

ORDINANCE
Sewer Service Charges

AN ORDINANCE TO PROVIDE FOR THE COLLECTION OF SEWER SERVICE CHARGES FROM USERS OF THE PUBLIC SEWAGE TREATMENT SYSTEM.

WHEREAS, the Webster County Fiscal Court, Webster County, Kentucky has constructed wastewater collection facilities; and

WHEREAS, it is the Fiscal Court's intent to establish sewer service charges that places the costs of abatement directly on the sources of pollution and

WHEREAS, the Fiscal Court must pay the operation, maintenance and replacement expenses and debt service costs associated with the said treatment works and charge the users of said treatment works to offset such costs:

NOW, THEREFORE BE IT ORDAINED BY THE WEBSTER COUNTY FISCAL COURT, WEBSTER COUNTY, KENTUCKY, that the following sewer service charges are established.

ARTICLE I - PURPOSE

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

ARTICLE II - DEFINITIONS

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

Section 1: "Sewer Service Charge" shall be charges levied on all users who discharge, cause or permit the discharge of sewage into the public wastewater treatment system.

Section 2: "OM&R Charges" shall mean charges levied on users of the wastewater treatment system to offset the cost of operations and maintenance of the system including normal replacement costs.

Section 3: "Debt Service Charges" shall mean charges levied on users of the sewage treatment system to support the annual debt service obligations of the system.

Section 4: "Excessive Strength Surcharges" shall mean charges levied on users of the sewage treatment system whose

contribution contains biological oxygen demand (BOD), suspended solids (SS) or ammonia nitrogen (NH₃-N) in concentrations which exceed limits specified herein for such pollutants and who are permitted to make such contributions to the system by decision of the superintendent or manager of the Webster County Fiscal Court wastewater facilities.

Section 5: "BOD" (denoting 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 degrees C, expressed in milligrams per liter (mg/l).

Section 6: "SS" (denoting 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 7: "NH₃-N" (denoting Ammonia Nitrogen) shall mean the quantity of ammonia in the wastewater, sewage or other liquids, as measured by standard laboratory test, and expressed in terms of equivalent nitrogen, in units of milligrams per liter (mg/l).

Section 8: "Normal Domestic Wastewater" shall mean wastewater that has a BOD concentration of not more than 350 mg/l, a SS concentration of not more than 350 mg/l and NH₃-N of not more than 30 mg/l.

Section 9: "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 management and operation of the system according to its design and construction. The term "operation and maintenance" includes replacement as defined in Section 10.

Section 10: "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 are designed and constructed.

Section 11: "Shall" is mandatory; "May" is permissive.

Section 12: "Treatment Works" shall mean any devices and system for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage 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 or the land that will be an integral part of the treatment process or is used for ultimate disposal of 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: "Water Meter" shall mean a water volume measuring and recording device, and "Wastewater Flow Meter" shall mean a device which measures the volume of wastewater flows.

Section 15: "Superintendent or Manager" are terms which shall be used interchangeable and shall designate the individual hired by the Fiscal Court to direct the management, operations and maintenance of the wastewater system.

ARTICLE III - SEPARATION OF SEWER REVENUES AND EXPENSES

Section 1: The revenues collected, as a result of the sewer service charges levied, shall be deposited in a separate nonlapsing fund known as the Sewer Revenues Fund.

Section 2: The Sewer Revenues Fund shall be used only for the purpose of paying operations, maintenance and replacement costs of the wastewater treatment system and to meet the debt service obligations of said system. Monies which have been transferred from other sources to meet temporary shortages in the Sewer Revenues Fund shall be returned to their respective accounts upon appropriate adjustment of the sewer service charge rates for operation, maintenance, replacement and debt service obligations. The sewer service rates shall be adjusted such that the transferred monies will be returned to their respective accounts within six months of the fiscal year in which the monies were borrowed.

Section 3: All revenues and expenses of the Fiscal Court's wastewater treatment system shall be maintained and accounted for separately from other utilities, if applicable, such as the water and or gas system.

Article IV - RATES AND SURCHARGES

Section 1: The following schedule of rates shall apply to each user of the sewage treatment system. This schedule

includes rates for OM&R charges and rates for debt service charges, each based on the volume of metered or estimated water consumption.

SEWER RATE SCHEDULE
Based on Water Consumption

<u>Water Consumption</u>	<u>OM&R Rate</u>	<u>Debt Service</u>	<u>Combined</u>
First 1,000 Gals. (Min.)	\$ 4.53	\$ 4.65	\$ 9.18
Over 1,000 Gals./1,000	4.53	4.65	9.18

Section 2: Normal monthly billings for sewer service shall be determined on the basis of each user's metered water consumption and rates provided by Section 1. It is recognized in the assessment of such charges, that not all metered water consumption is returned to the sewers. For the purpose of assessing service charges equitable, the average percentage of metered water consumption returned to the sewer is deemed to be 90 percent. Where it can be evidenced that the proportion of metered water consumption actually returned to the treatment system by an individual customer is significantly different from 90 percent, service charges shall be determined on the basis of actual wastewater discharge. In this event, the volume of wastewater discharge shall be determined by using additional water meters, wastewater flow meters and/or any other procedures agreed upon by the user and Superintendent or Manager as a reasonable method of segregating and determining flows. The Fiscal Court reserves the right to require the installation of additional water meters and/or wastewater flow meters for the purpose of determining actual monthly wastewater flows.

Section 3: In the event that the Superintendent or Manager shall permit a user to discharge wastes to the sewage works having an average biochemical oxygen demand (BOD) content in excess of 350 mg/l, and/or an average suspended solids (SS) content in excess 350 mg/l and/or an average ammonia nitrogen (NH3-N) content in excess of 30 mg/l, the user shall pay a surcharge based upon the excess strength of its wastes.

Section 4: The following surcharge rates shall apply to each user of the sewage works that has received permission from the Superintendent to contribute excessive strength sewage.

SURCHARGE RATES

<u>Parameter</u>	<u>-----</u>	<u>RATE</u>
BOD	Over 350 mg/l	\$.49 /lb.
SS	Over 350 mg/l	\$.49 /lb.

NH3-N

Over 30 mg/l

\$2.29 /lb.

Section 5: The excessive strength surcharge shall be based on the following formula, with the total applied to the monthly bill of affected users:

$$(A(D-350) + B(E-350) + C(F-30)) \times 8.34/1000 = \text{Surcharge.}$$

Where formula components are as follows:

- A. Surcharge rates for BOD, in \$/pound
- B. Surcharge rate for SS, in \$/pound
- C. Surcharge rate for NH3-N, in \$/pound
- D. User's average BOD concentration
- E. User's average SS concentration
- F. User's average NH3-N concentration
- G. User's monthly flow to sewage works, in 1,000 gallons.

Section 6: No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain wastes discharged to the sewage works contain less than 350 mg/l of BOD, 350 mg/l of SS, 30 mg/l of NH3-N. The formula for subcharges may not be construed to generate a negative charge either in any part or in total.

Section 8: Each user shall be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the total charge which is attributable to operations and maintenance of the sewage system.

ARTICLE V - FINANCIAL MANAGEMENT SYSTEM

Section 1: The Fiscal Court shall maintain financial records to accurately account for revenues generated by the treatment system and expenditures for operations and maintenance of the system, including normal replacement costs.

Section 2: The Fiscal Court shall review not less often than annually the sewage contribution of users, the total cost of operation and maintenance of the sewage works, debt service obligation, and sewer service charges. Based on such review, the Fiscal Court shall revise, when necessary, the schedule of sewer service charges to accomplish the following:

Subsection 1: Maintain an equitable distribution of operations and maintenance costs among users of the treatment system, and

Subsection 2: Generate sufficient revenues to offset costs associated with the proper operation and maintenance of the sewage system, including normal replacement costs, and to meet debt service requirements.

Section 3: Excessive strength surcharges shall be reviewed

at the time of and in conjunction with the review of sewer service charges. Surcharge rates shall be revised where necessary to reflect current treatment monitoring costs.

ARTICLE VI - BILLING

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

Section 2: A late payment penalty of 10 percent of the sewer service charge bill will be added to each delinquent bill for each thirty days or portions thereof of delinquency. When any bill is more than ninety days in default, water and or sewer service to such premises shall be discontinued until such bill is paid.

Section 3: When any bill (including interest and penalty) remains unpaid for one year after the date due, such bill shall be recorded in the land records of the County by the Fiscal Court and shall constitute a lien on the property. If such lien including interest and penalty) remains unpaid for a period of one year after date of recordation, such property shall be subject to public sale.

ARTICLE VII - VALIDATION


Section 1: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

ARTICLE VIII

This ordinance becomes effective immediately upon its adoption, approval, and publication as provided by laws and the rates set forth herein become effective for services provided after _____.

Date of passage 12/12/94.


James R. Townsend
Webster County Judge Executive

ATTEST:

Becky Sharp
Becky Sharp
Webster County Clerk