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**ORDINANCE NO. 04-04-11-1
AMENDING ORDINANCE NO. 6-18-90
(INCLUDING ALL AMENDMENTS)**

WHEREAS, it is the City's intent to establish proportionate user charges that places the costs of abatement directly on the sources of pollution, conserves potable water, and maintains financial self-sufficiency, and

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hartford, Alabama, that the following user charges are 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 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 and maintaining the 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 or 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 discharged into sanitary sewers in which the average concentration of total suspended solids and BOD is not more than 250 mg/l and total phosphorus is not more than 15 mg/l.

Section 3: "Operation and Maintenance" shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined in Section 4.

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.

Section 5: "Residential User" shall mean any contributor to the city's treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

Section 6: "Commercial User" shall mean all retail stores, restaurants, office buildings, laundries, and other private business and service establishments, schools, and churches.

Section 7: "Industrial User" shall include any non-governmental, non-residential user of publicly owned treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions; Division A-Agriculture, Forestry, and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary; and Division I-Service.

Section 8: "Governmental User" shall include legislative, judicial, administrative, and regulatory activities of Federal, State and local governments.

Section 9: "Shall" is mandatory; "May" is permissive.

Section 10: "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 11: "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, 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 12: "Useful Life" shall mean the estimated period during which a treatment works will be operated.

Section 13: "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, including infiltration and inflow.

Section 14: "Water Meter" shall mean a water volume measuring and recording device, furnished and/or installed by a user and approved by the City.

ARTICLE III
MONTHLY SEWER USER CHARGES

Section 1: Each user shall pay for the services provided by the City based on his use of the treatment works as determined by water meter readings (or other appropriate methods) acceptable to the City.

Section 2: For residential, industrial, and commercial users, monthly user charges will be based on actual water usage. If a residential, commercial, or industrial user has a consumptive use of water, or, in some other manner, uses water which is not discharged into the wastewater collection system, the user charge for that contributor may be based on readings of a wastewater meter(s) or separate water meter(s) installed and maintained at the user's expense.

Section 3: The following schedule of charges shall be effective for sewer service charge to begin with the billing period which will be due May 1, 2011.

Consumption Fee

	Minimum	Maximum
0 to 2,500 Gallons	\$5.50	
Residential Above 2,500 Gallons	\$1.50 per 1,000 gallons up to 14,000 gallons	
Commercial Above 2,500 Gallons	\$1.50 per 1,000 gallons up to 65,000 gallons	
Industrial Above 2,500 Gallons	\$1.50 per 1,000 gallons up to 150,000 gallons	

Impact Fee

0 to 2,500 Gallons	\$6.50
2,501 to 10,000 Gallons	\$8.50
10,001 Gallons and above	\$10.00
Commercial & Industrial	\$25.00

Section 4: Any user which discharges any toxic pollutions which cause an increase in the cost of managing the effluent of the sludge from the City's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increase in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the appropriate financial personnel and approved by the City.

Section 5: The user charge rates established in this article apply to all users of the City's treatment works including non-users where city sewer is available.

ARTICLE IV
LATE PAYMENTS, CONNECTION FEES, ETC.

Sewer Tap Fee	\$300.00 (if tap is located on same side of street)
Sewer Tap Fee	\$500.00 (if tap is located on opposite side of street)
Late Fee after 10 th	\$10.00
Cut-off for non-payment	15 th or after
Trip Fee	\$25.00

All users shall be billed monthly on last day of month. Payments are due by the 10th of the following month.

ARTICLE V

All users contributing more than 50,000 gallons per month and whose waste strength is greater than 250 mg/l mg BOD/l or 250 mg/l mg SS/l shall prepare and file with the City a report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain these data, and these data shall be used to calculate the user charge for that user. The City shall have the right to gain access to the waste stream and take its own samples. Should the City do so and should the results be substantially different as determined by City from the data submitted by the user the user charge for that user shall be revised for the next billing cycle/period.

ARTICLE VI

Section 1: Any user who feels his user charge is unjust and inequitable may make written application to the City requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

Section 2: Review of the request shall be made by the City and if substantiated, the user charge for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period.

ARTICLE VII

The City will review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distributions of operation and maintenance including replacement costs among users and user classes.

ARTICLE VIII
PENALTIES

Any person who violates any provision of this ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding six (6) months, or by both fine and imprisonment.

ARTICLE IX

If any part, section or subdivision of the ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

This ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
HARTFORD, ALABAMA, THIS 4 DAY OF April, 2011.



Jeff Sorrells, Mayor

ATTEST:



Vicky Marsh, City Clerk