

COMMONWEALTH OF KENTUCKY
OLDHAM COUNTY

ORDINANCE NO. KOC 08-150-779

**AN ORDINANCE RELATING TO THE CREATION AND
AUTHORITY OF A STORMWATER MANAGEMENT DISTRICT IN
OLDHAM COUNTY, KENTUCKY.**

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WHEREAS, the Oldham County Fiscal Court recognizes the need for a Storm Water Management District to provide for the implementation of the Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) permit for the improvement of water quality through the Municipal Separate Storm Sewer System (MS4) Phase II program in Oldham County, Kentucky, and to prevent and correct the pollution of streams and provide for the general public health, safety, and welfare; and, recognizes the necessity that such a special district be empowered to construct Storm Water facilities conducive to the public health, safety, comfort, convenience, and welfare; and,

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; and,

WHEREAS, it is the desire of the Fiscal Court of Oldham County, Kentucky, to provide for the establishment of a Storm Water Management District within the contiguous political boundary of Oldham County, exclusive of the incorporated limits of the city of LaGrange as of July 1, 2008; and,

WHEREAS, the proper delegation of authority to a county special district for management of storm water as described in this ordinance is expressed within the

provisions of KRS 220, most specifically within the subsections: KRS 220.030(1-3,6), KRS 220.110, KRS 220.510, and KRS 220.515.

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

In accordance with KRS Chapter 67.715(2) and KRS Chapter 67.033(3) (c), (h) and (r) the Oldham County Fiscal Court grants its approval for the County Judge/Executive to establish a special district and said special district shall be known as the Oldham County Storm Water District. The Oldham County Storm Water District 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, as it applies to the administration and funding of storm water management and the mitigation of surface water pollution.

The Fiscal Court, consistent with the authority granted to it under KRS Chapter 220.035, reserves the power to: approve a board of directors, whose number shall be 3 , and appointed by the Oldham County Judge Executive, review and approve, amend or disapprove proposed district land 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 a 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 (45) 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, comfort, convenience and welfare. The District is established for the purposes enumerated in KRS Chapter 220.030(1-3, 6) which includes providing for the collection and disposal of Storm Water, treatment and disposal, to build, maintain, operate and repair Storm Water improvements and related facilities, and do all other things necessary for the fulfillment of the purposes of KRS 220.010 to 220.520 as they relate to storm water, water pollution and the public welfare.

The District boundaries shall follow and be the same as those of Oldham County and include all territory therein, except that the incorporated limits of the city of LaGrange as of July 1, 2008 shall not be included as part of or within the District boundaries. Further, those properties, within the described boundaries, which are currently served by or which have contract for service with the city of LaGrange prior to the enactment of this ordinance, or contract for said service within 90 days of the enactment of this ordinance, shall not be subject to the Oldham County Storm Water Management District 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 as a creation of Oldham Fiscal Court shall be bound by the Co-Permittee Agreement concerning the NPDES permit entered into by Oldham Fiscal Court and the cities of Crestwood, Pewee Valley, Orchard Grass Hills, Goshen, and River Bluff.

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, 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.

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. The initial rate of said service charge shall be established by schedule under separate ordinance of the Oldham

Fiscal Court, and thereafter, any amendments proposed in a resolution from the directors of the district to this rate shall be subject to approval by Fiscal Court.

Should any provision in this ordinance become illegal unenforceable under the constitution, laws and statutes of the Commonwealth of Kentucky, or for any other reason, that provision shall fall out of this ordinance but the remainder of the ordinance shall remain in force until such time as it may be amended by the Oldham Fiscal Court.

This ordinance becomes effective thirty (30) days subsequent to passage and publication pursuant to KRS 424.

APPROVED BY THE OLDHAM FISCAL COURT

August 6, 2008.



The Honorable Duane Murner
Oldham County Judge/Executive

ATTEST:



Tina Schaaf
Fiscal Court Clerk