

ORDINANCE NO. **BG2025 - 22**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING VARIOUS CHAPTERS
OF THE CITY OF BOWLING GREEN CODE OF
ORDINANCES TO MAKE REVISIONS IDENTIFIED
IN THE JUDICIAL REVIEW AND
ADMINISTRATIVE REVISIONS

WHEREAS, the City of Bowling Green recently received a completed judicial review, performed every five (5) years, by American Legal Publishing; and,

WHEREAS, the judicial review recommended various amendments to chapters in the Code of Ordinances which may no longer be applicable, outdated or determined to be unlawful and require revision or repeal as found in, as well as administrative revisions; and,

WHEREAS, it is in the best interest of the City to amend these Chapters of the City of Bowling Green Code of Ordinances in accordance with the results of the judicial review and additional administrative revisions as identified further hereinbelow.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 3 (Airport Regulations) is hereby amended as follows:

3-2 BUSINESS CONDUCTED AT AIRPORT.

3-2.01 Contract Required.

No business or commercial activity shall be conducted [at] concerning the Bowling Green-Warren County Regional Airport except by written agreement with, or pursuant to a license by the Bowling Green-Warren County Regional Airport Board. Agreement and/or license requirements include, without limitation, insurance naming the Airport as additional insured, and compliance with rules and regulations promulgated by the Airport.

...

2. Chapter 4 (Alcoholic Beverage Control) is hereby amended as follows:

...

4-8 ADDITIONAL LOCAL REGULATIONS.

...

j. In the event that a violation of this Section occurs, the City Administrator shall forthwith conduct a hearing pursuant to KRS 243.520 (in conjunction with KRS 241.160 and 241.190), to determine whether the licensee, at whose business establishment the activity prohibited by this Section occurred, shall have his or its license suspended or revoked.

...

4-9 SPECIAL TEMPORARY LICENSES.

A Special Temporary license may be issued as provided by [~~the Kentucky Revised Statute~~] KRS 243.036. This license shall authorize the licensee to exercise the privileges of a Quota Retail Drink license and a Nonquot[e]a Type 4 Retail Malt Beverage license for a specified and limited time. Any for profit company seeking a Special Temporary license to benefit a nonprofit cause shall provide the required information to the City Administrator in a timely fashion in order that the Mayor can determine whether the Special Temporary license application constitutes a civic event as required by State law. Any determination by the Mayor that the application does not constitute a civic event may be appealed to the Board of Commissioners with written notice being delivered to the Office of City Clerk.

...

3. Chapter 5 (Animals) is hereby amended as follows:

5-1 ANIMAL CONTROL AND PROTECTION.

...

5-1.08 Animal Nuisances Prohibited.

No person shall own, keep or harbor any animal that unreasonably annoys humans,

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endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owner's, to enjoyment of life or property. The term "animal nuisances" shall include, but is not limited to:

...

d. Frightening or Molesting People. Any animal that runs at, jumps upon, chases, barks at, bites at or in any other way frightens, molests or scares any person other than the one who owns, keeps or harbors the animal and the members of his/her immediate family, except when such persons are on the property of the owner or harborer without permission;

e. Chasing Domesticated Animals. Any animal that chases any domesticated animal besides those animals who are kept, owned or harbored by the same person, except when such animals are on the property of the owner or harborer without permission;

...

4. Chapter 6 (Building Regulations) is amended as follows:

6-1 ADMINISTRATION.

6-1.01 Chief Building Inspector and Building Inspectors.

a. Positions established. There are hereby established the positions of Building Inspector and Chief Building Inspector to supervise the Building and Inspection Division of the Department of Neighborhood and Community Services. The Chief Building Inspector and all Building Inspectors enforcing the Kentucky Building Code shall be persons certified by the Kentucky Department of Housing, Buildings and Construction.

b. Duties. The duties of the Chief Building Inspector and Building Inspectors, including the Electrical Inspector, shall be to:

1. Enforce the Kentucky Building Code and the Kentucky Residential Code, including the Electrical Code;

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~~[2. Enforce the Existing Structures Code;]~~

~~[3]2.~~ Inspect buildings in order to assure their compliance with the ~~[Building and Existing Structures Codes]~~ Kentucky Building Code and Kentucky Residential Code;

...

6-5 STATE PLUMBING CODE ADOPTED.

The Kentucky State Plumbing Law, Regulations and Code, Current Edition, is hereby adopted, pursuant to KRS 132.010(9), (10), Chapter 318; KRS 318.130; and 815 KAR Chapter 20; 815 KAR 20:010.

...

6-11 MOBILE HOMES.

6-11.01 Definitions.

As used in this sub-chapter, the definitions in Kentucky Revised Statute 219.320 and Kentucky Administrative Regulation 902 KAR 15:010 shall apply.

6-11.02 Permit Required.

Any person placing a mobile home in any mobile home park, relocating a mobile home within a park or requesting that electricity be turned on for a mobile home that has been without electricity for a period of six (6) months shall obtain a building permit from the Department of Neighborhood and Community Services. The building permit shall be applied for by the mobile home park owner or park manager. The building permit application shall also include a copy of the mobile home park's permit from the Commonwealth of Kentucky Department of Public Health; the United States Department of Housing and Urban Development inspection number, the Kentucky B1 seal for the mobile home in the name of the registered owner or equivalent verification that the mobile home meets current Federal and State guidelines; and a signed declaration or certification by either the park owner or manager that the placement of the mobile home will be in compliance with the requirements

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of the Kentucky [~~Mobile Home and Recreational Vehicle Park Act of 1972~~] Manufactured Home, Mobile Home, and Recreational Vehicle Community Act of 2002, KRS 219.310 to 219.410, and Kentucky Administrative Regulations 902 KAR Chapter 15.

...

5. Chapter 9 (General Offenses) is hereby amended as follows:

...

9-1 MISCELLANEOUS OFFENSES.

...

9-1.05 Unlawful to Post [~~Political Campaign~~] Posters, Pictures or Signs.

a. No person shall place, permit to be placed or permit to remain any type or form of [~~political campaign~~] posters, pictures or signs on any public property, public buildings, public rights-of-way, public utility poles or traffic signs, whether owned or occupied by the City[, ~~State or Federal~~] government or any of their agencies.

b. Any person whose name or picture appears on any such [~~political campaign~~] poster, picture or sign placed in violation hereof shall be presumed to have violated this Section if he fails to have the poster, picture or sign removed after receiving five (5) days' notice thereof.

...

9-1.09 Concealment of Identity Prohibited.

[~~a.~~]It shall be unlawful for any person over twelve (12) years of age to assume a mask, false face, covering or partially covering the face, with intent to conceal his identity or counterfeit another, or with the intent to prevent disclosure or recognition in any public way or other public place.

[~~b.~~—This Section shall not apply to the following:]

[~~1. Any person wearing traditional holiday costumes in season;~~]

[~~2. Any person using masks for purposes of amusement, including use in~~

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~~circuses, theatrical productions, mardi gras celebrations or masquerade balls;]~~

~~[3. Any person lawfully engaged in trades or employment or an athletic activity where a mask or facial covering is worn for the purposes of ensuring the physical safety of the wearer, or because of the nature of the occupation, trade or athletic activity; and,]~~

~~[4. Any person wearing a gas mask in drills, exercises or emergencies.]~~

...

6. Chapter 12 (Fire Prevention) is hereby amended as follows:

12-1 GENERAL PROVISIONS.

12-1.01 Definitions.

As used in this Chapter, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

“Jurisdiction or Authority Having Jurisdiction (AHJ)” shall mean the City of Bowling Green, Kentucky.

“Fire Code Official” shall mean the Fire Chief, or designee, of the Bowling Green Fire Department.

“Department of Fire Prevention” shall mean the Bowling Green Fire Department Fire Prevention Division.

“Open Burning” shall mean burning of any matter without a burn chamber approved by the Kentucky Division for Air Quality, or without a stack or chimney with control devices approved by the Kentucky Division for Air Quality.

“NFPA” shall mean National Fire Protection Association (NFPA) 1124 (current edition).

“Permitted Materials for Open Burning” shall mean brush, tree limbs, branches and trunks, vegetation, and cured/seasoned wood.

...

7. Chapter 14 (Housing) is hereby amended as follows:

14-1 HOUSING AUTHORITY.

...

14-1.04 Duties and Responsibilities.

The Housing Authority shall have those powers and duties described in KRS 80.020 ~~[and]~~ through 80.257.

...

14-2.02 Definitions.

As used in this Subchapter:

~~["Disability" shall mean: (a) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment, but such term does not include the current illegal use of or addiction to a controlled substance as defined in 21 U.S.C. Section 02 and does not apply to an individual because of an individual's sexual orientation or because that individual is a transvestite.]~~

...

"Financial Institution" shall mean any person as defined herein engaged in the business of lending money for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance or improvement of real property and shall include any individual employed by or acting on behalf of such person.

"Handicap" means, with respect to a person--(1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 802 of Title 21), 42 U.S.C. Section 3602.

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“Housing Accommodation” shall mean and include improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as the home or residence of one or more individuals. Such accommodation includes:

...

14-2.04 Enforcement.

In the enforcement of this Subchapter, the Bowling Green Human Rights Commission has the following powers and duties:

...

j. All other such powers as provided in the Kentucky Civil Rights Act, KRS Chapter 344, and Ordinance No. 68-120 creating the Bowling Green Human Rights Commission.

8. Chapter 15 (Business and General Regulations) is hereby amended as follows:

...

15-5 STORAGE, SALE AND USE OF FIREWORKS.

15-5.01 Definitions.

Unless the context requires otherwise, the following terms as used in this Subchapter shall have the following meanings:

...

“FIREWORKS” shall have the same definition as set out in KRS 227.700, including the applicable exceptions set forth in that statute.

“NFPA” shall mean National Fire Protection Association (NFPA) 1124 (current edition).

“PERMANENT FIREWORKS RETAILER” shall mean any person, partnership, corporation or other business entity which is open to the public year round and which offers for sale,

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exposes for sale, sells at retail or wholesale or keeps with the intent to sell any Consumer Fireworks as its primary course of business.

...

9. Chapter 17 (Personnel Policies) is hereby amended as follows:

...

17-1 PERSONNEL MERIT SYSTEM.

...

17-1.14 Registration with Federal Selective Service System Required.

Effective August 1, 1999, every male age 18 through 25 seeking employment with the City of Bowling Green shall submit documentation evidencing his registration with the Federal Selective Service System, if so required by the Military Selective Service Act ("Act") being 50 U.S.C. 3801 et seq. Those in this age range offered employment with the City of Bowling Green shall be prohibited from employment with the City until the required documentation is submitted. As permitted by the Act, any non-registrant male age 18 through 25 seeking employment with the City must provide documentation that he is not required to register.

...

10. Chapter 18 (Occupational License Fees and Taxes) is hereby amended as follows:

18-1 DEFINITIONS.

18-1.01 Definitions.

...

"Compensation" shall mean wages, salaries, commissions or any other form of remuneration paid or payable by an employer for services performed by an employee, which are required to be reported for federal income tax purposes and adjusted as follows:

- (a) Include any amounts contributed by an employee to any retirement, profit sharing or

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deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including but not limited to salary reduction arrangements under Section 401(a), 401(k), 402(e), 403(a), 403(b), 408, 414(h) or 457 of the Internal Revenue Code, being Title 26 U.S.C.; and,

...

18-2.04 Income Excluded from Occupational License Fees.

a. The occupational license fees imposed in this Subchapter shall not apply to the following persons, business entities or specified income:

...

22. Benefits arising under the Workers' Compensation Act, being KRS Chapter 342, as compensation for disabilities sustained during the course of employment, together with any amount of damages received by suit or agreement on account of such disability; or,

...

11. Chapter 19 (Police) is hereby amended as follows:

19-1 GENERAL PROVISIONS.

...

19-1.06 Off-Duty Employment.

Any Police Officer working in any off-duty employment position shall comply with the City's Chapter 25 (Code of Ethics) of the Code of Ordinances. All off-duty employment allowed by the Chief of Police that involves the officer working in uniform, carrying their service weapon, driving their police car or other actions creating the impression that the Police Officer is working for the City may be approved, but only by the execution of a written agreement satisfactory to the Chief of Police and the City's Law Department. All such agreements shall include language that the City shall be reimbursed the established service costs of contracted police officers at the portion of the established

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service cost set out below. The Chief Financial Officer is authorized to determine an established service cost for each rank of police officer and to modify those established service costs on an annual basis to account for cost of living increases. The number of police officers and the rank of those officers authorized in any such contract shall be within the discretion of the Chief of Police.

12. Chapter 20 (Solid Waste Collection) is hereby amended as follows:

20-1 SOLID WASTE DISPOSAL.

20-1.01 Definitions.

...

“Solid Waste” shall mean any garbage, refuse, sludge and other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining wastes, coal mining by-products, refuse and overburden), agricultural operations and farm community activities, but does not include those materials, including but not limited to sand, soil, rock, gravel or bridge debris extracted as part of a public road construction project, recovered material special wastes as designated by KRS 224.50-760, solid or dissolved material in domestic sewage, manure, corps, crop residue or a combination thereof which are placed on the soil for return to the soil as fertilizers or soil conditioners, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, being 42 U.S.C. 2011, et seq.

...

13. Chapter 21 (Public Infrastructure, Rights-of-Way and Stormwater) is hereby amended as follows:

...

21-2 STORMWATER QUALITY.

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21-2.01 Definitions.

The terms as used in this Subchapter are further defined in the City of Bowling Green Stormwater Best Management Practices (BMP) Manual. The BMP Manual provides guidance and requirements regarding the selection, design and use of Stormwater BMP's, and is to be used in conjunction with the City Code of Ordinances. The ultimate goal for the manual and program is clean water and reduction of pollutants associated with urban activities. In addition, the term "person" as used in this Subchapter shall have the same definition as the term "person" in Chapter 27 (Property Code) of [~~this~~] Code of Ordinances.

21-2.02 Purpose.

The United States Environmental Protection Agency through the Clean Water Act, being 33 U.S.C. 1251, et seq., promulgated Municipal Separate Storm Sewer System (MS4) Phase II regulations that are enforced by the Kentucky Division of Water (KYDOW) through a permit issued to the City of Bowling Green. The purpose of this Subchapter is to safeguard persons, protect property, prevent damage to the environment, and bring the City of Bowling Green into compliance with its MS4 permit.

...

21-3 CONSTRUCTION, REPAIR, PERMITTING AND MAINTENANCE.

21-3.01 Infrastructure Requirements.

...

c. Any person proposing or constructing sidewalks, handicap ramps or drive entrances on public right-of-way shall have prior approval through permitting or plan approval by the Public Works Director or designee. All design and construction must meet Americans with Disabilities Act (ADA) requirements, being 42 U.S.C. 12101, et seq., as well as all requirements in the City's Traffic Management Manual, as set out in Chapters 21 (Public Infrastructure, Rights-of-Way and Stormwater)

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and Chapter 22 (Traffic and Motor Vehicles) of the City Code of Ordinances, and other requirements as determined by the Public Works Director or designee.

...

21-4 CUTS, EXCAVATIONS AND WORK WITHIN RIGHT-OF-WAY.

...

21-4.10 Joint Planning and Construction; Coordination of Excavation.

...

b. The City Engineer shall keep all master plans confidential in accordance with the provisions of the Kentucky Open Records Act, KRS [§§] 61.870, et seq., if directed by the agency/entity, and shall establish procedures to ensure that the master plans are utilized and inspected only for the purposes intended by this Subchapter.

14. Chapter 23 (Water and Sewer) is hereby amended as follows:

...

23-1 GENERAL PROVISIONS.

23-1.01 Schedule of Rates; Calculation of Charges.

a. The Board of Commissioners shall fix all rates to be charged for the services of the water and sewerage system and revise same from time to time within the discretion of the Board of Commissioners but the rates so fixed shall be sufficient to provide for the operation and maintenance of the utility, an adequate depreciation account, capital improvements and replacement of infrastructure, principal and interest on all bond issues and amortization thereof as provided therein and sufficient to satisfy all requirements of the bond issues and a fair and reasonable return to the City based upon the fair value of the used and useful property of the utility and the services rendered by the utility.

b. There shall be ~~[and there are established as of February 1, 2015 and as of July 1,~~

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~~2016, 2017, 2018, 2019, 2020 and as of 2021, and thereafter,~~ monthly rates and charges for the use of and services rendered by the combined and consolidated municipal water works and sewerage system of the City, which shall be paid by the owner or occupant of each and every residential, commercial and industrial establishment or other property, building and structure of any kind, other than water districts, connected with and being served by the combined and consolidated system. The rates and charges shall be computed and billed monthly, and the current rates are located at <https://www.bgmu.com/customer-care/rates/>.~~[, and such rates and charges shall be as follows:]~~

~~[1. During the billing period February 1, 2015 through June 30, 2016, the basic rates shall be:]~~

	[Water Rates		Sewer Rates]	
	Inside	Outside	Inside	Outside]
	[City	City	City	City]
[Customer Charge:	\$4.04	\$5.66	\$3.82	\$5.35]
[Volume charge (per ccf/month):]				
[First 20 ccf	\$2.67	\$3.74	\$3.33	\$4.67]
[Next 230 ccf	\$2.48	\$3.48	\$3.33	\$4.67]
[Over 250 ccf	\$2.14	\$2.99	\$3.33	\$4.67]

~~["ccf" means hundred cubic feet, or 748 gallons]~~

~~[2. During the billing period July 1, 2016 through June 30, 2017, the basic rates shall be:]~~

	[Water Rates		Sewer Rates]	
	Inside	Outside	Inside	Outside]
	[City	City	City	City]
[Customer Charge:	\$4.89	\$6.85	\$4.62	\$6.47]
[Volume charge (per ccf/month):]				
[First 20 ccf	\$2.81	\$3.93	\$3.50	\$4.91]
[Next 230 ccf	\$2.61	\$3.66	\$3.50	\$4.91]
[Over 250 ccf	\$2.25	\$3.14	\$3.50	\$4.91]

~~["ccf" means hundred cubic feet, or 748 gallons]~~

~~[3. During the billing period July 1, 2017 through June 30, 2018, the basic rates shall~~

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be:]

[a.—For cef-based meters:]

	[Water Rates]		[Sewer Rates]	
	[General	Special	General	Special]
	[Rates	District	Rates	District]
[Customer Charge:]	\$5.73	\$8.02	\$5.42	\$7.59]
[Volume charge (per cef/month):]				
[First 20 cef	\$2.90	\$4.05	\$3.61	\$5.06]
[Next 230 cef	\$2.69	\$3.77	\$3.61	\$5.06]
[Over 250 cef	\$2.32	\$3.24	\$3.61	\$5.06]

[“cef” means hundred cubic feet, or 748 gallons]

[b.—For gallon-based meters:]

	[Water Rates]		[Sewer Rates]	
	[General	Special	General	Special]
	[Rates	District	Rates	District]
[Customer Charge:]	\$5.73	\$8.02	\$5.42	\$7.59]
[Volume charge (per gallon/month):]				
[First 14,960 gallons	\$0.003877	\$0.005414	\$0.004826	\$0.006765]
[Next 172,040 gallons	\$0.003596	\$0.005040	\$0.004826	\$0.006765]
[Over 187,000 gallons	\$0.003102	\$0.004332	\$0.004826	\$0.006765]

[4.—During the billing period July 1, 2018 through June 30, 2019, the basic rates shall
be:]

[a.—For cef-based meters:]

	[Water Rates]		[Sewer Rates]	
	[General	Special	General	Special]
	[Rates	District	Rates	District]
[Customer Charge:]	\$6.58	\$9.21	\$6.22	\$8.71]
[Volume charge (per cef/month):]				
[First 20 cef	\$2.99	\$4.18	\$3.72	\$5.22]
[Next 230 cef	\$2.78	\$3.89	\$3.72	\$5.22]
[Over 250 cef	\$2.39	\$3.34	\$3.72	\$5.22]

[“cef” means hundred cubic feet, or 748 gallons]

[b.—For gallon-based meters:]

	[Water Rates]		[Sewer Rates]	
	[General	Special]	General	Special]
	[Rates	District	Rates	District]
[Customer Charge:	\$6.58	\$9.21	\$6.22	\$8.71]
[Volume charge (per gallon/month):]				
[First 14,960 gallons	\$0.003997	\$0.005588	\$0.004973	\$0.006979]
[Next 172,040 gallons	\$0.003717	\$0.005201	\$0.004973	\$0.006979]
[Over 187,000 gallons	\$0.003195	\$0.004465	\$0.004973	\$0.006979]

[5. During the billing period July 1, 2019 through June 30, 2020, the basic rates shall be:]

[a. For ccf-based meters:]

	[Water Rates]		[Sewer Rates]	
	[General	Special]	General	Special]
	[Rates	District	Rates	District]
[Customer Charge:	\$7.42	\$10.39	\$7.02	\$9.83]
[Volume charge (per ccf/month):]				
[First 20 ccf	\$2.99	\$4.18	\$3.72	\$5.22]
[Next 230 ccf	\$2.78	\$3.89	\$3.72	\$5.22]
[Over 250 ccf	\$2.39	\$3.34	\$3.72	\$5.22]

[“ccf” means hundred cubic feet, or 748 gallons]

[b. For gallon-based meters:]

	[Water Rates]		[Sewer Rates]	
	[General	Special]	General	Special]
	[Rates	District	Rates	District]
[Customer Charge:	\$7.42	\$10.39	\$7.02	\$9.83]
[Volume charge (per gallon/month):]				
[First 14,960 gallons	\$0.003997	\$0.005588	\$0.004973	\$0.006979]
[Next 172,040 gallons	\$0.003717	\$0.005201	\$0.004973	\$0.006979]
[Over 187,000 gallons	\$0.003195	\$0.004465	\$0.004973	\$0.006979]

[6. During the billing period July 1, 2020 through June 30, 2021, the basic rates shall be:]

[a. For ccf-based meters:]

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	[Water Rates]		[Sewer Rates]	
	[General	Special	General	Special]
	[Rates	District	Rates	District]
[Customer Charge:	\$8.27	\$11.58	\$7.82	\$10.95]
[Volume charge (per ccf/month):]				
[First 20 ccf	\$2.99	\$4.18	\$3.72	\$5.22]
[Next 230 ccf	\$2.78	\$3.89	\$3.72	\$5.22]
[Over 250 ccf	\$2.39	\$3.34	\$3.72	\$5.22]

[“ccf” means hundred cubic feet, or 748 gallons]

[b.—For gallon-based meters:]

	[Water Rates]		[Sewer Rates]	
	[General	Special	General	Special]
	[Rates	District	Rates	District]
[Customer Charge:	\$8.27	\$11.58	\$7.82	\$10.95]
[Volume charge (per gallon/month):]				
[First 14,960 gallons	\$0.003997	\$0.005588	\$0.004973	\$0.006979]
[Next 172,040 gallons	\$0.003717	\$0.005201	\$0.004973	\$0.006979]
[Over 187,000 gallons	\$0.003195	\$0.004465	\$0.004973	\$0.006979]

[7.—During the billing period July 1, 2021 through June 30, 2022, the basic rates shall be:]

[a.—For ccf-based meters:]

	[Water Rates]		[Sewer Rates]	
	[General	Special	General	Special]
	[Rates	District	Rates	District]
[Customer Charge:	\$9.11	\$12.76	\$8.61	\$12.06]
[Volume charge (per ccf/month):]				
[First 20 ccf	\$2.99	\$4.18	\$3.72	\$5.22]
[Next 230 ccf	\$2.78	\$3.89	\$3.72	\$5.22]
[Over 250 ccf	\$2.39	\$3.34	\$3.72	\$5.22]

[“ccf” means hundred cubic feet, or 748 gallons]

[b.—For gallon-based meters:]

[Water Rates]		[Sewer Rates]	
[General	Special	General	Special]

	[Rates]	[District]	[Rates]	[District]
[Customer Charge:	\$9.11	\$12.76	\$8.61	\$12.06]
[Volume charge (per gallon/month):]				
[First 14,960 gallons	\$0.003997	\$0.005588	\$0.004973	\$0.006979]
[Next 172,040 gallons	\$0.003717	\$0.005201	\$0.004973	\$0.006979]
[Over 187,000 gallons	\$0.003195	\$0.004465	\$0.004973	\$0.006979]

...

23-2 BOWLING GREEN MUNICIPAL UTILITIES BOARD.

23-2.01 Purpose.

...

b. The Board of Commissioners hereby reaffirms its declaration, desire and intention to accept and operate the City electric distribution plant and system acquired under an agreement between the Tennessee Valley Authority, the City of Bowling Green and others, dated May 13, 1942, under the provisions of KRS 96.550 through 96.90[0]5 and does hereby accept and agree to all the provisions of the act which are hereby incorporated herein and made a part hereof.

...

23-2.21 Eminent Domain Power and Procedure.

a. The Board shall have the right to acquire, by the exercise of power of eminent domain all lands, easements, rights-of-way, either upon or under or above the ground, any and all real estate or personal property reasonably necessary or desirable in connection with the construction or operation or maintenance of the water and sewer plant or improvements or extensions thereto; and it is hereby declared to be superior and paramount right and superior and paramount to any other public use. Prior to commencing any condemnation or eminent domain proceeding, approval of same must be received from the Board of Commissioners pursuant to KRS 96.080 and the Kentucky Eminent Domain Act, KRS 416.540 to KRS 416.670.

...

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23-3 SEWER SYSTEM.

23-3.01 Definitions.

As used in this Subchapter:

“Act” shall mean the Clean Water Act [~~Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500~~ (33 U.S.C. [&] 1251, et seq.)].

...

“New Source” shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act (33 U.S.C. 1317(c)) which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section in accordance with provisions in 40 CFR 403.3([k]m), as adopted by the U.S. EPA on October 17, 1988.

...

“Regulations” shall mean Part 403 of Title 40 of the Code of Federal Regulations, entitled “General Pretreatment Regulations for Existing and New Sources of Pollution”[~~, in effect as of July 1, 1986~~].

...

“Significant Industrial User” shall mean any user of the public sanitary sewer who:

e. Is subject to a categorical pretreatment standard(s) under 40 CFR [~~403.6 and 40 KAR~~] Chapter 1, Subchapter N, Section 403.6 and 401 KAR Chapter 005.

...

23-3.03 Private Wastewater Disposal.

a. Where a public sanitary sewer is not available under the provisions hereinabove, the building sewer shall be connected to a private wastewater disposal system complying with the

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provisions of this Section and all other applicable provisions of Kentucky law, including KRS Chapter 318.

...

23-3.05 Prohibitions and Limitations on Use of the Public Sanitary Sewers.

This Section establishes limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the publicly owned treatment works. Pretreatment of some wastewater discharges may be required to achieve the goals established by this Subsection, the Clean Water Act, or applicable [~~Federal~~] National Categorical Pretreatment standards. The specific prohibitions and limitations contained in this Section are subject to change when necessary to enable the General Manager to provide efficient wastewater treatment, protect the public health and environment, and to enable BGMU to meet requirements contained in its NPDES permit or Kentucky Pollutant Discharge Elimination System (KPDES).

...

f. Limitations on Wastewater Discharges. No person shall discharge or convey, or permit or allow to be discharged or conveyed to the public sanitary sewer any wastewater containing pollutants of such character or quantity that will:

1. Not be susceptible to treatment, cause interference with the process or efficiency of the wastewater treatment system or pass through the treatment plant to the receiving stream.

2. Constitute a hazard to human or animal life, or to the stream or watercourse receiving the wastewater treatment plant effluent.

3. Violate Federal, State or City pretreatment standards.

4. Exceed the following discharge limitations located at
www.bgmu.com/services/waterwastewater/[:]

<u>[Constituents</u>	_____	<u>Limits mg/l*]</u>
----------------------	-------	----------------------

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[Arsenic	0.46]
[Cadmium	0.04]
[Chlorides	1,600]
[Chromium VI	0.84]
[Chromium, Total	2.77]
[Copper	0.73]
[Cyanides, Total	0.16]
[Lead	0.16]
[Mercury	0.001]
[Nickel	1.43]
[pH	6-11 s.u.]
[Selenium	0.292]
[Silver	0.62]
[Sulfides	5.0]
[Zinc	2.08]

~~[*The limit applies to either a composite sample or a grab sample expressed as a maximum daily concentration in milligrams per liter (mg/l). The above mentioned constituents and limitations are subject to review and revision with concurrence from the Commonwealth of Kentucky. This action to occur at the time of each NPDES permit renewal as a minimum.]~~

...

i. Surcharges.

1. There will be a surcharge for high strength wastewater for either high biochemical oxygen demand (BOD5) or high chemical oxygen demand (COD), but not both simultaneously. There will also be surcharges for high total suspended solids (TSS), high ammonia nitrogen (NH3-N), high non-hydrocarbon oil and grease (O&G non-hydro) and high total phosphorus (T-P) in industrial wastewater discharged to the sanitary sewer system. Industrial wastewater that exceeds the ~~[following]~~ thresholds located at www.bgmu.com/services/waterwastewater/ shall be subject to surcharge.~~[:]~~

<u>[Constituents</u>	<u>Threshold mg/l]</u>
[BOD5	300]
[COD	450]
[TSS	300]
[NH3-N	25]
[O&G non-hydrocarbon	50]

[T-P]-----10]

...

j. Dilution of Wastewater. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the [Federal] National Categorical Pretreatment Standards, or for any other pollutant-specific limitation developed by BGMU or the Commonwealth of Kentucky.

23-3.07 Significant Industrial Users: Reporting and Monitoring.

a. Reports.

...

3. Within one hundred and eighty (180) days after the effective date of a National Categorical Pretreatment Standard, all Significant Industrial Users subject to such Standards and currently discharging or scheduled to discharge to the wastewater system shall be required to submit to the General Manager a report containing the information required in Title 40, Section 403.12(b) of the Code of Federal Regulations and the compliance schedules and reports required in Title 40, Sections 403.12(c), (d) and (c) of the Code of Federal Regulations.

...

e. Permit to Discharge.

23. Upper limitations have been established for conventional pollutants for Industrial Wastewater discharges. Conventional pollutants include Biochemical Oxygen Demand (BOD₅), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Ammonia Nitrogen (NH₃-N), Total Oil & Grease (O&G) and Total Phosphorus (T-P). All Significant Industrial Users shall not exceed the [following] discharge limits located at www.bgm.com/services/waterwastewater/.[:]

[Constituents]-----Limits mg/l]

[BOD₅]-----4,000]

[COD	10,000]
[TSS	7,000]
[NH ₃ -N	56]
[O&G (Total)	390]
[T-P	57]

...

23-3.09 Enforcement and Abatement.

a. General. BGMU through the General Manager or designee, to insure compliance with this Subchapter, and as permitted through 40 CFR Subchapter N, 401 through 471 and 401 KAR 5:0[5]37 may take the following enforcement steps against Significant Industrial Users in noncompliance with this Subchapter. The remedies available to the General Manager include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water and/or electric service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the General Manager or designee. This designee shall be the duly authorized employee as authorized under 40 CFR 403.12 (m).

...

n. Judicial Relief. In cases of violations of this Subchapter, BGMU shall have the right to seek injunctive relief and any other relief of a civil or criminal nature against the violators, which right shall be in addition to the right to take non-judicial action as set out in paragraphs b and c of th[e]is Section. In any judicial action of a civil nature, BGMU shall have the right to recover from the violator of this Subchapter any actual damages sustained, including the costs, if any, incurred by BGMU, in corrective or preventive action taken for the purpose of protecting the integrity of the wastewater system, reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation.

...

23-4 WATER SYSTEM.

(Ordinance No. BG2025 - 22)

23-4.01 Definitions.

“Act” shall mean the Safe Drinking Water Act of 1974[~~P.L. 93-523~~] (42 U.S.C. [~~&~~] 300f, et seq.).

...

15. Chapter 28 (Flood Damage Prevention) is hereby amended as follows:

...

28-2 DEFINITIONS.

...

“Section 1316” shall mean the section of the National Flood Insurance Act of 1968, and being 42 U.S.C. 4023, as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

...

28-5.02 Specific Standards.

In all special flood hazard areas where base flood elevation data have been provided, the following provisions are required:

a. Residential Construction. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, mechanical equipment and ductwork elevated no lower than one and a half (1.5) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with this Chapter.

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1. In an A Zone where no technical data has been produced by the Federal Emergency Management Agency (FEMA) [~~elevated one and a half (1.5) feet above the base flood elevation as determined by this community,~~] the local Floodplain Administrator will [~~determine~~] be responsible for determining the methodology by which base flood elevations are [~~determined~~] derived. Methods include, but are not limited to detailed hydrologic and hydraulic analyses, use of existing data available from other sources, use of historical data, best supportable and reasonable judgment in the event no data can be produced. Title 401 of the Kentucky Administrative Regulations Chapter 4, Regulation 060, Section [~~5(5)a~~]6, states as a part of the technical requirements for a State Floodplain Permit: 1) the applicant shall provide cross sections for determining floodway boundaries (and thereby Base Flood Elevations) at any proposed construction site where FEMA maps are not available; 2) All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than + five-tenths (0.5) foot; 3) cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change; 4) each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet; and 5) if necessary to ensure that significant flood damage will not occur, the Cabinet may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.

. . .

16. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

17. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

18. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on

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September 2, 2025, and given final reading on September 16, 2025,
and said Ordinance shall be in full force and effect upon signature, recordation and publication in
summary pursuant to KRS Chapter 424.

ADOPTED: September 16, 2025

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager