

03/22/2012

Ordinance

35-2012

AN ORDINANCE AMENDING SUBSECTIONS 16-60(a)(1), 16-60(a)(2), 16-60(a)(3), 16-60(a)(4), 16-60(a)(5), 16-60(a)(6), 16-60(a)(7), 16-60(a)(8), AND 16-60(a)(9) OF THE CODE OF ORDINANCES RELATING TO SANITARY SEWER TAP-ON FEES TO MAKE CLARIFICATIONS TO CATEGORIES OF PROPERTIES AND UPDATE FEES AND AMENDING SECTION 5 OF ORDINANCE NO. 34-2008, WHICH AMENDED SUBSECTION 16-60(a)(6), TO CORRECT A TYPOGRAPHICAL ERROR.

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

Section 1 – That Subsection 16-60(a)(1) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

(1) Single-family residences, town homes, and duplexes (per unit) occupying lots:

	<u>Effective July 2011</u>
Of 1/4 acre or less . . .	\$ 857.11
From 1/4 to 1/2 acre . . .	1,591.62
From 1/2 to 3/4 acre . . .	2,328.18
From 3/4 to 1 acre . . .	3,185.29
Larger than 1 acre . . .	4,042.39

Section 2 - That Subsection 16-60(a)(2) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

(2) Apartments, condominiums, hospitals, and nursing homes:

	<u>Effective July 2011</u>
Each efficiency unit . . .	343.25
Each 1-bedroom unit . . .	636.44
Each 2-bedroom unit . . .	832.59
3- or 4-bedroom unit . . .	1,029.75
Minimum for each building . . .	1,714.21

Section 3 - That Subsection 16-60(a)(3) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

(3) Motels:

	<u>Effective July 2011</u>
Each living unit...	636.44

Section 4 - That Subsection 16-60(a)(4) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

(4) Trailer parks:

	<u>Effective July 2011</u>
Each trailer or space...	857.11

Section 5 - That Subsection 16-60(a)(5) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

(5) Service stations:

	<u>Effective July 2011</u>	
Each station...	4,899.50	

Section 6 - That Subsection 16-60(a)(6) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

(6) Restaurants, business, professional, commercial and industrial buildings, including such facilities in hospitals or nursing homes:

	<u>Effective July 2011</u>	
A fee to be per square foot of floor space . . .		\$ 0.98
Minimum fee for each urban county government sewer connection . . .	857.11	

Section 7 - That Subsection 16-60(a)(7) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

(7) Storage areas, warehouses, and distribution centers:

	<u>Effective July 2011</u>	
A fee to be per square foot of floor space . . .		0.204
Minimum fee for each urban county government sewer connection . . .	857.11	

Section 8 - That Subsection 16-60(a)(8) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

(8) Swimming pools:

	<u>Effective July 2011</u>	
For the erection of each swimming pool, a fee 100 cubic feet...		1.471

Section 9 - That Subsection 16-60(a)(9) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

(9) Non-profit school establishments:

	<u>Effective July 2011</u>	
The fee for each urban county government sewer connection, per square foot of floor space . . .		0.490

Section 10 – That Section 5 of Ordinance No. 34-2008 be and hereby is amended by amending Subsection 16-60(a)(6) to read as follows:

(6) Restaurants, business, professional, commercial and industrial buildings:

	<u>Through June 30, 2009</u>	<u>July 1, 2009</u>
A fee to be per square foot of floor space . . .	0.71	0.96

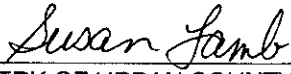
Minimum fee for each urban county
government sewer connection . . . 622.00 839.00

Section 11 - That this Ordinance shall become effective on the date of its
passage.

PASSED URBAN COUNTY COUNCIL: March 22, 2012

MAYOR 

ATTEST:


CLERK OF URBAN COUNTY COUNCIL
PUBLISHED: March 30, 2012-1t

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230-12
L230-12
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..Title

Authorization to approve various amendments to Section 16-60(a) of the Code of Ordinances that codify pre-existing policies and reflect current fees resulting from Consumer Price Index (CPI) adjustments and to amend Ordinance 34-2008 to correct a typographical error. (L230-12) (Martin/Moloney)

This is a request to approve various amendments to Section 16-60(a) of the Code of Ordinances that codify pre-existing policies and reflect current fees resulting from CPI adjustments and to amend Ordinance 34-2008 to correct a typographical error. These changes have no budgetary impact and will not result in any increases in fees above those being collected.

..Summary

Authorization to approve various amendments to Section 16-60(a) of the Code of Ordinances that codify pre-existing policies and reflect current fees resulting from Consumer Price Index (CPI) adjustments and to amend Ordinance 34-2008 to correct a typographical error. (L230-12) (Martin/Moloney)

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Budgetary Implications: NO

Advance Document Review: Law/Risk Management

Fully Budgeted: Yes/No/Partial

Account Number:

This Fiscal Year Impact: \$

Annual Impact: \$

Project:

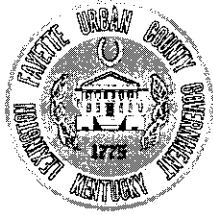
Activity:

Budget Reference:

Current Balance: N/A

..Body

{Body of resolution or ordinance}




Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC WORKS & ENVIRONMENTAL QUALITY

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

To: Mayor Jim Gray
Urban County Council

From: 
Charles H. Martin, P.E., Director
Division of Water Quality

Date: February 22, 2012

RE: Amendments to Code of Ordinances Section 16-60(a) and Ordinance No. 34-2008

The Division of Water Quality, which was assigned responsibility for the sanitary sewer tap-on desk on July 1, 2011, is requesting several amendments to Section 16-60(a) of the Code of Ordinances that codify pre-existing policies and reflect current fees resulting from Consumer Price Index (CPI) adjustments calculated annually by the Division of Revenue per the 2008 amendment. The division is also requesting that a typographical error in Ordinance No. 34-2008, which previously amended Section 16-60, be corrected at this time.

None of these recommended changes will result in any increase in fees above those currently being collected.

The specific amendments are as follows:

- Subsection 16-60(a)(1) amended to clarify that town homes and duplex units are treated as single-family residences;
- Subsection 16-60(a)(2) amended to clarify that condominiums, hospitals, and nursing homes are charged tap-on fees for their residential units under that subsection;
- Subsection 16-60(a)(6) amended to clarify that "restaurants, business, professional, commercial and industrial buildings" which are located within hospital or nursing home developments are charged a tap-on fee under that subsection;
- Subsection 16-60(a)(7) amended to clarify that warehouses and distribution facilities are treated as "storage areas"; and;
- Subsection 16-60(a)(9) amended to clarify that "school establishments" means non-profit educational facilities.

All fees under these subsections [and Subsections 16-60(a)(3) through 16-60(a)(5) and Subsection 16-60(a)(8)] will be updated to reflect current fees after CPI adjustments were applied based on Section 16-57.1 of the Code of Ordinances.

It is further requested that Ordinance No. 34-2008, passed on February 21, 2008, be amended to correct a typographical error. That Ordinance amended several sections of the Code of Ordinances to increase various sanitary sewer fees. Section 16-60(a), which sets forth applicable "tap-on fees" for nine different types of properties was one of the sections amended in 2008. Subsection 16-60(a)(6), which applies to "[r]estaurants, business, professional, commercial and industrial buildings", provides for calculation of the applicable tap-on fee based on the square footage of floor space and provides for a minimum fee. Although the minimum fee listed therein was correctly increased in Ordinance No. 34-2008, the "per square foot" fees were inadvertently stated incorrectly because a decimal point was placed in the wrong place (.071 instead of 0.71 and .096 instead of 0.96).

Consistent with the increased tap-on fees that have been charged for all other types of property since 2008, appropriately increased fees have also been charged for properties subject to Subsection 16-60(a)(6). Nevertheless, Ordinance No. 34-2008 should be amended to correct the typographical error.

Questions regarding this agreement should be directed to Charles Martin at 425-2455 or Ed Gardner at 258-3500.

CC: Richard Moloney, CAO
Janet Graham, Department of Law
William O'Mara, Division of Revenue
Susan Bush, Division of Environmental Quality
Marwan Rayan, Division of Engineering
Edward Gardner, Department of Law
Brad Stone, Department of Environmental Quality & Public Works
Julie Mantrom, Division of Water Quality
Candice Deininger, Division of Revenue
Mike Lambert, Division of Water Quality