

ORDINANCE NO. 215, 2024

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, PROVIDING FOR THE REGULATION OF GATHERING, DISPOSING, AND DESTRUCTION OF GARBAGE, RUBBISH, AND RELATED WASTE MATERIALS AND FIXING FEES THEREFOR; ESTABLISHING THE DIVISION OF SOLID WASTE; ESTABLISHING SEWER AND WATER RATES, TAP FEES, INSTALLATION CHARGES, SERVICE CHARGES, INDUSTRIAL PRETREATMENT CHARGES, PENALTIES AND INTEREST; PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND REPEALING ORDINANCE NO. 93, SERIES OF 2024, PREVIOUSLY AMENDED BY ORDINANCE NO. 143, SERIES OF 2024.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

GARBAGE

SECTION 1. COLLECTION AND DISPOSAL OF GARBAGE COMPULSORY.

The collection, removal and disposal of all garbage, offal, refuse, rubbish and waste matter is hereby declared to be compulsory and universal within the corporate limits of the City of Ashland and shall be regulated by the terms of this ordinance.

SECTION 2. DIVISION OF SOLID WASTE CONTINUED.

There is hereby continued within the Department of Public Services of the City of Ashland, the Division of Solid Waste, formerly known as the Division of Sanitation.

SECTION 3. DEFINITIONS.

The following words, phrases and terms, as used in this ordinance, shall have the following meanings:

- 3.1 **Commercial or industrial garbage or waste** – shall mean and include, but is not limited to, all industrial garbage or waste capable of incineration or burning that accumulates in, upon or about the land and buildings appurtenant to the business and activities of wholesale produce and grocery establishments, restaurants, hotels, meat packaging and meat wholesale dealers, bakeries, breweries, fat rendering and hide processing plants, and all other business establishments in connection with which such commercial or industrial garbage or waste is produced or accumulated.

- 3.2 **Garbage, offal, refuse matter** – shall consist of every accumulation of animal, vegetable and other matter that attends or is incident to the preparation, consumption, decay or dealing in or storage of meats, fish, fowl, fruits, vegetables, and all other forms of food, and includes “wet garbage” but does not include “waste matter” as herein defined.
- 3.3 **Industrial garbage or waste** – see “commercial or industrial garbage or waste” herein defined.
- 3.4 **Offal** – see “garbage, offal or other refuse matter” herein defined.
- 3.5 **Person** – shall mean every natural person, firm, co-partnership, association, society, or corporation.
- 3.6 **Refuse matter** – see “garbage, offal or other refuse matter” herein defined.
- 3.7 **Rubbish and Trash** – shall consist of leaves, grass cuttings, wood chips, shavings, sawdust, woodenware, paper, cardboard, straw, discarded clothing and all other combustible matter not included in this ordinance under the terms “garbage, offal and other refuse matter.”
- 3.8 **Waste matter** – shall consist of natural soil, earth, sand, clay, gravel, manure, stones, bricks, brickbats, plaster, portland cement, crockery, greenware, glass, glassware, ashes, cinders, shells, metals and all other noncombustible materials.
- 3.9 **Wet garbage** – kitchen and table refuse and offal, swill and every accumulation of animal, vegetable and other matter that attends or is incident to the preparation, consumption, decay or dealing in storage of meats, fish, fowl, birds, fruits, vegetables or other food.

SECTION 4. PROHIBITED PRACTICES RELATING TO THE HANDLING AND DISPOSAL OF GARBAGE AND OTHER WASTE.

From and after the effective date of this ordinance, it shall be unlawful:

- 4.1 to throw or deposit any garbage, rubbish or waste matter, or to cause the same to be thrown or deposited, upon or in any street, alley, gutter, vacant lot or yard;
- 4.2 to keep, place or deposit garbage or waste on any private grounds or premises whatsoever, except in cans or receptacle as designated in this ordinance and only in containers marked and provided by the City of Ashland;

- 4.3 to store or keep any garbage, rubbish or waste matter where rodents, flies, or insects can have access thereto or feed thereon;
- 4.4 to sell or dispose of wet garbage and all of it must be delivered to the City of Ashland, its agents or contractors, for removal and disposal, except, as authorized otherwise, for commercial and/or industrial operations by the Director of Public Services;
- 4.5 to bury any such garbage or waste matter at any place within the corporate limits of the City of Ashland, except as authorized by the Director of Public Services;
- 4.6 to deposit any rubbish or waste matter in or upon any vacant lot, yard, street, alley, gutter, highway, park or other public place within said City, except building materials and related supplies in use for construction by virtue of an authorized current building permit;
- 4.7 to burn any garbage or refuse, waste paper, boxes, rubbish, debris, brush, grass, weeds, cuttings from trees, lawns and gardens, except that such materials may be burned in a furnace or private incinerator, or pursuant to a permit issued by and under the supervision of the Chief of the Fire Department of the City of Ashland, nor shall any person collect, remove or dispose of same except as provided in this ordinance;
- 4.8 to deposit or cause to be deposited in any manner garbage, rubbish, leaves, grass, etc. or any other waste matter into the sewer system of the City of Ashland, except with the written approval and under the direction of the Director of Public Services of the City of Ashland;
- 4.9 for the owner or operator of any truck or other vehicle carrying manure, swill, garbage, offal, rubbish, or any other noxious, offensive or dangerous substance or the contents of any privy vault, cesspool, or sink to allow the scattering, spilling, or leakage of the contents thereof upon any street or other public way or upon any yard, driveway, or within any premises, whether public or private, or to allow such vehicle to stand or remain near any building, place of business, or residence, or to unreasonably delay the time of loading or unloading or in passing along any street or through any inhabited place or connection therewith to be kept in an unsanitary and unwholesome condition or to be stored in any place where needless offense is caused to any person;

- 4.10 to engage in the collection, hauling or transportation of any garbage or other similar waste or refuse for hire, except by the City of Ashland or its authorized agent, except the hauling for hire of commercial garbage or waste or of any private or commercial rubbish or waste matter, as defined in this ordinance, or of cesspool or privy contents, or of any waste building or construction materials left over from construction or demolition of any building, which is the specific duty of the owner, operator, contractor or their agent;
- 4.11 to keep or allow to accumulate for more than one week any kind of putrescible garbage or waste material;
- 4.12 for any person who is not a City employee to deposit any garbage, rubbish, refuse matter or waste matter into any City of Ashland vehicle or conveyance used for disposal of any waste except with authorization of the Solid Waste Supervisor or the Fleet Maintenance/Solid Waste Superintendent or the vehicle operator.
- 4.13 for any person to store materials in the vicinity of any solid waste container, refuse matter or waste matter with the expectation that the City will not remove such materials as if it were solid waste. The City will not reimburse for removal of any such materials.

SECTION 5. DUTIES OF USER OF GARBAGE COLLECTION SERVICE.

5.1 CONTAINERS.

- 5.1.1 **Individual Containers.** It shall be the duty of every tenant, lessee or occupant of any private dwelling, boarding house or other building where meals are prepared or provided; of the owner, or owner's agent, of every furnished flat or apartment house; and of every other person generating or having garbage and using individual containers, to utilize containers marked and provided by the City of Ashland. Receptacles lost or damaged due to resident neglect will be replaced at a charge of Seventy-five Dollars (\$75.00) to the resident. Stolen receptacles will be replaced at no charge to the resident with a police report.

Additional containers marked and provided by the City of Ashland may be obtained by contacting the Solid Waste Supervisor pursuant to the fees contained in Section 8.1.1.

- 5.1.2 **Dumpsters.** Collection, removal and disposal of garbage, rubbish and related waste materials in dumpsters by the City of Ashland shall not be permitted unless approved by the Solid Waste Supervisor or the Fleet Maintenance/Solid Waste Superintendent.

5.2 PREPARATION.

Garbage shall be drained and put in paper or plastic bag before being placed in the container in order that same shall neither emit nor give off offensive odors in warm weather nor freeze and adhere to the can in cold weather.

5.3 PLACEMENT OF CONTAINERS.

Garbage containers and/or trash shall be placed at the edge of the street, alley, or at the curb in front of his/her premises to be picked up by the collector. Any person who, because of physical disability, age or infirmity, is unable to place said garbage containers and/or trash at the edge of the street, alley, or at the curb in front of his/her premises may make special arrangements directly with the Solid Waste Supervisor for the movement of such containers. Fenced yards must provide a gate of sufficient size to accommodate the City receptacle.

No container or receptacle for receiving garbage or waste shall be placed on or in any street, alley, sidewalk, nor in or on any public way or place, nor in the front yard of a residence except after 5:00 PM on the day preceding the collection day and shall be removed before 10:00 PM on collection day. After collection day, it shall be the responsibility of the citizen to return all containers to their normal location near the dwelling. No containers are to be left in the front yard of a residence unless specifically approved by the Director of Public Services.

5.4 REMOVAL OF ITEMS NOT PROVIDED IN THIS ORDINANCE.

It shall be the responsibility of the householder to remove and have hauled away all discarded items not provided for removal by this ordinance, including, but not limited to, building materials, items over fifty (50) pounds, and appliances.

SECTION 6. RESPONSIBILITIES OF THE CITY, ITS AGENTS, OR PRIVATE HAULERS RELATING TO THE REMOVAL OF GARBAGE AND WASTE.

6.1 COLLECTIONS.

6.1.1 **Single Family Residential Collection – Mandatory.**

Participation in the City collection program is mandatory for all single-family households. The City of Ashland, or its designated agent, shall collect from single family households at least once each week and at such other and additional times as designated by the Director of Public Services or his designee. No person, firm or corporation, other than the City of Ashland or its agents, shall engage in the collection, transportation and disposal of garbage and other waste materials from single family households, except as contracted by the City of Ashland.

Garbage collection may not be stopped and started by the customer except in conjunction with a non-emergency or non-repair related utility shutoff and turn on.

6.1.2 **Collections from commercial, educational, non-profit or industrial establishments.**

Garbage, offal, refuse, rubbish, trash, or any and all other commercial, educational, non-profit and industrial garbage or waste, as herein defined, shall be collected by a private hauler who must be duly licensed by the City and must abide by the applicable provisions of this ordinance, except as specifically provided otherwise in this ordinance.

6.1.3 **Commercial pickup by City.**

When the City determines that providing commercial pickup is in the interest of the City such service may be provided as determined by the Director of Public Services. When the City is providing residential pickup at a location which is combined with a commercial operation, that commercial operation shall receive and be charged for pickup unless otherwise authorized by the Director of Public Services.

6.2 RUBBISH AND TRASH REMOVAL.

The City, or its agent, shall provide one quarterly reasonable pickup service per household for the removal of trash and rubbish, as defined in this ordinance. Said pickup is subject to fees set forth in Section 8.1.5 and at the discretion of the Director of Public Services or his designee.

6.2.1 **Conditions for removal.**

Such items to be collected must be placed in containers sturdy enough to be handled by the collector, the total loaded weight of each container not to exceed fifty (50) pounds per carton. Such items shall be placed at the curb or alley line no earlier than the day preceding collection day.

Any and all furniture items disposed of no more than once quarterly shall be placed at the curb or alley line no earlier than the day preceding collection day and shall be completely bagged/wrapped in plastic.

The City of Ashland reserves the right to handle only those items that conform to this ordinance. Any material that does not conform to these regulations shall become the responsibility of the resident to properly dispose of as authorized herein.

6.2.2 **Tree limbs.**

Tree limbs not exceeding three feet (3') in length and one-inch (1") in diameter and must be tied in bundles which can be readily handled and loaded by one person. Additional charges, as set forth in Section 8 of this ordinance, will be made for collection and disposal of loose or unbagged trash, including tree limbs not exceeding five feet (5') in length.

6.2.3 Additional charges, as set forth in this Ordinance shall be made for collection and disposal of more than five (5) leaf bags or any bags exceeding thirty (30) pounds in weight.

SECTION 7. VEHICLES USED FOR GARBAGE OR WASTE COLLECTIONS.

7.1 GENERAL RULES.

7.1.1 **Containment.**

All trucks or other conveyances used and employed in the collection and transportation of garbage, offal, and any and all other refuse and waste matter, whether from households, business, or industrial establishments, shall be designed for such purpose, with automatic dump, so as to effectively prevent the scattering, spilling or leakage of the contents and odors. Such trucks or conveyances shall not be filled or loaded above the level of the upper edge or top of same and shall be kept securely covered while in transit, and shall be daily washed, cleaned and deodorized by the owner, it's or his agents and employees and shall at all times be subject to inspection and approval of the Director of Public Services or his designee.

7.1.2 **Markings.**

Each truck or conveyance shall bear a number plainly and visibly painted upon both sides thereof. Each truck or conveyance engaged in solid waste disposal shall be plainly marked in accordance with KRS Chapter 224.

7.2 NOTIFICATION OF DISPOSAL SITES.

All owners of vehicles or conveyances used for disposal of any waste listed above within the city limits of the City of Ashland shall provide in advance of such use a notarized statement to the Director of Public Services of the final destination of the loads of such vehicles.

SECTION 8. FEES FOR COLLECTION OF GARBAGE FROM RESIDENCES AND DISCONTINUANCE AND/OR REFUSAL OF SERVICE FOR UNPAID BILLS.

8.1 FEES.

8.1.1 **Residential Fees.**

Currently there is hereby levied a sanitation collection service charge of Twenty-Six Dollars & Twenty-Eight Cents (\$26.28) per month upon each householder within the City of Ashland serviced by sanitation service provided by the City of Ashland or its authorized agent, upon the terms stipulated in this Ordinance for weekly garbage removal plus a maximum of five (5) bags of lawn waste and quarterly trash removal. Exceptions to such monthly service charge are set forth in Section 15 of this ordinance.

Currently each additional container marked and provided by the City of Ashland results in an additional fee of Twenty-Five Dollars & Thirty-Nine Cents (\$25.39) per month.

8.1.2 **Dumpster Fees.**

\$26.28 per residential unit per month with a minimum of \$105.12 per month currently.

8.1.3 **Chipper Fees.**

Special arrangements for use of a chipper for limbs over 3' in length may be arranged for at a fee based on the City's rental rate and manpower costs as determined by the Director of Public Services.

8.1.4 **Commercial Fees.**

Commercial pickup shall pay a rate based on weight and volume as determined by the Director of Public Services, however, the minimum fee shall be Twenty-Six Dollars & Twenty-Eight Cents (\$26.28). The size, type and location of the dumpster shall require approval by the Solid Waste Supervisor or the Fleet Maintenance/Solid Waste Superintendent before placement.

8.1.5 **Special Fees.**

Such monthly service charge shall not include the removal of loose or un-bagged trash or tree limbs exceeding the measurements set forth in Section 6.2 of this Ordinance. A fee of Seventy-Four Dollars and Forty-five Cents (\$74.45) is hereby levied to collect any such loose or un-bagged trash or unbundled tree limbs not to exceed five (5) feet in length. Additional charges based on the above rate shall be charged for larger loads, aid fees to be determined by the Director of Public Services or his/her designee.

SECTION 9. NEW CONSTRUCTION – UNOCCUPIED.

Newly constructed households will not be charged the monthly sanitation collection service fee until the household is initially occupied, or collection service is requested, regardless of water utility status. This exception applies only during and continues after the original construction prior to occupancy. Once collection has started, all conditions apply.

SEWER

SECTION 10. FEES.

That on and after the effective date of this ordinance, the rates and charges for sewer services sold by the Department of Utilities of the City of Ashland which shall be computed and billed monthly and shall be based upon the meter readings for water used or supplied each such lot, parcel of land, building or premises, shall be as follows:

10.1 FEES FOR SEWER SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHLAND EFFECTIVE JULY 1, 2024.

Minimum Bill ----- \$7.45 per 1,000 gallons per month

Each user charge per 1,000 gallons
Minimum bills

10.1.1 FEES FOR SEWER SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHLAND EFFECTIVE JANUARY 1, 2025.

Minimum Bill ----- \$8.20 per 1,000 gallons per month

Each user charge per 1,000 gallons
Minimum bills

10.1.2 FEES FOR SEWER SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHLAND EFFECTIVE JULY 1, 2025.

Minimum Bill ----- \$9.02 per 1,000 gallons per month

Each user charge per 1,000 gallons
Minimum bills

10.1.3 FEES FOR SEWER SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHLAND EFFECTIVE JANUARY 1, 2026.

Minimum Bill ----- \$9.92 per 1,000 gallons per month

Each user charge per 1,000 gallons
Minimum bills

10.1.4 FEES FOR SEWER SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHLAND EFFECTIVE JANUARY 1, 2027.

Minimum Bill ----- \$10.32 per 1,000 gallons per month

Each user charge per 1,000 gallons
Minimum bills

10.1.5 FEES FOR SEWER SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHLAND EFFECTIVE JANUARY 1, 2028.

Minimum Bill ----- \$11.76 per 1,000 gallons per month

Each user charge per 1,000 gallons
Minimum bills

10.2 FEES FOR SEWER SERVICE OUTSIDE THE CORPORATE LIMITS OF THE CITY OF ASHLAND

The fees for sewer services outside the corporate limits of the City of Ashland shall be 1.5 times the fees for sewer services inside the corporate limits of the City of Ashland in effect at the time of the service. Minimum Bill for sewer services outside the corporate limits of the City of Ashland shall be for 2,000 gallons of usage.

10.3 INDUSTRIAL PRETREATMENT CHARGES

10.3.1 Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases used, in the ordinance shall have the meaning hereinafter designated:

Ammonia Nitrogen

The quantity of nitrogen in the form of ammonia (NH₃) as determined by laboratory analysis expressed in parts per million by weight.

Biochemical Oxygen Demand (BOD) (also known as BOD5)

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° Celsius expressed in terms of weight and concentration in milligrams per liter (mg/l).

Chemical Oxygen Demand (or COD)

COD of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "40 CRF 136".

Domestic Wastewater

Wastewater from typical residential users and having pollutant characteristics of not greater than 250 mg/l BOD and 250 mg/l Suspended Solids and 20 mg/l ammonia nitrogen.

Industrial Wastes

The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.

Oil and Grease

A group of substances, including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from the acidified sample that is not volatilized during the laboratory test procedures. Oil and greases are defined by the method of their determination in accordance with "40 CFR 136".

Shall

Is mandatory.

Surcharge

A charge for services in addition to the basic sewer user and debt service charges, for those users whose contributions contain Biochemical Oxygen Demand (BOD5), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Oil & Grease or Ammonia-nitrogen (NH3-N) and Thiocyanate (SCN) in concentrations which exceed limits specified herein for such pollutants. Where authorized by the control authority, payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.

Suspended Solids (TSS)

Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater".

Thiocyanate

The quantity of thiocyanate (SCN) as determined by laboratory analysis expressed in parts per million by weight.

10.3.2 Surcharges.

Sewage or industrial wastes above normal domestic wastewater concentrations as defined herein but acceptable for discharge into the sewer system shall be subject to a surcharge.

Maximum allowable concentrations without surcharges:

<u>Parameter</u>	<u>Limits</u>	<u>Units</u>
Ammonia Nitrogen (NH3-N)	20	mg/l
BOD5	250	mg/l
COD	658	mg/l
Oil & Grease (Total)	50	mg/l
Suspended Solids (Total)	250	mg/l
Thiocyanate	0	mg/l

10.3.3 Surcharges.

Any user discharging wastewater exceeding the maximum allowable concentration as noted above, shall be subject to a surcharge fee for each pound loading over and above the set limit as listed below:

Ammonia Nitrogen (NH ₃ -N)	\$0.5327/pound
Biochemical Oxygen Demand (BOD)	\$0.2193/pound
Oil & Grease	\$0.5007/pound
Suspended Solids (Total)	\$0.2706/pound
Thiocyanate	as stated below

A unit weight of thiocyanate will produce 0.24 unit weight of ammonia and therefore 24% of all thiocyanate loading shall be surcharged as ammonia.

10.3.4 Other Industrial Pretreatment Charges.

In addition to the above, all users shall pay a separate sewer user charge, fee or assessment for monitoring, inspections, surveillance, discharge reviews, construction, appeals, permit applications, consulting engineering, etc. as established by separate ordinances.

10.4 SEWER DISTRICT FEES.

Per Contracts with City.

SECTION 11. OTHER CHARGES

11.1 TAP FEES.

In order that new customers share in system development costs already borne by existing customers it is established that on and after the effective date of this ordinance, the minimum rates and charges payable in advance for sewer taps outside the city shall be as follows:

Water Meter Size	Sewer Tap Fees
5/8 x 3/4"	\$410
1"	\$770
2"	\$2,830
4"	\$11,200
6"	\$25,360

11.2 CONNECTION CHARGES.

That on or after the effective date of this ordinance, the minimum rates and charges payable in advance for actual sewer service installations which shall be separate charges from tap fees shall be as follows:

Sewer Connection Fees

Sewer Tap Size	Inside City Limits	Outside City Limits
4" or 6"	\$1,800	\$2,200
Over 6"	Actual Cost	Actual Cost + 10%

If the actual cost of such sewer service installation exceeds the minimum charges fixed above, the City of Ashland reserves the right to charge the actual costs of labor and fringes, materials and equipment.

In addition to the above charges, the applicant shall pay all costs for pavement removal and restoration of whatsoever description or nature.

All costs for sewer connection(s) shall be paid at the time the customer applies for a water tap.

11.3 COMBINED SEWER OVERFLOW (CSO) SURCHARGE FOR SEWER SERVICE INSIDE AND OUTSIDE THE CORPORATION LIMITS OF THE CITY OF ASHLAND EFFECTIVE APRIL 1, 2010 AND JANUARY 1, 2015.

In order to cover the cost of the U.S. Environmental Protection Agency's unfunded mandate for CSO reduction and to comply with the Consent Judgment issued by the Court it is established that a surcharge of \$2.50 per 1,000 gallons be added to all City of Ashland sewer service customers effective April 1, 2010. The surcharge shall be increased to \$3.50 per 1,000 gallons effective January 1, 2015.

All monies collected for this surcharge shall be placed in a separate account and only used for CSO reduction projects necessary to comply with the Consent Judgment issued by the court.

The surcharge shall be removed from all City of Ashland sewer service customers after all CSO reduction projects necessary to comply with the Consent Judgment issued by the court have been completed and paid.

11.4 CHARGES FOR ALL HAULED WASTEWATER.

The current rate for hauled wastewater is \$38.13. Effective July 1, 2023, all hauled wastewater shall be subject to a rate of \$41.94 per 1,000 gallons.

SECTION 12. ADJUSTMENTS.

12.1 UNUSUAL CIRCUMSTANCES.

The City Manager or his designee is authorized under unusual and/or special circumstances, non-reoccurring and rare in nature, to provide reasonable adjustments based upon such mitigating conditions which appear to require such adjustment to a utility bill. The burden of proof shall rest with the customer and there is absolutely no obligation on the City to provide any such adjustment. The City Manager or his designee shall maintain a file of any such adjustments granted under this policy for review by the Ashland Board of City Commissioners.

12.2 HIGH USAGE ADJUSTMENTS.

An adjustment may be made to individual residential and commercial (not industrial) water billings if a high usage occurs which causes volume to exceed 200% of the average usage during the previous twelve (12) months. An adjustment may be made for any amount over the 200% of the average bill, however, no bill so adjusted shall be reduced to less than 3000 gallons. The City may determine to extend this adjustment to more than one billing if it appears to be part of the same occasion.

This adjustment may only be granted once every five (5) years to the same household which shall include husband and wife as if they had each received an adjustment. No additional adjustment during this five (5) year period shall be made when the City determines that the customer of record was changed while a previous adjustee still resides at the same location.

If the adjustment involves rental property, the adjustment shall be recorded against the rental unit for the five (5) year period rather than the landlord's name. At the same time, the renter's name shall be listed as a customer of record who received an adjustment.

Any adjustment under this policy requires the approval of the Finance Director or his appointee.

12.3 POOL FILLING ADJUSTMENT.

Where no pool water drains to the sanitary sewer, one annual adjustment for permanent in-ground and/or above ground pools may be made to sewer billing only following prior arrangement with the City.

12.4 SEWER LEAK ADJUSTMENT.

An adjustment may be made to the sewer billing if a leak occurs which does not send water to the sanitary and/or combination sewer. The sewer portion of the bill will be adjusted to the customer's average bill.

WATER

SECTION 13. FEES.

That on and after the effective date of this ordinance, the rates and charges for water sold by the Department of Utilities of the City of Ashland, shall be as follows:

13.1 FEES FOR WATER SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHLAND EFFECTIVE JULY 1, 2024

Administrative & Billing Charge		\$8.61/mo.
User Charges		
0 to 2,000	gallons @	\$8.72 per 1,000 gallons
2,001 to 10,000	gallons @	\$6.56 per 1,000 gallons
10,001 to 100,000	gallons @	\$5.31 per 1,000 gallons
over 100,000	gallons @	\$4.29 per 1,000 gallons
Minimum Bill -----		\$17.33 per month

Each user charge per 1,000 gallons
Minimum bills

13.2 FEES FOR WATER SERVICE OUTSIDE THE CORPORATE LIMITS OF THE CITY OF ASHLAND EFFECTIVE JULY 1, 2024

Administrative & Billing Charge		\$8.61/mo.
User Charges		
0 to 2,000	gallons @	\$14.83 per 1,000 gallons
2,001 to 10,000	gallons @	\$11.10 per 1,000 gallons
10,001 to 100,000	gallons @	\$9.00 per 1,000 gallons
over 100,000	gallons @	\$7.29 per 1,000 gallons
Minimum Bill -----		\$38.27 per month

Each user charge per 2,000 gallons
Minimum bills

13.3 WATER DISTRICT FEES.

\$4.76 per 1,000 gallons effective upon adoption and publication of this ordinance and approval of the Public Service Commission (PSC) and any other required regulatory authority.

User charge per 1,000 gallons

13.3.1 Cannonsburg /Big Sandy Water District Fees

\$3.64 per 1,000 gallons effective upon adoption and publication of this ordinance and approval of the Public Service Commission (PSC) and any other required regulatory authority.

User charge per 1,000 gallons

\$4.24 per 1,000 gallons effective January 1, 2026.

User charge per 1,000 gallons

\$4.76 per 1,000 gallons effective January 1, 2027.

User charge per 1,000 gallons

SECTION 14. OTHER CHARGES.

14.1 SERVICE CHARGES

On and after the effective date of this ordinance, the following service charges shall be as follows:

These service charges shall be charged for each trip to your residence and/or business, except for emergencies and/or authenticated repairs.

During regular work hours Monday through Friday, except holidays...\$20.00
After regular work hours or on weekends or holidays.....\$60.00

14.2 TAP FEES

In order that new customers share in system development costs already borne by existing customers it is established that on and after the effective date of this ordinance, the minimum rates and charges payable in advance for water taps outside the City, to be determined by the size of the domestic water service meter, shall be as follows:

Domestic Meter Size	Tap Fees
5/8 x 3/4"	\$500.00
1"	\$800.00
2"	\$3,720.00
4"	\$14,270.00
6"	\$33,970.00

14.3 CONNECTION CHARGES.

That on or after the effective date of this ordinance, the minimum rates and charges payable in advance for actual water service installations and/or requested relocations, which shall be separate charges from tap fees shall be as follows:

WATER TAP SIZE	INSIDE CITY LIMITS	OUTSIDE CITY LIMITS
5/8 X 3/4" meter	\$1,610	\$1,870
1" meter	\$1,850	\$2,140
2" meter	\$4,250	\$4,640
Over 2" meter	Actual Cost	Actual Cost + 10%

If the actual cost of such water service installation exceeds the minimum charges fixed above, the City of Ashland reserves the right to charge the actual costs of labor and fringes, materials and equipment.

In addition to the above charges, the applicant shall pay all costs for pavement removal and restoration of whatsoever description or nature.

In cases of multiple meters in which the actual cost of such water service installation is below the above listed charges, the City Manager may reduce the charges to the actual costs of labor and fringes, materials, and equipment provided that, in the sole opinion of the City, the installation is feasible, practical, and not contrary to good operating practice, and will be in accordance with the Rules and Regulations of The Ashland Water Works.

14.4 WATER METER TEST FEES.

Fee inside City	\$15.00
Fee outside City	\$20.00

Fee will be refunded if meter is determined to be inaccurate and overstating consumption.

14.5 ADJUSTING METER PITS

The cost of adjusting meters to grade shall be the actual cost. Actual cost is defined as all costs incurred to complete installation including, but not limited to, labor, materials and equipment use charges.

14.6 MONTHLY FIRE PROTECTION METER CHARGES.

14.6.1 MONTHLY FIRE PROTECTION CHARGES INSIDE CITY

The monthly fire protection meter charges shall be based upon the minimum bill or actual usage, whichever amount is greater.

14.6.2 MONTHLY FIRE PROTECTION (SPRINKLER) CHARGES
OUTSIDE CITY

Meter Size	Minimum Bill
5/8 x 3/4"	\$ 33.13
1"	\$ 40.00
1½"	\$ 57.00
2"	\$ 73.00
3"	\$ 116.00
4"	\$ 172.00
6"	\$ 325.00
8"	\$ 539.00
10"	\$ 1210.00
12"	\$ 1650.00

The monthly fire protection meter charges shall be based upon the minimum bill or actual usage, whichever amount is greater.

14.7 HYDRANT METER.

14.7.1 The City of Ashland may authorize a meter for temporary installation of a fire hydrant. Any individual requesting and using such meter shall pay the applicable user charges, with a minimum charge of Three Dollars and Fifty Cents (\$3.50) per day, a Thirty Dollars (\$30.00) fee each for, turn on and turn off, and shall provide a Two Hundred Fifty Dollar (\$250.00) deposit subject to all other conditions of this ordinance.

14.7.2 Monthly Metered Fire Hydrant – Outside City

Any governmental agency or fire district requesting the installation of a fire hydrant(s) outside of the city limits shall pay for all labor and material required for the water line extension and initial installation of the fire hydrant.

Said governmental agency or fire district shall pay a minimum monthly water bill or actual usage, whichever amount is greater.

Said governmental agency or fire district shall be responsible for all repairs and/or replacement of such fire hydrant and will be billed as such. Said governmental agency or fire district shall be responsible for all repairs from the water main to and including the hydrant. The City of Ashland will perform all repairs as requested by the governmental agency and/or fire district and bill said agency or fire district accordingly.

GENERAL REGULATIONS

SECTION 15. SECURITY DEPOSIT.

A Security Deposit Fee of One Hundred Twenty-Five Dollars (\$125.00) shall be required of all new customers. From and after the effective date of this ordinance the security deposit charge for family residential units which are occupied by the homeowner, wherein the occupant is on a fixed income due to being blind, disabled, or sixty-two (62) years of age or older, provided that said total family income does not exceed Forty Percent (40%) of HUD Median Income for Boyd County Kentucky for that fiscal year, and provided that such financial incapacity is proven and established to the satisfaction of the City Manager of the City of Ashland, or his designee, by sworn affidavit or other properly authenticated records shall be Sixty Two Dollars and Fifty Cents (\$62.50). The deposit will be refunded after Twelve (12) Months service if the customer has not been delinquent on any payments due to the fault of the customer. Only one deposit fee is required for water, sewer and sanitation.

SECTION 16. MANNER OF BILLING FOR SERVICE.

16.1 INCLUDED ON UTILITY BILL.

The applicable fee for utility or sanitation service shall be billed as a separate item on the regular billing for water/sewer/sanitation service by the City of Ashland and said charge shall be payable at the collections office in the same manner and within the same penalty-free period as required for payment of charges for water and sewer service.

EFFECTIVE JANUARY 1, 2024 AND EACH JANUARY THEREAFTER
FOR WATER/GARBAGE SERVICE WITHIN THE CORPORATE
LIMITS OF THE CITY OF ASHLAND

The annual percentage increase of the Water, Sewer and Garbage line item for the U. S. Department of Labor Consumer Price Index starting with the percentage for 2022 shall be applied one year later on January 1, 2024 at a max of 5% with the exception of charges for garbage this year only. The 2023 annual percentage rate shall be applied on January 1, 2025 in the like manner, and annually thereafter similar adjustments shall be applied to:

Administrative and billing charges
Each user charge per 1,000 gallons
Minimum bills

EFFECTIVE JANUARY 1, 2024 AND EACH JANUARY THEREAFTER
FOR WATER SERVICE OUTSIDE THE CORPORATE LIMITS OF THE
CITY OF ASHLAND

The annual percentage increase of the Water, Sewer, and Garbage line item for the U. S. Department of Labor Consumer Price Index starting with the percentage for 2022 shall be applied one year later on January 1, 2024 at a max of 5%. The 2023 annual percentage rate shall be applied on January 1, 2025 in the like manner, and annually thereafter similar adjustments shall be applied to:

Administrative and billing charges
Each user charge per 2,000 gallons
Minimum bills

EFFECTIVE JANUARY 1, 2029 AND EACH JANUARY THEREAFTER
FOR SEWER SERVICE WITHIN AND OUTSIDE THE CORPORATE
LIMITS OF THE CITY OF ASHLAND

The annual percentage increase of the Water, Sewer and Garbage line item for the U. S. Department of Labor Consumer Price Index starting with the percentage for 2027 shall be applied one year later on January 1, 2029 at a max of 5%. The 2028 annual percentage rate shall be applied on January 1, 2030 in the like manner, and annually thereafter similar adjustments shall be applied to:

Administrative and billing charges
Each user charge per 1,000 gallons
Minimum bills

16.2 FEE EXCEPTION FOR ELDERLY OR HANDICAPPED PERSONS.

Effective July 1, 2011 the minimum monthly water charge and monthly sanitation service fee stated in this ordinance shall not apply to family residential units located in the City of Ashland which are occupied by the homeowner, provided that the occupant is on a fixed income due to being blind, disabled, or sixty-two (62) years of age or older, provided that said total family income does not exceed Forty Percent (40%) of HUD Median Income for Boyd County, Kentucky for that fiscal year, provided that such financial incapacity is proven and established to the satisfaction of the City Manager of the City of Ashland, or his designee by sworn affidavit or other properly authenticated records. If such provisions apply, the minimum monthly water usage charges effective January 1, 2023 shall be Three Dollars and Seventy-seven Cents (\$3.77) per month. Also, if such provisions apply, the Administrative and Billing Charge, effective January 1, 2023 shall be Five Dollars and Seventy-Nine Cents (\$5.79) per month. The monthly sanitation fee shall be Seventeen Dollars and Seventy-five Cents (\$17.75).

Any fee reduction granted must be renewed annually by the homeowner by January 1st. Failure to renew exemption applications January 1st of each year will result of termination of the exemption.

Renewal of expired exemptions, or new exemptions, may be granted at any time during the year, however, no retroactive exemptions shall be granted.

16.3 CUSTOMER ACCOUNTABLE.

The utilities customer in whose name the water meter account is carried shall be held responsible for payment of the full amount of the utility and sanitation service charges billed, which total amount shall be based on the number of households served.

16.4 PAYMENTS CREDITED PRO-RATA.

All utility payments are credited prorata to water, sewer and sanitation.

16.5 SEPARATE BILLS

In instances where it is not feasible or possible to utilize such utility bills for notifying sanitation service customers of service charges payable, separate bills may be issued and shall be payable within ten (10) days after the date of rendering.

16.6 PROPER AUTHORITY.

The City of Ashland may demand proof of proper authorization to renters by the property owner regarding provision of all services, fees and charges.

SECTION 17. PENALTIES AND UTILITY SHUTOFF.

17.1 PENALTIES AND INTEREST

All charges for utility or sanitation service remaining unpaid after they become due shall be charged a penalty of ten percent (10%) and interest at the rate of one and one-half percent (1½%) per month (18% per annum). The due date shall be sixteen (16) calendar days from the date that the utility bills are delivered to the United States Postal Service. If the due date as computed in the previous sentence falls on a Saturday, Sunday or legal holiday, then the due date will be the next regular working day. No such penalty and interest charges shall be less than Five Dollars (\$5.00) except that this minimum charge shall apply only after computing the entire bill including water, sewer and sanitation charges, as appropriate, and shall not be charged on any bill already including a late utility charge.

17.2 UTILITY SHUT OFF

If all charges for all services are not paid by the due date of the delinquent notice, water service shall be discontinued. In addition to the 10% penalty, all service charges shall be paid before water is reconnected. If a check used for payment following a shutoff notice is returned for any reason, that service shall be shut off immediately without further notice.

17.3 RETURNED PAYMENT FEE

Any account on which payment is made partially or wholly by a check, returned bank draft or disputed credit card payment which is returned for any reason shall be charged a fee of Thirty-five Dollars (\$35.00). In addition, after the second such occurrence within a twelve (12) month period, the City may require payment by cash, cashier's check or money order for a twelve (12) month period. Thereafter, any single repetition shall cause the same requirements to be placed in effect indefinitely.

17.4 COLLECTION FEE

Any inactive account on which payment is overdue is subject to processing through collection. Any such account balance shall have an additional fee of fifty percent (50%) added to the amount due.

17.5 PAYMENT PLANS.

The City Manager or his designee is authorized to establish and regulate a payment plan in special circumstances when needed and is further authorized to cease such plan for any delinquency or non-payment. Generally, such payment shall be in writing.

17.6 DELINQUENCY.

On or after the effective date of this section, if any charges for utility services provided by the City shall remain unpaid beyond the due date of the delinquent notice, the City shall refuse new service to the delinquent applicant until all charges are paid. The delinquency shall be deemed to exist whether the outstanding delinquency is in the name of the applicant or spouse.

17.7. PENALTY FOR VIOLATION.

The City of Ashland may levy fines or penalties against a user for willful or malicious acts including but not limited to: turning on water at meter without city approval; installing a jumper or similar device specifically for the purpose of theft of water; turning on of fire hydrants; damage to city facilities. A fine or penalty may be placed on the user's water bill to cover the actual cost of the loss (i.e. cost of repair, estimated cost of stolen water; cost of labor to remove jumpers...etc.) plus an additional fine as follows:

If water is turned on at the meter without city permission:	\$100 each occurrence
If a water meter jumper is installed:	\$100 each occurrence
Illegal use of fire hydrant or unmetered water source:	\$250 each occurrence
Intentional damage to city facilities: (based on severity of offense)	\$50 to \$200 per occurrence

The City Manager or his designee may determine the additional fine for other occurrences not listed above which will include a trip fee for each trip to a residence due to the above charges. An additional security deposit may be added to the customer's account to ensure that the account has adequate security in case of future non-payment or bad debt.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than the maximum fine enumerated in KRS 534.040 for a misdemeanor offense.

SECTION 18. APPLICATION OF MONEYS COLLECTED.

All moneys derived from the administration and enforcement of this ordinance shall be used by the City of Ashland in the manner established by the Ashland Board of City Commissioners, for providing equipment, personnel and services to carry its provisions into effect including salaries, pension funds, benefits, equipment and landfill costs.

SECTION 19. SEVERABILITY.

If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part thereof, not so adjudged as invalid or unconstitutional.

SECTION 20. REPEALED ORDINANCES.

That the following ordinances are hereby repealed:

Ordinance No. 93, 2024
Ordinance No. 143, 2024

and all other ordinances and parts of ordinances in conflict, to the extent of such conflict only, are hereby repealed.

SECTION 21. EFFECTIVE DATE.

This ordinance shall be in full force and effect after its adoption, readoption and publication, as required by law and, with respect to Section 13.3, the required approvals as referenced therein.



MAYOR

ATTEST:



CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:
READOPTED BY THE BOARD OF COMMISSIONERS:
PUBLISHED:

DEC 12 2024
DEC 13 2024

REQUESTED/SPONSORED BY: ANDREW K. WHEELER, CORPORATION COUNSEL