

67A.871 Definitions for KRS 67A.872 to 67A.894.

As used in KRS 67A.872 to 67A.894, the following words or terms shall have the respective meanings indicated, unless a different meaning is clearly indicated by the context:

- (1) "Assessed value basis" means the plan for the levying of improvement benefit assessments upon benefited property for benefits conferred by construction of projects on the basis of the assessed values (land only) of the benefited property, whether such levies are paid in full by benefited property owners or levied annually to amortize bonds. Such plan shall also include the levying of identical improvement benefit assessments upon classified zones of benefited property where determination is made by ordinance of an urban-county government, as provided in KRS 67A.872 to 67A.894, that benefits conferred by construction of a project are substantially equal and that the assessed value (land only) of all benefited property or designated zones thereof shall therefore be deemed equal in respect of a given wastewater collection project.
- (2) "Benefited property, and property to be benefited" mean the property (land only) proposed to be benefited by construction of a wastewater collection project instituted by an urban-county government for the payment of the costs of which improvement benefit assessments are to be levied against and collected from such benefited property.
- (3) "Bonds" mean improvement lien bonds authorized and issued by urban-county governments pursuant to authority of KRS 67A.872 to 67A.894 for the purpose of providing costs for the construction of wastewater collection projects.
- (4) "Construction" means and includes, the following services and facilities provided by an urban-county government:
 - (a) Preliminary planning to determine the economic and engineering feasibility of construction of wastewater collection projects, any engineering, architectural, legal, fiscal and economic investigations and studies necessary thereto, and all necessary surveys, designs, plans, working drawings, specifications, procedures and other required actions incident to the construction of wastewater collection projects;
 - (b) The building, acquisition, installation, erection, alteration, remodeling, improvements, expansion or extension of wastewater collection projects, and any other physical devices or appurtenances in connection with, or reasonably attendant to, such projects;
 - (c) The provision or making available sewer collection services to benefited property by providing sewer facilities to such benefited property although not directly financed by the issuance of bonds; and
 - (d) Inspection and supervision incident to the acquisition, construction and installation of wastewater collection projects.
- (5) "Costs" as such term shall be applied to any wastewater collection project undertaken under KRS 67A.872 to 67A.894 includes the cost of labor, materials and equipment necessary to acquire, install and complete the project in a

satisfactory manner, cost of land acquired, and every expense connected with the project, including construction costs, preliminary and other surveys, financial planning, inspections of the work as construction progresses, engineers' fees and costs, preparation of plans and specifications, publication of ordinances and notices, interest which will accrue on the bonds until the due date of the first annual improvement assessment levied in connection therewith, capitalized interest on the bonds for a period not to exceed three (3) years, a sum equal to any discount in the sale of the bonds (if discount bids are authorized and permitted by the issuing government), all or any portion of the debt service reserve requirement, if determination is made to finance them from bond proceeds, a reasonable allowance for unforeseen contingencies, the printing of bonds and other costs of financing, including payment of attorneys' fees, underwriting and fiscal agency fees, trustees' fees, rating service fees and costs of issuance of bonds.

- (6) "Debt service reserve requirement" means, with respect to any particular issue of bonds, the maximum annual requirements for payment of principal of and interest on the bond issue, which debt service reserve requirement shall be either funded in whole or in part by application of bond proceeds, or accrued in due course by the levying of improvement benefit assessments as provided in KRS 67A.872 to 67A.894.
- (7) "Government or urban-county government" means an urban-county government which has been duly created and established pursuant to the provisions of this chapter.
- (8) "Ordinance" means a formal and binding enactment of the urban-county council of an urban-county government entered in connection with the financing by such government of a wastewater collection project.
- (9) "Public ways" shall include streets, boulevards, avenues, roads, lanes, alleys, parkways, courts, terraces and other courses of travel open to the general public by whatsoever name designated.
- (10) "Wastewater" means any water or liquid substance containing sewage, industrial waste or other pollutants or contaminants derived from the prior use of such water or liquid substance.
- (11) "Wastewater collection project or projects" means all or any part of any facilities, devices, objects and systems used and useful in the collection, holding or transmission of wastewater from a benefited property to wastewater treatment plants or other similar facilities for final disposition thereof. Such terms shall include, without limiting the generality of the foregoing, sanitary sewage collection lines, intercepting sewers, outfall sewers, sewer laterals, power stations and pumping stations, and other equipment and their appurtenances necessary to enable the project to fulfill its function, including land acquisition, whether such project facilities are provided by funds derived from issuance of bonds or otherwise provided by a government in any manner.

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Legislative Research Commission Note. A technical correction has been made in this section by the Reviser of Statutes pursuant to KRS 7.136.