

Ordinance No. 819

An ordinance establishing a User Charge System in the Village of St. Elizabeth, County of Miller, State of Missouri, to provide funds needed to pay for all expenses associated with the Village's wastewater treatment works.

Whereas, the Village of St. Elizabeth, Missouri has constructed wastewater treatment works; and

Whereas, the Village must pay all expenses associated with said treatment works and charge the users of said treatment works accordingly;

NOW, THEREFORE, BE IT ORDAINED BY Board of Trustees of the Village of St. Elizabeth, Missouri, as follows:

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 Village to collect charges from all users who contribute wastewater to the Village's 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 250 mg/l and a suspended solids concentration of not more than 300 mg/l.

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 sewage 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 Village’s 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 the 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 interceptor sewers, outfall sewers, sewage collection systems, individual 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 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 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 the 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 Village of St. Elizabeth or furnished and/or installed by a user and approved by the Village of St. Elizabeth.

ARTICLE III

Section 1: The User Charge System shall generate adequate annual revenues to pay the costs of annual operation and maintenance including replacement and cost associated with debt retirement of bonded capital associated with financing the treatment works which the Village 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 the 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. The Operation and Maintenance Account shall be an account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works. Deposits in the Operation and Maintenance Account shall be made annually from the operation and maintenance revenue in the amount of \$23,000.00 annually.
- b. The Replacement Account shall be an account designated for the purpose of ensuring replacement needs over the useful life of the treatment works. Deposits in the Replacement Account shall be made annually the replacement revenue in the amount of \$2,000.00 annually.

Section 3: Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in each 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 shall pay for the services provided by the Village based on their use of the treatment works as determined by water meter(s) acceptable to the Village.

Section 2: For residential contributors, monthly user charges will be based on average monthly water usage during the months of January, February and March. (Water usage for these months includes little use for such activities as lawn watering, car washing and other seasonal consumptive uses. The winter quarter average should not be used in areas that experience large seasonal fluctuations in population and/or usage.) If a residential contributor has not established a January, February and March average, their monthly bill shall be the median charge of all other residential contributors.

For industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense, and in a manner acceptable to the Village.

Section 3: The minimum charge per month shall be \$30.00. In addition, each contributor shall pay a user charge for operation and maintenance including replacement of \$5.20 per 1,000 gallons of water (or wastewater) as determined in the preceding section.

$$\begin{aligned} 5,000 \text{ Gallon Customer} &= \$30.00 + [5,000 \text{ gal.} \times \$5.20 \text{ per } 1,000 \text{ gal.}] \\ &= \underline{\$56.00} \end{aligned}$$

Section 4: For those contributors which contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement is:

\$ 0.34 per pound of BOD
\$ 0.29 per pound of SS
\$ _____ per pound _____ (Specify other pollutant(s))

Section 5: Any user which discharge any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the Village's 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 user shall be as determined by the responsible plant operating personnel and approved by the Board of Alderman.

Section 6: The user charge rates established in this article apply to all users of the Village's treatment works, regardless of the user's location.

ARTICLE V

Section 1: All users shall be billed monthly. Billings for each month shall be made within thirty days after the end of that month. Payments are due when billings are made. Any payment not received within thirty days after the billing is made shall be delinquent.

Section 2: A late payment penalty of 10 percent of the user charge bill will be added to each delinquent bill for each thirty days of delinquency. When any bill is thirty days in default, rendition of water and/or sewer service to such premises shall be discontinued until such bill is paid following due notice and opportunity of hearing.

ARTICLE VI

Section 1: The Village shall review the user charge system annually 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 of operation and maintenance including replacement costs among users and user classes.

Section 2: The Village will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance including replacement of the treatment works.

ARTICLE VII

Section 1: This ordinance shall be in full force and effect from and after its passage and approval.

Section 2: Read twice, passed and adopted by the Board of Trustees of the Village of St. Elizabeth, State of Missouri, on the 13 day of April, 2009, by the following votes:

Ayes 5 Namely Lance Phillips, Paul Heckemeyer, Victor Wilde, Shannon Wilde, Daniel Loeth
Nays _____ Namely _____

Approved this 13 day of April 2009.

[Signature] Chairman
Signature

Name and title, typewritten or printed

Attest:
[Signature] Clerk
Signature

Name and title, typewritten or printed