

ORDINANCE NO. 95- 22

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

WHEREAS, the City of Russellville, Kentucky 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 Council, of the City, Russellville, that the following user charges are 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 and maintaining the 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 or 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 total suspended solids concentration of not more than 250 mg/l and a NH<sub>3</sub> concentration of not more than 40 mg/l and a (Oil and Grease) hydrocarbons concentration of not more than 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 whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

**Section 6:** "Commercial User" shall mean all retail stores, restaurants, office buildings, laundries, and other private business and service establishments.

**Section 7:** "Industrial User" (IU) 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:** "Institutional 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:** "TSS" (denoting Total 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 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:** "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 a user 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 III**

**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. 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 six months of the fiscal year in which the monies were borrowed.

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**ARTICLE IV**

**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 Water Consumption/mo.	<u>OM&amp;R</u> 1000 gal. <u>Rate</u>	<u>Debt</u> Service 1000 gal. <u>Service</u>	<u>Total</u> User Chg. 1000 gal. <u>Rate</u>	Minimum Bill
FROM            TO				
0      15,000 Gals	2.92	1.08	4.00	\$4.00/1500 gallons
All over 15000 gallons	1.95	.48	2.43	

**Section 2:** For residential, industrial, institutional and commercial users, monthly user charges will be based on actual water usage. If a residential, commercial, institutional, or industrial user has a consumptive use of water, or, in some other manner, uses water which is not discharged into the wastewater collection system, the user charge for that contributor may be based on readings of a wastewater meter(s) or separate water meter(s) installed and maintained at the user's expense.

**Section 3:** For those users whose wastewater has a greater strength than normal domestic wastewater, 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 Rates

BOD	\$ 1.04 per pound
TSS	\$ .17 per pound
NH3	\$ 0 per pound
Hydrocarbons (Oil and Grease)	\$ 0 per pound

**Section 4: Method of Billing Surcharges -** The excessive strength surcharge shall be based on the following formula, with the total applied to the monthly bill of affected users:

**FORMULA**

$$(A(E-250) + B (F-250) + C(G-40) + D(H-50)) \times .00834 \times I = \text{Surcharge Payment } (\$/\text{Mo.})$$

Where formula components are as follows:

- A. Surcharge rate for BOD, in \$/pound.
- B. Surcharge rate of TSS, in \$/pound.
- C. Surcharge rate for NH3 in \$/pound.
- D. Surcharge rate for (Oil and Grease) Hydrocarbons in \$/pound.
- E. User's average BOD concentration, in mg/l.
- F. User's average TSS concentration, in mg/l.
- G. Users average NH3 concentration in mg/l.
- H. User's average other (Oil and Grease) Hydrocarbons, in mg/l.
- I. User's monthly flow to wastewater works, per 1,000 gallons.

No reduction in wastewater service charges, fees, or taxes shall be permitted because of the fact that certain wastes discharged to the wastewater works contain less than 250 mg/l of BOD, 250 mg/l of TSS, 40 mg/l of NH3 or 50 mg/l of Hydrocarbons.

**ARTICLE V**

**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 among 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 total charge which is attributable to OM&R of the wastewater system.

**ARTICLE VI**

**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 considered delinquent.

**Section 2:** A late payment penalty of ten (10) percent of the user charge bill will be added to each delinquent bill for each thirty (30) days or portions thereof of 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 VII**

**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 this ordinance shall not affect the validity of any other part of the ordinance which can be given without such invalid part or parts.

**ARTICLE VIII**

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

FIRST READING: 21 day of 11, 1995.

SECOND READING: 5 day of 12, 1995.

PASSED this 5 day of 12, 1995.

AYES: 4

NAYS: 0

ABSENT: 2

NOT VOTING: 0

APPROVED by me this 5th day of 12, 1995.

Ken Smith  
Ken Smith, Mayor

ATTEST: Beggy Jenkins  
Peggy S. Jenkins, City Clerk

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Publication Date