

CITY OF WEST LIBERTY
SEWER USER CHARGE ORDINANCE

ORDINANCE NO. 07-24-1995

An ordinance establishing user charges in the City of West Liberty (City) and surrounding area to provide funds needed to pay for operation, maintenance and replacement (OM & R) and debt service expenses associated with City's wastewater treatment works/

Whereas, the City has constructed wastewater treatment works; and

Whereas, it is the City's intent to establish proportionate user charges that place the costs of abatement directly on the sources of pollution, conserve potable water, and maintain financial self-sufficiency; and

Whereas, the City must pay the OM & R and debt service expenses associated with the said treatment works and charge the users of said treatment works accordingly;

NOW, THEREFORE, BE IT ORDAINED BY THE City, that the following User Charges are established.

ARTICLE 1

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works.

ARTICLE 2

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

SECTION 1: "BOD" (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C expressed in milligrams per liter (mg/l).

SECTION 2: “Normal Domestic Wastewater” shall wastewater that has a concentration of not more than:

<u>PARAMETER</u>	<u>MAXIMUM CONCENTRATION</u>
BOD5	250 mg/l
COD	750 mg/l
TSS	300 mg/l
NH3	30 mg/l
TKN	50 mg/l

SECTION 3: “Operation and Maintenance” shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and for which such works were designed and constructed. The term “operation and maintenance” includes replacement as defined in Section 4.

SECTION 4: “Replacement” shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

SECTION 5: “Residential User” shall mean any contributor to the City’s treatment works to maintain the capacity and performance for which such works were designed and constructed.

SECTION 6: “Commercial User” shall mean all retail stores, restaurants, office buildings, laundries and other private business and service establishments.

SECTION 7: “Industrial User” shall mean a source of Indirect Discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of the Clean Water Act.

SECTION 8: “Industrial User” shall include social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

SECTION 9: “Governmental User” shall include legislative, judicial, administrative, and regulatory activities of Federal, State and Local governments.

SECTION 10: “Shall” is mandatory, “May” is permissive.

SECTION 11: “SS” (Suspended Solids) shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

SECTION 12: “Treatment Works” shall mean any devices and systems for the storage, treatment, recycling and reclamation of municipal wastewater, domestic wastewater or liquid industrial wastes. These include intercepting sewers, outfall sewers, wastewater collection systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal or residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

SECTION 13: “Useful Life” shall mean the estimated period during which a treatment works will be operated.

SECTION 14: “User Charge” shall mean the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, replacement, and debt service expenses of the wastewater treatment works.

SECTION 15: “Water Meter” shall mean a water volume measuring and recording device, furnished and or installed by the user or the City and approved by the City.

SECTION 16: “Debt Service” shall mean charges levied on users of the wastewater treatment works to support the annual debt service obligations of the system.

ARTICLE 3

SECTION 1: The revenues collected as a result of the user charges levied shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund.

SECTION 2: Fiscal year-end balances in the Operation, Maintenance and Replacement Fund shall be used for no other purposes than those designated. Money which has been transferred from other sources to meet temporary shortages in the Operation Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charges rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred money will be returned to its respective accounts within six months of the fiscal year in which the money was borrowed.

ARTICLE 6

SECTION 1: The following schedule of user charge rates shall apply to each user of the wastewater treatment works. This schedule includes rates for OM & R and rates for debt service charges, each based on the volume of metered or estimated water consumption.

WASTEWATER SERVICES MONTHLY RATE SCHEDULE

Total Gallons	OM & R	DEBT SERVICE	TOTAL USER
Water Consumption/ Mo.			CHARGE PER 1000 GAL
UP TO 2,000	6.30	.80	7.10 (MINIMUM BILL)
ALL OVER 2,000	3.15	.40	3.55

A 20% surcharge shall be added to the rates applicable to out-of-town users of the sanitary sewer system.

SECTION 2: For residential,, industrial, institutional and commercial users, monthly user charges will be based one actual water usage.

SECTION 3: For the users whose wastewater has a greater strength than normal domestic wastewater, as defined in Article 2, Section 2 a surcharge in addition to the normal user charge will be collected.

The following surcharge rates shall apply to each user of the treatment works that has received permission from the Superintendent or Designated Authority to contribute excessive strength sewage:

	SURCHARGE RATE
BOD5	\$0.155/lb
SS	\$0.132/lb
COD	\$0.200/lb
NH3-H	\$0.200/lb

The superintendent may require pretreatment of wastes containing other pollutants before discharge into the City's sewers is approved. Such treatment, if required, shall be based on the type and quantity of pollutant.

SECTION 4: The excessive strength surcharge shall be based on the formula (following below) with the total applied to the monthly bill affected users.

$$(A(D-250)+B(E-300)+C(F-750)+G(H-50)+K(K-50))x.000834Xm$$

A Surcharge rate for BOD5, in \$/lb

B Surcharge rate for TSS in \$/lb

C Surcharge rate for COD in \$/lb

G Surcharge rate for NH3-H

J Surcharge rate for TKN in \$/lb

D Users average BOD5 concentration in mg/l

E Users average TSS concentration in mg/l

F Users average COD concentration in mg/l

H Users average NH3-H concentration in mb/l

K Users average TKN concentration in mg/l

M Users monthly flow to wastewater works (1,000 gallons)

No reduction in wastewater services charges, fees, or taxes shall be permitted because of the fact that certain wastes discharged to the wastewater contaminant limits.

ARTICLE 5

SECTION 1: The city shall maintain financial records to accurately account for revenues generated by the treatment system and expenditures for operation and maintenance of the system, including normal replacement costs.

SECTION 2: The city shall review not less often than annually, the wastewater contribution of users, the total cost of OM & R of the wastewater works, debt service obligations, and user charge rates. Based on such review the City shall revise, when necessary, the schedule of user charge rates to accomplish the following:

Sub-section 1: Maintain an equitable distribution of OM & R costs users of the treatment system; and;

Sub-section 2: Generate sufficient revenues to offset costs associated with the proper operation and maintenance of the wastewater system and to meet debt service requirements.

Sub-section 3: Excessive strength and toxicity surcharges shall be reviewed at the time of and in conjunction with the review of user charges. Surcharge rates shall be revised where necessary to reflect current treatment and monitoring costs.

Sub-section 4: Each user shall be notified, at least annually in conjunction with a regular bill of the rate and that portion of the charge which is attributable to OM & R of the wastewater system.

ARTICLE 6

SECTION 1: All users shall be billed monthly. Billings for any particular month shall be made within ten days after the end of the month. Payments are

due within fifteen days after the end of the month. Any payment not received within thirty days after the end of the month shall be considered delinquent.

SECTION 2: A late payment penalty of 10% of the user charge bill will be added to each delinquent bill for each 30 days or portions thereof delinquency. When any bill is more than sixty (60) days in default water and/or wastewater service to such premise shall be disconnected until such bill is paid.

ARTICLE 7

SECTION 1: All ordinances or parts of ordinances in conflict herewith are hereby replaced.

SECTION 2: The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of the ordinance which can be given without such invalid part of parts.

ARTICLE 8

The “Wastewater User Charge System” for West Liberty, Kentucky as required by the Kentucky Infrastructure Authority and Division of Water which sets forth aspects of the funding conditions of the SRF, estimated improvements budget, existing user rates, operating budget, projected user rates and rationale related to Clean Water Act is hereby adopted by reference and incorporated herein with a copy attached to this ordinance.

ARTICLE 9

This ordinance shall be in full force and effect immediately following its passage, approval and publication as provided as provided by law.

INTRODUCED THE 26TH DAY OF JUNE 1995

FIRST READING: 26TH DAY OF JUNE 1995

SECOND READING: 24TH DAY OF JULY 1995

PASSED: 24TH DAY OF JULY 1995

AYES: 4

NAYS: 0

ABSENT: 2

NOT VOTING: ____

APPROVED BY ME THIS 24TH DAY OF JULY 1995

William S Wells, MAYOR

Attest By: Linda Bradley, City Clerk

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