

FRANKLIN COUNTY FISCAL COURT

ORDINANCE NO. 49

1988 SERIES

AN ORDINANCE RELATING TO THE CONSERVATION OF WATER SHORTAGE
DURING AN (ADVISORY, ALERT, OR 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 ORDAINED by the Fiscal Court of the County of Franklin, Commonwealth of Kentucky.

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) "Person" as the term is used in this ordinance includes an individual, corporation, partnership, association, firm or any other legal commercial entity.
- (b) "Customer" as the term is used in this ordinance, shall mean any person, company or water district using water for any purpose from the Frankfort Electric and Water Plant Board'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) "Other Sources of Water" as the term is used in this ordinance, shall mean water that has not been introduced by the Frankfort Electric and Water Plant Board into its water distribution system.
- (d) "Raw Water Supplies" as the term is used in this ordinance, shall mean all water potentially available to persons in Franklin County and Water Districts served by the Frankfort Electric and Water Plant Board.
- (e) "Treated Water" as the term is used in this ordinance, shall mean water that has been introduced by the Frankfort Electric and Water Plant Board 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 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 filling and operating of swimming pools for health purposes only at an established health care facility.

Water Hauling

- Sales for domestic use where not reasonably available

elsewhere (restricted for use in Franklin County).

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. (Restricted for use in Franklin County).

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 when necessary to preserve them.

Outdoor Commercial or Public Watering (using conservation methods 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 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.

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 City/County governing bodies.

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 course 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 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 for serious water supply shortages.

"Alert" as the term is used in this ordinance, shall mean that raw water supplies are consistently below seasonable averages, and if they continue to decline, 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 General Manager of the Frankfort Electric and Water Plant Board, the public purveyor of potable water in Franklin County, finds that a potential shortage of the supply of treated water exists or will exist, upon written certification thereof to the County Judge/Executive of the Franklin County Fiscal Court, the County Judge/Executive may publicly declare a WATER SHORTAGE ADVISORY.

The General Manager of the Frankfort Electric and Water Plant Board shall, on a daily basis, monitor the supply and demands upon that supply. In addition, the County Judge/Executive is authorized to call upon all water customers to employ voluntary 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 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 General Manager of the Frankfort Electric and Water Plant Board, the public purveyor of potable water in Franklin County, finds that a condition exists where it will not be able to meet the expected needs of its customers, upon written certification thereof to the County Judge/Executive, the County Judge/Executive may publicly declare a WATER SHORTAGE ALERT.

The County Judge/Executive 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 General Manager of the Frankfort Electric and Water Plant Board, the public purveyor of potable water in Franklin County, finds that the Frankfort Electric and Water Plant Board is unable to meet the expected needs of its customers and that such a condition will exist for some period of time in the future, and upon written certification thereof to the County Judge/Executive, the County Judge/Executive may publicly declare a WATER SHORTAGE EMERGENCY.

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 banned in addition to the Non-Essential Uses (Class 3). These restrictions shall be considered ongoing until the emergency is ended by resolution of the governing bodies. Declaration of these resolutions shall follow guidelines in Section 3 of this ordinance.

SECTION 6. Regulations

During the effective period of any water supply shortage as provided for in Section 3-5, the County Judge/Executive or General Manager of the Frankfort Electric and Water Plant Board is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply shortage resolution.

Such regulations shall be subject to the approval of the governing bodies at its next regular or emergency meeting.

SECTION 7. Cancellation of Declarations

The declaration of a water shortage advisory, water shortage alert, or water shortage emergency shall continue until the General Manager of the Frankfort Electric and Water Plant Board finds that the conditions calling for the declaration no longer exists, and upon written certification thereof to the County Judge/Executive, the County Judge/Executive may publicly declare the condition no longer existing.

SECTION 8. Penalties

Any person who violates any provision of Sections 4 or 5 may be subject to disconnection of their water services by the Frankfort Electric and Water Plant Board or the water district providing the service. The utility providing the service may be permitted a reconnection fee pursuant to its' tariff schedule.

Said disconnection may be made by employees of the utility providing the service if violation of Sections 4 or 5 are committed in their presence.

Further, any person who violates the provisions of Section 4 shall upon conviction be fined not to exceed \$250.00.

Further, any person who violates the provisions of Section 5 shall upon conviction be punishable by a fine not to exceed \$500.00 and/or up to ninety (90) days imprisonment. Each day in violation of Sections 4 and 5 of this ordinance shall constitute a separate offense.

SECTION 9 Severability

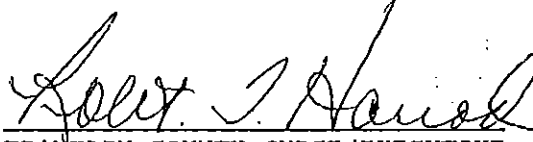
If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held

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 according to law.

Passed by the Fiscal Court of Franklin County this 29th day of July, 19 88.


FRANKLIN COUNTY JUDGE/EXECUTIVE

ATTEST:


FRANKLIN COUNTY FISCAL COURT CLERK