

1010.1 BURNING TRASH

SECTION ONE: It shall be unlawful for any person, persons, firm or corporation to set fire to burn, or cause to be burned or authorize any person to burn any rubber, synthetic, leather, sawdust, plastic or any other material which gives off smoke or fumes or effluvia or abnoxious, irritating, nauseous or objectionable odors, within the City limits of said City of Vanceburg, such a practice being a nuisance and also detrimental to the health and happiness of the citizens of said City of Vanceburg.

SECTION TWO: Any person, persons, firm or corporation so doing shall be guilty of a misdemeanor. If after notice to quit and abate such burning, given them by the Police Judge or other law enforcement officer of said city of Vanceburg, Kentucky, shall persist or continue to burn such material, and shall be fined not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00, and each twenty-four hours such practice shall continue shall be considered a separate offense. Said fine to be recovered in the Police Court of Vanceburg, Kentucky.

Adopted. —

1010.2 JUNKYARDS

SECTION ONE: That it will be unlawful to commence and maintain a junk yard in said City of Vanceburg, and the same is hereby prohibited.

SECTION TWO: A junk yard is defined as meaning a yard where vehicles are stored or dismantled for any purpose, bona fide garages not engaged solely in junk business being exempt.

SECTION THREE: Any person, persons, firms, associations or corporations violating this ordinance shall be fined not less than \$5.00 and more than \$50.00 and each and every day such ordinance is violated shall constitute a separate and different violation of this ordinance.

ORDINANCE NO. 1010.3

AN ORDINANCE REGULATING NUISANCES ON PRIVATE PROPERTY

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1. Definition of "nuisance." For the purposes of this ordinance, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in the keeping or the depositing on, or the scattering over the premises of any of the following:

(a) Lumber, junk, discarded objects, trash, debris and buildings in disrepair;

(b) Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.

SECTION 2. Duty of maintenance of private property. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

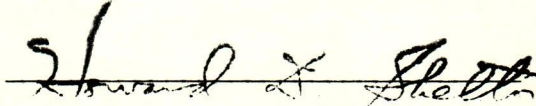
SECTION 3. Exterior storage of nonoperating vehicles prohibited. No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicle to remain on such property longer than twenty days; and no person shall leave any such vehicle on any property within the city for a longer time than twenty days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This ordinance shall

further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city or any other public agency or entity.

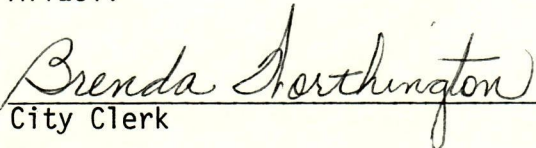
SECTION 4. Enforcement of ordinance. Enforcement of this ordinance may be accomplished by the city in any manner authorized by law, and in addition, any person who by reason of another's violation of any provision of this ordinance, suffers special damage to himself different from that suffered by other property owners throughout the city generally, may bring an action to enjoin or otherwise abate an existing violation.

SECTION 5. The penalty for violation of this ordinance shall be a fine not to exceed \$500.00 and/or imprisoned not to exceed 12 months in the county jail. Each day that any nuisance is suffered to exist under the terms of this ordinance shall constitute a separate offense.

SECTION 6. This ordinance shall become effective upon proper passage and publication according to law.

 MAYOR

ATTEST:


City Clerk

ORDINANCE NO. 1010.04

AN ORDINANCE REGULATING DELIVERY OF NEWSPAPERS
IN THE CITY OF VANCEBURG, KENTUCKY

WHEREAS, it has come to the attention of the City Council, of the City of Vanceburg, Kentucky, that an unsightly condition results from indiscriminant delivery of newspapers, advertisements, public notices and all forms of written materials when said items are placed or delivered within the city limits by depositing said materials on public or private property;

WHEREAS, it is desirable that any such delivery or depositing of such materials should be done by placing said materials in receptacle boxes, hand delivery to an occupant of any premises, or placing same within the premises of an occupied premise;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANCEBURG, KENTUCKY AS FOLLOWS:

Section 1: No person, firm, corporation, or agent, employee, or servant shall cast, throw, deliver or deposit any newspapers, advertisements, public notices or any other form of materials upon public or private property within the city limits of the City of Vanceburg, unless said material is deposited, delivered or placed in a receptacle for said material, hand delivered or placed within the premises of an occupied premise.

Section 2: Any person, firm, corporation or agent, employee or servant who violates this ordinance shall be punishable by a fine not to exceed \$5.00, if paid within 48 hours of the issuance of a citation, thereafter the

fine shall be \$10.00.

Each occurrence is a separate offense.

DATED: First Reading - January 2, 1988

Second Reading February 6, 1989

VOTE: Yes 6

No 0

M. J. "Pat" Cooper
MAYOR, CITY OF VANCEBURG

Jeanne Sprink
City Clerk

ORDINANCE NO. 1010.05A

An Ordinance establishing a curfew for minors within the corporate limits of the City of Vanceburg, Kentucky

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANCEBURG, KENTUCKY:

Section One: (A) Henceforth it shall be unlawful for any minor under the age of eighteen (18) years to loiter, idle wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, vacant lots or other public grounds, public places or public buildings, places of amusement and entertainment, or other unsupervised places, between the hours of 10:00 p.m. until 6:00 A.M. the next day except on Friday and Saturday nights when said hours shall be 11:00 P.M. to 6:00 A.M. the next day official city time; provided however, that the provisions of this section do not apply to a minor accompanied by his or her parent, guardian, or other responsible adult person having the care and custody of the minor, or where the minor is upon emergency errand or legitimate business directed by his parent, guardian or adult person having care and custody of the minor, or lawful employment, or an associated activity by a direct route within ½ hour after leaving or going to the activity. An associated activity includes but not limited to a lawful athletic, educational, religious, or social event.

(B) Each violation of the provisions of this section shall constitute a separate offense.

Section Two: (A) It shall be unlawful for the parent, guardian, or other adult person having the care custody of a minor under the age of eighteen (18) years to carelessly allow or fail to supervise or permit such minor to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, public places or public places or public buildings, places of amusement and entertainment or other unsupervised places, between the hours of 10:00 P.M. until 6:00 A.M. the next day except on Friday and Saturday nights when said hours shall be 11:00 P.M. until 6:00 A.M. the next day official city time; provided however, that the provisions of this section do not apply to a minor accompanied by his or her parent, guardian, or other responsible adult person having the care and custody of the minor, or where the minor is upon emergency errand or legitimate business directed by his parent, guardian or adult person having cae and custody of the minor, or lawful employment, or an associated activity by a direct route within ½ hour after leaving or going to the activity. An associated activity includes but not limited to a lawful athletic event, educational, religious, or social event.

(B) Each violation of the provisions of this Section shall constitute a separate offense.

Section Three: (A) Any minor, parent, guardian, or other adult person having the care and custody of a minor violating the provisions of this ordinance shall be guilty of a violation and shall be fined not less than \$10.00, nor more than \$25.00, for each separate offense.

Section Four: (A) Any police officer may stop and question any minor suspected of violating section one of this ordinance and may take the minor into custody when found violating section one of this ordinance. The officer shall take the

minor to the police headquarters where the name of the minor's parent, guardian, or other adult person having care and custody of the minor shall be ascertained.

- (B) The parent, guardian or other adult person having care and custody shall be notified of the child's detention and summoned by the investigating officer to appear at police headquarters to assist in the completion of the investigation. If the parent, guardian or other adult person having care and custody fails to appear within the two (2) hours from the time the child was taken into custody, the investigating officer shall follow the requirements set forth in KRS Chapter 610 and other applicable provisions of the Kentucky Unified Juvenile Code, regarding detention or release of the minor. The Chief of Police or Lt. can authorize the investigating officer to take said minor to their residence if necessary.
- (C) If the investigating officer is satisfied that a violation of Section One has occurred, he may cause formal charges to be filed requiring the parent, guardian or other adult person having care and custody of minor to appear in the appropriate court to answer the charge of a violation of this ordinance.

Section Five: All existing ordinances of the City of Vanceburg are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

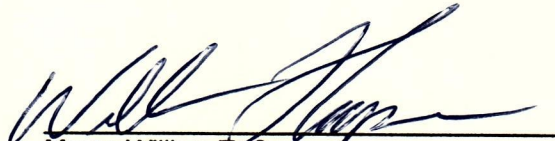
Section Six: It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein; and it is further the intention of the city council that if any provision of this ordinance is for any reason determined to be unenforceable, the remaining provisions not determined to be unenforceable shall remain valid and enforceable.

Section Seven: This ordinance is passed by the City Council for the reason that it is necessary to preserve public peace, safety, health, morals and welfare by restricting the presence of minors in the streets and other public places for the purpose of curtailing juvenile delinquency and for the purpose of protecting the general public and protecting minor children.

Section Eight: This ordinance shall be in full force and effect from and after its adoption, approval, and publication and all ordinances or parts of ordinances in conflict herewith are hereby repealed and held for naught only to the extent of any conflict.

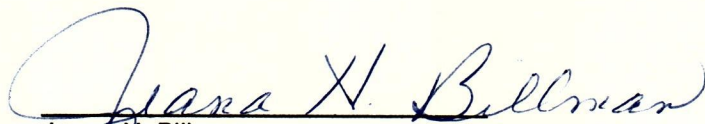
First Reading 01.08.01

Second Reading 02.05.01



Mayor William T. Cooper
City of Vanceburg, Kentucky

ATTEST:



Jeana H. Billman
Vanceburg City Clerk

ORDINANCE NO. 1010.05

AN ORDINANCE CREATING A CURFEW IN THE
CITY OF VANCEBURG, KENTUCKY

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE City Council
of the City of Vanceburg, Kentucky:

Section I. Henceforth it shall be unlawful for any unemancipated person under the age of 18 (a child), to travel, loiter or stroll in or upon any public streets, parks, places of amusement and entertainment, places and buildings, vacant lots or other unsupervised places within the city limits of the City of Vanceburg.

Section II. Said curfew shall be from the hour of 10:00 p.m. until 6:00 a.m. the next day except on Friday and Saturday nights when said hours shall be 11:00 p.m. to 6:00 a.m. the next day.

Section III. Exemptions. This ordinance does not apply to a child who is:

- (1) Accompanied by his parent, guardian or custodian;
- (2) Accompanied by an adult specified by his parent, guardian or custodian;
- (3) Carrying out an errand or other lawful activity as directed by his parent, guardian or custodian; or
- (4) Participating in, going to, or returning from:
 - (a) Lawful employment; or
 - (b) An associated activity by a direct route within one hour after leaving or going to the activity. An associated activity includes but is not limited to a lawful athletic, educational, entertainment, religious or social event; or
 - (c) Traveling in a motor vehicle engaged in normal travel to or from the City of Vanceburg.

Section IV. Authority of police during curfew hours.

- (1) Any police officer may stop and question any minor suspected of violating this section's provisions and may take the minor into custody when found violating provisions of this section. The officer shall take the minor to the city police headquarters where the name of the minor's parent, guardian, or person having legal

custody of him shall be ascertained.

- (2) The parent, guardian, or person having legal custody shall be notified of the child's detention as required by KRS 610.200 and summoned by the investigating officer to appear at police headquarters to assist in the completion of the investigation. If the parent, guardian, or person having legal custody fails to appear within two hours from the time the child was taken into custody, the investigating officer shall follow the requirements set forth in KRS Chapter 610 and other applicable provisions of the Kentucky Unified Juvenile Code, regarding detention or release of the child.
- (3) Unless the nature of the offense or other circumstances are such as to incite the necessity of keeping the child in secure custody, the officer shall release the child to the custody of his parent, guardian, person having legal custody, or other responsible adult.
- (4) If the investigating or apprehending officer is satisfied that a violation of Section I of this section has occurred, he shall cause formal charges to be filed requiring the child and his parent, guardian, or person having legal custody to appear in the appropriate court to answer the charge of a violation of Section II.
- (5) If formal charges are to be brought, before a child is released to the custody of a parent, guardian, person with legal custody, or other responsible adult, the investigating officer shall obtain a written promise signed by such person that the person will bring the child to the court at the stated time or at such time as the court may order. The written promise, along with the written report of the investigating officer, shall be submitted to the Court as required by KRS 610.200.
- (6) Any child violating any provision of Section I of this section shall be subject to the procedures and penalties provided for by the Kentucky Unified Juvenile Code. Any parent, guardian, or person having legal custody of a child who violates any provision of Section I of this section may be subject to the financial penalty provided for in KRS 610.180.

Section V. Additional Penalties.

- (a) In addition to any penalty prescribed in Section V above any parent or legal guardian shall also be liable for any willful damage to property caused by anyone who violates this ordinance, to the extent of \$2,500.00 as provided for and in accordance with KRS 405.025.
- (b) Further, the parent or legal guardian may be ordered to pay any attorney's fees and court costs where any person is convicted under ~~this~~ Ordinance pursuant to KRS 405.027.

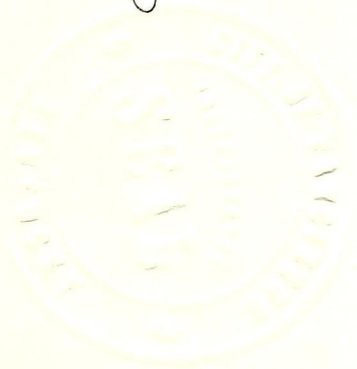
First Reading - Nov 6, 1989

Second Reading - Dec 4, 1989

M. J. "Pat" Cooper
MAYOR, CITY OF VANCEBURG, KENTUCKY

ATTEST:

Jana Syrik
CITY CLERK



Collateral References

59 Am. Jur. 2d. Parent and Child, §§ 25-30, 50-87.

67A C.J.S., Parent and Child, §§ 49-64, 73-89.

Income of child from other source as excusing parent's compliance with support provisions of divorce decree. 39 A.L.R.3d 1292.

Automobile or motorcycle as necessary for infant. 56 A.L.R.3d 1335.

Liability of parent for support of child insti-

tutionalized by juvenile court. 59 A.L.R.3d 636.

Power of parent to have mentally defective child sterilized. 74 A.L.R.3d 1224.

Parent's obligation to support unmarried minor child who refuses to live with parent. 98 A.L.R.3d 334.

Requisite conditions and appropriate factors affecting educational placement of handicapped children. 23 A.L.R.4th 740.

405.021. Reasonable visitation rights to grandparents. — (1) The circuit court may grant reasonable visitation rights to either the paternal or maternal grandparents of a child and issue any necessary orders to enforce the decree if it determines that it is in the best interest of the child to do so.

(2) The action shall be brought in circuit court in the county in which the child resides. (Enact. Acts 1976, ch. 277, § 1; 1984, ch. 136, § 1, effective July 13, 1984.)

Collateral References. 67A C.J.S., Parent and Child, § 164.

405.025. Parent or guardian liable for wilful damage to property caused by minor. — (1) The parent or guardian of any unemancipated minor, in his care and custody, against whom judgment has been rendered for the wilful marking upon, defacing or damaging of any property, shall be liable for the payment of that judgment up to an amount not to exceed twenty-five hundred dollars (\$2500), if the parent or guardian has been joined as a party defendant in the original action. The judgment provided herein to be paid shall be paid to the owner of the property damaged but such payment shall not be a bar to any criminal action or any proceeding against the unemancipated minor committing such damage for the balance of the judgment not paid by the parent or guardian. No parent or guardian shall be liable under the provisions of this subsection in a cumulative amount in excess of ten thousand dollars (\$10,000) for the wilful marking upon, defacing or damaging of any property by any child.

(2) Nothing in this section is intended to or shall limit to twenty-five hundred dollars (\$2500) the liability of a person to whom the negligence of a minor is imputed by KRS 186.590, nor shall this section limit the liability set forth in any other statute to the contrary. (Enact. Acts 1968, ch. 44, §§ 1, 2; 1976, ch. 235, § 1.)

Opinions of Attorney General. This section contemplates a civil action for damages and is not applicable to juvenile court proceedings. OAG 69-251.

59 Am. Jur. §§ 130-138.

67A C.J.S., P

Validity and making parents their minor chil

405.027.
to pay atto
Commonwea
within the so
ian of such r
limited to an
reasonable. T
of the Comm
children, but
thereto. (En

405.030. N

Compiler's N
repealed by Act
tive January 1

405.035. C

Compiler's
renumbered by
KRS 405.465, p

405.040. 405

Compiler's N
331) were repe

405.060.
conveyance
gious society
maintenance

1. Fraudulent

Collateral References

59 Am. Jur. 2d, Parent and Child, §§ 130-138.

67A C.J.S., Parent and Child, §§ 123-129.
Validity and construction of statutes making parents liable for torts committed by their minor children. 8 A.L.R.3d 612.

Parent's liability for injury or damage intentionally inflicted by minor child. 54 A.L.R.3d 974.

Criminal responsibility of parent for act of child. 12 A.L.R.4th 673.

405.027. Court may require parent or guardian of minor defendant to pay attorney's fees and costs. — In any proceeding within this Commonwealth wherein a minor child is a party defendant, it shall be within the sound discretion of the court to direct that the parents or guardian of such minor child pay all attorney's fees and costs, including but not limited to amounts repayable under KRS 31.120, of said action as may be reasonable. This section shall not be construed as repealing any of the laws of the Commonwealth relating to parents' liability for the acts of their minor children, but shall be held and construed as ancillary and supplemental thereto. (Enact. Acts 1980, ch. 334, § 2, effective July 15, 1980.)

405.030. Neglect of child under fourteen. [Repealed.]

Compiler's Notes. This section (328) was repealed by Acts 1974, ch. 406, § 336, effective January 1, 1975.

405.035. Court ordered assignment to county officer of parent's child-support payment — Assignment binding upon employer — Priority. [Renumbered.]

Compiler's Notes. This section was renumbered by the Reviser of Statutes as KRS 405.465, pursuant to KRS 7.136.

405.040, 405.050. Abandonment of child under six — Enforcement. [Repealed.]

Compiler's Notes. These sections (329 to § 336, effective January 1, 1975. For present 331) were repealed by Acts 1974, ch. 406, law, see KRS 530.040.

405.060. Sale or conveyance in fraud of wife or child. — Any sale or conveyance made to a purchaser with notice or for the benefit of any religious society, if made in fraud or hindrance of the right of wife or child to maintenance, shall be void as against the wife or child. (2126.)

NOTES TO DECISIONS

ANALYSIS
1. Fraudulent conveyance.

2. —Maintenance.
3. —Liens.

1020.1 USE OF LUG WHEELS

SECTION ONE: No tractor, traction engine, hauling engine or other similar power vehicle having any projections on the face of the tires or rims of the wheels in contact with the pavement shall be operated on any street in the city, the top surface of which is either composed of or treated with bituminous materials or concrete except that the driving wheels may be fitted with flatlugs extending diagonally across the entire width of the tire or rim. These lugs shall be not less than one inch width at the bearing surface in contact with the street, but those lugs shall be spaced that not less than two lugs on each driving wheel shall be in contact with the street surface at all times. The front or non-driving wheels may be fitted with flat steering rings, if those rings are at least two inches in width and not more than one and one-half inches in height, but there shall be no bolt head, rivet heads or other projections beyond the face of the tire or rim. The narrow angle iron lugs used for plowing or on soft ground shall not be permitted, nor shall any tractor or other vehicle of the caterpillar or track laying type having such projections on the faces of the shoes or treads of the track in contact with the street be permitted unless fitted with the flat lugs in a way that will prevent any injury to the street by either the narrow angle lugs or the projections on any tractor or other vehicle named in this section.

SECTION TWO: Any person violating the provisions of Section One hereof shall be civilly liable for any damage done to any street in the City of Vanceburg. The City Attorney shall institute actions necessary to reimburse the city for the damage suffered.

SECTION THREE: Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) and the fine shall not bar an action for damages as provided in Section Two thereof.

SECTION FOUR: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Adopted 5-6-45

FAT, OIL & GREASE (F.O.G.) ORDINANCE # 1200.00

AN ORDINANCE TO REGULATE ANIMAL AND VEGETABLE FATS, OILS AND GREASE AS WELL AS SOIL, SAND, LINT TRAPS AND INTERCEPTORS

SECTION 1

PURPOSE:

The purpose of this ordinance is to control discharges into the public sewage collection system and treatment plant that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls and contribute waste of a strength or form that is beyond the treatment capability of the treatment plant.

SECTION 2

FAT, OIL, GREASE (F.O.G.), WASTE FOOD AND INTERCEPTORS:

F.O.G., waste food and sand interceptors shall be installed when, in the opinion of the Superintendent of Utilities of the Electric Plant Board of the City of Vanceburg that they are necessary for the proper handling of liquid wastes containing fats, which are harmful ingredients in excessive amounts which impact the wastewater collection system. Such interceptors shall not be required for residences. All interceptors shall be of a type and capacity approved by the Superintendent of Utilities of the Electric Plant Board of the City of Vanceburg using the Environmental Protection Agency (EPA) sizing methods and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 3

DEFINITIONS:

In the interpretation and application of the chapter, the following words and phrases shall have the indicated meanings:

Interceptor/Trap – A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

City - In the use of this ordinance, meaning the City of Vanceburg, Lewis County, Kentucky and/or the Electric Plant Board of the City of Vanceburg.

Superintendent – The Superintendent of the Electric Plant Board of the City of Vanceburg.

SECTION 4

FAT, OIL, GREASE AND FOOD WASTE:

(1) New Construction and Renovation.

Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a F.O.G. (Fat, Oil, & Grease) and Food Waste Control Plan that will effectively control the discharge of fat, oil, grease and food waste using the standard Environmental Protection Agency (E.P.A.) guidelines that meets their requirements.

(2) Existing Structures.

All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants any other sewer users who discharge applicable waste shall be required to submit a plan for control of fat, oil, grease and food waste, if an when the Superintendent of Utilities of the Electric Plant Board of the City of Vanceburg determines that fat, oil, grease and food waste are causing excessive loading, plugging, damage or operational problems to structures or equipment in the public sewer system.

(3) Implementation of Plan.

After approval of the F.O.G. (Fat, Oil, & Grease) Plan by the City the sewer user must: implement the plan within sixty (60) days and service and maintain the equipment in order to prevent adverse impact upon the sewer collection system and treatment facility. If in the opinion of the Superintendent the user continues to impact the collection system and treatment plant, additional pretreatment measures may be required.

SECTION 5

SAND, SOIL, AND OIL INTERCEPTORS:

All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effect sand, soil, and oil interceptors. These interceptors will be sized to effectively remove sand, soil, and oil at the expected flow rates using the Environmental Protection Agency (E.P.A.) sizing methods from the design manual of the Environmental Protection Agency (E.P.A.). These interceptors/grease traps will be cleaned and maintained on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the Superintendent of Utilities of the Electric Plant Board of the City of Vanceburg may be asked to change the cleaning frequency or to increase the size of the inceptors. Owners or Operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

SECTION 6

LAUNDRIES:

Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning that prevents passage into the sewer system of solids one half inch (1/2) or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

SECTION 7

CONTROL EQUIPMENT:

The equipment or facilities installed to control fats, oils, grease, food waste, sand and soil must be designed in accordance with the Environmental Protection Agency (E.P.A.) and City guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow for regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of public sewer, and the accumulation of fats, oils, and grease in the lines, pump stations and treatment plant. The trap should be pumped or cleaned out when the combined fats, oils, grease and solids accumulation is near but not in excess of twenty five percent (25%) of the total liquid depth. If the City is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund the

labor, equipment, materials and overhead costs to the City. Nothing in this section shall be construed to restrict any other remedy the City has under this ordinance or state or federal law.

The City retains the right to inspect and approve installation of the control equipment.

SECTION 8

SOLVENTS PROHIBITED:

The use of degreasing or line cleaning products containing petroleum based solvents is prohibited.

SECTION 9

RECORDS:

The users shall maintain a written record of trap maintenance for three (3) years. All such records will be available for inspection by the City at all times.

SECTION 10

GRACE PERIOD:

Except as provided herein, for a period of one (1) year following the adoption of this Ordinance, although installation of grease interceptors/traps will be required to be installed, no enforcement actions will be taken under this Ordinance for failure to achieve limits on grease discharges from grease interceptors/traps. Once the one (1) year period is over and an obstruction of the City's sewer main(s) occurs that causes a sewer overflow to the extent that an impact on the environment is realized and that said overflow or failure of sanitary sewer collect system to convey sewage can be attributed in part or in whole to an accumulation of grease in the sewer main(s), the City will take appropriate enforcement actions against the generator or contributor of such grease.

SECTION 11

ENFORCEMENT:

The City shall have the administrative authority to enforce this ordinance. Whenever the City finds that any user has violated or is violating this program, or any prohibition, limitation, or requirements contained herein, the City will initiate corrective action, which may include but not be limited to the following:

A. Notice of Violation.

The City may issue any user a written notice stating the nature of violation. Within fifteen days (15) of the date of notice, a plan for the satisfactory correction thereof shall be submitted to the City the user.

B. Consent Order.

The City may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance with a time period specified by the order.

C. Administrative Order.

When the City finds that the user has violated or continues to violate the provisions set forth in this program, or the order issued thereunder, the City may issue an order for compliance to the user

responsible for the discharge. Orders may contain any requirements as might be reasonable, necessary, and appropriate to address the noncompliance, including but not be limited to the installation of pretreatment technology, additional self-monitoring, and management practices.

D. Emergency Suspension of Services.

The City may suspend water or sewer service when such suspension is necessary, in the opinion of the City; in order to stop an actual or threatened discharge which:

- 1.) Presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment;
- 2.) causes stoppages, sanitary sewer overflows, or excessive maintenance to be performed to prevent stoppages in the sanitary sewer collection system;
- 3.) Causes interference to the Publicly Owned Treatment Works (POTW); or
- 4.) Causes the City to violate any condition of its National Pollutant Discharge Elimination System (NPDES) permits.

Any person notified of a suspension of the water or sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate termination of water or sewer service, to prevent or minimize damage to the Publicly Owned Treatment Works (POTW) system for sewer connection or endangerment to any individuals. The City shall reinstate the water or sewer service when such conditions causing the suspension have been eliminated and the reconnection fee paid. A detailed written statement submitted by the user describing the cause(s) of the harmful discharge and the measure(s) taken to prevent any future occurrence shall be submitted to the City within fifteen (15) days of the date of occurrence.

E. Administrative Penalty.

Notwithstanding any other remedies or procedures available to the City, any user who is found to have violated any provision of this program, or any order issued hereunder, may be assessed an administrative penalty of not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessment may be added to the user's next scheduled sewer service charge and the City shall have such other collection remedies as are available by law.

F. Request for Hearing and Appeal.

Any person affected by a penalty, order, or directive of the City issued pursuant to this Ordinance may, within ten (10) days of the issuance of such penalty, order, or directive, request a hearing in writing before the City to show cause why such should be modified or made to not apply to such person. The requested hearing shall be held as soon as practical after receiving the request, at which time the person affected shall have an opportunity to be heard. At the conclusion of the hearing, the City shall issue a written response to the person requesting the hearing affirming, modifying, or rescinding the penalty, order, or directive at issue.

SECTION 12

ALTERATION OF CONTROL METHODS:

The City through the Superintendent of Utilities of the Electric Plant Board of the City of Vanceburg reserves the right to request additional control measures if measures taken are shown to be insufficient to

protect sewer collection system and treatment plant from interference due to the discharge of fats, oils, grease, sand, soil, or lint.

SECTION 13

Each section, subsection, paragraph, sentence and clause of this Ordinance is declared to be separable and severable.

Anthony T. Ruckel

Anthony T. Ruckel, Mayor, City of Vanceburg

ATTEST:

Jean H. Billman

Jean H. Billman, City Clerk

06-06-11