

ORDINANCE NO. 92-01  
1992 Series

AN ORDINANCE RELATING TO THE CREATION OF  
A SANITATION DISTRICT IN MADISON COUNTY

WHEREAS, the Madison County Fiscal Court recognizes the need for a Sanitation District to provide for the collection and disposal of sewage and other liquid wastes in Madison County, Kentucky so as to prevent and correct the pollution of streams and provide for the general public health, safety and welfare; and recognizes the necessary that such a special district be empowered to acquire and to construct sanitation facilities conducive to the public health, safety, comfort, convenience or welfare.

WHEREAS, The Kentucky Revised Statutes, Chapter 67.715 as enacted by the Kentucky General Assembly authorizes the County Judge/Executive, with the approval of the Fiscal Court, to create and establish any special district, and KRS 67.083 provides for the establishment of necessary governmental services.

WHEREAS, it is the desire of the Fiscal Court of Madison County, Kentucky to provide for the establishment of a Sanitation District encompassing the entire area of the Executive Park Subdivision in Madison County.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF MADISON, COMMONWEALTH OF KENTUCKY THAT:

In accordance with KRS Chapter 67.715(2) and KRS Chapter 67.083(3)(c), (h) and (r), the Madison County Fiscal Court grants its approval for the County Judge/Executive to establish a special district and said special district shall be known as Madison County Sanitation District No. 2. The Madison County Sanitation District

No. 2 shall be created and formed so that it shall have all powers and duties to reasonably, necessarily and effectively implement the provisions of and carry out the duties prescribed by KRS Chapter 220. The District shall be structured consistent with the provisions of KRS Chapter 220.

The Fiscal Court, pursuant to KRS Chapter 220.035, reserves power and authority to: review and approve, amend or disapprove proposed district land and facility acquisitions; review and approve, amend or disapprove proposed district construction of capital improvements; review and approve, amend or disapprove proposed service charges or user fees; and review and approve, amend or disapprove proposed budget.

The District shall submit to the Fiscal Court all plans and documentation for review and approval, amendment or disapproval by tendering any such documents or plans to the Fiscal Court through the County Judge/Executive at least forty-five days prior to the proposed effective date or time for submission to any entity.

The proposed work of the District is necessary and conducive to the public health, safety, comfort, convenience and welfare. The District is established for the purposes enumerated in KRS Chapter 220.030 which include providing for the collection and disposal of sewage and other liquid wastes produced within the district; and incident to such purposes and to enable their accomplishment, to acquire and to construct, with all appurtenances thereto, laterals, trunk sewers, intercepting sewers, siphons, pumping stations, treatment and disposal works, to maintain,

operate and repair same, and do all other things necessary for the fulfillment of the purposes of KRS 220.010 to 220.520.

The District boundaries shall follow and be the same as those of the Executive Park Subdivision in Madison County and include all territory therein described more fully in deed from Farris Parks and Anna H. Parks to Ibra Lee Angle and August Angle of record in Madison County Clerk's Office, Deed Book 252, Page 591, located on Menelaus Road, consisting of 27.12 acres more or less. Further, those properties, within the balance of Madison County, which are currently served by or which have contracted for service with the Madison County Sanitation District No. 1 prior to the enactment of this ordinance, shall not be subject to the Madison County Sanitation District No. 2 except and unless it is necessary for the District to exercise its authority to acquire easements or otherwise facilitate the operation of the District.

The District shall have the powers stated in KRS Chapter 220 including the power to sue and be sued, contract and be contracted with, incur liabilities and obligations, exercise the right of eminent domain, assess, tax, contract for rentals, issue bonds, and do and perform all acts necessary and proper for the carrying out of the purposes for which the District is created, and for executing the powers with which it is vested as provided in KRS Chapter 220.510 which shall include the authority to require water service be discontinued for knowing failure to pay sewer services charges.

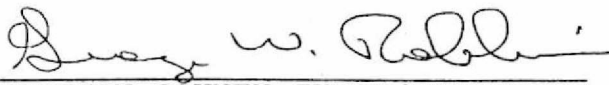
The District shall have the power of condemnation, as provided

and described in KRS Chapter 220.310; and may provide for a sewer service charge to be imposed and collected, as provided in KRS Chapter 220.510.

THIS ORDINANCE NO. 92-01 SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION.

INTRODUCED, SECONDED AND GIVEN FIRST READING APPROVAL at a duly convened meeting of the Fiscal Court of Madison County, Kentucky held on the 21<sup>st</sup> day of April, 1992.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Madison County, Kentucky, held on the 5<sup>th</sup> day of May, 1992, and of record in Fiscal Court Order Book 24, Page 258.

  
MADISON COUNTY JUDGE/EXECUTIVE

ATTESTED TO:

  
CLERK

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