

## Chapter 715

### USER CHARGE SYSTEM

**Section 715.010. User Charge System — Purpose.** [CC 1985 §14-501; Ord. No. 643, 10-20-1980]

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.

**Section 715.020. Definitions.** [CC 1985 §14-502; Ord. No. 643, 10-20-1980; Ord. No. 1385 §1, 11-21-2011]

Unless the context specifically indicates otherwise, the meanings of terms used in this Chapter shall be as follows:

**BOD** (denoting BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter (mg/l).

**COST PARTICIPATION RATIO** — That ratio (as a percentage) that the actual pounds of pollutants contributed to the treatment works by a significant contributor bears to the pounds of pollutants contributed by all users, including the significant contributor, where pounds of pollutants are computed from the actual measured total of TKN, TSS and BOD [each averaged over the last twelve (12) months, as available] and multiplied by the amount of water used by the significant contributor. Upon the request of a significant contributor, the above pollutants may be multiplied by, and the cost participation ratio determined in accordance with, the amount of wastewater actually contributed by the significant contributor to the treatment works (as opposed to water used), provided that such significant contributor provides a separate wastewater meter complying with municipal standards, together with such easements, remote readers, regular calibration and such other accommodations and reasonable requirements as the supervisor of the treatment works shall from time to time determine appropriate. In the event of any unexplainable anomalies or differences between water actually used and wastewater measured, the utility shall utilize water used for determining the cost participation ratio. [Ord. No. 1416 §1, 6-17-2013]

**FORMULA RATE** — The monthly user charge for significant contributors which consists of the sum of the variable monthly charge and participating user charge, all computed in accordance with provisions of Section 715.040(D).

**OPERATION AND MAINTENANCE** — 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.

**PARTICIPATING USER CHARGE** — This charge shall be the product of total treatment works cost multiplied by a significant contributor's cost participation ratio.

**REPLACEMENT** — 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.

**SHALL** — Is mandatory; **MAY** — is permissive.

**SIGNIFICANT CONTRIBUTOR** — Any user of the City's treatment works who, upon sample testing or by admission, either:

1. Contributes effluent to the treatment works which contains:
  - a. Five (5) day BOD concentrations at or in excess of over three hundred (300) mg per liter, or
  - b. TKN concentrations at or in excess of forty (40) mg per liter, or
  - c. TSS concentrations at or in excess of three hundred fifty (350) mg per liter; or
2. Contribute volumes of wastewater averaging in excess of eight thousand (8,000) gallons per day.

**TKN** (denoting **TOTAL KJELDAHL NITROGEN**) — The sum of organic nitrogen, ammonia (NH<sub>3</sub>), and ammonium (NH<sub>4</sub><sup>+</sup>) in the chemical analysis of the wastewater measured in milligrams per liter, all in accordance with applicable industry standards.

**TOTAL TREATMENT WORKS COST** — The average of the sum total monthly cost of operating the treatment works over the preceding twelve (12) months (less the costs of any wastewater treatment or pretreatment facilities necessitated by and specifically constructed for use by a significant contributor and otherwise included in a significant contributor's variable monthly charge), including labor, debt service, electricity, testing, licensure fees and other allocable costs of the treatment works not included in the variable monthly charge.

**TREATMENT WORKS** — 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 of 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.

**TSS** (denoting **TOTAL SUSPENDED SOLIDS**) — Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids and which are removable by laboratory filters of the industry specified pore size, measured in milligrams per liter, all computed in accordance

with applicable industry standards.

**USEFUL LIFE** — The estimated period during which a treatment works will be operated.

**USER CHARGE** — 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.

**VARIABLE MONTHLY CHARGE** — The sum total of all actual monthly operational costs of the wastewater treatment or pretreatment facilities necessitated by and specifically constructed for use by a significant contributor, including the sum of:

1. Actual electrical costs to the City, as metered at any newly constructed headworks and force main injection stations (except to the extent such electricity is provided by the significant contributor), plus
2. The City's actual cost of water used, as metered at said headworks and injection stations, plus
3. The cost of all chemicals actually used, when used, at such locations, computed at the last known cost for the City's purchase of said chemicals.

**WATER METER** — A water volume measuring and recording device, furnished and/or installed by the City of Mulvane or furnished and/or installed by others and approved by the City of Mulvane.

**Section 715.030. User Charge System.** [CC 1985 §14-503; Ord. No. 643, 10-20-1980]

- A. The User Charge System shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement which the City may by ordinance designate to be paid by the User Charge System.
- B. The total user charge collected is designated for operation and maintenance including replacement purposes as established in Appendices A and B of this ordinance, which are on file in the City offices, and shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two (2) primary accounts as follows:
  1. An account designated for the specific purpose of defraying operating and maintenance costs (excluding replacement) of the treatment works (Operation and Maintenance Account).
  2. 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 annually from the operation, maintenance and replacement revenue in the amount of fifteen thousand dollars (\$15,000.00) annually.
- C. Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to 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 Rates 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.

**Section 715.040. Payments by Users.** [CC 1985 §14-504; Ord. No. 643, 10-20-1980; Ord. No. 811, 2-16-1987; Ord. No. 1019, 11-18-1996; Ord. No. 1094 §1, 12-18-2000; Ord. No. 1125 §2, 7-15-2002; Ord. No. 1212, 3-7-2005; Ord. No. 1258, 3-5-2007; Ord. No. 1301, 4-7-2008; Ord. No. 1340, 1-18-2010; Ord. No. 1385 §§2 — 3, 11-21-2011; Ord. No. 1397 §1, 7-16-2012]

- A. Each user shall pay for the services provided by the City based on his/her use of the treatment works as determined by water meters acceptable to the City.
- B. For residential contributors, monthly user charges will be based on average monthly water usage during the months of December, January and February. If a residential contributor has not established a December, January and February average, his/her monthly user charge shall be the average charge of all other residential contributors.
- B. 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 a wastewater meter or separate water meters installed and maintained at the contributor's expense and in a manner acceptable to the City.
- C. *Monthly User Charge.* Each residential and commercial contributor shall each pay a monthly user charge for operation and maintenance of the City's treatment works, computed in accordance with Section 715.040, as follows:
  1. *Ordinary contributor within the City.* Except for significant contributors (hereinafter defined), the monthly rate to be charged to residential and commercial customers using sewer services within the City of Mulvane, Kansas, shall be comprised of both a minimum charge and a user rate charge, as follows:
    1. Minimum monthly charge: \$21.00 (minimum charge).
    1. Per each 1,000 gallons: \$5.25 (user rate charge).
    2. *Ordinary contributor outside the City.* Monthly rates to be charged to residential and commercial customers located outside the City limits but using sewer services of the City of Mulvane, Kansas, shall be as separately contracted for by each consumer and in the absence of such written agreement shall be billed monthly at one hundred twenty-five percent (125%) of the amounts established for residents of the City and, in the absence of usage information, an average usage of similarly situated customers shall be applied as the user rate.
  3. *Significant contributors.* Notwithstanding the provisions of Section 715.040(C)(1) and (2), significant contributors to the City's treatment works shall pay a monthly user charge equal to the formula rate, computed in accordance with provisions of Section

715.040(D).

- D. *Formula Rate.* The Utilities Superintendent shall or shall cause others to compute the formula rate from actual use by significant contributors and actual costs obtained at the end of each billing cycle. The Utilities Superintendent shall obtain at least one (1) statistical sample over a twenty-four (24) hour period during each month from each significant contributor's direct effluent and the total effluent contributed to the treatment works as the basis for computing the relative pollutants used to determine the cost participation ratio. In the event of any unexplained anomaly in such samples, if there is insufficient time to obtain an additional (corrected) sample reading, the Utilities Superintendent shall use the average sample reading for the last twelve (12) months to compute the cost participation ratio. In the event that another customer shall use or contribute to a significant contributor's effluent, such that it shall not be possible to obtain a stand-alone statistic, flow or sampling of pollutants, or such that other customers contribute effluent through the same facilities originally constructed for a significant contributor, the participating user charge for such significant contributor shall be accordingly reduced by the full amount of the monthly user charge collected from such other customer(s). In the event two (2) or more significant contributors contribute effluent to the treatment works through the same facilities originally constructed for a single significant contributor, the total formula rate attributable to such significant contributors shall be prorated for each significant contributor by the percentage of such significant contributor's use of municipal water as compared to the total of all municipal water used by all significant contributors using the same facilities all as measured pursuant to the Code.
- E. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or 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 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 shall be as determined by the responsible plant operating personnel and approved by the City Council.
- F. The User Charge Rates established in this Section apply to all users, regardless of their location, of the City's treatment works.
- G. *Sewer Charges.* Transfer to another address. When a sewer service customer transfers service from one (1) address to another within the limits of the City, the Utilities Superintendent shall pro-rate the charge for service between the two (2) City addresses as precisely as practicable to prevent double charges for sewer service. When the Utilities Superintendent has determined that a customer has transferred sewer service to another address as above provided, the following formula shall be followed:
1. The monthly rate for the prior month shall be divided by thirty (30) days, then multiplied by the number of days of service.
  2. Where not otherwise specifically provided for under this Chapter, the Utilities Superintendent shall decree such rules and regulations as are reasonable and necessary to assess, charge and collect sewer charges in any lawful manner consistent with this Chapter.

**Section 715.050. Penalty for Non-Payment — Disconnection of Service.** [CC 1985 §14-505; Amended Ord. No. 766, 7-15-1985]

- A. All bills for the use of the City's sewage disposal system shall be due and payable monthly at the office of the City Clerk of the City of Mulvane on or before twenty-four (24) days from the date of billing for said service in which the bill comes due. When any bill is not paid on or before twenty-four (24) days from the date of billing for said service, both water and sewer service to such customer shall be cut off. All bills remaining unpaid after the tenth (10th) day from the date of billing for said service, shall have a penalty of five percent (5%) added to the total bill for sewer service charges. Failure to receive a bill shall not excuse a customer from his/her obligation to pay within the time specified. Should the City be unable to bill the customer for service rendered during any month, the billing next time shall include the charges for sewer service rendered during the unbilled month. A "month" shall be considered as a period of approximately thirty (30) days. When a customer's sewer is disconnected because of nonpayment of the bill, a fee of two hundred fifty dollars (\$250.00) shall be charged for such disconnection of service and an additional fee of two hundred fifty dollars (\$250.00) shall be charged for reconnection of sewer service.
- B. A late payment penalty of five percent (5%) of the user charge bill will be added to each delinquent bill for each thirty (30) days of delinquency. When any bill is sixty (60) days in default, the charges shall constitute a lien upon the real estate served by the connection to the sewer. When directed to do so by the Governing Body of the City, the City Clerk shall certify the accumulated charges and penalties to the County Clerk to be placed on the tax rolls for collection.

**Section 715.060. Revision of Rates.** [CC 1985 §14-506; Ord. No. 643, 10-20-1980]

- A. The City will review the User Charge System every year 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.
- B. The City 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.

**Section 715.070. Establishing and Enforcing Sewer User Charges.** [CC 1985 §14-507; Ord. No. 643, 10-20-1980]

Under the provisions of K.S.A. 12-631 et seq., the City has the legal authority to establish and to enforce sewer user charges on all existing or future users of the system whether located inside the City limits or outside the City limits.