

ADDENDUM TO WATER PURCHASE CONTRACT

THIS ADDENDUM to the Contract for the sale and purchase of the water entered into this 21st day of June, 2001, between the CAMPBELLSVILLE WATER AND SEWER SYSTEM, Campbellsville, Kentucky, hereinafter referred to SELLER, and the GREEN-TAYLOR WATER DISTRICT, hereinafter referred to as PURCHASER,

WITNESSETH:

WHEREAS, the parties have heretofore entered into a previous Water Purchase Agreement dated January 2nd, 1999 and desire to enter into the following Addendum thereto so as to bring said agreement into compliance with the rules and requirements as promulgated to PURCHASER by the United States Department of Agriculture, Rural Development Authority:

NOW, THEREFORE, in consideration of the foregoing and the mutual agreements hereinafter set forth, the parties agree to the following addendum to paragraph C. 2. (Failure to Deliver) of the aforesaid January 2nd, 1999 Water Purchase Agreement;

C. 2. (a). The Parties agree that the City of Campbellsville, Water Shortage Response Ordinance, Ordinance No. 00-006, a copy of which is attached hereto, is specifically incorporated herein as if a part of said Water Purchase Agreement and that same shall govern and control in the event SELLER should experience a water supply shortage situation as defined therein.

2. (b). The water furnished by SELLER to PURCHASER hereunder is for "Essential Water Uses" (Class 1) and that PURCHASER shall be classified as a "Class 1" customer in the event that SELLER should experience a water supply

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shortage situation or in the event a "Water Shortage Advisory", a "Water Shortage Alert" or a "Water Shortage Emergency" should be declared in accordance with said Water Shortage Response Ordinance.

It is furthermore mutually agreed between the SELLER and the PURCHASER that all other terms and conditions contained in the January 2nd, 1999 Water Purchase Contract are hereby readopted and incorporated herein by reference as if fully copied herein.

WITNESS, the parties hereto, acting under authority of their respective governing bodies, have caused this Addendum to the Contract of January 2nd, 1999 to be duly executed in three counterparts, each of which shall constitute an original.

SELLER:
Campbellsville Municipal Water and
Sewer System

By: *Edward Nash*

Title: *General Manager*

Attest:

Richard Jeter
Secretary

PURCHASER:

Green-Taylor Water District

By: *Lee M. Hurlburt*

Title: *Chairman*

Attest:

J. D. Starn
Secretary

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This contract is approved on behalf of the ~~Farmer Home Administration~~ ^{USDA Rural Development} this 27 day
of June, 2001.

By: Vernon C Bean

Title: Program Director

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ORDINANCE NO. 00-006

CITY OF CAMPBELLSVILLE

WATER SHORTAGE RESPONSE ORDINANCE

(Advisory, Alert and Emergency Phases)

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 City Council of the City of Campbellsville.

Section 1. Purpose. The purpose of this ordinance is to provide for the declaration of official phases of water supply shortage situations and for the implementation of voluntary and mandatory water conservation measures throughout the City's water service area 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 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.
- (b) "Other Sources of Water", as the term is used in this ordinance, shall mean water that has not been introduced by the City into its water distribution system.
- (c) "Raw Water Supplies", as the term is used in this ordinance, shall mean all water potentially available to persons in the City of Campbellsville and its service area.
- (d) "Treated Water", as the term is used in this ordinance, shall mean water that has been introduced by the City 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

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:

Fighting fires, health and public protection purposes, if specifically approved by health officials and the appropriate 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, where other sources are not reasonably available

Commercial and Civic Use:

Commercial car and truck washes, laundromats, 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 vegetation 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 serving more than 25 dwelling units

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 Uses of Water (Class 3):

Any waste of water, as defined herein, is non-essential. In addition, 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 due to defective plumbing

Increasing water levels in scenic and recreational ponds and lakes, except for the minimum amount required for sustaining 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,

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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 vehicles

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 of 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. If demands are higher than normal for a constant period of time, 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

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Section 3. Declaration of a Water Shortage Advisory. Whenever the Board of Commissioners of the Campbellsville Water System 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. The General Manager or his designee shall, on a daily basis, monitor the supply and demands upon that supply. In addition, the Mayor or his designee is authorized to call upon all water customers in the City's service area 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 local newspaper and may be publicized 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 Board of Commissioners of the Campbellsville Water System 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 City 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 Board of Commissioners of the Campbellsville Water System 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 targets for voluntary conservation initiatives. Also, all Socially or Economically Important Uses (Class 2) shall be restricted, and Non-Essential Uses (Class 3) shall be banned. These restrictions shall be considered ongoing until the emergency is ended by resolution of the Board of Commissioners. Declaration of these resolutions shall follow the guidelines in Section 3 of this ordinance.

Section 6. Shortage Water Rates. Upon the declaration of a water shortage as provided in Sections 3-5, the Campbellsville City Council shall have the power to adopt shortage water rates, by ordinance, designed to conserve water supplies. 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 charges 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 Sections 3-5, the mayor is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply shortage resolution, or water shortage rate ordinance. Such regulations shall be subject to the approval of the City Council 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.

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- (a) If the mayor or other city official or officials charged with implementation and enforcement of this ordinance or a water supply shortage resolution learns of any violation of this ordinance, a written notice of the violation shall be affixed to the property where the violation occurred. Notice shall also be sent by certified mail to the customer of record and to any other person known to the City 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 City determines is reasonable under the circumstances. If the order is not complied with, the Campbellsville Water System may terminate water service to the customer subject to the following procedures.
- (1) The Campbellsville Water System shall give the customer notice by certified 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 Board of Commissioners or a City official designated as a hearing officer by the Board;
 - (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 Board of Commissioners 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 to the Campbellsville Municipal Water & Sewer System 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 Taylor County Circuit Court. Any person so charged and found guilty in Circuit 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.

Section 9. Severability. If any provisions of this ordinance are 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 City Council.

