

CITY OF RIVER BLUFF, KENTUCKY
ORDINANCE NO. 5, SERIES 1988-89

AN ORDINANCE CREATING A FRANCHISE FOR THE LAYING AND
MAINTAINING OF SEWER LINES IN, ALONG AND UNDER CERTAIN
PUBLIC WAYS AND PLACES IN THE CITY OF RIVER BLUFF, KENTUCKY,
FOR FURNISHING SEWER SERVICES BY MEANS OF SAID FACILITIES,
AND PROVIDING FOR THE SALE OF SAID FRANCHISE

WHEREAS, the Developer of certain sections of the City
of River Bluff failed to install a common sewer system;

WHEREAS, a leaking septic tank in a section which is
not served by a sewer system presents a hazard to the health
of the citizens of the City of River Bluff;

WHEREAS, the Commission Board of the City of River
Bluff desires to permit the extension of such sewer system
for the health and general welfare of its citizens; and

WHEREAS, the Commission Board recognizes that winter
temperatures may prevent the laying of sewer pipes unless
such construction is commenced immediately.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF RIVER
BLUFF.

Section 1. There is hereby created a limited franchise
for the laying and maintaining of sewer pipes with all
pertinent facilities and equipment in, along, and under
certain public ways, roads, streets, alleys, and other
public places in the City of River Bluff, Kentucky, and for
constructing the necessary conduits and manholes for the
installation of said sewer pipes, facilities and equipment.
This franchise is restricted to certain public ways, roads,
streets, alleys and other public places depicted on the
attached map which is incorporated herein by reference.

Section 2. The person, firm or corporation shall
become the purchaser of this franchise, or any successor or
assignee of such person, shall for brevity hereinafter be
spoken of as the "Company" herein, and certain public ways,
roads, streets, alleys, and other public places of the City
of River Bluff, Kentucky, as depicted on the attached map,

shall for brevity hereafter be spoken of herein as the "streets."

Section 3. The Company acquiring this franchise shall have the right to lay, operate, maintain and remove sewer pipes and all other related equipment and accessories of every kind appurtenant thereto, under, across, and within the said streets, for the transmission of sewage, and the company shall have the right to install, lay, operate, maintain and remove said sewer pipes. The Company shall also have the rights to use the streets with its service and maintenance vehicles and equipment in furtherance of this franchise. Before beginning the construction of any new sewer line or conduit under this franchise, the Company shall prepare a plat showing the construction of the work to be done, which plan and specifications shall be presented to the Mayor-Commission Board for its approval, and shall not proceed with such construction until approval is granted. Wherever practical the Company shall place the sewer pipes and all equipment related thereto along roads and within the public rights-of-way. Such approval, however, shall not be unreasonably denied, withheld or delayed. After work is completed, the Mayor-Commission Board shall have the right to examine and, in case it finds the work has not been done in accordance with the plans and specifications approved by it, the Company shall, at its own expense, make such changes that will cause the work to conform to the plans and specifications approved by the Mayor-Commission Board. The work shall be done in a workmanlike manner and so as not to unnecessarily interfere with the public use of any said street. Wherever practical for underground extensions, the company shall bore under, not cut into, any said streets; however, wherever the surface of any street is open it must be restored at the expense of the Company within a reasonable time to as good condition as it was prior to the opening thereof.

Section 4. The Company acquiring this franchise, and its successors and assigns, shall indemnify the City of River Bluff, Kentucky for any and all damage that may legally arise from the presence or operation of its pipes or equipment so constructed or maintained in, along or under said streets, and defend all actions which may be brought against the City by reason or arising out of the construction or operation of said sewer system.

Section 5. The franchise hereby created shall continue for a period of twenty years from and after the date the Mayor-Commission Board determines a successful bidder for this franchise. This franchise is not exclusive, and the city reserves the right to sell similar franchises to others.

Section 6. It shall be the duty of the Clerk of said City to advertise the sale of the franchise in The Oldham Era so that the publication shall appear not less than seven days before the date of the sale. Said notice and newspaper advertisement shall state when said Clerk shall sell said franchise at public auction to the highest and best bidder, and the time and place of sale. In said advertisement and notice, the right of the Mayor-Commission Board of said City to reject any and all bids shall be reserved. The newspaper publication shall describe the franchise to be sold and any special provisions. The Clerk shall sell said franchise in accordance with said notice and advertisement. Said Mayor-Commission Board may accept that bid which in its judgment is the highest and best. No bid shall be accepted of less than \$1.00, which amount is fixed as the upset price for said franchise. The bidder to whom said franchise or privilege shall be awarded shall within ten days after the acceptance of its bid by the Mayor-Commission Board of the City pay the amount of said bid to the Treasurer of the City. No permit or other additional charge shall be imposed on the Company. The terms of this ordinance creating the

franchise are contractual and binding according to its terms on the Company and the City.

Provisions of any other ordinance that are inconsistent herewith shall be ineffective with respect to the Company acquiring this franchise.

Section 7. In case the successful bidder of said franchise falls within thirty days after its bid has been accepted by the Commission Board of the City to comply with the provisions of this Ordinance, the Clerk of said City shall again advertise said franchise for sale in the manner and upon the same conditions and requirements as the original sale of said franchise was made, except that no sale shall be made to the bidder who failed to perform the terms of said first sale.

Section 8. Any service rendered by the successful bidder for such franchise should be performed under the regulatory jurisdiction of Public Service Commission of Kentucky or any successor regulatory body.

Section 9. Because leaking septic tanks present a potential health hazard to the City of River Bluff, the city hereby declares an emergency to exist and directs that this Ordinance shall be effective immediately.

Approved this 6th day of January, 1989 by 4 ayes and 0 nays.

FOR:

Anna Hollin
Jim McNeil
Jim Lyon
Charles Barnes

AGAINST

Charles D. Barnes
Charles D. Barnes, Mayor

ATTEST:

Shelva D. Barnes
Shelva D. Barnes, Clerk