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Page 1 of 6  
Hardin County Clerk  
Kenneth L. Tabb Clerk  
File# 293

**HARDIN COUNTY, KENTUCKY**

**5** Pg **365-370**

**ORDINANCE NO. 293, SERIES 2013**

**AN ORDINANCE RELATING THE REQUIREMENTS TO AMENDMENT NO. 2 OF ORDINANCE NO. 269, SERIES 2009**

**AN ORDINANCE RELATING THE REQUIREMENTS TO PROVIDE ADEQUATE AND ACCEPTABLE SEWAGE DISPOSAL AND TREATMENT FOR ALL PROPERTIES IN UNINCORPORATED HARDIN COUNTY, KENTUCKY.**

- WHEREAS** the Hardin County Fiscal Court and the Hardin County Planning and Development Commission have adopted a Comprehensive Plan, Land Use Regulations, and Subdivision Regulations;
- WHEREAS** the above-mentioned regulations are designed to protect the public health, safety and welfare of the citizens of Hardin County;
- WHEREAS** on October 1 and October 3, 2013 the Hardin County Planning and Development Commission held a series of Public Open Houses to gain public input; and
- WHEREAS** on December 3, 2013 the Hardin County Planning and Development Commission held a Public Hearing on the proposed text amendment and adopted Resolution 01, Series 2013 recommending approval of the proposed text amendment to Fiscal Court; and
- WHEREAS** the proposed text amendment will add Section 18 that will set forth the requirements to provide adequate and acceptable sewage disposal and treatment for all properties in Unincorporated Hardin County, Kentucky:

**BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF HARDIN, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:**

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**SECTION 18****SEWAGE DISPOSAL AND TREATMENT REQUIREMENTS****18-1 INTENT**

The purpose of this section is to set forth the requirements to provide adequate and acceptable sewage disposal and treatment for all properties in Unincorporated Hardin County, Kentucky.

**18-2 APPLICABILITY**

Connection to a centralized sewer system shall be required for the following activities or actions within 300 feet of a publically or government owned treatment works collection asset (gravity pipe, manhole, wetwell):

1. For new construction within commercial and industrial zones and for assembly land uses in all residential zones
2. For enlargements, additions, extensions within commercial and industrial zones and for assembly uses in all residential zones
3. For new construction of multifamily structures. This includes the conversion or alteration or addition to existing structures into multifamily units
4. For the conversion of a residential structure to a non-residential use
5. For a change in use of a commercial or industrial structure
6. For the development of new subdivisions with streets
7. For new subdivisions of land or re-subdivided property that creates five (5) or more new lots for development
8. For the development of a new mobile home park
9. For properties determined to have a "failing" on-site septic system by the Environmental Services Office of the Lincoln Trail Health Department. For the purposes of this Section, failing means that the on-site septic system is not functioning adequately or within applicable regulatory parameters and that the cost of repair or improvement exceeds the cost of connecting to sewer, or that the property has no means of repair or improvement due to soil conditions or available area. The determination of whether a system is failing, including projected costs of repair, improvement or connection to sewer, shall be determined by the Environmental Services Office of the Lincoln Trail Health Department.

The design and installation of the collection system, lift stations or other conveyance infrastructure needed to convey sewage into the system is the responsibility of the owner or developer. The 300 feet shall be measured from the closest existing entry point of the collection asset to the closest property line. The publically or government owned treatment works shall be responsible for notifying Hardin County

Planning & Development and the Hardin County Health Department when centralized sewer service becomes available to areas within the County.

### 18-3 PROHIBITED FACILITIES

The following facilities or methods of sewage disposal are prohibited and will not be allowed to be constructed or used in Unincorporated Hardin County;

1. Straight pipe installed direct to creek, stream, sinkhole, open ditch, cesspool (non-agricultural) or any other method that is banned or prohibited by any state or federal law or regulation.
2. Floor, basement, or crawl space drains which are lower than ground surfaces surrounding the building shall not be connected to any building sanitary sewer which flows to a centralized or public treatment system.
3. No customer shall make connection of roof down spouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains, or other surface runoff or groundwater to a building sewer or building drain, which flows to a centralized or public treatment system.

The owner of a building connected to such facilities and any person(s) that performs the work in making such a connection shall be subject to the penalties set out herein.

### 18-4 ALLOWABLE DISPOSAL / TREATMENT METHODS

The following four (4) methods are available for sewage disposal / treatment within the County where available. Only one of the methods may be used, and is required and described, in accordance with location or type of development as described in subsequent sections below:

1. PTW1 – Connection to a Publically Owned Treatment Works (“POTW”) where treatment occurs off-site from the development. The entities that may own these systems may be a County Water District (“WD”), authorized to operate sewage disposal systems by KRS 74.407. Certain fees and connection charges of the WD will be set forth in their tariff, which fees must be paid by the developer or property owner. Design, construction and specifications for the required infrastructure will be determined by the requirements of the District. Other than a private sewer lateral line conveying flows to the POTW, the infrastructure ownership, maintenance and replacement will be transferred to the POTW after a warranty period specified by the District. Any monthly charges to discharge to the POTW and receive future sewer service will be as set forth in the District’s latest approved tariff and will apply to subsequent property owners connected to and using the system.
2. PTW2 – This is the same type of system as PTW1, but the owner or entity providing the service could be a City government (“City”) organized under KRS 81. Only those cities having an agreement with Hardin County Water District 1 or Hardin County Water District 2 will be available to provide sewer service to properties or lots being developed in unincorporated areas of Hardin County. Certain fees and connection charges of the City will be set forth in that entities ordinance, which must be paid by the developer or property owner. Design,

construction and specifications for the required infrastructure will be determined by the requirements of the City. Other than a private sewer lateral line conveying flows to the POTW, the infrastructure ownership, maintenance and replacement will be transferred to the POTW after a period specified by the City. Any monthly charges to discharge to the POTW and receive future sewer service will be as set forth in the City's latest approved ordinance and will apply to subsequent property owners connected to and using the system.

3. **OS1** – On-site, septic system. These systems are designed, inspected and permitted under authority of Kentucky Department for Public Health Protection and Safety and the Kentucky Division of Water. KRS 211.350 designates the cabinet as the regulatory entity for the construction, installation, or alteration of onsite sewage disposal systems. 902 KAR 10:085 outlines the site and system requirements. KRS 211.360 outlines the requirements of any person approving construction, installation, or alteration of an on-site sewage disposal system. The local authority which will issue a permit and provide an inspection is the Environmental Services office of the Lincoln Trail Health Department. Certain fees as published by that office must be paid by the development owner or applicant in order to have this type of system permitted and installed. All costs to install, maintain and repair the system shall be borne by the individual property owner once the system is installed.
4. **OS2**– Alternative or on-site, cluster or experimental systems. These systems typically will serve multiple lots or buildings, but do not connect to a POTW. An OS2 may be located on a separate tract of land, within a subdivision or development. These systems are designed, inspected and permitted under authority of Kentucky Department for Public Health Protection and Safety and the Kentucky Division of Water. In addition to regulations and statutes cited in above section, KRS 322.010 and 322.020 add additional requirements for the design and construction of these systems. The local authority which will issue a permit and provide an inspection is the Environmental Services office of Lincoln Trail Health Department. Certain fees as published by that office must be paid by the development owner or applicant in order to have this type of system permitted and installed. All costs to install, maintain and repair the system shall be borne by the individual property owner or, may be maintained by a Homeowners Association or similar responsible party.

#### **18-5 FEES, RATES AND CHARGES**

The Water Districts shall devise, review annually and publish its schedule of fees, rates, and charges, which shall be based on the actual costs of providing services as provided in KAR 807 5:011. The schedule may include service assessments, system development charges and other similar fees and charges.

#### **18-6 PENALTIES**

Any person, entity or corporation violating any of the provisions of this Ordinance or failing or refusing to comply with the rules and regulations of Hardin County Planning & Development, the Hardin County Health Department or Hardin County Water District #1 or #2 relating to this Ordinance shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense.

Each day such person, entity or corporation fails or refuses to comply with the specific provisions of this Ordinance shall constitute a separate offense.

Given First Reading on the 10th day of December 2013.

Given Second Reading of the 20<sup>th</sup> day of December, 2013.

Adopted by the Fiscal Court of Hardin County, Kentucky on this the 20<sup>th</sup> day of December, 2013.

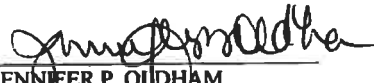
HARDIN COUNTY FISCAL COURT

By:   
HARRY L. BERRY  
HARDIN COUNTY JUDGE/EXECUTIVE

Attest:

  
KENNETH L. TABB  
HARDIN COUNTY COURT CLERK

Approved as to form:

  
JENNIFER P. OLDHAM  
HARDIN COUNTY ATTORNEY

**Published**  
***The News-Enterprise***  
**December 11, 2013**

**PUBLIC NOTICE**  
Hardin County Fiscal Court, in its regular meeting on 10 December 2013, had the first reading of Ordinance No. 285, Series 2013 entitled:  
**AN ORDINANCE RELATING TO REQUIREMENTS IN AMENDMENT NO. 1 OF ORDINANCE NO. 289, SERIES 2009 RELATING TO REQUIREMENTS TO PROVIDE ADEQUATE AND ACCEPTABLE SEWAGE DISPOSAL AND TREATMENT FOR ALL PROPERTIES IN UNINCORPORATED HARDIN COUNTY, KY.**  
A second reading of the proposed ordinance will be held on 20 December 2013 at a regular Fiscal Court meeting at 10:00 a.m. at the H.C. Pike Courthouse, 3rd floor courtroom, 188 Public Square, Elizabethtown, Kentucky.  
A copy of the full text of the ordinance is available in the office of the Hardin County Planning & Development Commission, H.C. Pike Courthouse, 188 Public Square, Suite 200, Elizabethtown, Kentucky, Monday through Friday from 8:00 a.m. to 4:30 p.m.  
/s/ Harry L. Berry  
Hardin County Judge/Executive