

ORDINANCE NO. 14
2001 SERIES

AN ORDINANCE RELATING TO THE UNIFORM REQUIREMENTS WITHIN FRANKLIN COUNTY, KENTUCKY FOR THE DIRECT AND INDIRECT CONTRIBUTORS OF WASTEWATER COLLECTION SYSTEM FOR FRANKLIN COUNTY, KENTUCKY, PURSUANT TO ALL LOCAL, STATE AND FEDERAL LAWS REQUIRED BY THE CLEAN WATER ACT OF 1977.

ARTICLE I-GENERAL PROVISIONS

A. Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection system for Franklin County and enables the County to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR, part 403) through written conveyance contract with the City of Frankfort; the Frankfort Sewer Department being the only publicly owned treatment facility in Franklin County.

The objectives of this ordinance are:

1. to prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
2. to prevent the introduction of pollutants into the wastewater system which will pass through the system inadequately treated into receiving waters so as to cause violations of the County's KPDES permit or the atmosphere or otherwise be incompatible with the system;
3. to improve the opportunity to recycle and reclaim wastewater and sludge from the system;
4. to provide for equitable distribution of the cost of the wastewater system; and
5. provide for the health and safety of the citizens and treatment plant employees.

This ordinance provides for the regulation of direct and indirect contribution to the wastewater system through enforcement of general requirements for the monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to Franklin County and to persons within the County who are, by contract or agreement with the County, users of the City Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the Franklin County Fiscal Court shall administer, implement, and enforce the provisions of this ordinance.

B. Definitions

1. Authorized Representative. An authorized representative of a user may be: (1) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
2. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, water, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building.
3. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called "house connection".
4. Categorical Pretreatment Standards. National Categorical Pretreatment Standards or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and © of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.
5. City. Incorporated area of Franklin County identified as Frankfort, KY. Also used as reference to ownership of the Frankfort Sewer Department.
6. County. Unincorporated portion of Franklin County, Kentucky.
7. Clean Water Act (CWA). (Also known as the Federal Water Pollution Control Act) enacted by Public Law 92-500. October 18, 1972. 33 USC 1251 et seq. as amended by PL 95-217. December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.
8. Control Authority. The term "control authority: shall refer to the City of Frankfort Sewer Department when there exists an approved Pretreatment Program under the provisions of 40 CFR 403.11.
9. Daily Maximum. The maximum allowable value for any single observation in a given day.
10. Easement. An acquired legal right for the specific use of land owned by others.
11. Effluent. The liquid overflow of any facility designed to treat, convey or retain wastewater.

12. Equipment. All movable, non-fixed items necessary to the wastewater treatment process.
13. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
14. Industrial User (IU). A source of Indirect Discharge, which does not constitute a "discharge of pollutants" under regulations, issued pursuant to Section 402 of the Clean Water Act.
15. Industrial Wastes. The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.
16. Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources:
 - (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and/or,
 - (2) Is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D. of the SWDA, the Clean Air Act, The Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act (40 DFR 403.3).
17. May. This is permissive (see "shall").
18. Monthly Average. The maximum allowable value for the average of all observations obtained during one month.
19. Shall. Is Mandatory (see "may").
20. National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and © of the Clean Water Act which applies to a specific category of industrial users. This term includes prohibitive discharge limits established pursuant to 40 DFR 403.5.

21. National (or Kentucky) Pollutant Discharge Elimination System or NPDES/KPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1332), or a permit issued by the Commonwealth of Kentucky under this authority and referred to as KPDES.
22. Natural Outlet. Any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
23. Ordinance. This ordinance, unless otherwise specified.
24. Pass Through. A discharge of pollutant which cannot be treated adequately by the POTW, and therefore exits into waters of the United States in quantities or concentrations which, alone or in connection with a discharge or discharges from other sources, is a course of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) (40 CRF 403.3).
25. Person. Any individual, partnership, Co-partnership, firm, company, corporation, association, joint stock company, trust, estates, governmental entity of any other legal entity, or their legal representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
26. pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.
27. Pollutant. The dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
28. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
29. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction of alteration can be obtained by physical, chemical or biological processes, or process change(s), or other means, except as prohibited by 40 CFR 403.6(d).
30. Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the County. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. Fro the purpose of

this ordinance, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the County who are, by contract or agreement with the County, users of the County's POTW.

31. Public Sewer. A common sewer controlled by a governmental agency or public utility. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or main sewer on private property and the service branch to the extent of ownership by public authority.
32. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.
33. Sewage. The spent water of a community. Domestic or sanitary waste shall mean the liquid or water-carried wastes from residences, commercial buildings, and institutions as distinct from industrial sewage. The terms "sewage" and "wastewater" are used interchangeably.
34. Slug Load. Any pollutant (including Biochemical Oxygen Demand) released in a discharge at a flow rate or concentration which will cause interference with the operation of the treatment works or which exceeds limits set forth in the Industry's Discharge Permit and which include accidental spills.
35. State. Commonwealth of Kentucky.
36. Surcharge. A charge for services in addition to the basic user and debt service charges, for those users whose contributions contain Biochemical Oxygen Demand (BOD's), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Oil & Grease or Ammonia-nitrogen (NH₃-N) 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.
37. Wastewater. The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water-carried wastes from residences, commercial buildings and institutions as distinct from industrial waste.
38. Wastewater Facilities. The structures, equipment, and processes required to collect, carry away, treat domestic and industrial wastes, and dispose of the effluent.

ARTICLE II-USE OF PUBLIC SEWERS

Article II, Sections A and B
were amended by Ordinance
12-2002 which is attached

~~a discharge to any natural outlet of the responsibility for complying with applicable Local, State and Federal Regulations governing such discharge.~~

C. Compliance with Local, State, and Federal Laws

The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this ordinance, and any more stringent State or Federal Standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, and subsequent amendments, and 40 CFR 403.

D. Discharge of Unpolluted Waters into Sewer

1. No person(s) shall discharge or cause to be discharged, through any leak, defect, or connection any unpolluted waters such as storm water, groundwater, roof runoff or subsurface drainage to any sanitary sewer, building sewer, building drain or building plumbing. The Franklin County Fiscal Court or its representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks, or defects to building sewers and require disconnection or repair of any pipes carrying such water to the building sewer. No sanitary drain sump or sump pump discharge by manual switch-over of discharge connection shall have a dual use for removal of such water.
2. The owners of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources.

E. Prohibited Discharges

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. A user shall not contribute the following substances to the POTW:

1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or injurious in any other way to the POTW or to the operation of the POTW. At no time shall the wastewater exhibit a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
2. Any waters or wastes having a pH lower than .0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.

3. Any slug load of pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or concentration that will cause interference with the normal operation of the POTW.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities (i.e., wood, glass, ashes, sand, cinders, unshredded garbage, paper products such as cups, dishes, napkins and milk containers, etc.).
5. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 40°C (104°F).
6. Any pollutant(s) which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
7. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
8. Any substance which will cause the POTW to violate its NPDES/KPDES Permit and/or sludge disposal system permit.
9. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.
10. Any trucked or hauled pollutants except at discharge points designated by the POTW.

ARTICLE III-PRIVATE WASTEWATER DISPOSAL

A. Public Sewer Not Available

1. Where a public sanitary sewer is not available under the provisions of "Use of Public Sewer" (Article II), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the Franklin County Health Department and all applicable local and state regulations.

2. The owner shall operate and maintain the private sewage disposal facility in a sanitary manner at all times, at no expense to the County.
3. No statement contained in the Article shall be construed to interfere with any additional requirements that may be imposed by applicable local or state regulations.
4. Holder of NPDES/KPDES Permits may be excepted. Industries with current NPDES/KPDES permits may discharge at permitted discharge points provided they are in compliance with the issuing authority.

B. Requirements for Installation

1. The type, capacity, location and layout of a private sewage disposal system shall comply with all local or State regulations.
2. A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the local and State regulations.

ARTICLE IV-BUILDING SEWERS AND CONNECTIONS

A. Prohibited Connections

1. No person shall make connection of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains, or other surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this ordinance shall be completely and permanently disconnected within ninety (90) days of the effective date of this ordinance. The owner(s) of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps, and pumps for such sources of ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to public sanitary sewer.

B. Design and Installations

County will require standards as adopted by the Frankfort City Commission as enacted by Frankfort Sewer Department and any future amendments thereof.

ARTICLE V-FEES

A. Purpose

This article provides for the recovery of costs from users for the implementation of the sewage collection and treatment system described herein. The applicable charges or fees shall be set forth by the County as determined on a project-by-project basis. Tap on fees will be the most current schedule used by the Frankfort Sewer Department.

B. Charges and Fees

The County may adopt charges and fees which may include:

1. fees for reimbursement of costs of constructing and operating the County's Sewer Projects;
2. fees for monitoring, inspections, and surveillance procedures;
3. fees for reviewing accidental discharge procedures and construction;
4. fees for permit applications;
5. fees for filing appeals;
6. fees for consistent removal by the POTW of excessive strength conventional pollutants;
7. other fees as the County may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the County.

ARTICLE VI-POWERS AND AUTHORITY OF INSPECTORS

A. Right to Enter Premises

The Frankfort Sewer Department and other duly authorized employees and representatives of the City and County and authorized representatives of applicable Federal and State regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharges to the public sewer system in accordance with the provisions of this ordinance.

B. Right to Obtain Information Regarding Discharge

The Frankfort Sewer Department and other duly authorized employees of the City and County and authorized representatives of applicable Federal and State regulatory agencies bearing proper credentials and identification are authorized to obtain information including but not limited to copying of records concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

C. Access to Easements

Duly authorized employees and representatives of the County and City Sewer Department bearing proper credentials and identification shall be permitted to enter all private properties through which the County holds a duly negotiated easement for the purpose of, but not limited to, construction, inspection, observation, measurement, sampling, repair, and maintenance of any portions of the wastewater facilities lying within said easement. All entry and subsequent work, if any on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

D. Safety

While performing the necessary work on private properties referred to in Section C. above, all duly authorized employees of the City Sewer Department and County shall observe all safety rules applicable to the premises established by the authorized service provider. The company shall be held blameless for injury or death to City Sewer Department and County employees. The City Sewer Department and County shall secure the company against loss or damage to its property by the City Sewer department and County employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this ordinance.

ARTICLE VII-ENFORCEMENT

A. General

The County, through the Director of the City Sewer Department or his designee, to insure compliance with this ordinance, and as permitted through 40 CFR Subchapter N, and 401 KAR 5:055, may take the following enforcement steps against users in noncompliance with the ordinance. The remedies available to the POTW include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the Director of the City Sewer Department or their designee.

The Director of the City Sewer Department may suspend the wastewater treatment service and/or an Industrial User Permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the County to violate any condition of its NPDES/KPDES permit.

Any user notified of a suspension of the wastewater treatment service and/or the Industrial User Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City Sewer Department shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City Sewer Department shall reinstate the Industrial User Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted the City Sewer Department within fifteen (15) days of the date of occurrence.

B. Notice of Violation

Any user found to be violating any provision of this ordinance, wastewater permit, or any order issued hereunder, shall be served by the City with written notice stating the nature of the violation(s). Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Director of the City Sewer Department. Submission of this plan in no way relieves the user of potential liability for any violation occurring before or after receipt of the Notice of Violation.

If the violations persist or the explanation and/or plan are not adequate, the City Sewer Director's response shall be more formal and commitments (or schedules as appropriate) for compliance will be established in an enforceable document. The

enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant noncompliance as defined as follows:

A user is defined as being in significant noncompliance when it commits one or more of the following conditions:

1. Causes imminent endangerment to human health of the environment or results in the exercise of emergency authority;
2. Involves failure to report noncompliance accurately;
3. Results in a chronic violation defined here as sixty-six percent (66%) or more of all measurements taken during a six (6) month period that exceed (by any magnitude) the daily maximum limit or the monthly average limit for the same pollutant parameter;
4. Results in a Technical Review Criteria (TRC) Violation defined here as thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six (6) month period that equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TEC-1.4 for BOD, TSS, fats and oil & grease and 1.2 for all other pollutants except ph);
5. Any violation of a pretreatment effluent limit that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through or has endangered the health of the POTW personnel or the public;
6. Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTW's use of its emergency authority to halt or prevent such as a discharge;
7. Violations of Compliance Schedule Milestones, failure to comply with schedule milestones for starting or completing construction or attaining final compliance by ninety (90) days or more after the schedule date;
8. Failure to provide required reports within thirty (30) days of the due date;
9. Any violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

C. Administrative Orders

Any user who, after receiving a Notice of Violation, shall continue to discharge in violation of this ordinance or other pretreatment standards or requirements or is determined to be a chronic or persistent violator or who is determined to be a significant violator, shall be ordered to appear before the County. At said appearance, a compliance schedule will be given to the non-conforming user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall

consider the type and severity of violations, duration of violation, number of violations, severity of impact on the POTW, impact on human health, users economic benefit from the violation, history of violations, good faith of the user, and shall be a non-arbitrary but appropriate amount.

The administrative order may take any of the following specified by the City of Frankfort Sewer Regulations, Title 13, Chapters 13.04, 13.08, 13.12 13.16, and 13.20; and the most current changes, amendments, additions or deletions.

ARTICLE VIII-PENALTIES

A. Written Notice

Any user found to be violating any provision of this ordinance or a wastewater permit or order issued hereunder, shall be served by the Director of Frankfort Sewer or their designee with written notice stating the nature of the violation. The offender shall permanently remedy all violations upon receipt of this notice.

The notice may be of several forms. Also penalties of various forms may be levied against users for violations of this ordinance. The penalties, if levied, shall range from publication of violators in the local newspaper to administrative fines of at least \$1,000.00 per day per violation.

B. Revocation of Permit

Any user violating any of the provisions of this ordinance or a wastewater permit order issued hereunder, may be subject to termination of its authority to discharge sewage into the municipal sewer system. Such termination may be immediate if necessary for the protection of the POTW. Said user may also have water service terminated.

Any user who violates the following conditions of this ordinance, or applicable Local, State or Federal Regulations, is subject to having his permit revoked in accordance with the procedures of this ordinance.

1. Failure of a user to factually report the wastewater constituents and characteristics of his discharge.
2. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
4. Violation of conditions of the permit.

C. Liability

Any user violating any of the provisions of this Ordinance, discharge permit or other order issued hereunder shall become liable to the City and/or County for any expense, loss or damage occasioned them by reason of such violation. This civil liability is as provided by state and federal regulations.

D. Misrepresentation and /or Falsifying of Documents

Any user who knowingly and/or negligently makes any false statements, representations or certification of any application, record, report, plan or other document filed or required pursuant to this Ordinance or Industrial User Discharge Permit or who falsifies, tampers with or knowingly and/or negligently renders inaccurate any monitoring device or method required under this Ordinance, shall be punished by a fine of at least \$1,000.00 or by imprisonment for not more than twelve (12) months or by both.

E. Destruction of POTW and Legal Action

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the sewer system. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct. It shall be noted that the Clean Water Act does not require proof of specific intent to obtain conviction.

F. Legal Action

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this ordinance, Federal or State Pretreatment Requirements or any order of the City or County, the City or County may commence an action for appropriate legal and/or equitable relief in the appropriate Court of this jurisdiction.

G. Injunctive Relief

Whenever a user has violated or continues to violate the provisions of this ordinance or permit or order issued hereunder, the Director of the City Sewer Department, thorough counsel may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user.

H. Civil Penalties

1. Any user who has significantly violated or continues to violate this ordinance or any order or permit issued hereunder, may be liable to the County and/or the Director of City Sewer Department for a civil penalty consistent with their regulations.

2. The County and/or the Director of the City Sewer Department may petition the Court to impose, assess and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

I. Criminal Prosecution

1. Violations-General

- a. Any user who willfully or negligently violates any provisions of this ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$500.00 per violation per day or imprisonment for not more than one (1) year or both.
- b. In the event of a second conviction, the user shall be punishable by a fine not to exceed \$10,000.00 per violation per day or imprisonment for not more than three (3) years or both.

ARTICLE IX-VALIDITY

A. Severability

If any court of competent jurisdiction invalidates any provision, paragraph, word, section, or article of this ordinance, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

B. Conflict

This ordinance is not meant to conflict with the City of Frankfort's Sewer Regulations, Chapter 13 of City Code.

ARTICLE X-ORDINANCE IN FORCE

This ordinance shall be in full-force and effect from and after its passage, approval, recording and publication as provided by law.

FIRST READING

The first reading of this ordinance was held on the 21 day of June.

Berry Hammermeister
FISCAL COURT CLERK

SECOND READING

The second reading of this ordinance was held on the 19 day of July and was adopted by the Franklin County Fiscal Court.

Dressa A Barton
COUNTY JUDGE/EXECUTIVE

Berry Hammermeister
FISCAL COURT CLERK

ARTICLE II-USE OF PUBLIC SEWERS

A. Mandatory Sewer Connection

1. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the County and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the County, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within five hundred (500) feet (152.5 meters) of the property line, provided the plot of land is less than five acres. Provided a plot of land is five to 10 (ten) twenty acres, sewer connection will be required if the public sewer line is within 250 300 feet of the property line. Connection to public sewer will be offered, but not required for owners of plots of land which exceed 10 (ten) 20 acres. Upon subdivision of any acreage, all resulting and existing lots are required to meet this regulation based on their size and property line distance from the public sewer as stated above.
2. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in paragraph 1, except as provided for in "Private Wastewater Disposal" (Article III).
3. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public system within ninety (90) days in compliance with this ordinance, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.
4. Mandatory public sewer connection may be waived when an existing extreme physical condition such as a road, railroad crossing, or cliff presents and undue burden on the property owner(s).

B. Unlawful Discharge to Storm Sewers or Natural Outlets

1. It shall be unlawful for any person to place, deposit, or permit to be deposited any pollutant in any unsanitary manner on public or private property within the Franklin County sewer service area or in any sewer service area under the jurisdiction of Franklin County except in compliance with the provisions of this ordinance.
2. It shall be unlawful to discharge to any natural outlet or storm sewer within Franklin County or in any area under the jurisdiction of said County, any sanitary wastewater or other polluted waters, except where suitable treatment or management has been provided in accordance with subsequent provisions

Approved by the Fiscal Court of Franklin County, Kentucky, this day, 6
the 1st day of November, 2002.

Teresa A. Barton
Teresa A. Barton, County Judge/Executive

Berry Hammermeister
Fiscal Court Clerk, Attest