COMMONWEALTH OF KENTUCKY
OLDHAM COUNTY
ORDINANCE NO. KOC 16-610-248

AN ORDINANCE RELATING TO THE RE-ESTABLISHMENT OF A SPECIAL STORM WATER MANAGEMENT DISTRICT IN OLDHAM COUNTY, KENTUCKY

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WHEREAS, the Oldham County Fiscal Court recognized 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 provide for collection and disposal of Storm Water, treatment and disposal, to build, maintain, operate and repair Storm Water Improvements and related facilities and engage in other activities conducive to the public health, safety, comfort, convenience, and welfare; and,

WHEREAS, Kentucky Revised Statutes Chapter 67.715(2) 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(3) provides for the establishment of necessary governmental services; and,

WHEREAS, the Oldham County Fiscal Court created a Storm Water Management District to provide for the management of storm water within the contiguous political boundary of Oldham County, exclusive of the incorporated limits of the City of Pewee Valley by Ordinance KOC 08-150-779 and further established the base rate for Storm Water Management in Oldham County Kentucky by Ordinance KOC 08-220-783; 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; and,

WHEREAS, the Oldham County Fiscal Court created a special district in Oldham County known as the Oldham County Environmental Authority (OCEA) by Ordinance KOC 10-820-907 wherein the responsibilities previously granted to the Oldham County Storm Water Management District under KOC 08-150-779 were granted to OCEA; and,

WHEREAS, the Oldham County Fiscal Court now desires to remove the responsibilities of storm water management previously granted to the OCEA and to re-establish the Oldham County Storm Water Management District as an entity pursuant to Kentucky Revised Statutes KRS 67.715 and KRS 67.083, the proper designation of this authority to a county special district for management of storm water being expressed within the provisions of KRS 220, more specifically: 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 67.083(3)(c)(h) & (r) the Oldham County Fiscal Court grants its approval for the County Judge/Executive to reestablish a special district and said special district shall be known as the Oldham County Storm Water District. The Oldham County Storm Water District 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 three (3), 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 Pewee Valley 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 contracted for service with the City of Pewee Valley prior to 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 LaGrange, Crestwood, 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 storm water service charge to be imposed and collected, as provided in KRS Chapter 220.510. All Storm Water District fees in effect at the time of the passage of this ordinance shall remain in effect

until modified by resolution of the Board of Directors of the District and approved by the Oldham County Fiscal Court.

Should any provision in this ordinance become illegal and/or 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 JULY 19, 2016.

HON. DAVID VOEGELE
Oldham County Judge/Executive

ATTEST:

Sheila Faehr
Oldham County Fiscal Court Clerk