

ORDINANCE NO. 2024-01

I, Olivia F. Amlung, City Attorney for the City of Fairview, Kentucky certify that the following is the Title and Summary of Ordinance No. 2024-01 of the City of Fairview, in Kenton County, Kentucky, which was adopted on the 9th day of July, 2024:

TITLE OF ORDINANCE

AN ORDINANCE OF THE CITY OF FAIRVIEW, KENTUCKY ESTABLISHING A NON-EXCLUSIVE FRANCHISE FOR THE USE OF THE PUBLIC STREETS, ALLEYS AND OTHER PUBLIC GROUNDS OF THE CITY FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND GAS THROUGH AND FOR CONSUMPTION WITHIN THE CITY; AND PROVIDING THE TERMS THEREOF.

SUMMARY OF ORDINANCE

Ordinance 2024-01 establishes a non-exclusive franchise pursuant to Sections 163 and 164 of the Kentucky Constitution, and KRS §§ 96.010 through 96.045 for the transmission of natural gas and electricity for use and consumption within the city via use of public streets and rights-of-ways. Duke Energy has a franchise which is in its final year. The Ordinance provides that the new franchise shall be for a period of five years. Pursuant to Section 164 of the Kentucky Constitution before granting any franchise, the City shall cause the franchise to be bid, with the award to the highest and best bidder, and the City having the right to reject any bids. There are other requirements, such as maintenance and termination of facilities, bidding requirements including posting of bid bond, pavement removal, excavation and grading, right-of-way maintenance and restoration, liability insurance, and indemnification, as are more fully set forth in the Ordinance. The Ordinance also establishes that there shall be no franchise fee charged by the City as consideration for the grant of the use of the city rights-of-ways as part of this franchise, with a reservation of the right to charge a franchise fee in the future.

CERTIFICATION

I, Olivia F. Amlung, an attorney licensed to practice law in the Commonwealth of Kentucky, and City Attorney for the City of Fairview in Kenton County, Kentucky do hereby certify that this Notice of Adoption, Title and Summary of Ordinance No. 2024-01 was prepared by me and that it represents an accurate description of the summary of the contents of the Ordinance. The full text of the Ordinance, its Exhibits, if any, and other information relative to the Ordinance are on file at the Office of the City Clerk of the City of Fairview, Kentucky in the City Building located at 8349 Decoursey Pike, Independence, KY. 41051.

Olivia F. Amlung, Esq.

Olivia F. Amlung, City Attorney for City of Fairview
Adams Law, PLLC
