

ORDINANCE NO. 112, SERIES 2015

**AN ORDINANCE AMENDING THE METRO CODE OF ORDINANCES (MCO) SECTION 50.48 TO ADD SUBURBAN FIRE DISTRICTS TO PROPERTIES EXEMPT FROM MSD CAPACITY CHARGES.**

**Sponsored By: Council Members Benson, Peden, Yates, and Flood**

**WHEREAS**, properties owned by Metro Government, including those operated by Louisville Division of Fire are exempt from MSD capacity charges; and

**WHEREAS**, suburban fire districts organized pursuant to KRS 75 provide equivalent services to residents of Metro Louisville; and

**WHEREAS**, including suburban fire districts in the capacity charge exemption list is fair and equitable as both LFD and suburban fire district are tax supported public agencies.

**BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:**

**SECTION I:** MCO Section 50.48 is hereby amend as follows:

§ 50.48 EXEMPTIONS.

Capacity charges are not applicable to the following:

- (A) Existing developed properties connecting to the MSD's system but previously served by another (non-MSD) sewer system or on-lot wastewater disposal system.
- (B) Properties to be served by a new wastewater treatment plant to be owned by MSD and constructed and financed jointly by agreement between MSD and one or more developers; however, the prorated shares of the developer's capital costs, based on their estimated use of design capacity, shall not be less than the amounts MSD would recover by using the capacity charge calculations. Properties in the service area not party to the agreement will pay the capacity charge.
- (C) Properties within an "Enterprise Zone" established pursuant to KRS Chapter 154.
- (D) Properties owned by the Metro Government.

(E) Properties which connect prior to January 1, 1993 to an MSD sewer which was installed and available in an abutting right-of-way or easement as of January 1, 1987, provided that the properties were annexed into MSD's wastewater service area at the written request of the owner dated and received by the MSD prior to January 1, 1987, and provided that the properties are being developed, or have recently been developed, at the time of connection.

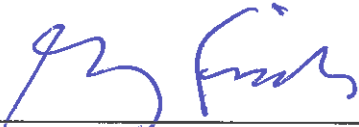
(F) Properties within the boundaries of the metropolitan area which, in 1946, transferred the then existing metropolitan sewerage system to the MSD at no cost to the MSD. Funds collected by the capacity charge shall be used to finance future sewerage expansion that will serve new development.

(G) Properties owned by a fire district organized pursuant to KRS 75.

**SECTION II:** This Ordinance shall take effect upon its passage and approval.

  
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H. Stephen Ott  
Metro Council Clerk

  
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David W. Tandy  
President of the Council

  
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Greg Fischer  
Mayor

  
\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

**LOUISVILLE METRO COUNCIL  
READ AND PASSED**  
*July 30, 2015*

BY:   
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