

ORDINANCE NO. 1747

AN ORDINANCE OF THE CITY OF SIDNEY, NEBRASKA, RELATING TO SANITARY SEWER SERVICE RATES, EFFECTIVE DATE OF RATES, AMENDING SECTIONS 1045.10 AND 1045.31 OF THE CODIFIED ORDINANCES OF THE CITY OF SIDNEY, NEBRASKA; AND PROVIDING FOR PUBLICATION.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SIDNEY, NEBRASKA:

SECTION 1

SECTION 1045.10 PERMIT CLASSES, APPLICATIONS AND FEES

Effective October 1, 2014, there shall be three classes of sanitary sewer tap fees: a residential service and a commercial service and a service for those establishments producing industrial waste. The owner or his or her agent shall make application on a form furnished by the City prior to the commencement of any work. The permit shall be supplemented by drawings, specifications or other information considered pertinent in the judgment of the City Manager. The following sanitary sewer tap fees shall be paid in full at the time of application:

Residential	\$150.00
Commercial	\$250.00
Industrial	\$350.00

SECTION 1045.31 CHARGES

- (A) Unless the context specifically indicates otherwise, as used in this section:
- (1) "Normal domestic wastewater" means wastewater that has a biochemical oxygen demand concentration of not more than 200 mg/l, a total suspended solids concentration of not more than 240 mg/l and a total nitrogen concentration of not more than 40 mg/l.
 - (2) "Operation and Maintenance" means 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.
 - (3) "Replacement" means 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.
 - (4) "Residential contributor" means any contributor to the treatment works whose lot, parcel of real estate or building is used for domestic dwelling purposes only.
 - (5) "Sewer use charge" means the charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.
 - (6) "Useful life" means the estimated period during which a treatment works will be operated.
 - (7) "Water meter" means a water volume measuring and recording device, furnished and/or installed by the City, or furnished and/or installed by a user and approved by the City.
- (B) The total sewer charge shall consist of a customer charge as follows:
- (1) The residential customer charge is fifteen dollars and fifty cents (\$15.50) per month. For multiple dwelling units served jointly by a single meter, the charge shall be fifteen dollars and fifty cents (\$15.50) times the number of units served by such meter. For trailer courts, the charge shall be fifteen dollars and fifty cents (\$15.50) times the number of units deemed to be the capacity of the court. The above rates shall be effective as of October 1, 2014.
 - (2) The commercial customer charge is twenty-six dollars (\$26.00) per month. For commercial users served jointly by a single meter, the charge shall be twenty-six dollars (\$26.00) times the number of units served by such meter. For hotels, motels and recreational vehicle parks, the charge shall be twenty-six dollars (\$26.00) plus two dollar (\$2.00) per rental unit in excess of the first unit. The above rates shall be effective as of October 1, 2014.
 - (3) Sewer use charges:
 - a) The residential rate shall be one dollar and seventy-nine cents (\$1.79) per 1,000 gallons commencing March 1, 2000, and continuing thereafter. For residential customers, the monthly charge for the twelve months following March 1 of each year shall be based on average water used during the preceding months of December, January and February for that property. Adjustments will be considered for broken underground water service lines, provided written proof of repair is provided to the Water/Sewer Superintendent. Until consumptive history is properly established, and for previously unoccupied residential properties, the

monthly charge shall be based on typical residential consumption of 3,000 gallons.

- b) The commercial rate shall be one dollar and seventy-nine cents (\$1.79) per 1,000 gallons commencing March 1, 2000, and continuing thereafter. For commercial and industrial customers, the monthly charge for the twelve months following March 1 of each year shall be based on the average water consumed during the preceding months of December, January and February for that property. Until consumptive history is properly established, and for previously unoccupied commercial and industrial properties, the City Manager shall estimate what the average water consumption will be for the following months of December, January and February, and the monthly charge shall be based upon that estimated average of water consumption. The City Manager may change his or her estimate if he or she determines that he or she overestimated or underestimated. Adjustments will be considered for broken underground water service lines, provided written proof of repair is provided to the Water/Sewer Superintendent. For commercial users and industries discharging only nonprocessed, domestic strength wastewater, the rates shall be those set forth above.
- c) The minimum charge per month is the customer charge.
- d) If the concentration of wastes from any user exceeds 200 mg/l B.O.D. or 240 mg/l T.S.S. or 35 mg/l T.N., such user will be subject to a surcharge. The surcharge shall be based on that amount of waste which exceeds the following concentrations. Effective October 1, 2014, the charge shall be at the following rates:

B.O.D.	\$0.18	per pound
T.S.S.	\$0.20	per pound
T.N.	\$0.70	per pound

- (C) The sewer service charges prescribed by this section shall be collected at the same time, in the same manner and by the same officers as the water charges are collected by the City and shall be included on the same billing or statement that is used for the billing for water services.
- (D) Each sewer service charge prescribed by this section shall be a lien upon the premises or real estate on which, or for which, the sewer service was used or supplied from and after the time such amounts are delinquent, as provided in Section 1040.01. The City Manager shall, on June 1 of each year, or at such other times during the Municipal year that he or she deems it necessary to protect the interests of the City, report to Council a list of all unpaid accounts due for sewer service, together with a description of the premises or real estate on which or for which the sewer service was used or supplied. Such report shall be examined and, if approved by Council, shall be certified by the Clerk-Treasurer to the County Clerk giving the amounts due and the description of such premises or real estate. Such amounts shall be certified, assessed, collected and returned in the same manner as other Municipal taxes. Such sewer service charges are also the personal liability of the owner of such premises or real estate and may also be recovered by the City in an action at law by the City against such owner. When any sewer service charge becomes delinquent for nonpayment, water service and sewer service of such user may be disconnected until payment is made and a reconnection charge of twenty dollars (\$20.00) is paid.
- (E) There are hereby established the required accounts for the purpose of managing the revenues derived and to be derived from the City's sanitary sewerage system. A separate account, to be known as the "Operating and Maintenance Account," shall be established for the purpose of paying the operation and maintenance costs of the wastewater works. Funds required for this account shall take precedence to ensure satisfactory operation of the system. An account to be known as the "Repair and Replacement Account" shall be established for the purpose of repairing or replacing portions of the works. Deposits shall be allowed to accrue without a maximum limit. Other accounts as established by a bond ordinance shall receive deposits as required in the ordinance.
- (F) Sewer use rates shall be reviewed and revised as necessary to keep revenues reasonably in balance with anticipated expenditures. This review shall include an analysis of the balance credited to the "Repair and Replacement Account," such that sufficient funds are accrued to provide for the expected replacement costs of the wastewater works. Adequate funds shall continue the fair and equitable distribution of all costs to all users of the system.
- (G) Excess funds shall be carried forward from year to year in the respective accounts. Funds transferred from other sources for temporary shortages in the Operation and Maintenance or Repair and Replacement Accounts shall be returned to those respective Accounts upon adjustment of user charge rates. The rates shall be adjusted such that the funds

transferred will be returned to their respective accounts in the fiscal year following the year in which the funds were transferred.

- (H) Any user discharging toxic pollutants to the system shall pay for such increased costs of managing the effluent or sludge by the treatment works. Charges shall be as deemed necessary by the City to recover the increased costs.

SECTION 2 – ORDINANCES REPEALED

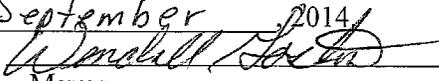
That Section 1045.10 AND 1045.31 of the codified Ordinances of the City of Sidney, Nebraska, 1977, as the same currently exist, be and hereby is repealed and replaced by Section 1 set forth above.

SECTION 3 – PUBLICATION

This Ordinance shall be published in *The Sidney Sun Telegraph*.

SECTION 4 – AUTHORIZATION

This Ordinance shall take effect from and after its passage at the time provided by law.

PASSED AND APPROVED this 9th day of September 2014,

Mayor

ATTEST:  City Clerk

