

**76.090 Rates, rentals, and charges -- Use of funds of district -- Cutting off sewer and water service to delinquents.**

- (1) The district may establish a schedule of rates, rentals, and charges, to be collected from all the real property within the district area served by the facilities of the district, and prescribe the manner in which and the time at which the rates, rentals, and charges are to be paid, and may change the schedule from time to time as the district deems necessary, advisable or expedient. The schedule may be based upon either:
  - (a) The consumption of water on premises connected with the facilities, taking into consideration commercial and industrial use of water; or
  - (b) The number and kind of plumbing fixtures connected with the facilities; or
  - (c) The number of persons served by the facilities; or
  - (d) May be determined by the district on any other basis or classification which the district determines to be fair and reasonable, whether similar or dissimilar to those enumerated, except that the schedule shall be uniform for all residential property; or
  - (e) Any combination thereof.

This schedule may include additional charges for treatment of sewage, with a surcharge where the sewage contains industrial wastes or other wastes in excess of limitations established by regulations of the district.

- (2) Prior to the final adoption or modification of the schedule for the district area, the district shall adopt a proposed schedule and publish notice thereof pursuant to KRS Chapter 424. The notice so published shall be dated as of the date of first publication thereof and shall state that the proposed or revised schedule of rates, rentals, and charges will remain open for inspection in the office of the district for thirty (30) days from the date of the notice, and that objections thereto in writing may be filed during that period with the district by any person aggrieved thereby. The district shall examine and hear any and all complaints, may modify the proposed schedule, and shall adopt and establish a final schedule within sixty (60) days after the date of the notice; the schedule, however, shall not become final within a county outside a city of the first class until it has been approved by the fiscal court of the county, or shall not become final within a city of the first class, unless and until it has received the approval of the legislative body of the city of the first class by ordinance approved by the mayor; provided, however, the schedule finally adopted shall be sufficient and adequate to cover the purposes of this chapter. The schedules shall be uniform for all property falling within the same classification, which classification may be based upon the length of time the property has been in the district area, the drainage area within which the property lies, or any similar or dissimilar reasonable classification, except that the schedule shall be uniform for all residential property. The schedule so adopted and established shall thereafter be the rates, rentals, and charges for the use of the facilities of the district by users within the district area, until changed in the manner herein provided. The schedule of rates, rentals, and charges shall be established and

revised from time to time so as to produce aggregate revenues to the district sufficient:

- (a) For the payment of the interest on and principal of all revenue bonds and other obligations of the district except construction subdistrict obligations and bonds;
- (b) For the payment of all cost and expenses of operating and maintaining the sewer and drainage system of the district within the district area, including but not limited to that portion of the salaries, wages, and fees of all officers and employees of the district equitably allocable to operations within or for the district area; and
- (c) For the payment of all cost of renewals and replacement of such system within the district area; provided, however, that all expenses, salaries, wages, and fees necessary or incident to improvements for the account of which bonds are issued, may be included as a part of the cost of the improvements and paid from the proceeds of the bonds.

The district may collect the sewer rates, rentals, and charges, or cause them to be collected and paid to it by agencies it designates, and with whom it may make such contracts or arrangements as the district deems proper. No moneys received on account of the existence or operation of construction subdistricts shall be used for the payment of district obligations, and no other moneys received by the district shall be used for the payment of construction subdistrict bonds or obligations. Except as provided in the preceding sentence, the use of all moneys of the district received from any and all sources is hereby limited exclusively and shall be devoted solely to the payment of all obligations of the district and board created by KRS 76.010 to 76.210, and no funds from any sources authorized by KRS 76.010 to 76.210, shall be diverted to any other purposes than those in KRS 76.010 to 76.210 set forth, except that the district shall pay from district area revenues an equitably allocable share of the cost of constructing and operating any nondistrict area facilities to which sewage from the district area is diverted in order to relieve facilities from excessive sewage and costs described in KRS 76.248 but otherwise paid for.

- (3) Whenever an area located within the district is served initially by a construction subdistrict facility, the schedule of rates, rentals, and charges applicable to the particular construction subdistrict shall, at the discretion of the board, be applied to the area.
- (4) Whenever any such sewer rates, rentals, or charges for services rendered remains unpaid for a period of thirty (30) days after the same becomes due and payable, the district shall declare the property, the owner thereof, and the user of the service, delinquent until such time as all service rates, rentals, and charges are fully paid and may cut off the sewer connection and service. It is unlawful for any delinquent to use water from any public water service or system and discharge same into a public sewer. No public water service or system shall furnish the delinquent with water to be discharged into a public sewer. The district may enter into agreements with any

public water company or public water service providing for the discontinuance of water service to delinquents.

**History:** Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 13, sec. 25. -- Amended 1968 Ky. Acts ch. 156, sec. 2. -- Amended 1966 Ky. Acts ch. 255, sec. 91. -- Amended 1964 Ky. Acts ch. 33, sec. 5. -- Amended 1960 Ky. Acts ch. 200, sec. 1. -- Amended 1956 Ky. Acts ch. 109, sec. 1. -- Created 1946 Ky. Acts ch. 104, sec. 7.