

ORDINANCE NO. _____

An ordinance establishing a user charge system in the City of Arcadia, County of Iron, State of Missouri, to provide funds needed to pay for all expenses associated with the City's wastewater treatment works.

WHEREAS, the City of Arcadia, Missouri, has constructed wastewater treatment works; and

WHEREAS, the City must pay all expenses associated with said treatment works and charge the users of said treatment works accordingly.

NOW THEREFORE, BE IT ORDAINED BY THE Board of Alderman, of the City of Arcadia, Missouri, that the following user charge system be established.

ARTICLE I

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, maintaining such public wastewater treatment works.

ARTICLE II

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

Section 1: "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°C, expressed in milligrams per liter (mg/l).

Section 2: "Normal Domestic Wastewater" shall mean wastewater that has a BOD concentration of not more than 250 mg/l and a suspended solids concentration of not more than 250 mg/l.

Section 3: "Operation and Maintenance" shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

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. The term "operation and maintenance" includes replacement.

Section 5: "Residential Contributor" shall mean any contributor to the City's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

Section 6: "Shall" is mandatory; "May" is permissive.

Section 7: "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 8: "Treatment Works" shall mean any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances, extensions improvement, 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 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 9: "Useful Life" shall mean the estimated period during which a treatment works will be operated.

Section 10: "User Charge" shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.

Section 11: "Water Meter" shall mean a water volume measuring and recording device, furnished and/or installed by the City of Arcadia or furnished and/or installed by a user and approved by the City of Arcadia.

ARTICLE III

Section 1: The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement costs associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this ordinance.

Section 2: That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Article IV, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two primary account as follows:

a. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (Operation and Maintenance Account).

b. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the replacement account shall be made (annually, from the operation, maintenance and replacement revenue in the amount of \$ 1,790.00 annually.

Section 3: Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have 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 charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

ARTICLE IV

Section 1: Each user shall pay for the services provided by the City based on his use of the treatment works as determined by water meter(s) acceptable to the City.

Section 2: For residential contributors, bi-monthly user charges will be based on average bi-monthly water usage during the current bi-monthly period. Bi-monthly period shall be defined as a period of water usage covering two calendar months. This usage shall be determined by the water meter.

Section 3: There shall be no minimum charge per two month period. Each contributor shall pay a user charge rate for operation and maintenance including replacement of \$.68 per 1,000 gallons of water used during the current month.

Section 4: (Reference is made to Appendix A.)

For those contributors who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement is :

\$ 0.145 per pound BOD

\$ 0.0647 per pound SS

Section 5: Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works, or any user which discharges any substances which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the Board of Aldermen.

Section 6: The user charge rates established in this article apply to all users, regardless of their location, of the City's treatment works.

ARTICLE V

Section 1: All users shall be billed bi-monthly (every two months). Billings for any particular bi-monthly period shall be made within thirty days after the end of that bi-monthly period. Payments are due when the billings are made. Any payment not received within thirty days after the billing is made shall be delinquent.

Section 2: A late payment penalty of 10 percent of the user charge bill will be added to each thirty days of delinquency. When any bill is thirty days in default, rendition of water and/or sewer service to such premises shall be discontinued until such bill is paid, following due notice and opportunity for hearing. The City shall have the option of switching to a monthly billing system at anytime by adopting an ordinance which will change that element of the User Charge Ordinance.

ARTICLE VI

Section 1: The City will review the user charge system (every two years,) and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

Section 2: The City will notify each user at least every year, in conjunction with a regular bill, of the rate being charged for operation, maintenance including replacement of the treatment works.

ARTICLE VII

This ordinance shall be in full force and effect from and after its passage and approval. This ordinance shall take precedence over any terms or conditions of agreements or contracts between the grantee and users which are inconsistent with the requirements of section 204 (b)(1)(A) of the Clean Water Act and corresponding regulations. Any ordinance or parts thereof in conflict with this ordinance are hereby repealed.

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

Whereupon, this ordinance was read three (3) times and approved by vote of the Board of Alderman of-the City of Arcadia, Missouri, this 10TH day of DECEMBER, 1990.

ATTEST:


Joyce Callisto
Joyce Callisto,
City Clerk

Kenneth W. Lumbley
Kenneth W. Lumbley
Mayor of the City of Arcadia