

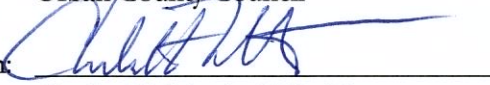


Lexington-Fayette Urban County Government  
DEPARTMENT OF PUBLIC WORKS & ENVIRONMENTAL QUALITY

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.

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