

ORDINANCE NO. 1834

An ordinance of the City of Sidney, Nebraska to amend Section 1045.31 charges, of Chapter 1045 Sewer and Private Disposal Systems of Title Four Utilities, of Part 10 Streets, Utilities and Public Services Code of the Codified Ordinances of the City of Sidney, 1977, to provide for a different monthly base charge for yearly usage of sewers and private disposal systems, to provide for a sewer debt assessment, to repeal any other ordinance or part of ordinance in conflict with the provisions therewith, and to provide for an effective date of this ordinance.

Be it ordained by the Mayor and Council of the City of Sidney, Nebraska:

Section 1.

That Chapter 1045, Section 1045.31 CHARGES of the Codified Ordinances is amended to read as follows:

1045.31 SEWER 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) "Residential contributor" means any contributor to the treatment works whose lot, parcel of real estate or building is used for domestic dwelling purposes only, and is not a multi-family unit or used for mixed purposes.

(3) "Sewer use charge" means the monthly charge which is levied in a proportional and adequate manner for the cost of operation, maintenance of the wastewater treatment works.

(4) "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 use charge shall consist of a customer charge as follows:

(1) The residential customer base charge is **seventeen dollars and fifty cents (\$17.50)** per month.

(2) The commercial customer charge is:

Yearly usage (1,000s of gallons) Monthly base charge

6,000 or more **\$267.50**

1,200 or more **\$150**

240 or more **\$70**

239 or less **\$28**

The above rates shall be effective no sooner than July 1, 2022.

(3) Sewer use charges:

A. For all 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.

SEWER USAGE RATE SCHEDULE

Monthly Sewer Usage

Charge per 1,000 Gallons

SEWER USAGE RATE SCHEDULE

Monthly Sewer Usage

Charge per 1,000 Gallons

First 30,000 gallons

\$1.94

Next 30,000 gallons (30,001 to 60,000 gallons)

\$2.16

Next 30,000 gallons (60,001 to 90,000 gallons)

\$2.43

Next 50,000 gallons (90,001 to 140,000 gallons)

\$2.70

Next 50,000 gallons (140,001 to 190,000 gallons)

\$2.97

Next 50,000 gallons (190,001 to 240,000 gallons)

\$3.24

Any amount above 240,000 gallons

\$3.24

This charge shall be effective no sooner than **July 1, 2022**.

(4) Any Sewer Project Debt Assessment.

B. The minimum charge per month is the customer charge.

C. 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 July 1, 2022, the charge shall be at the following rates:

B.O.D.	\$.18	per pound
T.S.S.	.20	per pound
T.N.	.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 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.

That any other ordinance or code section passed and approved prior to the passage, approval, and publication of this ordinance, and in conflict with the provisions of this ordinance, is hereby repealed.

Section 3.

This ordinance shall go into force and effect from and after its passage, approval, publication, and posting as required by law.

Passed and approved by the City Council this 22 day of April, 2022.

/s/ROGER GALLAWAY, MAYOR

ATTEST:/s/LORI BORCHERT, CITY CLERK