

## CHAPTER 99

# SEWER USER CHARGE

99.01 Purpose

99.02 Definitions

99.03 Adequate Charges

99.04 Sewer User Charge System

99.05 Payment of User Charges; Procedure for Adjustment

99.06 User Charges Outside City Limits

99.07 Lien for Nonpayment

99.08 Review of Rates

99.09 Precedence

**99.01 PURPOSE.** It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City'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.

**99.02 DEFINITIONS.** For use in this chapter, the following terms are defined:

1. "Normal domestic wastewater" means wastewater that has a BOD concentration of not more than 250 mg/l, a suspended solids concentration of not more than 250 mg/l and an ammonia nitrogen concentration of not more than 50 mg/l.
2. "Operation and maintenance" means all expenditures during the useful life of the wastewater treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining of 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 wastewater treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
4. "Treatment works" means any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes discharged to the municipal sewage system. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances, extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable system, such as flow equalization and auxiliary power; and any work, including site acquisition of the land which will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land used for land application of sludges); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste discharged to the municipal sewage system.
5. "Useful life" means the estimated period during which a wastewater treatment works will be operated.
6. "User" includes each individual unit, even if it is located in a multiple unit begin used for dwelling purposes, industrial purposes, commercial purposes, other purposes or a combination thereof and as may be determined by the City.
7. "User charge" means 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.

8. "Water meter" or "sewer meter" means a water volume measuring and recording device, furnished by the City or furnished and/or installed by a user and approved by the City. The installing user shall be the user responsible for the meter and shall be responsible for payment for the services provided hereunder.

**99.03 ADEQUATE CHARGES.** The user charge system shall generate annual revenues sufficient in each year for the payment of annual operation and maintenance, including replacement, and for the payment of principal and interest on debt retirement associated with financing the treatment works, all of which the City may by ordinance designate to be paid by the user charge system. All revenues generated from the user charge system shall be deposited when collected into the Wastewater Revenue Fund and shall be disbursed in accordance with applicable debt resolutions on a monthly basis as follows:

1. Operations and Maintenance Fund. Money in the Revenue Fund shall first be disbursed into the Wastewater Operations Fund to pay current month expenses of operation and maintenance including replacement.
2. Sewer Sinking Fund. Money in the Revenue Fund shall next be disbursed into the Sewer Sinking Fund to pay principal of and interest on any debt retirement required in the current year. The amount to be deposited into the Sinking Fund in any month shall be equal to 1/12 of the total principal and interest payment due in the current year.
3. Sewer Debt Service Reserve. Money in the Revenue Fund shall next be disbursed into a Sewer Debt Service Reserve in an amount equal to at least the lesser of (i) the maximum amount of principal and interest coming due on issued debt in any succeeding fiscal year; or (ii) ten percent of the proceeds of issued debt. In each month there shall be deposited an amount at least equal to 10% of the amount to be deposited in such month into the Sinking Fund. When the amount in the Reserve Fund accumulates to the balance required, no further deposits shall be required to the Reserve Fund, except to maintain that balance.
4. Sewer Improvement Fund. Money in the Revenue Fund shall next be disbursed to maintain a Sewer Improvement Fund. The minimum amount to be deposited in the Improvement Fund each month shall be \$2,000; provided, however, when the amount on deposit shall equal \$100,000, no further monthly deposits need be made to the Improvement Fund, except to maintain that balance.
5. Sewer Replacement Fund. Money in the Revenue Fund shall next be disbursed to maintain a Sewer Replacement Fund. The minimum amount to be deposited in the Replacement Fund each month shall be \$2,000. Money in the Replacement Fund may be used to pay for replacement or repair costs on equipment of the system, to pay for any property purchased for the system, to pay for capital improvements to the system or for any lawful purpose.
6. Surplus Revenue. All money thereafter remaining in the Revenue Fund at the end of each month may be deposited in any of the above funds or may be held in the Revenue Fund as reserves to pay for extraordinary repairs and replacements to the system or for any lawful purpose.

**99.04 SEWER USER CHARGE SYSTEM.** Each user shall pay for the services provided by the City based on said user's use of the wastewater treatment works as determined by a water meter or a sewer meter acceptable to the City.

1. Sewer user charges shall be based on actual water used during the current monthly billing period. If a commercial or industrial (nonresidential) user has a consumptive use of water, the user charge for that user may be based on a wastewater meter installed and maintained at the user's expense, and in a manner acceptable to the City.

2. The minimum charge per month, or less, per user shall be \$5.90 per month. The total minimum charge shall be paid by the user responsible for the meter. In addition, each user responsible for a meter (except as provided in subsection 3 of this section) shall pay a user charge rate for operation, maintenance, replacement and debt service at the rate of \$4.49 per 1,000 gallons. *(Ord. 1002 – Dec. 11 Supp.)*

3. Users who contribute wastewater which is more concentrated than normal domestic wastewater as defined in Section 99.02 and for users who contribute more than an average of 50,000 gallons per day during the entire current billing period shall be charged the following rates for the excess of concentration over and above the normal domestic wastewater and/or the excess of flow over and above the rate of 50,000 gallons per day during the current billing period:

Flow in excess of 50,000 gallons per day	\$ .59 per 1,000 gallons
BOD per pound in excess of normal domestic wastewater	\$ .19 per pound BOD
Suspended solids in excess of normal domestic wastewater	\$ .13 per pound SS
NH <sub>3</sub> -N in excess of normal domestic wastewater	\$ .48 per pound NH <sub>3</sub> -N

All users shall pay the rates set forth in subsection 2 for contribution of the normal domestic wastewater and/or for flow up to 50,000 gallons per day averaged over the current billing period. The above rates shall apply only to the excess over and above the normal domestic wastewater concentration and average flow of 50,000 gallons per day. Users who contribute wastewater in excess of 50,000 gallons per day on the average or in concentration greater than the normal domestic wastewater may be required by the City to execute a treatment agreement which shall stipulate the average day, peak day and peak hour flow and/or strength of the wastewater. Tests for wastewater strength shall be averaged over a monthly period based on one test per week. The City may require pretreatment of wastewater prior to delivery to the City wastewater system.

*Editor’s Note: For the methodology of the use rate structure, refer to the Appendix of this Code of Ordinances.*

**99.05 PAYMENT OF USER CHARGES; PROCEDURE FOR ADJUSTMENT.**

1. All sewer charges shall be due and payable under the same terms and conditions provided for the payment of water services as set forth in Chapter 92 of this Code of Ordinances. The provisions contained in Sections 92.06 and 92.09 relating to notices of delinquency, service discontinuation and lien notices shall also apply in the event of a delinquent sewer user charge, except there shall be no sewer service restoration fee if water service is also restored.

2. In the event that a request for determination of water charges has been filed under Section 92.04 of this Code of Ordinances, the City Manager may also consider an adjustment to the sewer user charges.

3. Adjustments, if any, of sewer user charges made by the City Manager in such procedure shall not reduce sewer user charges below the City’s fixed cost for commodities and utilities for the additional sewer usage.

**99.06 USER CHARGES OUTSIDE CITY LIMITS.** Municipal sewer users located outside the City limits shall pay an additional charge for sewer use which shall be \$1.91 per 1,000 gallons under the sewer user charge system. The combined charge for users outside the City limits shall be the amount for the same user if located within the City limits plus \$1.91 per 1,000 gallons used during the billing period.

*(Ord. 1003 – Dec. 11 Supp.)*

**99.07 LIEN FOR NONPAYMENT.** The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer user charges to the premises. Sewer user charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84 [1])*

**99.08 REVIEW OF RATES.** The City shall review the user charge system at least once 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 of operation and maintenance including replacement among users and user classes.

**99.09 PRECEDENCE.** The user charge system shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of section 204(b)(1)(A) of the Federal Clear Water Act and 40 CFR 35.2140, dated February 17, 1984.