

ORDINANCE NO. _____-2012

AN ORDINANCE AMENDING SUBSECTIONS 16-16.2(c), 16-64(c), AND 16-404(4) OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT TO PROVIDE FOR A PENALTY FOR UNPAID BILLS AFTER FIFTEEN (15) DAYS AND INTEREST AT THE STATUTORY RATE; CREATING SECTIONS 16-16.4, 16-64.1, AND 16-404.1 OF THE CODE TO PROVIDE FOR A TWO (2) YEAR PERIOD EFFECTIVE JULY 1, 2012 WITHIN WHICH TO FILE A CLAIM FOR REFUND AND A CLAIMS PROCESS; CREATING SUBSECTION 16-59(b)(3) OF THE CODE TO PROVIDE FOR BILLING CREDITS; AMENDING SECTION 16-63 OF THE CODE TO PROVIDE FOR MONTHLY BILLINGS AND BILLING ADJUSTMENTS WITHIN TWO (2) YEARS; AMENDING SUBSECTION 16-64(a) OF THE CODE TO PROVIDE FOR ASSESSMENT OF FEES OR EXPENSES INCURRED AS A RESULT OF DISCONTINUING WATER SERVICE; AND AMENDING SUBSECTION 16-408(2) OF THE CODE RELATING TO THE MEMBERSHIP OF THE WATER QUALITY FEES BOARD.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That subsection 16-16.2(c) of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 16-16.2.

(c) All unpaid landfill-solid waste bills are subject to penalty and interest charges to be computed as follows:

- (1) Any unpaid landfill-solid waste disposal bill or a portion of any unpaid bill remaining unpaid for more than fifteen (15) [~~thirty (30)~~] days from the date of billing shall be assessed a penalty of ten (10) percent of the unpaid balance.
- (2) In addition to the penalty provided in (c)(1) of this section, any landfill-solid waste disposal bill or a portion of any such bill remaining unpaid for more than thirty (30) days from the date of billing shall be assessed an interest charge at the statutory rate, which shall be on file with the division of revenue [~~of one (1) percent per calendar month or a portion of a calendar month~~] against the unpaid balance of such bill.

Section 2 - That section 16-16.4 of the Code of Ordinances be and hereby is created to read as follows:

Sec. 16-16.4.

Any person or entity responsible for payment of a landfill-solid waste disposal bill who believes that the bill or amount of the bill is in error may file for a refund within two (2) years of the date of billing. Such claim shall be made in writing to the director, division of revenue, on a form provided by the division. The director or his or her designee shall review the claim and respond in writing within thirty (30) days of the filing. The decision of the director or designee shall be final. The division of revenue may prescribe such regulations, policies, or guidelines consistent with the provisions of this section as deemed necessary or appropriate to carry out the intentions stated herein.

- (1) Any overpayment may be credited against the amount of a future bill(s).
- (2) The two-year limitation period for refunds or credits shall be in effect for any filing for a refund or credit submitted on or after July 1, 2012.

Section 3 - That subsection 16-59(b)(3) of the Code of Ordinances be and hereby is created to read as follows:

Sec. 16-59.

- (b) *Schedule B*: Rates and charges shall be as follows:

* * * * *

- (3) Applications for a billing credit for water that does not go into the sanitary sewer system shall be made in writing to the director, division of revenue, on a form provided by the division. Provided satisfactory evidence is provided with the application a credit for water excluded from the sewer system shall be granted for a period not to exceed six (6) months prior to the application date. No further credit shall be granted without a monthly application for credit with sufficient supporting evidence. The administration of

these credits shall be under the division of revenue and the division may prescribe such regulations, policies, or guidelines consistent with the provisions of this section as deemed necessary or appropriate to carry out the intentions stated herein.

Section 4 - That section 16-63 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 16-63.

- (a) Billing of the sewer user fee will be monthly.~~[based on the same billing timetable as that utilized by the water supplier.]~~
- (b) The urban county government will honor all adjustments made by the Kentucky-American Water Company in an individual bill if such adjustment is made within two (2) years of the original billing. These adjustments shall include but are not limited to the following reasons:
 - (1) Bill errors;
 - (2) Accidental overreads;
 - (3) Water meter leaks;
 - (4) Faulty meter dials;
 - (5) Water tank leaks;
 - (6) Recommended cold weather drippage.

Section 5 - That subsection 16-64(a) of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 16-64.

- (a) Bills for sanitary sewer service of users in the classifications identified in section 16-59 shall be due when rendered; and the face amount, without penalty or interest, shall be paid on the due date. If a bill is not paid on the due date, the urban county government may, as authorized by KRS 96.930 to 96.943, inclusive, issue to the party supplying water service to the premises a direction to discontinue such water service, whether the water service bill shall have been paid or not. In the event that the water

service is discontinued as result of non-payment of the bill the urban county government shall assess any fees or expenses it incurs as the result of the discontinuance as an additional charge.

Section 6 - That subsection 16-64(c) of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 16-64.

- (c) All unpaid sanitary sewer bills are subject to a penalty and interest charge to be computed in the following manner:
- (1) Any sanitary sewer service bill or a portion of any unpaid sewer service bill remaining unpaid for more than fifteen (15) ~~[thirty (30)]~~ days from the date of billing shall be assessed a penalty of ten (10) percent of the unpaid balance.
 - (2) In addition to the penalty provided in (c)(1) of this section, any sanitary sewer bill or a portion of any sanitary sewer bill remaining unpaid for more than thirty (30) days from the date of billing shall be assessed an interest charge at the statutory rate, which shall be on file with the division of revenue ~~[of one (1) percent per calendar month or a portion of a calendar month]~~ against the unpaid balance of such bill.

Section 7 - That section 16-64.1 of the Code of Ordinances be and hereby is created to read as follows:

Sec. 16-64.1.

Any person or entity responsible for payment of a sanitary sewer bill who believes that the bill or amount of the bill is in error may file for a refund within two (2) years of the date of billing. Such claim shall be made in writing to the director, division of revenue, on a form provided by the division. The director or his or her designee shall review the claim and respond in writing within thirty (30) days of the filing. The decision of the director or designee shall be final. The division of revenue may prescribe such regulations, policies, or guidelines consistent with the provisions of

this section as deemed necessary or appropriate to carry out the intentions stated herein.

- (1) Any overpayment may be credited against the amount of a future bill(s).
- (2) The two-year limitation period for refunds or credits shall be in effect for any filing for a refund or credit submitted on or after July 1, 2012.

Section 8 - That subsection 16-404(4) of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 16-404.

- (4) All unpaid water quality management bills are subject to penalty and interest charges to be computed in the following manner:
 - (a) Any water quality management bill or a portion of any unpaid water quality management bill remaining unpaid for more than fifteen (15) [~~thirty (30)~~] days from the date of billing shall be assessed a penalty of ten (10) percent of the unpaid balance.
 - (b) In addition to the penalty provided in (4)(a) of this section, any water quality management bill or a portion of any water quality management bill remaining unpaid for more than thirty (30) days from the date of billing shall be assessed an interest charge at the statutory rate, which shall be on file with the division of revenue [~~of one (1) percent per calendar month or a portion of a calendar month~~] against the unpaid balance of such bill.

Section 9 - That section 16-404.1 of the Code of Ordinances be and hereby is created to read as follows:

Sec. 16-404.1.

Any person or entity responsible for payment of a water quality management bill who believes that the bill or amount of the bill is in error may file for a refund within two (2) years of the date of billing. Such claim

shall be made in writing to the director, division of revenue, on a form provided by the division. The director or his or her designee shall review the claim and respond in writing within thirty (30) days of the filing. The decision of the director or designee shall be final. The division of revenue may prescribe such regulations, policies, or guidelines consistent with the provisions of this section as deemed necessary or appropriate to carry out the intentions stated herein.

- (1) Any overpayment may be credited against the amount of a future bill(s).
- (2) The two-year limitation period for refunds or credits shall be in effect for any filing for a refund or credit submitted on or after July 1, 2012.

Section 10 - That section 16-408(2) of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 16-408.

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- (2) The board shall meet quarterly and shall be composed of five (5) citizens appointed by the mayor and ~~one (1) ex officio member from the department of law.~~ No more than two citizen members may reside in the same urban county council districts. The terms of the board members shall be four (4) years, which terms shall be staggered so that at least half the membership of the board is eligible for appointment every two (2) years.

Section 11 - If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 12 - That this Ordinance shall become effective on July 1, 2012.

PASSED URBAN COUNTY COUNCIL:

MAYOR

