

## AN ORDINANCE

amending Chapter 118, Utilities., Article II, Sewers and Sewage Disposal., Division 6 Rates and Charges., of the Joplin City Code, by repealing sections 118-201 through 118-213, inclusive, of Division 6 in their entirety and enacting new sections 118-201 through 118-211, inclusive, of Division 6. Rates and Charges.; dealing generally with the establishment of sewer rates for the City of Joplin, Missouri.

WHEREAS, in 1991 the citizens of the City of Joplin established a monthly sewer rate of \$7.00 for residential sewer users, \$9.25 for large commercial users and \$5.34 for industrial and commercial users with additional surcharges for usage and waste water strength.; and,

WHEREAS, at that time, the cost of providing the service to the average residential consumer was \$10.66; and,

WHEREAS, thirteen years have passed since that initial sewer rate was approved; and,

WHEREAS, during that time the average national cost of processing sewer and building and maintaining the infrastructure has increased more than 112%; and,

WHEREAS, the Council of the City of Joplin heard testimony regarding the proposed rates at the February 2, 2004 regular meeting of the Council; and,

WHEREAS, the Council of the City of Joplin is desirous of establishing a sewer rate based upon the cost of providing the sewer infrastructure and the cost of treating, on a per usage basis, the waste stream; and,

WHEREAS, the consulting firm of Burns and McDonnell have reviewed the City's wastewater treatment system and have provided rate recommendations; and,

WHEREAS, the rates increase each year, 2004 through 2008, until operations are fully funded by rates; and,

WHEREAS, only those residential, commercial, industrial and governmental persons or entities utilizing the system will be responsible for payment of sewer fees; and,

WHEREAS, the rate charged to out-of-town users is higher, in part, because those users do not bear the potential liability associated with a wastewater treatment system that City residents may incur; and,

WHEREAS the Council of the City of Joplin has determined that the rate structure proposed is the most equitable way to balance the cost maintaining an environmentally compliant and effective sewerage system.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Sections 118-201 through 118-213, inclusive, of Division 6. Rates and Charges. of Division II. Sewers and Sewage Disposal. of Chapter 118. Utilities. of the Joplin City Code, are hereby repealed in their entirety, and a new Division 6. Rates and Charges., Sections 118-201 through 118-211 are hereby enacted in lieu thereof, to read as follows:

#### “DIVISION 6. RATES AND CHARGES

##### **Sec. 118-201. Generally.**

Sewer service charges are hereby levied against every residential, commercial, industrial and governmental user connected to public sewers in accordance with the rate recommendation documented in the 2004 Burns and McDonnell rate study, said rate study is incorporated herein by reference as Appendix 1. The proceeds of such charges so derived will be used first, for the purpose of retiring the debt for the public wastewater treatment works and then for the purpose of operation, maintaining and replacing the sewer system and equipment.

##### **Sec. 118-202. Rates and surcharges.**

(a.) All residential, commercial, industrial and governmental establishments shall be charged for sewer service in accordance with the following rate table. The sewer service charge shall consist of a monthly facility charge based upon the size of water meter plus a charge based upon the gallons of water used per month. The charges shall become effective on the dates listed in the table. The rate effective on January 1, 2008, shall be effective thereafter until changed.

#### RATE TABLE I

##### 3/4 Inch Meter or Smaller

<u>EFFECTIVE DATE</u>	<u>FACILITY CHARGE</u>		<u>VOLUME CHARGE</u>	
	<u>PER MONTH</u>	<u>In City</u>	<u>OUT OF CITY</u>	<u>PER 1000 GAL.</u>
April 1, 2004	9.57	12.49	0.63	0.87
January 1, 2005	11.22	13.43	0.74	0.94
January 1, 2006	12.18	14.36	0.80	1.00
January 1, 2007	13.54	15.30	0.89	1.07
January 1, 2008	15.07	16.23	0.99	1.13

### **1 Inch Meter**

<u>EFFECTIVE DATE</u>	<u>FACILITY CHARGE</u>		<u>VOLUME CHARGE</u>	
	<u>PER MONTH</u>		<u>PER 1000 GAL.</u>	
	<u>In City</u>	<u>Out of City</u>	<u>In City</u>	<u>Out of City</u>
April 1, 2004	12.27	15.96	0.63	0.87
January 1, 2005	14.40	17.15	0.74	0.94
January 1, 2006	15.64	18.34	0.80	1.00
January 1, 2007	17.39	19.53	0.89	1.07
January 1, 2008	19.35	20.72	0.99	1.13

### **1 1/2 Inch Meter**

<u>EFFECTIVE DATE</u>	<u>FACILITY CHARGE</u>		<u>VOLUME CHARGE</u>	
	<u>PER MONTH</u>		<u>PER 1000 GAL.</u>	
	<u>In City</u>	<u>Out of City</u>	<u>In City</u>	<u>Out of City</u>
April 1, 2004	19.06	24.61	0.63	0.87
January 1, 2005	22.36	26.45	0.74	0.94
January 1, 2006	24.29	28.29	0.80	1.00
January 1, 2007	27.00	30.13	0.89	1.07
January 1, 2008	30.06	31.97	0.99	1.13

### **2 Inch Meter**

<u>EFFECTIVE DATE</u>	<u>FACILITY CHARGE</u>		<u>VOLUME CHARGE</u>	
	<u>PER MONTH</u>		<u>PER 1000 GAL.</u>	
	<u>In City</u>	<u>Out of City</u>	<u>In City</u>	<u>Out of City</u>
April 1, 2004	27.21	35.00	0.63	0.87
January 1, 2005	31.92	37.62	0.74	0.94
January 1, 2006	34.67	40.23	0.80	1.00
January 1, 2007	38.55	42.85	0.89	1.07
January 1, 2008	42.90	45.46	0.99	1.13

### **3 Inch Meter**

<u>EFFECTIVE DATE</u>	<u>FACILITY CHARGE</u>		<u>VOLUME CHARGE</u>	
	<u>PER MONTH</u>	<u>In City</u>	<u>Out of City</u>	<u>PER 1000 GAL.</u>
			<u>In City</u>	<u>Out of City</u>
April 1, 2004	46.21	59.22	0.63	0.87
January 1, 2005	54.19	63.65	0.74	0.94
January 1, 2006	58.88	68.07	0.80	1.00
January 1, 2007	65.46	72.50	0.89	1.07
January 1, 2008	72.86	76.92	0.99	1.13

### **4 Inch Meter**

<u>EFFECTIVE DATE</u>	<u>FACILITY CHARGE</u>		<u>VOLUME CHARGE</u>	
	<u>PER MONTH</u>	<u>In City</u>	<u>Out of City</u>	<u>PER 1000 GAL.</u>
			<u>In City</u>	<u>Out of City</u>
April 1, 2004	73.37	93.83	0.63	0.87
January 1, 2005	86.05	100.84	0.74	0.94
January 1, 2006	93.47	107.85	0.80	1.00
January 1, 2007	103.90	114.86	0.89	1.07
January 1, 2008	115.65	121.87	0.99	1.13

### **6 Inch Meter**

<u>EFFECTIVE DATE</u>	<u>FACILITY CHARGE</u>		<u>VOLUME CHARGE</u>	
	<u>PER MONTH</u>	<u>In City</u>	<u>Out of City</u>	<u>PER 1000 GAL.</u>
			<u>In City</u>	<u>Out of City</u>
April 1, 2004	141.26	180.36	0.63	0.87
January 1, 2005	165.66	193.84	0.74	0.94
January 1, 2006	179.96	207.31	0.80	1.00
January 1, 2007	200.05	220.79	0.89	1.07
January 1, 2008	222.66	234.26	0.99	1.13

(b.) A surcharge rate is established for each user which discharges wastewater into the city treatment works which contains excess strength biochemical oxygen demand (BOD) and suspended solids (SS.) Excess strength BOD and SS are defined as wastewater with a BOD concentration in excess of 2.5 lb/1,000 gallons or a SS concentration in excess of 2.5 lb/1,000 gallons. Surcharges for BOD and SS shall be paid at the rates established in Rate Table II, and shall be paid in addition to the normally established rates listed in Rate Table I. The charges shall become effective on the dates listed in the table, and shall be applicable through the subsequent year. The rate effective on January 1, 2008 shall be effective thereafter until changed.

## **RATE TABLE II**

<u>EFFECTIVE DATE</u>	<u>BOD SURCHARGE RATE PER POUND</u>		<u>SS SURCHARGE RATE PER POUND</u>	
	<u>In City</u>	<u>Out of City</u>	<u>In City</u>	<u>Out of City</u>
April 1, 2004	0.13	0.23	0.11	0.16
January 1, 2005	0.27	0.36	0.13	0.17
January 1, 2006	0.29	0.38	0.15	0.18
January 1, 2007	0.32	0.41	0.17	0.19
January 1, 2008	0.36	0.43	0.19	0.20

(c) In addition to any fee or surcharge described hereinabove, any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the city's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost or operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each user shall be as determined by the responsible plant operating personnel and approved by the city council.

### **Sec. 118-203. Basis for computation.**

Sewer service charges for residential establishments shall be based upon the average consumption for the months of December, January, and February and shall be billed monthly for the twelve-month period beginning in April of each year on the basis of said average monthly water consumption for the immediately preceding months of December, January, and February.

### **Sec. 118-204. Measurement of water consumption.**

(a.) The metered water consumption records of the Missouri American Water Company, or its successor, as shown by its monthly water bills, shall be used to determine the amount of water consumption of all residential, commercial or industrial establishments and governmental establishments supplied with water by the Missouri American Water Company, or its successor, for the purpose of computing sewer service charges under the provisions of this division.

(b.) All residential, commercial or industrial, and governmental establishments supplied with water from sources other than the Missouri American Water Company, or its successor, shall furnish evidence satisfactory to the city, of the monthly quantity of water consumption by such establishments from such other sources and in such cases the monthly sewer service charges shall be based upon such evidence; otherwise the city shall estimate the monthly water consumption of such establishments, and such computation shall constitute the basis for the monthly sewer service charge for such establishments.

**Sec. 118-205. Adjustments.**

(a.) Low Usage. When any residential, commercial or industrial, or governmental establishment, using in excess of one thousand (1,000) gallons of water per month, furnishes the city with evidence satisfactory to the city that such establishment actually discharged into the public sewers in the preceding calendar year less than ninety (90) percent of the water used by such establishment, the city may adjust the sewer service charges of such establishment for the next subsequent calendar year by computing same either on the basis of water discharged into the public sewers or by flat rate rather than on the amount of water consumption of such establishment.

(b.) Flooding. When any residential, commercial industrial, or governmental establishment furnishes the city with evidence that it has been inundated or had a sewer backup caused by area flooding lasting more than fourteen (14) consecutive days after April 1, 2004, the city may adjust any bill on a pro-rated basis for the time sewer service was not available. The establishment must demonstrate that it has or will take steps to prevent sewer back flows due to flooding. Any request for adjustment must be filed within one year of the bill sought to be adjusted.

**Sec. 118-206. Billing and collection procedures.**

(a.) All sewer service charges shall be paid to the city, or its authorized agent, at the location or locations designated by the city. Sewer service charges shall be paid within fifteen (15) days of the date of their billing.

(b.) Every sewer service charge specified in this section remaining unpaid for forty (40) days after the date of its billing may be increased by ten (10) percent, and thereafter such sewer service charge may be increased an additional one and one-half (1 ½ ) percent for each thirty-day period such charge remains unpaid after the expiration of forty (40) days from the date of its billing.

(c.) Sewer services shall be deemed to be furnished to both the occupant and owner of all residential, commercial or industrial, and governmental establishments receiving sewer service, and the occupant and owner of such establishments shall be severally and jointly liable to the city for payment of the charges for such service rendered on or to premises upon which such establishments are located. If any bill for such service is not paid within fifteen (15) days from the date of such bill, the city may sue the occupant, the owner, or both, of the establishments receiving such service, or for which such service has been made available, and receive any sums due for such services plus reasonable attorney's fees to be fixed by the court and the costs of such suit. In addition, the city may use such other means now or hereafter available to it under the statutes of Missouri and the ordinances of the city to effect the collection of any bill for sewer service remaining unpaid upon the expiration of fifteen (15) days from the date of such bill.

(d.) In the event either the occupant or owner of property which receives sewer service furnished by the City has reason to dispute the amount or nature of any bill, the recipient shall be permitted to make payment under protest, provided that the recipient of service provides to the

city at the time of payment the following information:

1. The period of time for which the service is disputed
2. The reason for the dispute
3. The requested remedy

Nothing contained herein shall in any way forgive or avoid any payment to the City as outlined in this chapter for sewer services. Upon receipt of any such payment under protest, the Department of Public Works in coordination with the City Attorney and Finance Director shall respond in writing to the recipient of the service with a response to their complaint and a copy shall be forwarded to the city manager and a reply shall be forthcoming within a reasonable amount of time.

**Sec. 118-207. Annual review and revision.**

The city shall review annually the schedules of rates for sewer service charges, and revise the rates, if necessary , to generate adequate revenues to pay the costs of operation and maintenance, to promptly pay the principal of and interest on all bonds issued by the city which by their terms are payable solely from the revenues of the treatment works, and to maintain any special accounts created and established by the bond ordinance pursuant to which the bonds are issued.

**Sec. 118-208. Standards for measurements, tests and analyses.**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this division shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. If no special manhole has been required, the control manhole may be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out in accordance with 40 CFR part 136 to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

**Sec. 118-209. Unauthorized connection or reconnection.**

No person shall tamper with any sewer line or other part of the city's sewerage system or make any connection to the system without written permission from the city, or reconnect service when service has been discontinued for nonpayment of a bill for service until such bill, including all disconnection and reconnection charges, has been paid in full.

**Sec. 118-210. Collection agent.**

The city may contract, for a stated period of time and for a stated consideration and under such terms and conditions agreeable to the city, with any person for the preparation, mailing and collection, or for the mailing or collection, of bills for sewer service charges.

**Sec. 118-211 Hauled wastewater – fee.**

Hauled wastewater may be introduced into the POTW pursuant to the provisions of Section 119-89 and any other applicable provision of this code. A fee of \$.02 shall be assessed for each gallon of hauled wastewater so introduced.”

Section 2. In the event that any provision or portion of Section 118-201 or 118-202 of Section 1. of this ordinance are declared illegal, unconstitutional or otherwise invalid, this ordinance shall not be considered severable; however, in the event that any other provision of this ordinance shall be declared illegal, unconstitutional or otherwise invalid, that provision shall be deemed severed here from and the balance thereof shall be construed and enforced as if this ordinance did not contain the particular portion or provision held to be void.

Section 3. That this Ordinance shall be effective on and after April 1, 2004.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 1st day of March, 2004.

Richard H. Russell, Mayor

ATTEST:

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W. Head, City Attorney