

Form for filing Rate Schedules

FOR CHRISTIAN COUNTY
Community, Town or City

P.S.C. KY. NO. _____

_____ SHEET NO. _____

CANCELLING P.S.C. KY NO. _____

_____ SHEET NO. _____

CHRISTIAN COUNTY WATER DISTRICT

CLASSIFICATION OF SERVICE

RATE
PER UNIT

WATER SHORTAGE PLAN

The City of Hopkinsville has adopted the following ordinance for a Water Shortage Response Plan. Since the City is the major supplier of water to the Christian County Water District the city has requested that the County adopt the same plan. Therefore, the Christian County Water District will place the plan into effect during the time that a shortage is declared by its suppliers. Ordinance is attached.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

MAY 23 1998

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: Stephan D. Bell
SECRETARY OF THE COMMISSION

DATE OF ISSUE 8-17-88
MONTH DATE YEAR

DATE EFFECTIVE ~~8-17-88~~
MONTH DATE YEAR

ISSUED BY _____
SIGNATURE OF OFFICER

TITLE Chairman

Issued by authority of an Order of the Public Service Commission of Kentucky in Ca
No. _____ dated _____.

TURNER, DIXON & KEMP

ATTORNEYS AT LAW

P. O. Box 627

Weber Building

HOPKINSVILLE, KENTUCKY 42240-0627

Phone 886-9411
Area Code 502

PAUL X. TURNER
JOHN M. DIXON, JR.
J. DANIEL KEMP
JILL CLARK

August 17, 1988

Hon. Frank Gary
Christian County Judge Executive
Christian County Courthouse
Hopkinsville, KY 42240

Hon. Michael Foster
Christian County Attorney
P. O. Box 24
Hopkinsville, KY 42240

Dear Frank and Mike:

I am enclosing herewith Ordinance #18-88 which establishes a water conservation measures for the City.

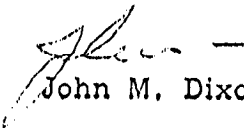
In view of the fact that the Sewerage and Water Works Commission furnishes a substantial amount of water outside the city limits of Hopkinsville, we are requesting that the Fiscal Court consider promulgating a similar measure.

After you get a chance to review it and perhaps to discuss it with the County Water District (he may want to have a similar measure), please call me.

Thank you.

Kindest regards,

TURNER, DIXON AND KEMP


John M. Dixon

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JMD:lr

cc: McKenzie Moss
Billy Pool

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ORDINANCE NO. 18-88

AN ORDINANCE AUTHORIZING THE DECLARATION OF WATER SHORTAGE; ESTABLISHING PROCEDURES AND VOLUNTARY AND MANDATORY CONSERVATION MEASURES; AUTHORIZING THE ISSUANCE OF ADMINISTRATIVE REGULATIONS; AND PRESCRIBING CERTAIN PENALTIES.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOPKINSVILLE AS FOLLOWS:

SECTION ONE

Purpose. The purpose of this ordinance is to provide for the declaration of a water supply alert, warning, or emergency and the implementation of voluntary and mandatory water conservation measures throughout the city 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 TWO

Definitions.

(a) "Alert" as the term is used in this ordinance, shall mean a level of or stage of water shortage existing when only 75 to 50 days of water supply remains available.

(b) "Consumer", as the term is used in this ordinance, shall mean any person using water for any purpose from the City's 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) "Warning", as the term is used in this ordinance, shall mean a level or stage of water shortage existing when between 50 to 45 days of water supply remains available.

(d) "Emergency", as the term is used in this ordinance, shall mean a level or stage of water shortage existing when between 30 to 21 days of water supply remains available.

(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", as the term is used in this ordinance, shall mean water available to the City of Hopkinsville for treatment by the PUBLIC SERVICE COMMISSION virtue of its water rights or withdrawal permit or any treatment by the PUBLIC SERVICE COMMISSION water introduced by the City into its water distribution system including water offered for sale.

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(g) "Commission", as the term is used in this ordinance, shall mean Sewerage and Water Works Commission.

(h) "City", as the term is used in this ordinance, shall mean the City of Hopkinsville, Kentucky.

(i) "Manager", as the term is used in this ordinance, shall mean the manager of the Sewerage and Water Works Commission.

(j) The following classes of uses of water are established:

CLASS 1.

Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools, or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.

CLASS 2

Water used for any commercial, industrial, or agricultural purpose: except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.

CLASS 3

Domestic usage, to include all uses other than those which would be included in either Classes 1 or 2.

CLASS 4

Water necessary only to sustain human life and the lives of domestic pets and maintain minimum standards of hygiene and sanitation.

SECTION THREE

Declaration of a Water Shortage. Whenever the Commission finds that a shortage of water supply needed for essential uses exists, it shall be empowered to declare by resolution that a water supply alert, warning, or emergency exists, according to the severity of the situation as perceived by the Commission, and that it will encourage voluntary water conservation or impose mandatory restrictions on water use during the period of the shortage. Such a shortage shall be deemed to continue until it is declared by resolution of the Commission to have ended. The resolution shall be published in a newspaper located in the city which has general circulation and may be publicized additionally through the general news media or any other appropriate means for making such resolutions public.

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SECTION FOUR

Voluntary Conservation Measures. Upon the declaration of a water supply alert or warning as provided in Section 3, the manager (or his agent) is authorized to call on all water customers to employ voluntary water conservation measures to limit or eliminate non-essential water uses, including, but not limited to, limitations on the following uses:

- (a) Sprinkling of water on lawns, shrubs, or trees (including golf courses).
- (b) Washing of automobiles.
- (c) Use of water in swimming pools, fountains, and evaporative air conditioning systems.
- (d) Waste of water.

SECTION FIVE

Mandatory Conservation Measures. Upon the declaration of a water supply warning or emergency as provided in Section 3, the manager (or his agent) is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

- (a) Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the date of the declaration of an emergency;
- (b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;
- (c) Restrictions on the sales of water at cash sale facilities or sites;
- (d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percent of normal use and per capita or per consumer restriction;
- (e) Complete or partial bans on the waste of water; and
- (f) Any combination of the foregoing measures.

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SECRETARY OF THE COMMISSION

SECTION SIX

Shortage Water Rates. Upon the declaration of a water supply shortage as provided in Section 3, the Commission 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 for increasing usage per unit of use (increasing block rates); (b) uniform charges for water

usage per unit of use (uniform unit rate); (c) extra charges in excess of a specified level of water use (excess demand surcharge); or (d) discounts for conserving water beyond specified levels.

SECTION SEVEN

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

SECTION EIGHT

Violations, Disconnections, and Penalties.

(a) If the Mayor, Commission Manager, or other City Official or Officials charged with implementation and enforcement of this ordinance or a water supply shortage resolution learn of any violation of any water use restriction imposed pursuant to Sections 5 or 7 of this ordinance, a written notice of the violation shall be affixed to the property where the violations occurred and mailed to the consumer of record and to any other person known to the Commission 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 Commission determines is reasonable under the circumstances. If the order is not complied with, the Commission may terminate water service to the consumer subject to the following procedures:

(1) The Commission shall give the consumer notice by mail that water service will be discontinued within a specified time due to the violation and that consumer will have the opportunity to appeal the termination by requesting a hearing scheduled before the manager of the Commission, the Commission or a hearing officer designated by the Commission or its manager.

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

(3) The manager of the Commission, the Commission or the hearing officer shall make findings of fact and order whether service should continue or be terminated.

(b) A fee of \$50 shall be paid for the reconnection of water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200 for the second violation and \$300 for any additional violations.

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(c) Any consumer may also be charged with violation of this ordinance and prosecuted in a Court of appropriate jurisdiction. Any person so charged and found guilty in said 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 which may not be adjusted by the said Court. In addition, such consumer may be required by the Court to serve a definite term of confinement 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 which may not be adjusted by the said Court. In addition, such consumer shall serve a definite term of confinement which shall be fixed by the Court and which shall not exceed 30 days. Penalties for additional violations shall be the same as for the second violation.

SECTION NINE

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 TEN

Effective Date. This ordinance shall become effective immediately upon adoption or passage by the City Council.

SECTION ELEVEN

Effective Period. This ordinance will remain in effect until terminated by action of the City Council.

PUBLICLY READ AND PASSED FIRST TIME: August 2, 1988

PUBLICLY READ AND PASSED SECOND TIME: August 16, 1988

APPROVED: Thomas F. Gates
Thomas F. Gates, Mayor

ATTEST: T. Mark Withers, II
T. Mark Withers, II
CAO/City Clerk

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