of the district may exempt the owner from the tap in requirements of this section if such tap in would be impractical due to topographical or other engineering considerations.”

In order to determine if the single family residences on Violet Road, Crittenden, Kentucky, should be required to tap-in to the District system, I requested the District Superintendent, Mr. Paul Harp, to conduct an investigation calculating the distance from each of the three residences to the existing sanitary sewer line on Violet Road. In conducting that investigation, I requested Mr. Harp to measure the exact distance from the existing line on Violet Road to the point of each residence where “sewage is currently discharged from that structure to an existing septic or other sewer treatment facility.” Mr. Harp obtained a Plat of the properties in question which consists of Parcel A, Parcel B, and Parcel C (attached). The results of Mr. Harp’s investigation are:

<u>Parcel No.</u>	<u>Distance From Violet Rd. to Residence</u>
A	1,338 feet
B	2,009 feet
C	1,613 feet

In drafting the Ordinance, Mr. Ed Lorenz (then County Attorney) and I reviewed and evaluated sewer ordinances from other Counties in the area for guidance and direction. Based upon our review of other ordinances, we collectively determined that Grant County’s Ordinance should contain specific provisions to establish exactly how the 300 feet distance requirement should be calculated. It is for that very reason that the second paragraph in §IV(D) was drafted and adopted by the Grant County Fiscal Court. In addition, Mr. Lorenz and I, based upon other County ordinances in the Northern Kentucky area, decided to include a provision that would allow a sanitary sewer district Manager to make exceptions to the tap-in requirement when unique topographical or other engineering considerations demanded an exemption from the Ordinance. This provision was particularly relevant given the challenging topographical features which are often characteristic of Grant County.

Based upon the foregoing, it is the District's opinion that the residences on Violet Road are not required to tap-in to the District sanitary sewer system at this time. Should the City of Crittenden disagree with this opinion, the District would be more than open to discuss this issue at its next regular meeting scheduled for November 17, 2022, at 3:00 p.m., One Farrell Drive, Crittenden, KY, 41030. Should you or another representative from the City of Crittenden wish to attend the District's meeting, please advise and I will place this topic on the Agenda.

Should you have any questions in the interim, please feel free to call.

Very truly yours,

//s//Thomas R. Nienaber
THOMAS R. NIENABER

TRN/krp
Enclosure

cc: Hon. Chuck Dills
Hon. Stephen Bates
Chairman Charles Givin
Mr. Robert H. Worthington, Jr.
Mr. Leo Saylor
Mr. Rodger Bingham
Mr. Greg Powell
Superintendent Paul Harp