

ORDINANCE NO. 562

AN ORDINANCE RELATING TO THE USER CHARGE SYSTEM OF THE CITY OF WATHENA, KANSAS, TO PROVIDE FUNDS NEEDED TO PAY FOR OPERATION, MAINTENANCE AND EXPENSES ASSOCIATED WITH THE CITY'S WASTEWATER TREATMENT WORKS; AND REPEALING SECTION 5 OF ORDINANCE NO. 540, SECTIONS 4, 5 AND 6 OF ORDINANCE NO. 550 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF WATHENA IN CONFLICT HEREWITH.

WHEREAS, the City of Wathena, Kansas, has constructed wastewater treatment works; and

WHEREAS, the City of Wathena must pay the operation, maintenance and expenses associated with said treatment works and charge the users of said treatment works accordingly;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WATHENA, KANSAS, 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 of Wathena to collect charges from all users who contribute wastewater to the City of Wathena treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for 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 30 mg/l and a suspended solids concentration of not more than 80 mg/l.

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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 treatment 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 of Wathena 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 Wathena or furnished and/or installed by a user and approved by the City of Wathena.

ARTICLE III

Section 1: The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of financing associated with the treatment works which the City of Wathena 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 accounts 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 not less than annually from the operation, maintenance and replacement revenue in the amount of \$7, 951.00 annually.

Section 3: Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over 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 of the City's sewage disposal system shall pay for the services of such system based on such users water usage as provided for herein.

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Section 2: Except as otherwise provided in this Section 2, monthly sewer user charges, regardless of classification, shall be based on average monthly water usage during the months of December through February. In the event a single family, business or other user has not established a December through February water usage average, such user's monthly user charge shall be based on the lesser of the following:

- (a) The actual amount of water used for the month for which a sewer charge is being assessed; or
- (b) The median amount of water used by all sewer users of the City, excluding school users and skilled nursing home users for such month, or
- (c) The average monthly water usage for any of the months of December through February for which such user purchased water from the City.

In the event a multiple family, school, or skilled nursing home user has not established a December through February water usage average, such user's monthly user charge shall be based on the lesser of the following:

- (a) The actual amount of water used by such user for the month for which a sewer charge is being assessed; or
- (b) The average monthly water usage for any of the months of December through February for which such user purchased water from the City.

The average monthly water usage, as determined by this Ordinance, shall be modified and changed on March 1 of each year in order to reflect the average water usage for the immediately preceding months of December, January and February. Notwithstanding the provisions of this Section to the contrary, in the event water meters cannot be read due to inclement weather conditions during any one or more of the months of December, January and February as above provided, then and in that event, the water meter reading for the month of March shall be made and utilized with the remaining months such water meters were read for averaging purposes as hereinbefore provided and such average shall be utilized commencing April 1 of such year.

Section 3: The rates to be charged by the City of Wathena to users of the sewage disposal system shall be as follows:

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- (a)
 - i. A base charge of Fourteen and 00/100 Dollars (\$14.00) per month; and,
 - ii. For all sewer users, the amount of One and 50/100 Dollars (\$1.50) for each 1,000 gallons, or fraction thereof, of such sewer user's monthly water usage charge based upon the amount of water used as determined by Section 2 hereof.
- (b) For multiple family users, there shall be a monthly minimum charge on each dwelling unit located within the structure or complex which is equal to the minimum sewer charge assessed pursuant to subsection (a) of this Section 3 plus the charge which is based on the monthly water usage as provided for in subsections (a) and (b) of this Section 3.
- (c) Any sewer user who does not purchase City water shall pay a sewer charge of Ten Dollars (\$10.00) per month.
- (d) Usage of the sewage disposal system by any user for part of any month shall be considered and charged as usage for the full month.

Section 4: Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City of Wathena treatment works, or any user which discharges any substance 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 will be as determined by the responsible plant operating personnel and approved by the City Council.

Section 5: The user charge rates established in this article apply to all users, regardless of their location, of the City of Wathena treatment works.

ARTICLE V

Section 1: The City of Wathena will review the user charge system at least 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

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of operation and maintenance including replacement costs among users and user classes.

ARTICLE VI

Section 1: The rates established by this Ordinance shall be effective for all sanitary sewer services furnished by the City to its customers and users from and after its passage and publication in the official City paper.

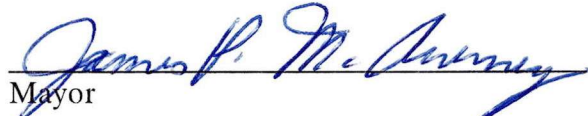
ARTICLE VIII

Section 1: Section 5 of Ordinance No. 540, Sections 4, 5 and 6 of Ordinance No. 550 and all other ordinances and parts of ordinances of the City of Wathena in conflict herewith are hereby repealed.

PASSED by the Council and APPROVED by the Mayor on the 4 day of April, 2005.



City Clerk



Mayor

(SEAL)