

224A.180 Enforcement powers of authority in the event of default.

- (1) In order to protect the public health, safety, and welfare, and in order to assure the prompt and necessary payment to the authority of all monetary requirements arising from assistance agreements entered into by and between the authority and the governmental agencies, and thereby assure the financial integrity of the authority, and the prompt payment of principal of and interest on revenue bonds and notes issued by the authority, the authority is specifically authorized, if any governmental agency which is a party to an assistance agreement fails to promptly and duly perform all of the terms and conditions of the assistance agreement, to directly impose, in the authority's name and for the authority's benefit, service charges upon all users of the eligible project constructed pursuant to such assistance agreement, and to proceed to directly enforce and collect such service charges, together with all necessary costs of the enforcement and collection, in the name of the authority and for the benefit of the authority.
- (2) In addition to the powers conferred by subsection (1) of this section, the authority may, upon the occurrence of any event of default by such governmental agencies, mandatorily require the owner, tenant, or occupant of each and every lot or parcel of land which abuts upon a street or other public way containing a sanitary sewer or drinking water facility, and upon which lot or parcel of land an improvement exists for residential, commercial, or industrial use, or where a sanitary sewer or drinking water facility is reasonably available to serve such improved lot or parcel of land, to forthwith connect such improvement to the sanitary sewer or drinking water facility and to cease to use any other means for the disposal of sewage, sewage waste, or other pollutants.
- (3) In the implementation of its enforcement authority, the authority shall have and possess all of the powers of incorporated municipalities which are granted by KRS 96.930 to 96.943, providing for the termination of water services to any premises where the bill for sewer services is delinquent.
- (4) The authority is further expressly authorized and empowered by suit, action, mandamus, or other proceedings, to compel performance by governmental agencies of all of the terms and conditions of assistance agreements, including, inter alia, the adjustment and increase of service charges as required to meet the needs of any assistance agreement, and the enforcement and collection of such service charges.
- (5) In addition to the powers conferred by subsection (1) of this section, the authority may upon the occurrence of any event of default by such governmental agency, and without the consent of the governmental agency, place a system in receivership.

Effective: July 15, 1994

History: Amended 1994 Ky. Acts ch. 373, sec. 12, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 124, sec. 14, effective March 31, 1988. -- Created 1972 Ky. Acts ch. 329, sec. 18.