

AN ORDINANCE OF THE CITY OF VILLA HILLS, IN KENTON COUNTY, KENTUCKY, AMENDING CHAPTER 93 OF THE VILLA HILLS CODE OF ORDINANCES TO CREATE A NEW SECTION 93.05 PERMITTING RESIDENTS TO TAP IN DOWN SPOUTS OR SUMP PUMP LINES INTO CITY-OWNED UNDERGROUND DRAINAGE PIPES

WHEREAS, the city has an interest in mitigating the negative effects of uncontrolled storm water surface run-off from private properties onto public infrastructure and public rights of ways; AND,

WHEREAS, the city has determined that the best way to minimize surface run-off of storm water is to permit residents to tap in downspouts and/or sump pump lines into an existing or soon-to-be installed underground pipe system in or about the City's right of ways (and outside of the SD1 maintained system);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VILLA HILLS, KENTUCKY AS FOLLOWS:

SECTION I

Chapter 93 of the Code of Ordinances is hereby amended to add a new Section 93.05 to read as follows:

§93.05 DRAINS/SUMP PUMPS THAT DISCHARGE IN THE STREET

- (1) Any residential person, corporation, agency, or other property owner having title to property ("Property Owner") which has a down spout or sump pump line which discharges or will discharge storm water onto a city-owned street, may submit an application to the City Administrator for permission to tap in the down spout or sump pump into the City-owned pipe system running under the street.
- (2) Upon receipt of the application, the City Administrator shall cause the Public Works Director to review the application and the site to determine if the applicant meets the necessary eligibility criteria. The City Administrator shall issue the permit upon the recommendation of the Public Works Director or his/her designee.
- (3) Prior to granting a request for a tap in, the City Administrator shall require that the applicant enter into an Agreement and Release of Claims against the City which at a minimum shall provide as follows:
 - a. Property Owner shall be responsible for all construction costs and fees to extend the down spout or sump pump lines to the City's pipe;

- b. Property Owners must use all materials, and pipes as specified by the City;
- c. Property Owner must agree to reimburse the City for any damage done to the City's pipe(s), property, or right-of-way(s), or to neighboring properties, caused by Property Owner's tap in
- d. Property Owner shall be solely responsible for the cost, repair, and restoration of Property Owner's property as well as the berm adjacent to their property;
- e. Property Owner shall pay a one-time fee to the City as determined by the City Administrator as a tap-in fee, which shall be paid at the time of the application.
- f. In the event that the City's drainage system becomes backed up, clogged, or overwhelmed due to either a faulty tap-in, or multiple tap-ins, the City may at its option require that the Property Owner remove the tap-in at the Property Owner's cost, or alternatively, the City may remove the tap-in and charge the costs and fees for the removal to the Property Owner
- g. Property Owners agree that they are solely responsible for all storm water drainage on their property; for all sump pump operations discharging on or from their property; and all non-public or non-City owned storm water infrastructure on the property owned by Property Owners.
- h. Under no circumstance shall Property Owners allow or cause water with contaminates, including but not limited to, detergents, pesticides, sewage, waste, or any other chemicals or pollutants, to drain into the City-owned pipes. In the event such occurs, the City may at its option, immediately terminate any tap in and at its option, invoice the Property Owner for the full cost of remediation and repairs
- i. Property Owners must install and maintain a backflow preventer valve on any sump pump line located on the Property that feeds into the City-owned underground pipe system
- j. Property Owners shall grant the City and its designees access to the Property for the purposes of investigating, inspecting, repairing and completing the tap in

SECTION II

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

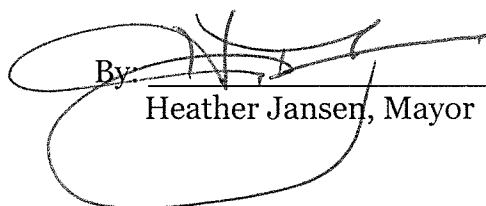
SECTION III

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

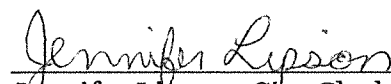
SECTION IV

This ordinance shall take effect and be in full force from and after its passage, publication, which may be in summary form, and recording, according to law.

CITY OF VILLA HILLS, KENTUCKY

By  _____
Heather Jansen, Mayor

ATTEST:



Jennifer Lipson, City Clerk

FIRST READING: July 20, 2022

SECOND READING: August 17, 2022

AYES: Baehner, Cahill, Ringo, Stover, Thompson, Wadsworth

NAYS: 0

ABSTENTIONS: 0

ABSENT: 0

PUBLICATION: 09-02-2022